Chapter 5 From the Bottom Up: Responsibility, Distribution and the Structure and Development of the Person

Luck-egalitarianism can be understood as an attempt to combine two powerful goals: to protect people from the unequal effects of brute luck; and to prevent people from unfairly imposing costs on others by holding them responsible for the cost of the life they lead. My argument has been that important insights into how the balance between these goals should be struck can be gained by paying attention to the basis on which consequential responsibility is attributed.

The principal approaches have been divided by the way they have sought to locate the dividing line between what people should bear consequential responsibility for, and what not. One route has sought to ground the distinction in a fundamental metaphysical distinction. Choice is not determined, but rather the embodiment of agency, and is in opposition to what is determined, and therefore the result of chance. People ought to bear responsibility for the former, not the latter. The other route is deliberately non-metaphysical, tracking the self-understandings of responsibility employed in everyday ethical practice. This route is argued to lead to a cut in which people are responsible for their personality but not their circumstances.

Chapters 1 and 2 demonstrated that both these ‘pure’ approaches are unsuccessful. It is implausible that consequential responsibility can be based on ‘genuine’ choice, so that the cut is between what people are ‘really’ responsible for and what is ‘really’ a matter of luck. The interest that we all have in maintaining the coherence of our person over time acts against us making changes to our personality without any decisive reason to do so, but undetermined decisions cannot, ex hypothesi, be based on decisive reasons. But neither can the cut plausibly be rooted purely in self-understandings of responsibility. This not only leaves ascriptions of responsibility shifting and variable, but also permits strongly counter-intuitive disparities between what people are responsible for from objective standpoints and what they see themselves as responsible for and are therefore held responsible for politically.

The challenge, then, is to construct a cut that avoids the instability of the ‘free-standing’, non-metaphysical version without relying on the unambiguous but implausible cut that relies on the distinct metaphysical status of ‘genuine’ choice. I have suggested, following the trend in luck-egalitarian thought, that the notions of identification and authenticity are crucial to judgements of consequential responsibility. An agent’s identification with a preference ought to influence our assessment of his responsibility for its cost - but can only do so if his personality has been formed authentically. But to address the problems of the ‘pure’ cuts, an understanding of
identification and authenticity is required that is more stably rooted than the non-metaphysical versions, but also avoids metaphysical extravagance.

The previous chapter sketched a picture of the self and its mechanisms of change that fulfils these criteria. The question now is what the implications are for luck-egalitarian responsibility if identification and authenticity are understood in the way proposed (I will call the readings that emerge from the procedural, coherence account developed in chapter 4 ‘strong’ identification and authenticity). After all, my argument throughout has been that the plausibility of any cut depends on the fit between the ascriptions of responsibility advocated and the basis on which they are made.

The importance of this task is elevated by the fact that the two ideals that give centre stage to identification, Equality of Resources and Equal Opportunity for Integrity, draw dramatically different distributive implications from its presence. The former holds that people ought to bear the costs of the preferences they identify with, ‘judgemental tastes or preferences’, the latter that they should not.

Each of these accounts also holds that the authentic development of personality is a pre-requisite for identification to play the role prescribed. We need to know, therefore, not just whether strong identification supports cost-internalisation – bearing costs oneself, or cost-externalisation - those costs being borne by others, but also what impact a presumption of cost-internalisation or -externalisation has on the strong account of the authentic development of personality. The argument here hinges on the question of whether having to bear the costs of one’s judgemental preferences might act as a barrier to exploring and developing tastes that are expensive and thereby undermine the authentic development of personality, or whether, on the contrary, freeing people from the costs of tastes removes the stimulus to evaluate and prioritise preferences, which is itself necessary for authenticity.

I will show that, when given a fuller understanding, identification with a preference does not provide a convincing reason for holding its bearer responsibility for its cost. Rather, the passivity of the process by which judgemental preferences are formed means that their cost is standardly a matter of luck, suggesting that people should be excused of their costs, if they are expensive. Moreover, I will demonstrate that strict demands for people to bear the costs of their judgemental preferences undermine the authentic development of personality, whilst allowing people not to bear the costs of certain of their preferences enables authenticity.
Paying attention to the basis on which responsibility is attributed seems to support Equal Opportunity for Integrity. This conclusion, though, is open to the challenge that it focuses excessively on one driving goal of luck-egalitarianism at the expense of the other. A just distribution, this argument runs, is not only a matter of luck-neutralisation. When it comes to implementation, broader concerns emerge. Under Equal Opportunity for Integrity the subsidy for those whose judgemental preferences are expensive is unlimited, for example, which potentially places unfairly high burdens on subsidisers. And the informational demands of picking out and subsidising judgmental tastes are so great as to make the ideal unrealisable in practice. Luck-egalitarian justice is a matter of equalising opportunities as far as is possible within the bounds of what can fairly be asked of people and what people can fairly expect. It is, all things considered, fair for people to bear consequential responsibility for judgemental tastes, even if there is an element of luck to their cost, and their development might be partially constrained.

To test this argument, I will consider the final step of the transition from the basis for responsibility to the implications for distributive justice by briefly examining two main mechanisms of implementing a distribution that standardly insulates people from bearing the cost of their judgemental tastes: hypothetical insurance and practices of accommodation, in which consequential responsibility is suspended in certain spheres. The problems inherent to both options will inform a final assessment of the right balance between - and the relative significance of - the two guiding goals of luck-egalitarianism: protection from the unequal effects of luck and protection from unfairly picking up the costs of the lives of others.

The chapter will proceed in four steps. Section 1 considers whether strong identification with a preference justifies cost-internalisation of externalisation; section 2 assesses the impact of a presumption of responsibility for costs, or the opposite, on the authentic development of personality. Section 3 looks at mechanisms of implementation. Section 4 assesses the implication of practical problems on the locus of the luck-egalitarian cut.

Section 1 Identification and Responsibility for Cost

The previous chapter sketched an account of the structure and functioning of the self that elucidated the notion of identification with a preference, and that of the authentic development of personality. For identification to have authority to represent an agent, it must be grounded in central preferences (self-governing policies), which themselves must cohere with other central preferences and beliefs. These central preferences are authentic if they are formed passively, guided by judgement, rather than deliberately, independently, unconstrained by judgement.
To assess the impact on Equality of Resources and Equal Opportunity for Integrity of the strong account of identification and authenticity, it is necessary to draw out the roles that these notions play in each ideal. Take first identification. Under Equality of Resources, each of us is expected to bear the costs of our personality, with the exception of those parts of ourselves that we regard as alien, but are unable to shed. So long as we identify with a preference, then it is our own responsibility. Dworkin provides two direct justifications for identification to play this role. First, this is the role identification plays in everyday ethical practice. If someone identifies with a preference then both he and others see its cost as his responsibility. This should be replicated at the level of distributional justice. Dworkin’s theory “allows us to cite, as disadvantages and handicaps, only what we treat in the same way in our own ethical life”\(^1\). Secondly, Dworkin argues that if we ourselves do not see an aspect of our personality as disadvantageous then we cannot fairly ask others to compensate us for its cost\(^2\). Identifying with a preference means we are glad we have it, and cannot coherently argue that we should be compensated for the ‘bad’ luck of being 'burdened' with that preference. This is his 'interpersonal test'\(^3\).

But identification also plays an important indirect role in Dworkin’s account of consequential responsibility: it is vital in ensuring that the prices of resources in the market reflect true opportunity costs – their value to others. For this to occur it must be the case that the preferences that determine market prices are those with which people identify - and not those that they see as unwelcome and wish they could shed. The other side of the same coin is that it is \emph{fair} to others to hold people responsible for the costs of fulfilling the preferences they identify with and wouldn’t want to be without, since doing so ensures they bear the true opportunity costs of those resources.

Under Equal Opportunity for Integrity identification plays a contrasting role. Firstly, an agent’s identification with a preference is taken to demonstrate the significance of a preference to its bearer. Secondly, given the agent’s passivity in the formation of the preferences he most identifies with, it will be a matter of luck whether these preferences turn out to be cheap or expensive. These two factors mean that luck-egalitarians ought to provide compensation if they turn out to be the latter. Finally, identification serves to differentiate brute from judgemental

\(^1\) “Sovereign Virtue Revisited”, \textit{Ethics}, October (2002), 119.
\(^2\) See chapter 2, section III.
tastes, the different formation and significance of the former allowing a reversal of the treatment proposed, so that there is a presumption of responsibility for their costs.

The question is whether the strong account of identification supports the usage that is made of identification in these two ideals. Essentially, this is the question that has run throughout this thesis of what it is about the grounds for consequential responsibility that makes the proposed treatment appropriate.

Again taking first Equality of Resources, it is worth recapping the difficulties, adumbrated in chapter 2, facing Dworkin’s use of identification. These fell into two broad and inter-related categories. The first relates to the vagaries of Dworkin’s first person measure of identification (‘the weak’ reading) – whereby it is simply a matter of whether an agent sees a preferences as part of his personality – which undermine its credibility as the basis for consequential responsibility, and lead to ascriptions of consequential responsibility that are counter-intuitive and, moreover, contradict core tenets of luck-egalitarianism. The second category relates more precisely to difficulties with the treatment that identification is argued to justify, particularly concerns that the arguments that the presence of identification justifies the bearing of costs do not follow.

In terms of the first category of problems, the strong account of identification solves one set of issues, but does so at a price to Dworkin’s overall theory. Dworkin’s weak reading is undermined not only by the fact that the aspects of their personality that people identify with in their everyday ethical lives are shifting and culturally variable but also by the fact that people routinely identify with more than luck-egalitarians can plausibly hold them consequentially responsible for. People standardly see their talents as part of who they are, for example, or like the anorexic with his preferences for low body weight, identify with preferences that are in fact obsessive, but not seen as such by their bearer, even though luck-egalitarians, including Dworkin himself, would not advocate that people should be held consequentially responsible for either native talents or obsessions.

Dworkin’s reading of identification requires only that a person sees a preference as part of his personality. There is no restriction on the basis of the identification. In contrast, a preference is identified with on the strong account only if it is approved of, and the approval is grounded in central preferences and beliefs. One initial benefit is that seeing identification in the strong sense excludes identification with talents, and other physical aspects of the person, such as looks. Strong identification is predicated on, and responsive to changes in, relevant beliefs and
preferences. Identification with a talent is not subject to this depth. It only makes sense in a weak, empirical sense, in which a person sees a talent as part of his person⁴. Seeing identification in the strong sense, then, enables Dworkin to consistently hold that responsibility ought to be based on identification, whilst also maintaining that people ought not to be held consequentially responsible for talents and the like⁵.

A second, related, benefit, is that the procedural, coherence account of authentic identification rules out identification for obsessions. Obsessions are generally not consistent with an agent’s other central beliefs and preferences, nor do they cohere with them. This inconsistency and incoherence means that the agent’s identification with those preferences cannot be genuine, and would not justify his being held responsible for their cost.

The requirement that approval of a preference be rooted in central parts of the person would also serve to avoid the vagaries associated with what people identify with in everyday ethical practice. Chapter 2 discussed the possibility of two societies, one in which people identify with and regard as their responsibility expansive aspects of their person, extending perhaps as far as their caste, another in which people refuse to acknowledge that large parts of their person are their own responsibility, explaining a tendency to self-obsession, for example, as the responsibility of their parents rather than themselves. Identification rooted in everyday ethical practice would recognise both of these as valid bases for the attribution of consequential responsibility, and indeed would track these tendencies to identification even if they switched from one extreme to the other. Rooting identification in the self dictates that people are responsible for their most central preferences, whatever they might be, rather than allowing that they are responsible for whichever parts of the person societal norms permit at any given time.

The strong reading of identification thus seems to provide the fortification necessary to allow identification to be taken seriously as the grounds for attributing consequential responsibility. It does so, however, at a price to Dworkin’s overall account. It serves to reduce the realm of individual responsibility. If it is only appropriate to hold people responsible for the costs of those preferences that they strongly identify with⁶, there will be a reduction in the preferences that

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⁵ Dworkin appears to move towards a similar understanding of identification in later work. Where identification is not premised on judgement, he holds, tastes, even if identified with in the weak sense, ought not to be considered parts of the person. SV, pp.290-1.
⁶ as Dworkin seems to admit SV, pp.290-1.
people are consequentially responsible for relative to a weaker, more encompassing reading of identification.

This would complete a substantial transition in Dworkin’s approach. His initial position, based on standard ethical practice, held a kind of strict liability approach. Only in those cases in which an agent actively disidentified with a preference did he have a case for compensation. In all other cases, he must bear the costs of his preferences himself. This stance was then replaced with the position embodied in the interpersonal test (to which I shall turn momentarily), in which the scope of what people must bear responsibility for was reduced from all the preferences with which an agent does not disidentify, which includes those with which he identifies and those with which he neither identifies nor disidentifies, to only those with which he identifies. And if identification is taken to be stricter than mere approval, the category of tastes that agents ought to be held consequentially responsibility for is diminished further.

The increased range of preferences which are not identified with, and are therefore not their bearer’s responsibility, will mean that leaving people to pick up the cost of their preferences will not be fair, and some sort of government intervention justified, in a wider range of cases. This means that the extent to which egalitarian justice can be fulfilled by using the market to allocate each person with an equal share of resources and allowing market prices to govern distribution is significantly diminished. The argument that, other than in exceptional circumstances, people can be left to pick up the costs of their own personality, which is central to Dworkin’s entire theory, is undermined by a strong reading of identification.

Dworkin would respond that a judgement-based conception of identification does not in fact significantly increase the realm in which non-market pricing is necessitated, because judgement pervades preferences. Judgemental identification is the prevailing norm rather than the exception. This is obviously contestable, and Dworkin undoubtedly, and characteristically, overstates his case. His argument, for example, that the thrill one gets from jazz is “predicated on [the] judgement…that good jazz is wonderful” will come as a surprise to those who are enthralled by jazz at the first experience, prior to any judgement of its worth.

Without descending into empirical claim and counter-claim on this matter, what is clear is that any identification requirement that is more demanding will reduce the realm of an individual’s

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7 Cohen highlights Dworkin’s shift from compensation only in cases of disidentification to responsibility only in cases of identification in “ETRA”, section IV.
8 SV, p. 293.
consequential responsibility. The increased plausibility that accompanies strong accounts of identification comes at the expense of a decrease in the realm in which people can be left to pick up the costs of their personality.

Turning to the second category of problems facing Dworkin’s use of identification – worries that identification does not justify responsibility for cost – chapter 2 questioned whether identification necessarily undermines the coherence of claims for compensation from others (the interpersonal test). As Cohen points out, a religious devotee can at once strongly identify with his religious commitments, and also request subsidy for the construction of a centre of worship so the expense of his commitments does not prevent their fulfilment.  

By rooting identification in central parts of the person, the strong account serves to bolster the normative significance of identification. The preferences that are approved of on the basis of central beliefs and preferences, and a fortiori, the central preferences themselves, have a clear importance to the identity of their bearer. Central preferences play a deep and ongoing role in the organisation of their bearer’s life, and provide the foundations from which the bearer assesses and approaches the world outside them, and indeed the ‘world’ within them – their own personality. In these cases, it is, as Dworkin claims, highly likely that an agent will see the preference as his own responsibility. In parallel, it is here that it seems most strange for an agent to complain of bad luck in having the relevant preferences. This seems to back up Dworkin’s argument that it is unfair for people to ask for compensation for tastes with which they (strongly) identify.

The implications of strong identification with a preference, however, need to be drawn carefully. Friends of Cohen’s revised position will argue that the willingness to accept responsibility for such preferences demonstrates that people find these preferences inescapable. They are prepared to accept responsibility for the preferences and their associated costs because they cannot give up those preferences or leave them unfulfilled without risking alienation from what is most central to them. That is why it is attractive to compensate these tastes, if expensive, rather than expecting people to pick up the costs themselves.

Rather than simply boiling down to a conflict in intuitions, however, the suspicion that the jump from willingness to accept responsibility for a preference to willingness to pick up its cost is too hasty finds backing in a seemingly obvious aspect of that identification. Strong identification is

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9 See in particular Cohen, “ETRA”, p.25
rooted in core attitudes and preferences, in an agent’s judgement. The judgement in favour of a preference is not usually predicated on any belief about who should pick up its cost, and therefore is not likely to be undermined by a need to obtain resources from elsewhere to be able to fulfil the preference. As Cohen’s example above argues, someone can perfectly coherently subscribe very strongly to a preference, not regard having the preference itself as a disadvantage, yet regret very much that it happens to be expensive. If anything, the strong, judgement-based, account of identification highlights that Dworkin’s interpersonal test is a non-sequitur, rather than supporting it.

These problems demonstrate the difficulty facing Dworkin. To form a plausible basis for ascriptions of responsibility identification needs to be stronger than mere approval. It must be more firmly rooted in an agent’s personality. However, once it is understood what it means for identification to be rooted in personality, namely to be supported by central beliefs and preferences, it becomes clear both that the realm in which people can be asked to bear consequential responsibility is reduced, and that identification with a preference is driven by judgement, not by the question of who should pick up the cost. Holding people consequentially responsible for the preferences they identify with does not follow from what identification implies.

Strong identification thus does not provide the direct justification for the attribution of consequential responsibility sought by Dworkin. It may, however, contribute to the indirect justification highlighted above - that identification is vital in ensuring that market prices reflect true opportunity costs, and that it is fair to others to hold people responsible for the costs of the preferences they identify with, since doing so ensures they bear the true opportunity costs of those preferences.10

The additional solidity and normative weight, discussed above, that accompanies strong identification serves to increase the plausibility that the value placed on goods, which derives from preferences that are identified with, can be considered the true opportunity cost. It also serves to increase the authority of the preference that is identified with to represent the agent, supporting Dworkin’s case that it is fair to ask the bearer to pick up the price of the preference so as not to unfairly impose costs on others. It is not because a preference is identified with that it is appropriate for him to bear responsibility for its cost – it is not that he is ‘really’ responsible for it. It is rather that his identification makes it fair to ask him to pick up the cost because the preference is genuinely his, and doing so is necessary to protect others from bearing unfair costs.

10 I thank Serena Olsaretti for pressing me to consider fully the argument from fairness.
The argument that it is fairness that justifies holding people consequentially responsible for the preferences they identify with is the most plausible justification Dworkin offers. To hold, though, it must also be the case that people are able to form their personality authentically. The following section will assess whether Dworkin’s ideal is able to incorporate the strong account of authenticity to convincingly argue that authenticity obtains under Equality of Resources. First, though, let me turn to the question of whether the strong account of identification is able to support Equal Opportunity for Integrity.

Identification and Compensation

As we have just seen even strong identification does not directly support holding people responsible for the cost of the preferences they identify with. This, however, does not mean that it is appropriate to take the opposite approach and subsidise those preferences, should they be expensive.

Equal Opportunity for Integrity recommends compensation for preferences that are authentic, identified with and central, that play an ongoing co-ordinating role in an agent’s identity. The rationale is that such preferences are crucial to an agent’s integrity as a person. Leaving them unfulfilled, or asking people to change them on account of their cost, the argument runs, would bring about alienation. Moreover, since people are passive in the process by which they arrive at their central tastes, it is a matter of luck whether the preferences they identify with happen to be expensive.

The question though, is whether the metaphysical picture actually justifies the political treatment. It is compatible – given that identification is standardly based on judgement, not cost, the cost of the preferences identified with will be a matter of luck and therefore eligible for luck-egalitarian compensation - but does it necessarily support the proposed treatment? Even if we accept the characterisation of central preferences, their importance to a person’s integrity, and that their cost is a matter of luck, does that necessarily justify compensation for such tastes? Could we not accept, for example, that such tastes are significant, but argue that people ought nevertheless to bear the associated costs themselves? After all, holding someone responsible for the cost of a central preference is not in fact to ask him to give it up, or leave it unfulfilled, just to bear its cost himself. Given that people are able to change their brute tastes without endangering their integrity, could they not simply adopt cheaper brute tastes, or indeed leave their brute tastes unfulfilled, in order to be able to fulfil their expensive judgemental tastes? This would not deny
them an equal opportunity to fulfil their central preferences, but would prevent others from having to subsidise those preferences.

The principal responses to this argument are twofold. The first is to return to the kind of point made in chapter 2 that, all other things being equal, those whose tastes, whether brute or judgemental, are involuntarily expensive will be comparatively disadvantaged by this approach. They will be worse off than those whose involuntary tastes are cheap. They may have to fulfil fewer of their brute tastes. And even if they are able to change their brute tastes to cheaper alternatives in order to be able to fulfil their judgemental tastes, they will face burdens in doing so – even brute tastes cannot be changed at the drop of a hat – that are not faced by others. And the expense of some judgemental tastes may be such that reducing the cost of brute tastes, or leaving brute tastes unfulfilled, will be insufficient to enable their bearer an equal opportunity of fulfilling the judgemental taste. In these cases responsibility for the costs of judgemental tastes will prevent them being fulfilled or force their bearer to risk alienation by changing them.

In Chapter 2 these arguments focused on disadvantages posed by judgemental tastes that are inherited. But if the strong account of the authentic development of judgemental tastes is adopted, the same rationale applies to judgemental tastes that an agent comes to independently. The agent’s passivity when settling on judgemental tastes means that their cost will be a matter of luck, and if they happen to be expensive, he will, through no fault of his own, be worse off than those whose judgemental tastes happen to be cheap.

These arguments relate to people’s equal opportunity to fulfil their central preferences once they are formed. The second principal response addresses not just the opportunity to fulfil existing judgemental preferences, but the opportunity to authentically develop new ones. Holding people responsible for the cost of their judgemental tastes, I will suggest, threatens the authentic development of personality. This argument will emerge from scrutiny of the relationship between the strong account of the authentic development of personality and the different approaches to consequential responsibility.

**Section II Responsibility for Cost and the Authentic Development of the Person**

Under the strong account, identification is a question of approval grounded in a central preference. That central preference gains its authenticity courtesy of its coherence with other central preferences and beliefs and also in virtue of being formed passively, in accordance with judgement, rather than deliberately. To assess the impact of incorporating this strong account of
authenticity into Equality of Resources and Equal Opportunity for Integrity, it is again worth first recapping the role that the authentic development of the person plays in the two accounts.

In Dworkin’s account, authenticity is vital for the attribution of consequential responsibility in two ways, both of which relate to his objective of rendering responsibility a matter of fairness. Dworkin forestalls concerns that some will be left worse off than others under Equality of Resources because they have inherited tastes which are expensive and difficult to shed by stipulating that people can only fairly be asked to pick up the costs of their personality if their personality has been formed authentically. If it has, then they can have no complaint at its relative expense. If it has not then they may have legitimate claims on compensation. Secondly, as with identification, authenticity serves as a pre-requisite for the correct functioning of the hypothetical auction and the distributional mechanism of the market. Inauthentic preferences will distort prices, meaning that they do not reflect true opportunity costs. This in turn undermines Dworkin’s argument that it is fair to ask people to mould the cost of their lives to market prices:

“Violations of the principle of authenticity are likely to distort prices...fundamentally, because they affect what people decide they want, and therefore change the entire bidding program they decide to pursue [at the auction].”\(^\text{11}\) If preferences are inauthentic, then prices will be skewed, and the distribution of the market will no longer track fairness. “[A]ny serious compromise of authenticity would impair the auction, or the equality-preserving power of post-auction transactions, in a particularly fundamental and pervasive way”\(^\text{12}\).

Under Equal Opportunity for Integrity, judgemental tastes must be formed authentically to attract compensation. It is the passivity of the agent in authentically forming a judgemental taste that renders its cost a matter of luck, justifying compensation if it is expensive. No such assumption of compensation applies towards judgemental tastes that are formed inauthentically, however, which may have been formed deliberately, meaning the bearer should be responsible for their cost.

As mentioned, the challenge for both ideals is not only that of employing a reading of authenticity that is sufficiently robust to ground the ascriptions of responsibility they prescribe to preferences that are already formed. It must also be the case that the ascription of consequential responsibility is compatible with the authentic development of the person. Some

\(^{11}\) SV, p. 160.
\(^{12}\) Ibid.
argue, for example, that strict demands to bear the costs of one’s personality might prevent people giving full and open consideration to the value of expensive pursuits. Or, at the other extreme, that insulation from the costs of judgemental preferences may reduce the tendency to evaluate their worth. Such outcomes would threaten the authentic development of the person, and undermine the distributive ideals that rely on that authenticity for validity.

Taking first Equality of Resources, to dig into the potential gains and pitfalls of incorporating the strong reading of authenticity, let me recap why a stronger account of authenticity is needed. Dworkin’s account of authenticity is not developed, but consists in two central elements. First, a taste is authentic as long as it not the product of unjust political or social circumstances. Dworkin, recall, would not hold the work-shy consequentially responsible for the costs of their unemployment benefit if their aversion resulted from poor educational provision and limited or degrading employment opportunities. Second, people should be given every opportunity “to form and reflect on their own convictions, attachments, and projects”, so that their “choices [do] not depend on a view of their personality…with whose formation they remain dissatisfied”. These opportunities should be unlimited both before and after his hypothetical auction has served to distribute resources.

Subject to these two conditions being fulfilled, he argues, people have no just cause for complaint if their preferences are more expensive to fulfil than those of others. They are given every chance to alter them, and are, *ex hypothesi*, satisfied with the preferences that they settle on. Moreover, their preferences will not have been distorted by unfavourable social or political circumstances. As a result, there will be no unfairness in holding people responsible for the cost of their personality, and by the same token, no worry that the prices set by the auction do not represent true opportunity costs.

What undermines the effectiveness of this authenticity requirement is Dworkin’s insistence that a person’s own view of his opportunities for self-formation is taken as sovereign. This allows conflicts within the two authenticity conditions. A person who has grown up in unjust social and political conditions may nevertheless feel satisfied with the formation of his personality, in which he takes a defiant pride. More generally, however, allowing authenticity to be settled from an unfiltered first person perspective allows counter-intuitive and unappealing conclusions. Those

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14 SV, note 9, p. 490.
15 Ibid. p. 160.
whose personality is shaped by abuse, for example, might nevertheless welcome the process. Their satisfaction with it, however, does not provide sufficient reason to disqualify the formation of their personality from providing a justification for compensatory assistance. We would not want to deny them the option of therapy, for example, simply because they themselves regard their personality as authentically formed.

The question is whether the strong account of authenticity is better able to play the twin roles of ensuring that people can have no complaints with the preferences that they are asked to bear the costs of; and that the costs that they are asked to bear are genuine opportunity costs, and, moreover, that it is able to do so without undermining other aspects of Equality of Resources.

The immediate benefit of the stricter account of authenticity is that, by abstracting from the unfiltered first person point of view, it avoids the potential distortions that that viewpoint may allow. Although the account of the authentic development of personality sketched in the previous chapter does not specify what external circumstances are required, and thus does not directly address Dworkin’s first authenticity requirement – that an authentic personality must be formed in just social and political conditions - it does specify the conditions of authenticity in terms of a person’s response to these circumstances.

Changes in personality must be made in accordance with an agent’s judgement, which means that they must emerge from his other preferences and beliefs, and particularly those that are central to his person. This means that a personality subverted by abuse or trauma will, as in the case of Tony Martin, not be authentic. The changes in personality will have circumvented the agent’s judgement, rather than emerged from it. The other side of the same coin is that where a personality is formed authentically, it is far more credible that their identification with a preference should ground judgements of responsibility.

Take the example of members of the blind community who argue that blindness ought not to be considered a disability. Many will find it counter-intuitive to suggest that the blind are not unjustly disadvantaged simply because they approve of their blindness. This reluctance is most likely traced to a concern that the preferences of the blind might be warped to suit their circumstances, so that they are adaptive rather than genuine preferences. That concern is likely to be assuaged by a strong authenticity requirement, which demands that their preferences are formed in accordance with their judgement, not as a judgement-circumventing response to their situation (a la Martin). If the relevant preferences cohere with other central preferences and
beliefs, and result from authentic evaluation, then it is much more plausible that they should be taken as authoritative.

A strong authenticity requirement also means that Dworkin can plausibly hold that the prices set by his hypothetical auction are true opportunity costs. Prior to the auction, which distributes the particular assets of the desert island according to how much the inhabitants are prepared to bid for them, people are given, according to Dworkin, every opportunity to form and develop their tastes so that they are satisfied with the outcome. Political and social circumstances are just, so the possibility that people are forced into altering their preferences to adapt to unjust circumstances is removed. People’s preferences can therefore be formed according to their judgements about who they want to be and how they want to live. They are able to reason about their preferences in the light of their other beliefs and desires, and are unconstrained by considerations of cost (which is only settled by means of the auction). The preferences developed will be fully consistent with the stricter account of the authentic development of preferences. The result is that when people come to participate in the auction, there is no concern that their preferences and commitments are alien, or otherwise unsatisfactory, and the prices set will reflect true opportunity costs.

It is after the auction, however, that the relationship between the authentic development of the person and the strict liability approach to responsibility for personality that Dworkin advocates becomes more complex. With the cost set by the price that the other members of the community are prepared to pay for resources, each agent learns which of his preferences he can afford to fulfil, and to what extent. At this stage, those whose preferences are well matched to the available resources and not shared by others, and therefore cheap, will be able to fulfil more of their preferences, or fulfil their preferences to a greater extent, than others.

As is by now familiar, Dworkin holds that this is not unjust so long as people are given an unconstrained opportunity to authentically form and change their preferences after the auction has taken place (on top of that given prior to the auction). Once the auction has distributed resources, people are free to reshape their preferences to suit the resources available to them. In fact, they are not just ‘free to’ reshape their preferences to suit their resources, they are obliged to do so – or otherwise accept a lesser degree of fulfilment of their preferences than is open to others. Since resources have been distributed fairly, and their prices reflect true opportunity costs, it would be unfair for people to claim compensation from others for the extra expense of their preferences.
This, though, points to a crucial difference in the opportunity to form preferences before and after distribution: after the auction people have to respond to market prices. Beforehand, they are free to mould their preferences in accordance with their judgement. After distribution has taken place, however, if they are to have the same opportunity to fulfil their preferences as others, whilst also avoiding imposing costs on others, those whose preferences are expensive will have to mould their preferences to suit the resources available to them. With regards to tastes that do not substantially involve a person's judgement, this may not be a significant problem from the viewpoint of the stronger account of authenticity. Such tastes are not, on this account, integral to an agent's authentic personality.

If someone has judgemental tastes, however, that – perhaps even though offset by cheap brute tastes - are too expensive to have an equal opportunity to fulfil with his share of resources, then he will have to either leave his judgemental tastes unfulfilled or change them to cheaper alternatives. In such cases, the effect on authenticity could be profound. Changing preferences to cheaper alternatives will not necessarily be in accordance with judgement. If it is not, then although it may be possible for the agent to train himself into cheaper judgemental tastes, doing so will involve alienation. It will be despite, rather than because of his judgement, and against the grain of his coherent, authentic, self.

But the danger of holding people responsible for the cost of their judgemental preferences is not just that some may, post-auction, have to force upon themselves cheaper, yet inauthentic, preferences. It is also that the process of deliberation itself is vulnerable to distortion courtesy of the compulsion to put considerations of costs at the forefront of deliberation. A pronounced sensitivity to cost can change the experience of deliberation. A person may feel that everything he does impacts on others and is subject to accounting. This may reduce his ability to explore the possibilities and encourage conservatism. He may feel intimidated, surveilled, or chilled from reaching authentic conclusions.

Moreover, the need to respond to cost may prevent people from responding rationally to certain sorts of values directly or discretely. If situations arise in which cost considerations are overwhelming, then important, but subtle, and not overriding, secondary considerations might be obscured. A classic case is one in which livelihood and religious conviction conflict. If the necessities of the situation are such that the case for choosing to pursue one's livelihood rather

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16 although that is not to say that, should an agent be unable to shed an expensive 'brute' taste, he might be disadvantaged relative to others. I will return to this issue in section IV.

17 Seana Shiffrin, op cit. p. 287.
than a course of religious devotion is overwhelming, then there is the danger that the agent will not engage fully with the values associated with religious devotion. If the agent pursues his livelihood, he may have responded to the option of religious devotion enough to see that it is (overwhelmingly) overridden by the option of pursuing his livelihood, but not responded to the religious option in the fuller sense of openly attempting to appreciate its value. Strict requirements to bear the costs of judgemental tastes might override, or eliminate the possibility, of gentle consideration, restricting self-development and its associated skills.

This problem is relevant even to the weaker authenticity requirement employed by Dworkin because, to be meaningful, satisfaction with the formation of one's preferences must surely extend to satisfaction with one's ability to reflect on and form new preferences. People will want not only the opportunity to reflect on and change their preferences under the guidance of their judgement, but also the opportunity to develop the skills with which they assess and settle upon those preferences. Obliging people to respond to, and mould their preferences to suit the costs set by the market might deny both of these opportunities.

The strict cost-internalisation required after the auction threatens the authenticity of those who discover at the auction that their judgemental tastes are expensive by pressuring them towards adopting cheaper alternatives. In doing so, it serves to fundamentally undermine the equality-preserving power of the post-auction market. It means that we cannot assume that, even if people's preferences are authentic prior to the auction, the distributional mechanisms of the market will preserve the justice of the post-auction distribution. The restriction on self-development, and the skills it requires, and the prioritisation of cost over judgement in guiding change to one's personality, means that the authenticity of pre-auction preferences may not be preserved in the face of post-auction prices. This means that post-auction market prices may not themselves reflect true opportunity costs, and those whose judgemental tastes are expensive can claim that it is unjust if they are asked to bear the expense themselves.

Dworkin's response would most likely be that nothing about the post-auction distribution of resources prevents authenticity. People are not asked to change their preferences, merely to bear the costs of them. If they were given every opportunity to form and reform their preferences prior to the auction, in just social and political conditions, so that those preferences are identified with and authentic, then the realisation of the costs of their preferences after the auction will not suddenly render them dissatisfied with the preferences they have, and the way

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they were formed. They may regret the price of their preferences, but not the preferences themselves, and this regret is not authenticity-undermining because it does not attach to their opportunities to form their preferences. And the same argument will apply to changes in preference after the auction. People are not denied the opportunity to reform their preferences, to explore and change them in light of their judgement. All that is asked of them is that they bear the costs of whichever preferences they settle upon. This response fails to take into account the difference in the opportunity to form preferences before and after the auction has taken place. Before the auction people can form preferences in accord with judgement, unconstrained by concerns about cost. After the auction, this will not be the case. They will be expected to mould their preferences to the available resources, potentially against their judgement. Equally, giving prominence to consideration of the costs to others of one’s preferences does not leave the process of preference-formation unaffected. It can restrict the process both via adding pressures that are felt phenomenologically and by preventing the fullest consideration being given to the whole range of relevant factors (which will often be obscured by the demands of cost-internalisation). This in turn can have restrictive effects on the development of the skills needed to fully engage with the reasons and values that inform judgemental preferences. Even on Dworkin’s weaker measure of authenticity, it is difficult to see why those who have had the kind of opportunity to form preferences offered before the auction would be satisfied with the kinds of opportunities available after it. The restrictions of the latter will be clear to them, and they would be unlikely to feel satisfied that their opportunities for self-development are as good after the auction.

Two principal options suggest themselves for Dworkin. One is to concede that there will be a difference in the opportunities to develop preferences before and after the auction, but to argue that the apparent restrictions are simply the price that must be paid in order to prevent people unfairly imposing costs on others by requesting compensation for their expensive preferences. Even if asking people to mould their judgemental preferences to suit the resources available to them sometimes involves them contravening their judgement, and even has a negative effect on the development of their evaluative skills, this is permissible because it is necessary to ensure that the distribution of resources is fair.

Given the twin roles of authenticity in the account, though, this option does not sit comfortably within Equality of Resources. As discussed, authenticity not only serves to ensure that the

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19 I thank Serena Olsaretti for emphasising this point.
preferences that people are asked to bear the costs of have the authority to represent their bearer, but is also necessary to ensure that the prices that people are expected to adapt to are true opportunity costs. Accordingly, if strict demands to bear the costs of one’s preferences impair authenticity then the negative impact on the fairness of distribution is two-fold.

It may be that in the final assessment, wider considerations of fairness override the importance of providing unfettered opportunity for self-formation. That is a question to which I will return in the concluding section of this chapter. First, though, it is worth considering the alternative option open to Dworkin. Rather than accept that the demand to mould the cost of one’s preferences to suit one’s share of resources can impair authenticity, this route argues that this process is actually necessary for the authentic development of personality. Without the demand to match their personality to their resources, people will not be driven to evaluate their preferences, a constituent part of the procedural, coherence account of authenticity. Equally significantly, the argument runs, people will be unable to form determinate preferences when denied knowledge of their likely cost. A theory which insulates people from bearing the costs of their preferences “assumes that people develop their tastes and form their ambitions independently of any assumptions either about the resources that will or should be available to them” argues Dworkin. “Resource-based theories assume, on the contrary, that people develop their tastes and form their ambitions taking probable resource allocation into account as a factor, not just a discovery they must confront after that reflection is complete…. In this way... resource-based theories of justice are more sensitive to people’s ethical psychology.”20. Considerations of cost do not present ‘limitations’ on people’s ability to self-form authentically, but rather set the ‘parameters’ within which self-formation can authentically occur21.

This argument not only marks out a defence of the compatibility of Equality of Resources with the authentic development of the person, but also lays down a challenge to those ideals, like Equal Opportunity for Integrity, that seek to insulate people from the costs of their authentic judgemental tastes. If bearing the costs of one’s preferences is necessary for authenticity, then an exemption from doing so will undermine the authentic development of the self. It is in consideration of the impact of protection from cost on the development of personality that I shall assess the strength of Dworkin’s defence of authenticity under Equality of Resources.

Authenticity and Protection from Cost

20 “Reply”, p. 341.
21 SV, pp. 260-266.
Just like Equality of Resources, the treatment advocated by Equal Opportunity for Integrity depends on the authentic development of personality. When expensive judgemental tastes are formed authentically they are eligible for compensation.

At first sight, it looks like compensation for judgemental tastes would allow people to explore options and develop the accompanying evaluative skills without being constrained by the chilling effect of strict demands for cost-internalisation. However, as suggested above, the compatibility between insulation from the cost of judgemental tastes and the authentic development of personality may not be so straightforward. The challenges are twofold: that insulation from cost removes the drive to self-evaluate that is necessary for authenticity; and that it undermines those evaluations that do occur by removing knowledge of the context or parameters necessary to make evaluation meaningful. Should these arguments hold, compensation for judgmental tastes will undermine people’s ability to authentically live a life of integrity rather than promote it.

Take first the argument that insulation from the cost of preferences might prevent adequate consideration of their value, and stunt the ability to assess and distinguish between competing options. We are all familiar with the spoilt teenager who, protected from having to consider the costs of his preferences by wealthy parents, is blind to the value of things, and their importance to others. Not only is his evaluation of his preferences shallow and careless, but his ability to discern value in alternatives is limited and warped. Providing compensation for expensive judgemental tastes might have the same effect as the overgenerous, insufficiently-demanding, parents, who give easily without demanding sufficient evaluative standards in return. Unless people are asked to bear the costs of their personality they will not evaluate and develop their personality authentically.

Reaching this conclusion, however, seems hasty. There are reasons why shallow adherence to judgmental preferences and inability to appreciate value are associated with teenagers rather than adults, and not only because adults generally bear responsibility for their financial affairs. Even amongst adults who enter adulthood with sufficient resources not to have to assess their judgemental preferences for financial reasons, there is a tendency towards increased self-evaluation and more developed skills for doing so than amongst wealthy teenagers. There are social and personal, as well as financial, pressures for adults to self-evaluate.

Socially, whereas teenagers are often excused if their values are poorly formed and ill-considered, this is not typically the case amongst adults. We are, as Dworkin maintains, routinely held responsible for our personality by those around us. I have argued against this
practice forming the basis for judgments of consequential responsibility, but what is important here is that it provides a drive to consider and marshal preferences. There is typically a social pressure towards the kind of self-evaluation necessary for the authentic development of the person. We are expected to be able to justify our preferences to others, even in circumstances where we are perfectly able to pay for them ourselves.

As chapter 2 highlighted, the scope of what people are expected to justify to others is subject to cultural variation. But what seems to cut across cultures is the social expectation that people should be able to explain at least some of their preferences, particularly those that are unusual. And to the extent that this expectation exists, there is a pressure to self-evaluate.

There are those who argue that the tendency to self-evaluate is also an essential feature of being a person. Charles Taylor, for example, suggests that it is definitive of modern identity to be concerned with the quality of one’s life and to engage in deep evaluation. And one of the core motivations for Frankfurt’s account of caring and love, discussed in chapter 4, was his conviction that people not only have cares, but also care about what it is they care about. Each of us is concerned not only with fulfilling the preferences that we have, but also with the question of whether these are the preferences we want to have. We all face, and address, the question of what is important to us, and why, and as such all have a tendency towards self-evaluation. Again, though, this tendency is not driven by the pressure to bear the costs of one’s personality, but by the question we all face as persons of who we want to be.

Now, as with the social expectation to self-evaluate, there may be concerns that this personal drive to self-evaluation is less extensive than suggested. Taylor emphasises that the concern with the quality of one’s values is a modern phenomenon, and others have questioned whether it is in fact the case that all people are self-evaluators. Owen Flanagan, for example, discusses the peasants in a number of Tolstoy’s novels who live a life of quiet acquiescence, accepting and living by the Christian values of their society without questioning or challenging them, but are nevertheless moral persons.

23 see esp. his “The Importance of What We Care About”, in The Importance of What We Care About, op cit.
24 “Identity and Strong and Weak Evaluation”, in Owen Flanagan and Amelie, O, Rorty (Eds.), Identity, Character and Morality (1990), (pp. 37-65).
like spoilt teenagers, cocooned from any pressure to consider their values in anything more than a fleeting and shallow manner.\footnote{Of course, there are many cases in which people are not prepared to open up their settled preferences to reconsideration, even when given compelling reasons to do so. Following the account of the role of beliefs in supporting preferences put forward in chapter 4, such people are open to accusations of criticisable irrationality.}

What seems most plausible is that the personal and social drives towards self-evaluation are interconnected, and both subject to cultural variation. But, as I argued in chapter 2, communities inevitably make \textit{some} ascriptions of responsibility, and cases in which people are unconcerned with what it is that they care about are likely to be the exception rather than the rule. There will standardly be pressures, both from inside and outside of the person, for people to monitor and regulate their personality.

The political context will also have an impact on the extent to which this is so, and one might expect that a society regulated by Equal Opportunity for Integrity, with its emphasis on the authentic development of personality, on, to steal Frankfurt’s phrase, the importance of what we care about, would promote rather than prevent considerations of the value of preferences. The emphasis on self-evaluation and self-development would likely enhance and extend the tendencies integral to social interconnectedness and to contemporary personhood to self-evaluate.

Equally, the fact that subsidy for expensive judgemental tastes will have to come from others under Equal Opportunity for Integrity is likely to increase the pressure to justify one’s judgemental tastes. Those providing subsidy will have a stronger interest in the validity of the tastes subsidised. There is a suspicion that the adults living like spoilt teenagers are able to do so because they do not have to justify themselves to others. Equal Opportunity for Integrity will counteract this cocooning.

Of course, such pressure to justify one’s tastes to others could be argued to stilt and suppress open consideration of commitments and values in the same way that Equality of Resources was accused of. The difference is that the political context is one in which deeply held convictions are valued on account of their integral role in a person’s life. The pressure is not to minimise the costs of one’s judgemental tastes, but to ensure that they are authentic, based on judgement, and genuine expressions of agency. This is the kind of process which occurs, for example, when a teenager applies for funding for a project from a youth development charity. The application
process is intended to establish that the project has been properly considered and is of genuine
timportance to the applicant. It aims not to restrict his consideration of the goals that are most
important to him, but to ensure that they are authentic and worthy of funding.

This pressure to self-evaluate and to be able to justify one’s judgemental tastes to others is
actually of particular importance to Equal Opportunity for Integrity. Although the authentic
formation of judgemental preferences was argued to be passive, so that the cost of the
preferences arrived at was likely to be a matter of luck, making luck-egalitarian compensation
appropriate, the discussion of chapter 3 also highlighted the danger that judgemental tastes
could be formed negligently. In such cases, people are led to new expensive judgemental tastes
by their judgement, but could have avoided this occurring without risking alienation. Think of
Holly developing judgemental tastes for high-living when she knew she could avoid doing so, was
not in fact very strongly drawn towards them, but nevertheless allowed herself to get swept up
into the high life and to take up the associated values. In these cases, asking others to provide
subsidy would amount to the subsidisers being exploited. The knowledge that one is expected to
be able to justify one’s judgemental tastes to others will counteract tendencies to form them
negligently.

The discussion so far has shown that insulation from the cost of judgemental preferences need
not equate to insulation from the drive to evaluate judgemental preferences. But the second
challenge to Equal Opportunity for Integrity’s claim to safeguard the authentic development of
personality relates not to the pressure to self-evaluate, but to the informational requirements for
doing so. The challenge questions the possibility of authentic development of personality in
detachment from consideration of the available resources. The formation and prioritisation of
determinate preferences can only occur when people are armed with an idea of the probable
allocation of resources. Without being able to attach a price to the things they value, or have an
idea of the value to others of any given resource, they will not be able to give clear shape to
their life-plans.

Now, it is true that consideration of one’s likely ability to fulfil preferences will be relevant in
decisions over how to govern one’s life. We have preferences across our preferences. People
may opt to fulfil preferences for things they judge to be inferior rather than suffer the
dissatisfaction of being unable to sate preferences for what they value most26. The question is
whether people are more able to authentically prioritise and make determinate their preferences

when armed with knowledge of their likely share of resources, or when freed from having to place cost at the forefront of their considerations.

Whilst it seems right that parameters are required for people to settle on determinate preferences – it would be impossible to set a life-plan if we had no idea of what resources were available and how they were distributed - the crux of the matter is whether those parameters must be set by opportunity costs. The value of the things one prefers, after all, need not be simply a question of how much other people are prepared to pay for them. There are means of assessing value other than via the pricing mechanism of the market. Certainly consideration of the available resources ought to inform people’s assessment of their judgemental tastes – their likely success in fulfilling the preference, and the impact of their pursuing that preference on others will both be relevant considerations - but consideration of cost ought to be one element of their consideration, not always the predominant one. Insulation from putting cost at the forefront of one’s considerations allows people to assess value more fully. It is attractive precisely because a pronounced focus on cost can undermine people’s ability to investigate and appreciate value measured in different ways.

Paradoxically for Equality of Resources, the authenticity that is necessary to render the market equality-preserving, so that people can fairly be asked to bear the costs of their personality, requires insulation from strict demands to bear the cost of one’s preferences - which amounts to the overriding of the distributional mechanism of the market - in the case of judgemental tastes.

The next question is whether, if this argument is accepted, there are mechanisms that are consistent with Equality of Resources and Equal Opportunity for Integrity by which people might be protected from bearing the costs of expensive judgemental tastes. First, though, let me turn briefly to the matter of authentic formation of brute tastes. Concerns about the impact on authenticity of bearing the costs of preferences do not have grip here. Since brute tastes are not reached via a process of evaluative judgement, their assessment and prioritisation will not be distorted by demands to pick up their cost. In this sphere, insulation from costs (other than in cases where they are involuntary) might in fact prevent the development of the skills of self-management. An awareness of the likely resources available is needed to be able to rank and prioritise one’s brute tastes and to make decisions about which new tastes to develop with an eye on the cost to others of one’s decisions. Such skills represent an important part of the authentic development of personality, too. This serves to justify Equal Opportunity for Integrity’s edict of cost-internalisation with regards to voluntary brute tastes, but insulation from cost for authentically developed judgemental tastes.
Section III Insurance and Accommodation

This chapter has so far demonstrated that an agent’s identification with a judgemental taste does not provide a convincing justification for holding him responsible for its cost. The nature of identification with judgemental tastes is such that the cost of the tastes an agent identifies with will, standardly, be a matter of luck. This does not rule out the demand for people to bear the cost of the preferences with which they identify, but it does mean that the justification for doing so must come from broader considerations of fairness. However, the case for insulation from the cost of judgemental tastes is strengthened by the potential for demands for strict cost-internalisation to undermine the authentic development of personality.

If we accept that insulation from the costs of judgemental tastes is merited, the question arises of how this might be achieved in practice. And it is quickly evident that extreme difficulties arise. Protecting people from the cost of their judgemental tastes would be epistemological unfeasible and excessively intrusive. The epistemological challenge in establishing which of a person’s tastes are brute and which judgemental, let alone distinguishing between authentic and inauthentic judgemental tastes, would be enormous. Moreover, it would require monstrous government intervention to profile people sufficiently accurately to get anywhere close to gathering the requisite information, thereby violating principles of privacy.

Those who want to protect people from the unequal effects of bad luck, but feel that this drive should not override the need to prevent people making undue demands on the resources of others will also be concerned that insulation from the cost of judgemental tastes would be crippling expensive. There would be no limit to the resources that need to be taken from those with cheaper personalities in order to ensure that everyone has an equal opportunity to fulfil their judgemental tastes27.

I will here assess perhaps the two most salient responses to the practical problems of achieving a luck-insensitive distribution: hypothetical insurance and practices of accommodation. Hypothetical insurance works by mirroring in the tax system the insurance people would take against the possibility of having expensive judgemental tastes. Those whose judgemental tastes turn out to be expensive would receive compensation reflecting the level of insurance coverage

27 See Cohen, OTC, section II.
they would have taken against this possibility. This would parallel the treatment advocated by Dworkin for talents and disabilities\textsuperscript{28}.

Accommodation operates by identifying areas in which people are protected against the impact of bad luck, and have their opportunity to fulfil their judgemental tastes protected, by means of targeted exemptions from cost-internalisation. Existing examples include subsidisation of maternity leave, where mothers are compensated for the cost of leaving work to care for their child, and the community provides the subsidy.

\textit{Hypothetical Insurance for Expensive Judgemental Tastes}

It is one of the above problems with implementation - the danger that the expense of protecting people from the cost of judgemental tastes might be unbounded, and in particular that some might unfairly be asked to pick up the costs of the life plans of others - that has led some luck-egalitarians towards hypothetical insurance schemes\textsuperscript{29}. The crucial feature of hypothetical insurance is that, in principle, it allows each person to decide what share of their current resources they are willing to spend to purchase insurance that will protect them from the possibility of being unable to afford to carry out their life plans. Given that the level of protection is set by each person, this has the implication, defenders of hypothetical insurance claim, that, should a payout be necessary, the recipient can have no complaints over the level of payout he receives\textsuperscript{30}. He cannot fairly demand any more. This serves to protect others from having to provide any subsidy to supplement the insurance payout.

Insurance is generally argued by luck-egalitarians to be suitable for such things as talents and disabilities, rather than judgemental tastes, the principle being that insurance is appropriate for “those features of body or mind or personality which provide means or impediments” to a person’s ability to lead what he considers to be a successful life\textsuperscript{31}. Insurance has not been thought to be appropriate to judgemental tastes because it is not appropriate with regards to aspects of people’s situation which they are able to control. In such cases people will not want to insure but will accept consequential responsibility themselves.

\textsuperscript{28} SV, pp. 72-83.
\textsuperscript{30} This claim is contested, though, see chapter 2 section 1.
\textsuperscript{31} SV, p. 82
If we accept that people are unable to change their judgemental tastes to cheaper alternatives without threatening their integrity as a person, however, and also recognise that there can be few things more worth protecting than one’s ability to fulfil what one holds dear – one’s judgemental preferences – then insurance for judgemental tastes seems sensible.

Just as with talents people would not spend too much on insurance for judgemental tastes, because if they had no claim for a payout they would be spending all their resources on insurance and have none left with which to pursue their ends. Equally, they would not risk taking little or no insurance, because if they then found themselves with expensive judgemental tastes, they could potentially need to spend all their resources on fulfilling them. They would settle on a level in-between the two extremes, giving them a level of protection with which they are satisfied, whilst also protecting others from having to devote their own resources to the opportunity of others to develop and fulfil their judgemental tastes.

In assessing whether hypothetical insurance provides a practical way to protect people from the cost of judgemental tastes, one can point to a number of problems that beset this approach. These range from questions over the fairness of those who do suffer bad luck being worse off than those who do not because their insurance coverage will not be at the highest level, to worries that, when applied society-wide hypothetical insurance cannot be tailored to individual preferences, but must be set at a general level that is blind to variations amongst persons. Rather than rehearse these general problems with hypothetical insurance, however, I want to focus on a problematic aspect of hypothetical insurance that is particularly pertinent to the development and fulfilment of judgemental tastes.

There is an incompatibility between the rationale behind insurance as a method to deal with expensive judgemental tastes and the nature of the authentic development of personality. Insurance is unsuitable because when an individual decides on the level of insurance coverage he wants to take, he may be placing limits on his ability to develop authentically, in accordance with his judgement.

This can be seen via the example of someone who has had every opportunity to form and reform his judgemental preferences, and settled on the opinion that nothing is worth devoting oneself to - it is much more sensible to change one’s preferences than let them constrict one’s life. Such a person would prefer to keep the majority of his resources for other purposes, and take at most a

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low level of insurance coverage against the possibility of his commitments, such as they are, proving to be expensive. In fact, the opportunity to insure would most likely be doubly attractive to this free spirit, since it not only allows him to set the (low) level of coverage he wants to take against his judgemental tastes proving to be expensive, but it also protects him to a large extent from having to subsidise the judgemental tastes of others – which he thinks misguided and foolish – as a policy of universal subsidy for expensive judgemental tastes would do.

The problems arise if the free spirit unexpectedly finds himself strongly drawn towards a new commitment that is expensive - to the preservation of the world's wilderness, for example. The low level of coverage he has taken against such a possibility means that, even with a payout, he will be unable to fulfil that judgemental taste. The issue is not just that the inability to fulfil the taste might induce in him alienation, or force him to excessively forgo satisfactions open to others in order to pursue his new crusade. What is more problematic is the impact of the knowledge that he will be unable to fulfil expensive judgemental tastes. This might prevent him giving adequate consideration to expensive pursuits in the first place. He might simply dismiss them rather than engaging with their subtleties and attractions. Indeed, this closed-mindedness might spread further. The free spirit might, for fear of the frustration and alienation of being unable to fulfil expensive commitments, resolve not to develop deep and lasting commitments at all\(^33\).

The difficulty with hypothetical insurance is that the drive to restrict the costs placed on others is given precedence over the drive to allow each person an equal opportunity to develop their personality authentically and fulfil their judgemental tastes. The result is that those with the most expensive judgemental tastes will be asked to accept a reduced opportunity to fulfil those tastes, and those with cheaper judgemental tastes or no deeply held judgemental tastes at all, will be asked to restrict themselves from developing (expensive) judgemental tastes, so as to not place burdens on others. This will not only place unequal burdens on those who are drawn to judgemental tastes that happen to be expensive, but also threatens to undermine the authentic development of personality.

**Accommodation for Expensive Judgemental Tastes**

An alternative approach is to employ practices of accommodation - essentially targeted exemptions from cost-internalisation. These are common in liberal societies, ranging from free

\(^{33}\) I thank Serena Olsaretti for highlighting the importance of this point.
healthcare for those who undertake sexually risky behaviour, and subsidisation of maternity leave, to public libraries’ practice of charging the same amount (usually zero) to borrowers of expensive, specialist books as to borrowers of dime novels\(^{34}\). In each of these cases, the individual who undertakes the relevant activity is excused of the exceptional cost of their behaviour, which is, rather, shared amongst the other members of the community.

Such practices can be justified by a number of means – it could be argued that society as a whole has an interest in promoting child-birth and child-rearing, for example – but the idea here is that accommodation is an appropriate means of protecting people from the uneven costs of their judgemental tastes and enabling them to authentically develop their personality. As such, public assistance for maternity leave might be justified as enabling mothers both to give full and open consideration to the value of staying with their young children, and to enable them to fulfil that judgemental preference should they develop it.

Accommodation for expensive judgemental tastes avoids a number of the implementation problems discussed above. Giving every mother the opportunity to take maternity leave, or every citizen free library use means that detailed personal information, so difficult to gather, and so dangerous from the point of view of privacy, is not required. Similarly, by selecting the activities for which accommodation is appropriate, it is possible to place limits on the areas in which subsidy is provided, thereby limiting the cost of subsidising judgemental tastes.

These ‘gains’, however, come at a price. That accommodation applies to all means that people will receive it even when their tastes are not judgemental, or have not been reached authentically. A mother might have no particular judgemental commitment to spending time with her new-born child, but use maternity leave to socialise, for example. To be able to distinguish such cases from those in which subsidy is necessary for authenticity and integrity, intrusive investigation, with the accompanying epistemological challenges, seems unavoidable\(^{35}\).

Similarly, although selecting specific areas for accommodation practices might limit the cost of subsidising expensive judgemental tastes, doing so risks incompatibility with two fundamental aspects of respecting integrity and authenticity. Unlike other justifications for accommodation, which are motivated by specific goals such as public education, the suspension of cost-

\(^{34}\) See Cohen, ETRA; Schiffrin, op cit.

internalisation for judgemental tastes is driven by the metaphysics of the person. As such the areas in which accommodation is appropriate are not bounded by achieving certain desirable goals, but are guided by where people’s judgement takes them. It is unlikely that judgemental tastes will fall neatly into categories that can be clearly delineated. In some cases they may well do - accommodation for religious holidays, for example, whereby other workers cover for those with religious convictions, will target the judgemental tastes of many. But in other cases people are likely to have obscure judgemental preferences that cannot be neatly cordoned off. It is unlikely that a list of areas in which accommodation is suitable will address someone with a judgemental preference for exploring the history and usage of pewter drinking vesicles, for example, and yet people devote their lives to such things.

In fact, placing limits on the practices that are accommodated not only serves to exclude those that have unusual judgemental tastes, but also threatens to undermine the authentic development of the person. The knowledge that some activities carry subsidy may encourage people to artificially drive their preferences in that direction, or preclude them from giving adequate consideration to competing options for which they must bear the cost themselves. And this in turn may reduce their tendency to judgementally evaluate options and lead to a deterioration in their evaluative skills.

Accommodation practices are commonly selected on other bases – perhaps incorporating some perfectionist ideas about which activities are central to human flourishing. In such cases, a comprehensive list of activities that ought to be accommodated could potentially be drawn up. Where accommodation is motivated by an understanding of the structure of the self, by the claim that people do not standardly control what it is they care about, a limited list will be inappropriate. It is therefore difficult to see how the use of accommodation could be anything other than at least partially selective in the activities accommodated, and in so far as this is the case there will be those who will have a cause for complaints of unfairness that their judgemental tastes are not subsidised, and the danger that there will be restrictions on the authentic development of personality.

This brief investigation of potential methods of implementing an exemption from consequential responsibility for judgemental tastes has suggested a high degree of intractability amongst the implementation problems that began this section. Cutting the potential cost of providing an equal opportunity to fulfil expensive judgemental tastes necessitates capping the redistribution of

\[36\] See Schiffrin, op cit, p. 296.
resources. But doing so inevitably places some with expensive tastes at a disadvantage (one that is standardly the result of bad luck), and places limits on people’s ability to develop authentically. And when it comes to attempts to circumvent the informational demands – and the threat to privacy – of compensating judgemental tastes, any move towards an unobtrusive method of redistribution in which detailed personal information is not required comes at the expense of targeting resources only at those whose case for compensation is genuine.

**Section IV Principle vs Practice**

What are the lessons to be drawn from these implementation problems? The answer has a significance to the challenge with which this chapter started, that of finding the balance between luck-egalitarianism’s twin drives to protect people from the unequal effects of brute luck whilst also protecting people from unjustly having to subsidise the lives of others. Dworkin would argue that these implementation problems should drive us to accept that we cannot have an unconstrained opportunity to fulfil our judgemental tastes, or to develop authentically without consideration of costs. What egalitarian responsibility demands is a question of what can fairly be asked of people, not what they are ‘really’ responsible for, or what conditions might allow ‘unconstrained’ self-development.37

Others will hold that the problems with implementation do not alter the demands of luck-egalitarian justice. Cohen, for example, would argue that if the chance/choice distinction tells us that a particular distribution is just or unjust, that (in)justice is not altered by difficulties of implementation.

How to adjudicate between these two alternatives? As advocated throughout this thesis, insight can be gleaned by turning to the bases on which consequential responsibility is ascribed. Cohen’s reluctance to compromise the demands of a luck-neutral distribution can be traced to his starting point - that responsibility ought to be grounded in ‘genuine’ choice. ‘Genuine’ choice enjoys a special metaphysical status. It is the embodiment of genuine agency. The choice/chance is based on a fundamental metaphysical distinction, meaning that implementation problems ought not to interfere with what justice demands, even if they do interfere with the achievement of justice.

37 *SV*, pp. 260-266.
Dworkin, on the other hand, is able to let ascriptions of responsibility be adjusted to accommodate problems of implementation because, in his eyes, responsibility is not metaphysically grounded, but rather a normative matter of what it is reasonable to ask of people in order to ensure that everyone enjoys a fair share of resources. Compromise with other considerations, such as practicalities, do not jar with his overall approach as they do with Cohen’s.

What this thesis has made clear, however, is that neither approach is able to build a convincing conception of luck-egalitarianism from its starting assumption - and this undermines their arguments about the relative importance of luck-neutralisation. Cohen is unable to import the power of ‘genuine’ choice into luck-egalitarianism because as chapter 1 argued, ‘genuine’ choice in fact forms an implausible basis for consequential responsibility. His strong ‘principle over practice’ line does not seem so robust when consequential responsibility is modified so as not to rest on the ‘special’ metephysical status of choice.

The difficulty facing Dworkin’s alternative approach, however, is not his argument that what people can be held consequentially responsible for should depart from what they are ‘really’ responsible for per se. This is embedded throughout his theory. He favours insurance as a mechanism for protecting people from unequal bad luck, for example, because it limits the impact on others of compensating bad luck, even though it does so at the expense of allowing that people bear some costs that they are not responsible for. Rather, the problem is that the relegation of the importance of luck-neutralisation sits uneasily in a distribution that professes to be motivated by the distinction between chance and choice. The intuitive power of the distinction cannot honestly be imported if choice and chance are defined with no reference to the metaphysics of what is ‘really’ chance and what is ‘really’ luck. Should such a rooting be adopted, though, the ‘practice over principle’ line would be harder to justify.

The suspicion that the force of the choice/chance cut is being imported illegitimately, and relegated too easily, can be seen by looking again at Dworkin’s central edict that distribution should be ‘ambition-sensitive’, so that people bear the cost of what he calls their ‘ambitions’ – the preferences with which they identify. Ambitions represent the responsibility-grounding, ‘choice’, side of the choice/chance distinction, which Dworkin claims motivates his theory. When scrutinised, however, there is an absence of a convincing positive justification for why consequential responsibility is suitable for ambitions. Dworkin is clear that it is not because they

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are ‘genuinely’ chosen. But, as the discussion of section 1 demonstrated, there is nothing intrinsic to identification with an ambition that justifies it grounding consequential responsibility.

Dworkin attempts to import justification for ambition-sensitivity from everyday ethical practice, which he claims tracks the choice/chance distinction. But this step only serves to highlight the problem. The attraction of the distinction is imported without a proper explanation of how, why, or even whether the ascriptions of responsibility in everyday ethical practice provide the necessary justification for responsibility for ambitions. As Chapter 2 demonstrated, it is highly questionable whether they are able to do so.

Dworkin’s ‘practice over principle’ line is also bought too cheaply. It is because he calls on the power of the choice/chance distinction without in fact providing any basis for its appeal that he is readily able to relegate its significance in the face of competing considerations.

Where does this leave the relative importance of a distribution that respects integrity? Equal Opportunity for Integrity comes into the fray with elements of each of the approaches so far considered, and thus carries the risks associated with both. By not resting consequential responsibility on genuine choice, it cannot gain significance from the unique metaphysical status such choice is argued to carry. But this in turn opens up criticisms that it illegitimately imports the appeal of the choice/chance distinction.

Now, it is true that Equal Opportunity for Integrity takes as its starting point the presumption, rooted in considerations of fairness, that people ought to bear the costs of the lives they lead. The presumption is not that they are responsible only where genuine choice is present, and therefore does not derive its power from the metaphysical status of genuine choice. Rather it comes from an acknowledgement that the inter-dependence of citizens in a democratic society and the scarcity of resources mean that the behaviour of each person impacts on those around them. It is fair for each person to take responsibility for the costs of their life, and not to illegitimately impose costs on others.

The limits to this normative presumption, however, are not themselves set on purely normative grounds, independently of metaphysical considerations of what is ‘really’ a matter of luck. Rather, the demands of consequential responsibility are tempered by an understanding of the metaphysical matter of the structure and functioning of the self and its mechanisms of change. It is where people cannot manage the cost of their preferences, constrained by inability to change or to do so without threatening the integrity of their person, that they are exempted from
consequential responsibility. When authentic, the passive nature of the process of formation and change of those parts of the person that are integral renders their expense a matter of luck, which justifies a presumption of compensation rather than responsibility. Equal Opportunity for Integrity thus avoids denuding the chance/choice by defining luck simply as whatever people ought not to be held responsible for. Rather, it maintains that luck should be where people are unable to avoid costs, as set by the metaphysics of the person.

In terms of the relative importance of respecting this cut in the face of competing considerations like practicalities, the cut does not have the strength derived from being based on differences in metaphysical status, as does the ‘genuine’ choice/chance divide. But it does maintain a rooting in (a different level of) metaphysics, making it less open to relegation than Dworkin’s alternative. Ultimately most will agree that the edicts of luck-neutralisation can be justly overridden. Defenders of equality generally acknowledge that it is one value amongst many, and that justice must contain other, potentially competing, elements. What the argument of this section has suggested, though, is that readily overriding luck-neutralisation sits uncomfortably with those who hold that the egalitarian commitment ought to be based on the distinction between choice and chance.

Conclusion

This chapter has assessed the implications for the luck-egalitarian cut of the structure of the person and its mechanisms of regulation and change. An adjudication of the relative power of the two core commitments of luck-egalitarianism – the goals of protecting people from the uneven effects of bad brute luck and of protecting people from unfairly picking up the costs of the lives of others – was sought via an assessment of the compatibility of the strong accounts of identification and authenticity sketched in the previous chapter with the political accounts that utilise these notions.

The first section demonstrated that, when understood in terms of the role and place of a preference in the structure of the self, identification could form an appealing basis for consequential responsibility. Strong identification defuses worries that a preference may be insufficiently embedded in an agent’s personality to be a genuine and responsibility-grounding representation of the agent. However, when identification is understood as a matter of being suitably based on and embedded in a person’s central beliefs and preferences, it becomes clear

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39 See Cohen’s distinction between weak equalisanda and strong equalisanda, OTC, section II.
that there is nothing inherent to identification that grounds consequential responsibility. Identification with a preference does not amount to identification with a cost. Rather, the cost of the preferences with which an agent does identify is standardly a matter of luck. Moreover, strong identification indicates the importance of the preference to its bearer. The result is that insulation from cost seems the most appropriate response to identification for luck-egalitarians.

This does not rule out a policy of holding people responsible for the costs of the tastes they identify with. The strongest case for this treatment, though, is not that people should be held responsible for these tastes because they identify with them, but rather that the presence of identification makes it fair to ask them to bear the costs so as to prevent those cost being unfairly borne by others.

The second section turned to an examination of the relationship between the authentic development of the person and the ascription of consequential responsibility. Given the importance of origins for consequential responsibility, an authenticity requirement is necessary for identification to plausibly form the basis for judgements of responsibility. There is, however, a tension between the authentic development of the person and demands for cost-internalisation. Strict cost-internalisation can act as a barrier to full assessment of competing values. A pronounced sensitivity to cost can reduce the tendency to adequately consider expensive options, and can encourage a narrow cost-driven assessment of value. As a result, it is also likely to stint the development of the skills of full, open, assessment of options.

This is particularly damaging to Equality of Resources, which holds people strictly responsible for the costs of their personality, yet relies heavily on the authentic development of preferences. Such authenticity is necessary both to ensure that people can have no complaint if their judgemental tastes are more expensive than those of others, and also to ensure that the costs that they are expected to bear or respond to are ‘true’ opportunity costs, that they reflect the authentic preferences of others. That strict cost-internalisation can undermine the authenticity on which it relies seriously undermines Dworkin’s personality/circumstances cut.

Insulation from the costs of judgemental tastes, in contrast, avoids the chilling effect of cost-internalisation. People are able to respond to values openly, rather than their evaluation being dominated by considerations of cost. Such insulation need not undermine the tendency to self-evaluation that is necessary for authenticity, which is rooted in contemporary social and personal life, and although evaluation and prioritisation of preferences cannot be carried out in the
abstract, the parameters within which it operates need not be set exclusively by opportunity costs, as Dworkin claims.

Section III assessed, briefly, the practical implications of insulating people from the costs of their judgemental tastes. Hypothetical insurance would inevitably place limits on the degree to which people could be insulated from the expense of such tastes, and to that extent could discourage consideration and development of new judgemental tastes, thereby limiting the authentic development of the person. Although accommodation practices give people the ‘space’ to develop and fulfil some judgemental tastes free of the obligation to bear the costs, there is inevitable selection in the practices that are accommodated, leading both to potential unfairness and distortion of authentic evaluation of preferences. Moreover, accommodation is open to all, rather than targeted at those whose claims to compensation are genuine.

The chapter finished with an assessment of the significance of luck-neutralisation, fairness and competing considerations such as practical limitations. My suggestion was that the relative significance of luck-neutralisation could be explained by the kind of basis used to attribute consequential responsibility. Dworkin’s non-metaphysical basis was more readily open to compromise than a cut with a metaphysical basis, such as Cohen’s original cut. There are reasons to challenge both these positions, however. Cohen is unable to successfully import the power of libertarian choice into luck-egalitarianism, whilst Dworkin is able to relegate the significance of observing the choice/chance distinction because it does not in fact play the role in his account that he claims. He imports its power without engaging with the metaphysics of choice and chance from which the power derives.

My suggestion was that a cut shaped by the structure of the person was able to harness the appeal of using a metaphysical basis, whilst avoiding metaphysical extravagance. It was also able to combine a powerful appeal – the importance of tempering the demands of responsibility so as not to undermine the integrity of the person – without illegitimately relying on the naïve intuitive power of libertarian choice. Equal Opportunity for Integrity provides an attractive and defensible cut for those wishing to combine a demand that people bear responsibility for the costs of their lives with protection from the uneven effects of brute luck. Although open to relegation in the face of wider concerns of justice, there are reasons to hold that its edicts ought not to be readily compromised in favour of fairness or practicality by those who hold that egalitarian distribution should be guided by the distinction between chance and choice.