Chapter 3  Responsibility for Choice, not for Personality

Introduction

Chapter 1 demonstrated that genuine choice does not form a plausible basis for the ascription of consequential responsibility. We have a strong interest in not taking on new preferences or policies – which will have an ongoing impact on our lives – unless we can find a decisive reason for doing so. Yet a ‘genuine’ choice must, ex hypothesi, be made in the absence of decisive reasons. What was also suggested, though, was that where a decision has less impact on our ongoing lives, because it is fleeting or trivial perhaps, then the same barriers do not apply. Such decisions are less likely to be disruptive to our ongoing life-plans, and therefore can be made more ‘freely’ - they do not face the same requirement for decisive justification.

Although the personality/circumstances cut considered in chapter 2, which was intended to dispense with the need for metaphysical bases, is not ultimately successful, it nevertheless draws force by tapping into potent aspects of practices around responsibility. One is the starting point from which ascriptions of responsibility are made - the default position that there is an expectation that people are responsible for the cost of their lives unless there are reasons to excuse them. The other is that an agent’s identification with a preference can be more relevant to his responsibility for it than the question of whether it was chosen.

What was questionable, however, was the claim that these aspects of our everyday practices around responsibility are important and appealing simply because they are central aspects of our everyday practices. Moreover, in the case of identification, although there is an intuitive appeal to it playing a role in ascriptions of responsibility, it is not clear that the appropriate treatment of a preference that is identified with is to hold its bearer responsible for the cost.

In this chapter I will sketch a version of luck-egalitarianism which draws together the insights from the ‘cuts’ so-far considered into a coherent and appealing position whilst avoiding the pitfalls discussed. I will argue that an account of consequential responsibility can be constructed that takes as its starting point the presumption that people are responsible for the cost of the life they lead, and that that responsibility is not predicated on personality being ‘genuinely’ chosen.

However, I will also argue that when ascribing responsibility we ought to make a distinction within the person, treating preferences that are central, or integral, differently to those that are more peripheral. In the case of integral preferences the default should be reversed, so
that people are presumed *not* to be responsible for their costs. This is in recognition of two
things: people are more constricted in their ability to 'freely' shape their integral preferences,
so that the costs of the preferences they end up with are standardly a matter of luck; and the
importance of such preferences to the person provides a reason to enable people to fulfil
them, even if they happen to be expensive.

Preferences that are not integral to the person, ‘brute tastes’, do not have the same
significance, nor are agents so constrained in forming or shedding them. People are able to
shape and change them without threatening their integrity as a person. It is therefore,
standardly, reasonable to ask people to bear the costs of these tastes.

This position, which I call equal opportunity for integrity, is inspired by, though importantly
different from, the cut advocated in later work by G A Cohen¹. Although Cohen maintains
that responsibility should be based on genuine choice², he introduces a radical new
argument. When it comes to ‘judgemental’ tastes, those with which an agent identifies,
Cohen draws from Dworkin the recognition that where an agent regards a preference as
constituting an important part of who he is, then this fact ought to guide ascriptions
of consequential responsibility, rather than the question of whether the preference was chosen.
But whereas Dworkin took an agent's identification with a preference as a reason to hold him
responsible for its costs, Cohen draws the opposite conclusion. Precisely because an agent
identifies with a preference, “and therefore cannot reasonably have been expected to have
not developed it or to rid [himself] of it he ought *not* to be held responsible for its costs... It
is, standardly,... very bad luck that a preference with which [an agent] strongly identifies
happens to be expensive, and to expect [him] to forgo or to restrict satisfaction of that
preference (because it is expensive) is, therefore, to ask [him] to accept an alienation from
what is deep in [him].”³

Rendering distribution responsibility-*insensitive* in the case of judgemental tastes, so that
each person is equally able to fulfil the preferences most central to them irrespective of
responsibility for their formation, addresses one of the principal problems of the
personality/circumstances cut. That cut holds people responsible for the costs of tastes they
identify with whether they were responsible for forming them or not. This allows that, even
when armed with an equal share of resources, those who inherited expensive judgmental
preferences were, through no fault of their own, either forced to forgo satisfaction of those
preferences, or of others, or to try to change them, thereby violating their integrity as

¹ ETRA.
² Ibid. p. 22.
³ Ibid. p. 3. My square, Cohen’s curvaceous brackets.
persons. Responsibility-*insensitivity* regarding judgemental tastes avoids this problem, allowing each person an equal chance to fulfil their judgemental tastes - inherited or chosen.

Nevertheless, this new element to Cohen’s reading of luck-egalitarianism faces significant challenges. For one thing, Cohen’s measure for picking out the tastes for which people ought not to be held responsible is similar to that used by Dworkin - identification, and as such faces some of the problems that undermined Dworkin’s account. Although Cohen adds the requirement that the identification with a taste must be based on judgement (as opposed to simply being a matter of being recognised as part of one’s personality), it remains a first person measure, thereby open to distortion, and liable to produce counter-intuitive ascriptions of responsibility.

More significantly, perhaps, responsibility-*insensitivity* regarding judgmental tastes runs counter to one of luck-egalitarianism’s core motivations. By advocating that people should be subsidised for the costs of expensive judgemental tastes, even when they have chosen to develop them, Cohen’s revised position deliberately contradicts the edict that people should bear the costs they voluntarily bring upon themselves. The other members of the community will have to subsidise the expensive judgemental tastes people wilfully develop. This looks politically very unappealing. It looks unfair on those expected to give up resources to provide the necessary subsidies.

In seeking to incorporate into luck-egalitarianism the idea that the cost of judgemental tastes is a matter of luck, and ought to attract compensation, the fundamental challenge is to explain why this is appealing. The answer, I contend, is not found in the principal justifications that Cohen provides – a concern to equalise opportunities for welfare, or to make consequential responsibility track genuine choice\(^4\). Rather it lies in an understanding of the constraints under which judgemental tastes are formed, which renders their cost a matter of luck, combined with a recognition of the significance to the person of judgemental tastes.

Both of these are explained by appeal to the structure of the person and its mechanisms of change. The reason judgemental identification is significant, I will argue, is because it indicates the central or integral role a preference plays in an agent’s personality. The reason the cost of such tastes is a matter of luck is due to the passive way in which such tastes are formed when the process is authentic.

\(^{4}\) Although note that these elements do not form the entirety of his overall position of ‘equal access to advantage’, see *OTC*. 
Importantly, though, this will not always be the case. People can artificially and deliberately manipulate their judgemental tastes, perhaps to attain subsidies. In these cases it may be appropriate to hold them responsible for the cost. The position I advocate is thus an opportunity ideal – people have an equal opportunity to fulfil their authentic judgemental tastes, but if they artificially manipulate them, they will be liable for the cost themselves.

Another challenge arising from incorporating a split position to the ascription of consequential responsibility, so that judgemental tastes and ‘brute’ tastes receive distinct treatments, is that of reconciling the strands: can a single coherent rationale cover both or are there independent grounds for the treatment of each category of tastes? In outlining the case for equal opportunity for integrity, I will show that holding people consequentially responsible for their brute tastes flows from the same understanding of the structure of the self, its bonds and elasticities, as the presumption that people ought not to be held consequentially responsible for their judgemental tastes. In neither case, it is worth noting, is responsibility predicated on genuine choice.

As repeatedly emphasised in this thesis, the task is not simply to devise an appealing version of the luck-egalitarian ‘cut’, but to provide a solid basis for distinguishing between responsibility and chance. Robust accounts of the key elements of equal opportunity for integrity are needed: an understanding of the notion of identification that is based on judgement and serves to pick out those preferences that are integral to the person; an explanation of the constraints on the formation of judgmental tastes that renders their cost a matter of luck, but also explains the possibility that judgemental tastes can be artificially manipulated; a clear delineation between judgemental and brute tastes.

In important ways, these tasks parallel those required to bolster Dworkin’s account of Equality of Resources. If identification is to form the grounds for responsibility for costs, as Dworkin suggests, a stronger reading is required in order to avoid the vagaries of the first person perspective. Moreover, holding people strictly responsible for their personality also needs a more demanding account of the authentic development of personality.

Constructing sufficiently robust readings of ‘identification’, ‘authenticity’, ‘judgemental’ and ‘brute’ tastes - notions central to both Dworkin’s account and my revision of the later Cohen’s account - requires an examination of the structure of the person and its mechanisms of development. That is a major task. My investigation will therefore proceed in three steps. This chapter will carry out the preliminary work of drawing together the lessons from the cuts considered in chapters 1 & 2 and combining them with the insights of Cohen’s revised cut to construct equal opportunity for integrity. The following chapter will move onto an
examination of the structure of the person and its mechanisms of development. The aim will be to establish an independently plausible metaphysical account of self-formation that does not rely on metaphysical libertarianism but is able to provide convincing foundations for the key notions of identification and authenticity. Chapter 5 will then examine how this metaphysical picture impacts on the tenability of both equal opportunity for integrity and equality of resources.

First things first. The outline of the current chapter is as follows: Section I will introduce more fully Cohen’s important new step: compensating expensive judgemental tastes regardless of whether they were chosen, and clarify the key claims and the motivation behind them. Section II will outline what I will call the ‘expensive judgemental tastes objection’, which holds that it is unfair for people to have to subsidise expensive judgemental tastes which are deliberately developed. Section III will outline a solution to this problem. Section IV examines the motivation behind compensating judgemental tastes, even those that are chosen, and argues that it is best captured by a desire to allow people an equal opportunity to fulfil their most central or integral preferences. Section V draws these elements together to suggest a revised cut and a revised account: equal opportunity for integrity. The final task of this chapter will be to outline the metaphysical claims on which it relies. The defensibility of these claims will be addressed in the following chapter.

Section I      Compensation for Judgemental Tastes

In his revised position, Cohen maintains the general principle that expensive tastes should be distinguished “according to whether or not their bearer can reasonably be held responsible... for the fact that her tastes are expensive”. However, he now makes an important distinction between ‘judgemental’ and ‘brute’ tastes.5

Brute tastes, which are what we call ‘tastes’ in common parlance and are more physiological than anything, such as Cohen’s taste for Diet Coke, do not embody any particular approval. Judgemental tastes, conversely, such as a preference for Mozart over MeatLoaf that is predicated on the belief that Mozart’s music is technically superior, embody evaluative judgement.6 Significantly, they are also identified with. They are not just unwanted inherited aspects of a person’s character, but a part of themselves that they welcome.

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5 ETRA, p. 7.
6 Ibid.
With regards to brute tastes, Cohen maintains that ascriptions of consequential responsibility ought to be made according to the presence of choice and will. An agent “can be held responsible [for the expense of those tastes that] he could have forestalled...and/or... he could now unlearn”, but ought not to be held responsible for the cost if he “could not have helped forming and/or could not now unform” the tastes7.

The dramatic change in Cohen’s position comes with respect to judgemental tastes:

“I no longer think that the fact that people chose to develop and/or could now school themselves out of an expensive judgemental taste means that they should pick up the tab for it, and that is precisely because they did and do identify with it, and therefore cannot reasonably have been expected to have not developed it or to rid themselves of it. So what Dworkin gives as a reason for withholding compensation – the subjects’ approving identification with their expensive tastes – is something that I regard as a reason for offering it, since, where identification is present, it is, standardly, the agent’s very bad luck that a preference with which they strongly identify happens to be expensive, and to expect them to forgo or restrict satisfaction of that preference (because it is expensive) is, therefore, to ask them to accept an alienation from what is deep in them.”8

The exception to this rule, for Cohen, is ‘snobbish’ expensive tastes, tastes whose expense is welcomed by their bearer. In these cases, the agent cannot claim that it is bad luck that his taste happens to be expensive, because the reason he subscribes to that taste is because it is expensive. Snobbish tastes, in Cohen’s eyes, ought not to ground claims to compensation9.

Just as with his earlier account, Cohen’s motivation is best understood in opposition to that of Dworkin. Cohen’s initial cut, and indeed the treatment he continues to advocate towards brute tastes, is motivated by a conviction that Dworkin’s strict liability-type approach to consequential responsibility for personality allows that those who inherit, and cannot shed, expensive tastes will be worse off than others through no fault of their own. To avoid this kind of unjust disadvantage it is appropriate instead to hold people responsible for their brute tastes only when they have either settled upon them themselves, or could easily shed them.

Similarly, the responsibility-insensitivity that Cohen later advocates towards judgemental tastes can be understood as the inversion of Dworkin’s proposed treatment. As discussed in

7 Ibid.
8 Ibid. Cohen’s italics.
the previous chapter, Dworkin argued that, if a person identifies with an expensive taste, he cannot coherently request compensation, because he cannot regard it as bad luck that he has a taste that he in fact welcomes. Cohen holds that the opposite is the case. Standardly, when someone identifies with a taste, and that taste happens to be expensive, he will very likely regret its cost. There is no incoherence in requesting compensation because the bad luck attaches not to having a taste for one thing rather than another, but to the fact that the thing one does have a taste for happens to be expensive. Accordingly, egalitarians motivated to neutralise the differential effects of luck, Cohen holds, ought to advocate compensation.10

To illustrate the plausibility of this revised position, Cohen uses the example of borrowing at a public library. He asks us to consider someone who has a taste, based on judgement, for art books rather than dime novels. The question is whether borrowers of art books ought to be charged more than those of dime novels, in order to reflect the extra expense of purchasing art books. Cohen holds that the intuitive answer is that they ought not to be. If the library was to charge extra, Cohen argues that the art book-lover would have a genuine cause for complaining of unfairness. “It is precisely because lovers of art books quite reasonable do identify with their expensive book preference, it is because they cannot reasonably be expected to divest themselves of it, that the relevant readers have a case for support, regardless of whether they could have avoided or could now divest themselves of that preference”.11 Withholding such support would force the art book-lover to either accept a lower level of satisfaction than that available to others or to change a preference that he welcomes as part of his personality.

Cohen formulates his new position in his ‘revised flagship statement’:

“I distinguish among expensive tastes according to whether or not their bearers can reasonably be held responsible for the fact that their tastes are expensive. There are those that they could not have helped forming and/or could not unform without violating their own judgement, and then there are those for whose cost, by contrast, they can be held responsible, because they could have forestalled their development, and/or because they could now quite readily unlearn them, without violating their own judgement.”12

Now, Cohen does not go much further than this in establishing his later position. As he admits, his position is not so much a determinate theory, but rather a sketch towards constructing one13. Evaluation of his new approach must therefore be somewhat interpretive.

10 Ibid. Section V.
11 Ibid.
12 Ibid. p. 8.
13 Ibid.
Given that chapter 1 explored the basis of Cohen’s initial ‘genuine choice’/chance cut, which he continues to advocate regarding brute tastes, the focus will be on the revisionary strand of his theory (and, later, how the different treatment of brute and judgemental tastes can be reconciled). The key claim here is that compensation is appropriate for judgemental tastes regardless of whether they are chosen.

Section II  The Expensive Judgemental Taste Objection

The immediate difficulty facing this claim is that it seems to allow that someone should be compensated for an expensive taste which they deliberately acquired. So long as they now identify with it, and it now reflects their judgement, they will not be able to shed it without violating their judgement and will be entitled to compensation. This is problematic not only because it is strongly counter-intuitive to provide subsidies to those who wilfully develop expensive judgemental tastes, but because this step runs contrary to one of the key advances of luck-egalitarianism.

Although disagreeing with his reading of the ‘cut’, Cohen initially argued that Dworkin’s great achievement was to incorporate the values of choice and responsibility into egalitarian theory14. Doing so captured the egalitarian goals of protecting individuals from the twin evils of exploitation and bad luck15. It also served to provide a valuable advance for those, like Cohen, who held that welfare ought to be the focus of the egalitarian distributor16. Simple equality of welfare infamously falls foul of the expensive tastes objection, the problem that trying to equalise each individual’s welfare effectively commits the distributor to providing subsidies to those who wilfully develop expensive tastes17. Subsidy, which will have to be taken from others (who are thus exploited), is required to remove the welfare deficit caused by the expense of these tastes. Holding people responsible for the cost of their choices, though, means that the egalitarian distributor can avoid this exploitation. In this scenario, people are only eligible for subsidy in cases where their welfare deficits result from matters beyond their control. They are each able to approach their lives with an equal opportunity for welfare. If people then wilfully develop expensive tastes, they must bear responsibility for the resulting costs or welfare-deficits themselves.

15 Ibid. p. 908.
16 Although not the sole focus, Cohen advocated equality of opportunity for advantage. Welfare is only a part of advantage, because egalitarians ought also to be “moved to eliminate disadvantages that are not reduced to welfare deficits”, ETRA, p. 4.
In his revised theory, though, Cohen holds that when it comes to judgemental tastes, the question for the egalitarian distributor ought to be whether an agent identifies with a preference, rather than whether he chose it. If he does identify with a preference, and that preference is expensive, then he has a legitimate claim to receive compensation, regardless of how he came to have it.

Now, in cases of identification with unchosen judgemental preferences, Cohen’s position embodies some appeal. Examples might be preferences embodying commitments to family members that are not chosen, but with which a person strongly identifies. Their bearers “cannot reasonably have been expected to have not developed” them, nor “to rid themselves” of them, and agents cannot “reasonably be held responsible” if these commitments happen to be expensive. The luck-neutralising aim of luck-egalitarianism fits with such cases.

The tension arises in those cases where an expensive judgemental taste has been deliberately settled upon. Now, Cohen sees his revised position as a refinement of luck-egalitarianism rather than a departure from it. The central motivation is still that people ought to be held responsible for costs they bring upon themselves, but not those that they cannot reasonably be expected to avoid. Compensation for expensive judgemental tastes is consistent with this rationale because the fact that a taste reflects a person’s judgement means, for Cohen, that he “cannot reasonably have been expected to have not developed it or to rid [himself] of it”. The difficulty, though, is that in cases where an expensive judgemental taste is deliberately settled upon it looks very much like the agent could have avoided developing it, in which case it does not look to be unreasonable to expect him to pick up the accompanying costs.

If someone takes up snowboarding, for example, and then comes to identify himself very strongly as a ‘boarder, adopting the lifestyle and values wholeheartedly, Cohen’s revised position would have to advocate compensation for the extra costs he faces in fulfilling these new judgemental preferences. Yet it looks very much like the ‘boarder could have avoided developing his new preferences, and the costs attached to them. He could have decided not to take up snowboarding. If compensation is only justified when costs could not have been avoided, then it does not seem justified in the ‘boarder case. Yet Cohen argues that it is.

This looks like ‘simple’ equality of welfare with regards to judgemental tastes. The question of whether a person has a claim for compensation of some sort is no longer sensitive to

18 The quotes are from Cohen’s flagship statement, above. See Cohen’s advocacy of compensation for those whose loyalty to their friends is expensive in the relevant sense, ETRA, p. 12.
19 Ibid. p. 8.
whether he is responsible for facing the extra costs that confront him. And this responsibility-insensitivity leaves Cohen’s position directly open to the expensive taste objection to simple equality of welfare, except that it might here better be called the ‘expensive judgemental taste’ (EJT) objection. Since Cohen admits that the expensive taste objection defeats simple equality of welfare, this is a serious problem.

Section III The Luck of the Cost of Judgemental Tastes

To avoid it, and maintain his policy of compensation for expensive judgemental tastes, Cohen needs to find a means of establishing that the cost of judgemental tastes – even when they are deliberately acquired - is a matter of compensation-meriting luck. Two options are suggested in his work. One holds that the luck resides not in the means by which a judgemental taste is formed, but in the fact that the cost of fulfilling the taste is set by the market. A person may not just ‘happen’ to settle on a particular judgemental taste, but given the vagaries of market forces, it will be a matter of luck whether it is expensive or cheap to fulfil. The alternative is to locate the luck in the process by which people settle on their judgemental tastes, arguing that we do not in fact ‘choose’ what we identify with, rather we are led to it by our judgement. It is this fact that renders the cost of the tastes we identify with a matter of luck.

Both these lines of argument have an importance to locating the luck-egalitarian cut that goes beyond Cohen’s use of them in this particular context, and therefore merit attention. In terms of the immediate debate, though, I will show that only one of them can plausibly support compensation for judgemental tastes - albeit in fewer cases than Cohen suggests.

Take the first approach: the EJT objection holds that, since people are able to deliberately cultivate judgemental tastes, they are sometimes able to avoid the tastes they develop, and cannot claim that it is bad luck if the judgemental tastes they end up with are expensive. Responsibility-sensitivity would be appropriate rather than responsibility-insensitivity. Cohen’s response would be that the relevant bad luck is not related to the means by which people arrive at their judgemental tastes, whether deliberately or otherwise, but concerns the cost of satisfying the preferences with which they identify. The person who takes up snowboarding might not be able to claim that it was bad luck that he came to identify with

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20 “On The Currency”, p. 913. It might be thought that the expensive taste objection is itself predicated on a metaphysical libertarian conception of choice, and subject to the doubts that are inherent to that conception. Two factors mitigate this concern. One is that the EJT objection hoists Cohen by his own petard, given that it addresses responsibility on the same terms that he employs, the other is that the investigation of this chapter will address the very question of whether Cohen’s revised position is in fact threatened by the potential of metaphysical libertarian choice of judgemental tastes.
his taste for boarding, but he can complain that it is bad luck that boarding happens to be expensive.

Cohen’s point is that the market is not sensitive to the “vagaries and variations” of preferences. The price set by the market will not be a price that is fair to all, given people’s differing ability to gain welfare from goods. The library example is intended to demonstrate that pricing lending materials at market rates is unappealing because whether people are able to fulfil their judgemental tastes should not be left to the contingencies of the market, of whether other people share that taste, or whether the resources needed to produce the books are plentiful or scarce. If art books happen to be expensive, that is not a reason for those who find fulfilment in them to thereby experience less fulfilment than those who find the same fulfilment in cheap novels. A non-market pricing policy is needed to protect people from the contingencies of market prices.

The general point is that, in contrast to Dworkin, who holds that people ought to mould the cost of their lives to suit the resources available to them, with prices set by the opportunity costs to others, Cohen does not think that people ought always to tailor their lives in response to market prices. Market prices do not embody fairness. The distribution of resources should be tailored to enable people to reach normal levels of satisfaction for their judgemental tastes, rather than people tailoring their judgemental tastes to suit the distribution of resources.

Now, this argument carries force when applied to involuntary expensive judgemental tastes. As discussed in the previous chapter, people are, in such cases, worse off than others through no fault of their own. The EJT’s objection is targeted, however, not at involuntary EJT’s, but those that are deliberately cultivated. In these cases, it is less clear that someone is the victim of bad luck should the market dictate that his judgemental taste is expensive.

When we’re settling on a new preference, or developing an existing one, we are not typically blind to the accompanying costs. We make decisions about which tastes and preferences to settle on with one eye on their likely expense. As a result, unless a product is subject to unpredicted price instability, it is implausible for us to turn around and say that it is sheer bad luck that our newfound passions ‘happen’ to be expensive.

That is not to say that we develop our preferences free from constraint. As is by now familiar, we do not choose our tastes and ambitions from a blank slate of options. Our

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21 Although, as Cohen acknowledges, in many other scenarios there will be practical concerns that count against State intervention. ETRA section VIII.

22 I thank Serena Olsaretti for emphasising the importance of this point.
choices are obviously driven and informed by our existing set of preferences and values, as well as the options available. But whereas it is unreasonable to expect people to make decisions about the development of their preferences completely independently of their personal preferences, values and the like, it does not seem unreasonable to expect expense to play a role in such decisions. If someone makes a decision to develop a taste for fast cars, with which he comes to identify and judge worthwhile, in full knowledge that fulfilling that taste will be expensive, he can claim that it is bad luck that fast cars are, as a result of market forces, expensive, and in fact bad luck that he is drawn to fast cars, but he cannot claim that it is bad luck (and not his responsibility) that he has the (now-developed) taste for fast cars. He could have chosen not to develop that expensive judgemental taste.

This is exactly what motivated Cohen’s earlier move from equality of welfare to equality of opportunity for welfare. The fact that the market renders caviar and claret expensive was not thought sufficient reason to exempt those who deliberately develop tastes for these things from responsibility for their cost. The importance of people bearing responsibility for costs they bring upon themselves was thought to outweigh market pricing’s insensitivity to people’s differing ability to convert goods into welfare.

It is difficult to see why the same logic should not apply to judgemental tastes that are deliberately cultivated in the knowledge that they will be expensive. In these cases, the ‘luck’ of market pricing does not seem able to cancel out the imperative that people ought to bear consequential responsibility for the costs of the tastes, even judgemental tastes, that they knowingly develop.

*The Diminished Role of Choice in the Formation of Judgemental Tastes*

The alternative means of defending responsibility-insensitivity towards judgemental tastes argues that the EJT objection lacks power because judgemental tastes are not arrived at by choice. Accusations of indulgence to those who knowingly acquire expensive judgemental tastes are misdirected, because rather than choosing them in a way that might ground consequential responsibility people are instead led to such tastes by their judgement. The uncontrolled nature of this process means that the tastes they end up with, and the costs of those tastes, are a matter of luck.

Interestingly, such relegation of choice receives backing from Dworkin in his criticism of the early Cohen’s distinction between preferences that are chosen and those that are not (which Cohen continues to hold with regards to brute tastes). Even where it appears that an agent has deliberately cultivated a new preference, Dworkin holds, the appearance of choice is
deceptive - he has only done so because he already had a preference for doing so. He had a pre-existing taste for the new taste.

Taking the example of Louis, with his willingly acquired luxury lifestyle, Dworkin claims "he cultivated refined tastes because, given his royal Bourbon heritage, he thought such tastes appropriate to him: he had, we might say, a taste for refined tastes. But that background taste out of which he acted is [not] traceable to choice."23 What this means is that if Louis does develop his new expensive taste, he is no more responsible for it than he is for his background taste for expensive tastes. Dworkin’s argument is that we should not distinguish between the two cases in terms of the agent’s responsibility. The appearance of choice is either deceptive or simply unimportant.

Now, many hold doubts about Dworkin’s rejection of the distinction between tastes that an agent inherits and tastes that he deliberately cultivates. In fact, this stance has been criticised for amounting to hard determinism24. And certainly, the complete dismissal of the influence of choice looks too strong, as shall be considered shortly. But what might be of use to Cohen’s later position is Dworkin’s belief that with regard to the development of some preferences, what drives them is not choice, even when it appears to be playing an active role, but background facts about the character of the agent.

And, as discussed in the previous chapter, Dworkin backs up this claim by giving an account of the development of those preferences that reflect our evaluative judgement. The quote is worth reiterating:

"We know that when we make the decisions...that will shape our lives, we must often struggle against, or accommodate or submerge or otherwise come to terms with our inclinations, dispositions, habits and raw desires, and that we must do so in the service of our judgements and convictions of various kinds... We do not think that we have chosen these various judgements and convictions from a menu of equally eligible alternatives, the way we might choose a shirt from a drawer... True, it is up to us what to read, or listen to, or whether to study or ponder, and for how long and in what circumstances, but it is not up to us what...we conclude.... We [therefore] think of ourselves as moral and ethical agents who have struggled our way to the convictions we now find inescapable."25

23 SV, p. 289.
The claims here are less extreme than those above. Choice is not absent, but importantly, not dominant. The method by which we settle on our deepest preferences, values, and commitments is to a large extent driven by facts about our character and circumstances, and only minimally by the kind of responsibility-grounding ‘free’ choice that the EJT objection assumes.

Adopting this reasoning, Cohen might argue that choice plays so diminished a role in shaping judgemental tastes that agents ought not to be held responsible for their cost. The lack of control in the formation of even those judgemental preferences that seem deliberately cultivated ought to precipitate an exemption from consequential responsibility. The high degree of unavoidability attached to the development of judgemental tastes means that providing compensation is not indulgent, as the EJT objection suggests, but is necessary to enable people to fulfil what they cannot help finding most important to them.

This may be what Cohen had in mind when wording his ‘flagship statement’. There he specifies that it is not reasonable to ask people to bear the cost of those preferences that “they could not have helped forming and/or could not unform without violating their own judgement”. And although he does not elucidate what exactly it means to form or unform preferences without violating judgement, the idea seems to be that judgement constrains the process of preference formation in a manner that makes it inappropriate to hold the subject responsible for the cost of the judgemental tastes.

Now, I will ultimately argue that this broadly metaphysical argument ought to play a central role in judgements of consequential responsibility. However, to be able to plausibly support responsibility-insensitivity for judgemental tastes, it needs to deal with two difficult kinds of cases which push against this conclusion: those in which tastes with which a person now identifies, and which now reflect his judgement, were acquired by artificial means, those not constrained by judgement; and those in which people have negligently developed expensive judgemental tastes, where the tastes have in fact been formed in accordance with judgement, but it would not have been unreasonable to have expected the bearer not to have developed them.

**Artificial or Deliberate Judgemental Tastes**

Take first the claim that people can deliberately develop expensive judgemental tastes. The ‘diminished role of choice’ argument holds that the process of reasoning involved in settling

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27 ETRA. p. 8.
on judgemental tastes is not one that people fully, or even substantially, control. They can start the process and influence the procedure\(^{28}\), but they do not control the outcome. It is therefore a matter of luck what preferences they end up with, and they ought not to be held responsible for the costs of those preferences.

The challenge posed by artificial or deliberately acquired judgemental tastes is that although the position that is ultimately reached – tastes that a person strongly identifies with – is one which they cannot escape from without violating their judgement, and one in which they are thus highly constrained, the process by which the tastes are arrived at is, in contrast, not so constrained. Control is not absent.

Take the example of Holly, a small town girl with small town tastes. On a whim, she decides to transform herself into an urbane socialite. She leaves for New York, turning her back on her old life, and doing her best to integrate herself into the ‘It’ crowd. She shops in fashionable boutiques, frequents high-society cocktail parties and eats at the most en vogue restaurants. Along the way she frequently struggles to suppress qualms about the indulgence and shallowness of her adopted lifestyle. Nevertheless, with some persistence, Holly manages to ignore or overcome the resistance to her new life posed by her small-town values, and begins to identify strongly with her adopted lifestyle and the values that it embodies. In doing so, she develops new, expensive, judgemental tastes, in a manner that is controlled and deliberate. She cannot plausibly escape responsibility for the costs of her new tastes on the grounds that she was driven to them by judgement.

The counter to this kind of example, following the line offered by Dworkin\(^{29}\), is to argue that Holly’s decision to develop her new tastes is not in fact unconstrained. Rather, the role of choice is less important than the fact that Holly has a pre-existing taste for the high life which she is fulfilling by joining the ‘It’ crowd. She is drawn to her new values by her existing character. This is what drives their adoption, not her deliberate, significantly unconstrained choice to pick the values she wants to adopt and identify with. As a result, it is not in fact unreasonable to provide subsidy to enable her to fulfil tastes she is drawn towards by her inherited character.

Now, there may well be cases where this kind of story is correct, that seemingly radical changes in a person’s preferences are in fact rooted in their existing selves. But that will not always be the case. There are scenarios in which a person can settle on, and identify with, new values and preferences that have almost no rooting in their previous character. It could

\(^{28}\) Although even these parts of the process may not always be controlled, see Dennett, op cit.

\(^{29}\) albeit to back a conclusion he would strongly resist.
be that, perhaps to settle a bet on the flexibility of character, Holly, small town girl with aspirations to join the glitterati, instead joins the army. Now, the values and modes of operation of the army clash directly with the way that Holly likes to live her life and deal with others. She's happy-go-lucky, a bit ditzy, and committed to a 'live and let live' outlook on life. These are not traits or values that hold sway in military life. Nevertheless, after a year at military academy, in which Holly is physically and emotionally challenged almost to breaking-point, she successfully 'passes out' as a trained-up officer. And crucially, she now fully identifies with the values and procedures of army life, seeing them as vital to an effective army and a blueprint for a life well-lived.

Perhaps paradoxically, the possibility of judgemental preferences being changed by means that circumvent judgement backs up Cohen’s desire, in opposition to that of Dworkin, to ensure that opportunities to fulfil judgemental tastes are safeguarded. The fact that ‘deliberate’ change is possible makes it important to protect people from being forced into that possibility. But at the very same time, that judgemental preferences can be changed deliberately, without being based on judgement, means that compensation cannot always be justified on the grounds that judgemental tastes are not settled on ‘freely’. In such cases, the EJT objection seems to stand.

*Negligent Judgemental Tastes*

The other type of case in which the argument that the judgemental tastes a person settles upon is largely beyond his control and thus ought to be considered a matter of compensable luck seems to fall short is that in which an expensive judgemental taste is acquired negligently. These are cases in which a person is not in fact drawn strongly by their judgement to an expensive preference or set of preferences, but puts herself in a situation in which she knows she is likely to develop those preferences. In these cases it does not seem unreasonable to expect her to anticipate the direction in which her judgemental tastes might develop, and to either take evasive action or pick up the cost herself.

It might have been the case that Holly had no intention of joining the ‘It’ crowd. Perhaps she had moved to NY to earn money for the struggling family farm. Nevertheless, on arrival, her flatmate, who happens to be a mover and shaker, invites her to a few cocktail parties and film premieres. Holly accepts the invites out of a desire to meet new people in her adoptive city. But she enjoys the parties and the high living and is soon an accepted part of the ‘It’ crowd, and, moreover, loves being so. She fully embraces her new life and the values it embodies.
In this case, Holly does not deliberately develop expensive judgemental tastes, but she might have anticipated that she would do so. She may have known that she had a soft spot for glamour, and a desire to be admired. She would also have known that the lifestyle of the rich and famous comes at a price, and that that price was beyond her means. In such a scenario, although she was drawn towards her new judgemental tastes by her existing predilections and judgements of worth, the draw was not strong enough to make it the case that she would have experienced an alienation if she had not developed the lavish new tastes. It does not seem unreasonable to have expected her to take steps not to develop the lavish tastes that she would come to identify with, yet could not afford.

And the same can be said of more mundane examples. If someone joins a university, or a football team, or the cast of a play, they can anticipate that they may well come to identify with the values associated with the institution they sign up for. In some cases, they may feel a very strong draw towards the institution in question, and can plausibly claim that they cannot help developing the associated preferences. But in other cases, the draw will not be so strong, and although their judgement allows that they could develop the relevant preferences, they could equally avoid doing so without denying what is central to them. And if the costs attached to those preferences are expensive it does not seem unreasonable to expect the bearer to pick up the tab. They cannot claim it is bad luck that they have their new judgmental preferences, because they were not driven towards forming them, could have foreseen that they would acquire them, and failed to take steps to avoid doing so. In such cases, it seems reasonable to hold them negligently consequentially responsible.

The concept of negligence assumes, of course, that there is an imperative of some kind for people to ensure that the costs of their life don’t escalate, but this is precisely the rationale behind the EJT objection. It is grounded in the central egalitarian concern to protect people from exploitation, translated into the drive to disallow people from placing unfair burdens on others. In the case in hand, there is exploitation if people negligently develop expensive judgemental tastes that others then have to subsidise.

*The Expensive Judgemental Tastes Objection Rides Again*

What the discussion of this section has shown is that although both of the lines of response considered contain some important insight, neither is able to fully resist the EJT objection. Whilst in some cases it is plausible to claim it is a matter of bad luck that the market happens to put a high price on tastes one judgementally identifies with, this will not always be so. When settling on new judgemental tastes, the cost of which one is fully aware of, it is, in stable markets, not convincing to then turn round and argue that it is bad luck that the new
taste is expensive to fulfil. Similarly, although in some cases people might be drawn to judgmental preferences, rather than choosing them, this will not always happen. They can both artificially develop judgemental tastes to which they are not drawn by their judgment, and avoid developing tastes to which they are drawn, but not compellingly so.

The conclusion to be drawn from this, I take it, is that rather than advocate compensation for judgemental tastes across the board, regardless of their origin, a degree of responsibility-sensitivity should be reintroduced. Compensation ought to be conditional on such tastes being formed in the right kind of way. The ‘right’ way is, I hold, where judgemental tastes are formed authentically, in accordance with judgement, rather than artificially. When judgemental tastes are formed authentically, a person does not dictate the preferences her judgement drives her towards, leaving it a matter of luck which preferences she ends up with, and how expensive they are. Where preferences are not formed authentically, perhaps because judgement is somehow by-passed and the tastes are enforced on a person, either by themselves, or some extraneous pressure, then the preference reached is not a matter of luck, and compensation to enable the fulfilment of the preference may not be appropriate.

Of course, a policy of compensation towards judgemental tastes so long as they are authentically formed demands detailed accounts of the nature of judgemental tastes, and a clear distinction between authentic and inauthentic formation of such tastes. A means will also be needed to distinguish between those cases in which people genuinely cannot control the judgemental tastes they develop and those that they have sufficient leeway to avoid and could be held negligently responsible for.

As I mentioned above, this work will form the focus of chapter 4. For the moment, the conclusion of this section is that if compensation for expensive judgemental tastes is to be defensible, it cannot plausibly be universal and must be conditional on those tastes being formed authentically.

The question I turn to now is perhaps more fundamental: why should we, as a politically community, wish to compensate people for the cost of their judgemental tastes? So far the examination of this chapter has proceeded on the assumption that Cohen’s premise for compensating judgemental tastes has held: that it is unjust if those whose judgemental tastes happen to be expensive are less able to fulfil the tastes that are most important to them than others. Why, though, should we not hold that this apparent unfairness is preferable to others having to subsidise those whose judgemental tastes are expensive, as Dworkin would maintain? Addressing this question, I will argue, has important implications for constructing a defensible luck-egalitarian ‘cut’.
A simple but important point has been present in the discussion of this chapter: people have the ability to change their judgemental tastes. Even if they inherit a set of expensive judgemental tastes, they are not stuck with them indefinitely. But given that they can mould and shape them, and it is not therefore purely a matter of luck which ones they have, why should we not ask people to bear the costs of these tastes themselves, rather than impose on others the cost of providing subsidy? Even if we do acknowledge that these tastes are important to the person why should that importance outweigh that of protecting people from paying for the life choices of others?

Judgemental tastes cannot derive their significance from being ‘genuinely’ chosen, both because genuine choice forms an unconvincing basis for the ascription of consequential responsibility, and because this would not differentiate them from brute tastes. It is therefore worth exploring the source of the significance of judgemental tastes that supposedly merits a presumption that they ought to be subsidised. Doing so can help provide an answer to the question, facing any ‘cut’, of why resting responsibility on the proposed grounds should be thought sufficiently attractive to guide a society’s distribution of resources.

The normative appeal for compensating people for their judgemental tastes is cloudy. As just mentioned it cannot be down to their being straightforwardly a matter of luck, nor that they have the special or unique metaphysical status that genuine choice might confer. In advocating that people are not held responsible for their costs, Cohen certainly characterises them in terms that suggest they are normatively important – judgemental tastes are ‘deep’, they reflect an agent’s ‘whole personality’ and, should they be unfulfilled, would induce an ‘alienation’ - but never specifies exactly from where the import derives.

Their significance does not seem to be rooted in their importance to the core element of Cohen’s overall position of ‘equal access to advantage’: welfare. The argument here would have to hold that judgemental tastes are somehow more significant in terms of welfare than brute tastes, and moreover that they are sufficiently significant for people to have a claim to assistance, should they be expensive.

An argument of this kind is sometimes employed in justifications of religious accommodation. In such scenarios the members of a community as a whole are asked to absorb the costs of

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30 ETRA, p. 3.
enabling religious adherents to practice their religion – perhaps by making provisions to allow religious adherents leave from work to observe holidays. This practice imposes costs on non-adherents, who will have to cover the absence from the workplace. The welfarist justification is that such provisions are necessary to protect religious adherents from having to make wrenching, difficult choices between competing weighty, central values - in this case between livelihood and religious devotion\(^\text{31}\). The welfare costs involved in such decisions are sufficiently severe to merit accommodation\(^\text{32}\).

This justification of responsibility-insensitivity for judgemental tastes is unsatisfactory in two ways. The more straightforward is that it does not convincingly apply across the whole range of judgemental tastes, but rather to a sub-category of particularly fundamental judgemental tastes. Judgemental tastes include religious commitment, but also extend to such things as a taste for art books, or Mozart CDs\(^\text{33}\). It is not convincing to argue that people face wrenching, difficult choices when asked to bear the costs of these judgemental tastes. The argument for accommodation is based on the attraction of protecting people from substantial losses in welfare, whereas the tenor behind responsibility-insensitivity for judgemental tastes suggests very strongly that the welfare loss need not be large to justify the subsidisation of the cost.

The more subtle point is that the concern to safeguard people’s opportunity to fulfil their judgmental tastes does not seem to translate straightforwardly into a concern to protect people from certain costs – the cost of a difficult choice, or the cost in welfare of forgoing a judgemental taste. The compensation that Cohen advocates for those with expensive judgmental tastes is aimed to give them an equal ability to fulfil those tastes, it is not aimed, as an insurance payout might be, to counterbalance their welfare loss by providing them with resources to gain welfare elsewhere. The bundle of welfare lost cannot be satisfactorily replaced with a different bundle of welfare gained elsewhere. The importance of satisfying judgemental tastes seems to lie in their importance to an agent’s identity rather than their effect on his level of welfare.

This suspicion is reinforced by Cohen’s advocacy of distinct treatments towards brute and judgemental tastes. If Cohen was exclusively concerned to ensure that people had the opportunity to achieve the same level of welfare, it is not clear that this distinction could be justified. The fulfilment of brute tastes plays a significant role in determining an agent’s

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\(^{32}\) Note also that the provision of accommodation is not sensitive to whether the religious beliefs were chosen or inherited.

\(^{33}\) ETRA, p. 12.
overall level of welfare, and so there would not, on this basis, be a case for allowing their fulfilment to be responsibility-sensitive whilst maintaining responsibility-insensitivity towards judgmental tastes.

This suggests that the normative significance of judgemental tastes must lie in a more qualitative and less quantitative aspect of welfare. Backing is provided for this possibility by Cohen’s footnoted comments on the origin of the term ‘judgemental tastes’. Cohen draws on Dworkin’s distinction between ‘volitional’ and ‘critical’ tastes as a basis for the brute/judgemental taste distinction.\(^{34}\)

Discussing ‘well-being’ rather than fulfilled tastes, Dworkin states that “someone’s volitional well-being is improved, and just for that reason, when he has or achieves what in fact he wants. His critical well-being is improved by his having or achieving what it makes his life a better life to have or achieve.”\(^{35}\) Borrowing this distinction, Cohen might argue responsibility-insensitivity towards judgemental tastes is attractive because their fulfilment is essential for critical well-being. Responsibility-sensitivity is appropriate for brute tastes, though, which are constitutive only of volitional well-being.

Now, although I will argue that judgemental tastes do in fact have a particular normative significance, the challenge lies in incorporating their appeal into luck-egalitarianism. Even if we accept that judgemental tastes are ‘critical’ and have a special normative significance, this in itself does not entail either that responsibility-sensitivity or responsibility-insensitivity is appropriate with regards to them. It seems equally open to claim that, because judgemental tastes are significant, we ought to give people an equal opportunity to fulfil them, but that if they do not take that opportunity then that is their responsibility, as it does to say that their significance should lead us to compensate their bearers as a matter of course. There is nothing inherent to ‘critical’ preferences that renders either response especially appropriate or inappropriate. And equally, being ‘volitional’ does not obviously entail that people should be held responsible for the cost.

There is also the difficulty of specifying which tastes are critical and which volitional. The distinction can be spelt out in either objective or subjective terms. The importance of this is clear when one bears in mind that a taste being ‘critical’, for example, is intended to determine the ascription of responsibility for that taste. As such the distinction needs to navigate the problems that beset the ‘cuts’ considered in chapters 1 and 2. If it takes the objective route, as did the early Cohen with his genuine choice/chance cut, then the difficulty

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\(^{34}\) Ibid. footnote 11, p. 26.

\(^{35}\) SV, p. 242.
is in finding a solid basis for drawing the line. If it takes the subjective route, as with Dworkin’s personality/circumstances cut, then there is the problem that first-person measures are shifting and vulnerable to perversion.

And indeed, these difficulties are apparent with either option. The subjective approach, whereby each individual is the arbiter of which of his tastes are critical, and make his life better, runs into the problem that a person’s own view of his critical well-being is vulnerable to distortion. The anorexic typically regards his preference for low body-weight as critical, for example.

The objective route, which picks out those tastes that are ‘critical’ by means that do not rely on the agent’s own view of their importance, is equally problematic. It can be variously specified, of course, but one prominent option is to settle on an objective list, which picks out and specifies which tastes are critical to well-being and which not. What makes this approach unattractive is the difficulty and controversy involved in settling on any objective list.

These difficulties need not be fatal. With regards to the fact that the distinction between critical and volitional tastes does not itself entail any conclusions about the appropriateness of responsibility-sensitivity or –insensitivity, one could maintain that the distinction should still play a role in judgements over distribution, but find the grounds for responsibility-sensitivity or insensitivity independently. And the difficulties endemic to subjective and objective grounds will affect any account.

However, rather than pursue these additional avenues, I will argue that an alternative objective basis, which is suggested by Cohen’s work but not made explicit, can both explain the appeal of responsibility-insensitivity towards judgemental tastes (and responsibility-sensitivity towards brute tastes within a single rationale), and also avoid the use of a controversial objective list. The basis in question grounds the normative significance of judgemental tastes in their central location and role in the structure of the self, their importance to an agent’s integrity. At the same time, the strictures that operate on central tastes explain why their cost should, standardly, be treated as a matter of compensable bad luck. The normative case and the broadly metaphysical basis thus come together.

**Section V  Equal opportunity for integrity**

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Shiffrin, op cit. suggests such an approach, and offers criteria for selecting ‘critical’ tastes, without actually specifying a comprehensive list.
To establish the appeal of equal opportunity for integrity I will first describe its normative basis, which I argue makes better sense of a presumption of responsibility-insensitivity towards judgmen tal tastes than the alternatives so far considered. I will then show that, on the more metaphysical level, equal opportunity for integrity is able to deal with the EJT objection, and is also able to provide a justification for responsibility-sensitivity in the case of brute tastes. This position does, however, rely on a particular understanding of the self and its means of change, which itself requires some justification.

Take first the normative appeal of a presumption of responsibility-insensitivity towards judgemental tastes. The rationale for this presumption is that such tastes are integral to the person. What makes respecting the integrity of the person important is not the potential welfare loss involved in asking people to leave unfulfilled or change their judgmen tal tastes, but the fact that judgmen tal tastes are constitutive of a person’s deepest self. The alienation a person might experience in being denied the opportunity to fulfil a judgemental taste is not explained by the costs of trying to change, or having to make wrenching decisions, but in the inability to express who he most fundamentally is.

Moreover, respecting the integrity of the person does not rely on a contentious ethical view of which of a person’s tastes are critical and which volitional. It is not related to the content of a taste, what a taste is for, but rather the role the taste plays in an agent’s personality. This is a broadly metaphysical question, to do with the central place and role of a taste in a person’s identity.

Equal opportunity for integrity embraces, and develops, the notion that compensation for expensive judgemental tastes ought not to be responsibility-sensitive. As such, it requires an explanation not just of why people’s central preferences are normatively significant, but also of their link to ascriptions of luck-egalitarian consequent ial responsibility. It needs to be clear what the basis is for considering their cost a matter of compensable bad luck.

This is where the metaphysics of the self comes back in. The argument of equal opportunity for integrity is that people’s ability to manipulate their judgemental tastes is constrained by the integrity of their personality. This broadly metaphysical claim will be explained more fully in the next chapter. The core idea, though, is that discussed above, that due to the constraints imposed by integrity people cannot help the costs of the judgemental tastes they settle upon. When it comes to settling on those tastes that reflect our judgement, we may
be able to start the process of examination and evaluation, but it is not up to us what we conclude. The conclusion we reach, and the associated cost, is largely a matter of luck\footnote{I am assuming that luck-egalitarians will not want to restrict people’s opportunity to start the process of evaluation. I examine the relationship between responsibility-sensitivity and self-evaluation in chapter 5.}.

However, as the examination of section III demanded, the metaphysical picture at operation also makes room for the EJT objection by drawing a distinction between change to judgemental tastes that respects integrity, and change that does not. This distinction hinges on the fact that people can change their personality in the manner dictated by their judgement, but they can also manipulate their personality in ways that circumvent, or contradict their judgement. This is the difference between, on the one hand, Holly forcing upon herself the values of the army via a stint at military college, and, on the other, being powerfully drawn towards and reaching a reasoned admiration of the values of NY high society. In the former case she is able to deliberately manipulate her values, but doing so does not reflect her judgement. In the latter, she is driven to a conclusion by the judgement that emerges from, and is consistent with, her existing personality. Compensation is appropriate in the latter case, where she does not dictate the preferences that her judgement drives her towards, leaving it a matter of luck, but not in the former, where, bypassing the integrity of her personality, she has sufficient room to manoeuvre to avoid the costs attached to her deliberately-selected judgemental tastes.

Unlike the alternative bases for responsibility-insensitivity considered in the previous section, equal opportunity for integrity carries the advantage that its rationale for compensation or otherwise extends to brute tastes. Brute tastes are those tastes that are not central to a person’s identity, so asking someone to change them does not amount to asking them to violate their integrity. Equally, the diminished role of judgement in shaping brute tastes means that people typically have more leeway to respond to the cost of the object of their tastes, so there is a lesser case for construing their cost as a matter of luck. Where this leeway is present it is reasonable to ask people to bear the costs of their brute tastes themselves. The political/normative case and the metaphysical case for compensating expensive tastes are aligned.

However, the fact a person is not bound by their integrity when it comes to the manipulation of brute tastes does not mean that a Dworkinian strict liability approach is appropriate. Where integrity is not threatened, responsibility ought still to be assessed according to whether it is reasonable to expect someone not to have developed an expensive taste, or whether he could reasonably be asked to shed it. The distribution of resources ought still to be sensitive to the differential effects of brute luck, so that if people were not responsible for
forming, and are unable to change, their expensive brute tastes it is unreasonable to ask them to bear responsibility for their costs.

Importantly, the same rationale applies to deliberately-acquired ‘artificial’ judgemental tastes, those acquired by judgement-circumventing means. The process of coming upon them may not have been constrained by judgement, but that does not necessarily mean that their bearers ought to be held responsible for the cost. It may be that people are unable to shed their ‘artificial’ judgmental tastes, or unable to do so without great difficulty. In such cases it is appropriate to ask how they came to have such tastes, and whether it is reasonable to hold them responsible for the outcome. They might have deliberately manipulated their judgemental tastes to become part of the ‘It’ crowd. If so it may be appropriate to hold them responsible for the cost of their judgemental champagne tastes. It might, on the other hand, be that their expensive judgemental tastes were drilled into them against their will, military-style, in which case they ought not to be held responsible for the cost.

Significantly, though, the appropriate response to expensive brute tastes and ‘enforced’ judgemental tastes will differ from that of judgemental tastes acquired in accordance with an agent’s judgement. In all three of these categories, it may be fitting to absolve people of the expense of their tastes. However, in the case of brute and ‘enforced’ judgemental tastes the compensation can consistently come in forms that do not respect the taste in question. That is, it might be suitable to provide compensation in the form of therapy, or assistance in changing the expensive taste, whereas in the case of the judgementally-acquired judgemental taste compensation is aimed to enable the fulfilment of that taste, not to change it or to fulfil alternatives. This rationale can be illustrated by the different treatment that might be offered to two people with expensive religious commitments, one who has come to the tastes in accordance with her judgement, the other who has been indoctrinated into a cult. Assistance from others might be appropriate to both, but only in the former case need that assistance respect the judgemental taste.

Equal opportunity for integrity thus argues against a strict liability-type approach to tastes which are not formed under the constraints of judgement. But the more fundamental question arises of why responsibility-sensitive distribution is suitable at all with regards to these tastes. Where brute tastes are chosen the reason it is appropriate to ask their bearer to bear the cost cannot be because the choice is ‘genuine’ and therefore is a genuine reflection of undetermined agency. The implausibility of this grounding was demonstrated in chapter 1. Nor can the reason plausibly be simply that we routinely hold people responsible for their brute tastes in our everyday ethical lives. Chapter 2 illustrated that this basis was
vulnerable to societal vagaries, and moreover, was blind to the bad luck of disadvantageous inherited preferences.

The difficulties surrounding ‘genuine’ choice, nevertheless suggest that the most promising avenue is to adopt a revised and fortified version of the second route, which draws from everyday ethical practice the presumption that people ought ordinarily bear the costs of their tastes, but avoids some of the uncertainties and unfairness of blindly mimicking the practices embodied in every ethical life.

Of course, taking this kind of route runs into the problem, persuasively highlighted by Rawls\textsuperscript{38} that choice and effort can be influenced by the fortune of family upbringing and genetic inheritance. As a result, rendering distribution responsibility-sensitive, even if only towards brute tastes, will give some unwarranted advantages over others.

The route to navigating and containing these difficulties is to understand the responsibility for those tastes that are not constrained by integrity as a kind of role responsibility\textsuperscript{39}. It is attributed not on the basis of people’s ultimate responsibility for the choices they make, but rather on their ability to perform the relevant role, that of an agent who takes responsibility for the cost of the life they lead. The motivation for implementing an expectation of such responsibility can be rooted in the desire to prevent exploitation. A failure to bear the costs of one’s behaviour can be construed as exploiting those who have to provide the subsidy. This places an expectation on each person to regulate the cost of their life so as not to demand a share of resources that exploits others. This has obvious parallels with Dworkin’s demand for each person to bear the cost of the life they lead, but in this case the realm in which they are asked to is significantly restricted (it excludes judgemental tastes and those in which people are not responsible for forming or able to shed brute tastes), and the justification is not simply because it mirrors standard ethical practice.

Responsibility for this role is predicated on reaching a minimal level of competency to make decisions and direct one’s life. Although there will be differences in people’s inherited preferences and predilections here, for the reasons Rawls suggests, it is appropriate to demand this kind of responsibility from all those who reach the competency threshold because the influence of inherited character here will be weak, and so the room for manoeuvre generally larger. People will not be so constrained by their integrity, by the bonds of their (potentially inherited) personality. Moreover, the risk of injustice is mitigated

\textsuperscript{38} See ‘The Aversion to Metaphysics’ section in the Introduction.

because integrity, the opportunity for which is safeguarded, is not threatened if brute tastes are not fulfilled.

People will only be excused from this role-responsibility – and consequential responsibility - when they are unable to fulfil the role – due to the constraints of integrity and inability discussed above.40

The other side of this equation, of course, is that people are not, ordinarily, asked to bear the costs of their judgemental tastes. The rationale can be seen as a recognition, initially brought to the fore in chapter 1, that people’s choices here are heavily bound and constrained by their inherited character. The Rawlsian concern that some will be disadvantaged relative to others by their genetic and social inheritance is thus taken on board as a reason to restrict responsibility-sensitive distribution in these cases.

Equal opportunity for integrity is thus a composite position that responds to the metaphysical problems of Cohen’s early cut, as well as Dworkin’s concern that the role a preference plays in an agent’s personality ought to inform ascriptions of consequential responsibility. It does not rely on metaphysical libertarian free choice, and takes into account the potential unfairness of the constraints of inherited character to propose a position that allows responsibility-sensitivity where people have room to manoeuvre and their integrity is not threatened, but does not hold people consequentially responsible where their choices are constrained by, and made in accordance with, the bonds of their central self. They are thus provided with an equal opportunity for integrity.

The Metaphysics of Integrity

One of the central arguments of this thesis is that luck-egalitarianism needs to pay more attention to the foundations upon which it is built, and that edict is no less pertinent here. The claims that underlie equal opportunity for integrity themselves require significant metaphysical justification. Two aspects of the position are particularly in need of foundation. The first is the notion of integrity. An account is needed of which parts of personality, and in

40 Role-responsibility has here been justified largely negatively, by appeal to the absence of reasons against people playing the role. There may also be positive arguments in its favour, such as a positive recognition of people’s capacity to take charge of their life where integrity is not at issue. See Bruce Waller, “Responsibility and the Self-Made Self”, Analysis, 53 (1993) pp. 45-51. I will consider the effects of responsibility-sensitivity on decision-making capacities in chapter 5.
virtue of what, are constitutive of 'integrity', and what distinguishes them from brute tastes. The second is the distinction between integrity-preserving ('judgemental'), and integrity-undermining ('artificial') change to tastes.

The language, drawn from Cohen, used so far to describe those tastes that are constitutive of integrity has been somewhat emotive, and somewhat imprecise. These are the tastes that an agent identifies with, but the way identification is fleshed out has been variously construed. The relevant tastes have been characterised as 'reflecting judgement', as being 'deep' or 'central', reflecting an agent's 'whole personality', and as being those whose denial would induce 'an alienation' in their bearer. These terms might convey the broad idea, and appeal, behind respecting integrity, but they have the potential to conflict. The person who judges art books superior to dime novels might nevertheless not care much for reading, so that the taste 'reflects his judgement', but not his 'whole personality'.

To provide a coherent basis for equal opportunity for integrity, an account is needed that reconciles these potential tensions. The task can be broken down into three key stages. The first step is to isolate those tastes that are central to an agent, such that they ought to be respected in order to respect integrity.

The lessons from the previous chapters are that these tastes, though, need to be both central and approved of. The preference must reflect the personality an agent wants to have, rather than just the, perhaps inherited, personality he does (happen to) have. The second key task, then, is to state with precision what it means for an agent to identify with a central preference. It must be clarified what relationship obtains between a preference and the rest of an agent's personality for it to be the case that the agent identifies with the preference. Moreover, the identification must be sufficiently robust to avoid the vagaries that afflicted Dworkin's reading of identification.

As the discussion of the previous chapter also showed, identification cannot plausibly form the basis for ascriptions of consequential responsibility unless an agent's personality is formed authentically. Robert Harris, recall, genuinely identified with his malevolent preferences, but could not be considered consequentially responsible for them due to their warped formation. The third key step is to provide an account of the authentic development of personality that excludes this kind of worry and enables identification to provide the basis for consequential responsibility.

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41 Ibid p. 7.
42 Ibid p. 12.
43 Ibid.
The other principal metaphysical challenge is to provide an explanation of the distinction between changes to the self that are integrity-preserving, and those that are integrity-undermining. This distinction will need to explain how the relationship between a central preference and the rest of an agent’s personality constrains choice, but allows people to develop new judgemental tastes that maintain their integrity, and what happens when those constraints are circumvented, and integrity undermined. An explanation will also be required of why brute tastes are not bound by the same constraints.

**Conclusion**

In light of the problems afflicting the attempts to make consequential responsibility dependent on ‘genuine’ choice or to base it on the ascriptions of responsibility made in everyday ethical practice, this chapter has investigated a reading of luck-egalitarianism that might be thought to run in-between the two. It has examined the impact on responsibility of the role of a preference in an agent’s personality, but also the impact of luck on the process by which preferences are formed. In particular, it has examined the idea that the expense of a taste with which a person strongly identifies ought to be considered a matter of compensable luck, whilst the cost of brute tastes, should be considered their own responsibility.

My argument has been that this position can be justified by four claims. Firstly, rather than responsibility being attributed only where a preference has been genuinely chosen, there must be a presumption that a person is responsible for the cost of the life she leads. This presumption is necessary to prevent some exploiting others by asking them to subsidise costs they could avoid, and can be understood as a kind of role responsibility. People are asked to play the role of guardians of the cost of their lives.

The second important step, though, is that this presumption should be reversed in the case of judgemental tastes, those which reflect an agent’s judgement, are integral to his person, and with which he strongly identifies. The importance to the person of fulfilling these tastes means that compensation is, standardly, appropriate for expensive judgemental tastes, irrespective of how they were acquired. This prevents people from having to change or leave unfulfilled those tastes that are most central to them, thereby violating their integrity as a person.

Thirdly, however, rather than taking a one-size-fits-all approach, so that people are responsible for the costs of all their brute tastes but none of their judgemental tastes, judgements of responsibility must be sensitive to how those tastes are reached, and the
implications of an agent being asked to shed them. If a person is able to shed or prevent himself developing a taste without threatening the integrity of his person, then he should bear responsibility for its cost. Responsibility-sensitivity is appropriate for both brute and judgemental tastes. This circumvents the EJT objection, and renders the distributive ideal an opportunity ideal.

The fourth step brings together the second and third. The reason that it is attractive to have a presumption of compensation for judgemental tastes is not simply their normative significance, but also the constraints under which they are formed. That is, although they do gain normative significance from their centrality to a person’s identity, it is the role of luck in the formation of judgemental tastes that justifies luck-egalitarian compensation. When formed authentically, people do not directly choose their judgemental tastes, but are driven towards them by their judgement, rendering their cost a matter of luck.

These four steps justify what I have called of equal opportunity for integrity. However, the outline presented in this chapter amounts to only half the necessary job. Its appeal and form has been sketched, but its foundations require metaphysical backing. Whether a plausible account of the structure and development of the self can be established that provides the necessary support is the question that will be addressed in the next chapter.