EQUALITY OF OPPORTUNITY FOR WELFARE DEFENDED AND

RECANTED

Richard J. Arneson

Kasper Lippert-Rasmussen's interesting criticisms of the ideal of equality of

opportunity for welfare provide a welcome occasion for rethinking the requirements of

egalitarian distributive justice.[1] In the essay he criticizes I had proposed that insofar as

we think distributive justice requires equality of any sort, we should conceive of

distributive equality as equal opportunity provision. Roughly put, my suggestion was

that equality of opportunity for welfare obtains among a group of people when all would

have the same expected welfare over the course of their lives if each behaved as

prudently as it would be reasonable to expect her to behave. My specific proposal was

more demanding, holding that when an age cohort reaches the onset of responsible

adulthood, they enjoy equal opportunity for welfare when for each of them, the best

sequence of choices that it would be reasonable to expect the person to follow would

yield the same expected welfare for all, the second-best sequence of choices would also

yield the same expected welfare for all, and so on through the array of lifetime choice

sequences each faces. (In the jargon of my 1989 essay, equal opportunity for welfare

obtains when everyone faces effectively equivalent sets of life options.)

Think of an individual facing a world that is fixed except for her choices, so that

for each lifetime sequence of choices she might select a definite expected welfare

attaches to that selection. The relevant best sequence of choices the individual faces--the

best effective opportunity the individual has--is the one the yields her the highest

expected welfare given that she chooses as prudently as it would be reasonable to expect.

The more difficult and painful it is for an individual to make a best choice, the less

reasonable it is to expect that she will make that choice. In other words, people have

equal opportunity for welfare when the cards they are dealt are such that if they play their

cards as well as one could expect, they gain the same expected welfare, and if they play

worse than this, their less than best options are matched in expected welfare.

To see the appeal of the proposal, consider what we would take to be unfair about

the outcomes that individuals get in the stylized model of a capitalist economy as

characterized by Karl Marx. In Marx's scenario, most individuals have no option except

to work at unskilled labor that pays a bare subsistence wage and has the quality of

drudgery, whereas a few individuals are born to great wealth in the form of means of

production and can best deploy this wealth by hiring others to manage and work their

capital. Most people are confronted initially by a miserable set of life prospects, which

condemns them to a meager existence, whatever choices or efforts they might make. A

few are confronted initially by a rich set of opportunities, which falls on them through no

merit or choice of their own, for which they might claim responsibility. What is unfair in

this scenario is the disparity in the initial unearned opportunities that individuals face. If

instead all individuals were pictured as starting out on an equal footing, and then some

work diligently and become rich, whereas others laze about, squander their opportunities,

and become poor, the inequalities in life prospects that the market economy sustains

would no longer appear clearly unfair.

But the notion of starting out on an equal footing here needs explication. Suppose

you and I start out with identical material resources, but you are favorably endowed from

birth with native talent and a zest for hard work, whereas I am born lacking talent and finding work extremely aversive. Even the ability to make reasonable and prudent use of such talents and useful personal traits as one has is itself an ability that is distributed unequally across persons. Even if our initial material resources are identical, you and I do not have equal opportunity to lead a choiceworthy life if we are endowed with unequal abilities to transform resources into a life of desirable quality. So true equality of opportunity obtains between two persons only when their material resource allocations are adjusted and the social environment altered in other ways so that if each behaves as prudently as it would be reasonable to expect over the course of her life, each has the same expected welfare (and in addition, the less than best sequences of choices that the individuals might select are also matched in expected welfare).

THE FIRST OBJECTION

Whatever its initial appeal, the equal opportunity for welfare ideal just characterized is evidently flawed.[2] For two individuals could enjoy equal opportunity for welfare in this sense yet one suffers unavoidable misfortune and hence has a far worse life than the other through no fault or choice of her own. Lippert-Rasmussen illustrates this point with the example of two individuals who have no choice but to live near active volcanoes. For all of the possible life choice sequences that either individual could take, the same chance that the volcano in her vicinity will erupt and cause her damage accompanies that choice. Each individual makes a reasonable choice of how to live, and we may add that both agents are equally endowed with talent and choicemaking ability and other personal traits that influence one's ability to fashion a good life from one's circumstances. But a roulette wheel spin of fate brings it about that the volcano near

one individual erupts and kills her at a young age, whereas the volcano near the second individual does not erupt, so she lives a long life high in welfare. But the very different fates of the two individuals does not gainsay the fact that they enjoy equal opportunity for welfare with opportunity defined in terms of the expected welfare one's circumstances provide.

Equal opportunity for welfare now appears capricious. The imperative of distributive justice is asserted to require that bad luck in people's initial circumstances and personal endowments is evened out, so that as they begin adult life, each person enjoys equal expected welfare on the best path that is reasonably available to her, and a similar equality for all of their corresponding worse paths as well. But why does sheer bad luck that befalls an individual after this canonical moment redistribution demand no redress, while similar sheer bad luck that befalls an individual prior to the canonical moment demands full redress?

We can avoid having to answer this question by making a slight change in the equal opportunity for welfare ideal. Call it *equal opportunity for welfare in the strict sense.* Strict equal opportunity obtains among a number of people just in case at the onset of adulthood they face option sets such that if each behaves as prudently as could reasonably be expected, all will attain the same level of welfare over the course of their lives. When strict equal opportunity obtains, no one is worse off than others through no fault or voluntary choice of her own. Lippert-Rasmussen suggests a somewhat similar revision of the equal opportunity ideal that restricts the scope of the principle "to cases in which people have effectively equivalent options which involve *no* risks" (p.), then objects that this revision will not work because the scope restriction is too severe since

virtually all our choices involve risk and not one certain outcome. But this objection has no force against strict equal opportunity. Strict equal opportunity can be achieved even when the choice sets that confront agents involve unavoidable risk such as in the volcano example. In order for strict equal opportunity for welfare to obtain, it must be the case that any windfall gains that some agents get and sheer misfortunes that others suffer are fully offset by compensation after the fact, so that it remains true that agents who behave with comparable prudence will gain the same level of welfare (utility) over the course of their lives. At least, strict equal opportunity can be fulfilled so long as the unavoidable misfortune that befalls people is fully compensable. If it is held, as is plausible, that some harms such as premature death are noncompensable, then strict equal opportunity cannot be completely fulfilled, but this is not a defect in the principle, but just a fact of life.

Although equal opportunity for welfare can be revised successfully to meet Lippert-Rasmussen's objection, this strict equal opportunity view is nonetheless unsatisfactory. It requires that people who behave virtuously prudently to the same degree should get the same welfare. But consider two individuals who initially enjoy equal opportunity for welfare in this sense but then voluntarily engage in high-stakes gambling. Let us say they are both equally reasonable and virtuous to the same degree; for both individuals, engaging in high-stakes gambling makes sense. One person emerges from the gambling episode far better off in lifetime expected welfare than the other, and we can add, actually ends up with far more welfare. But this result violates strict equal opportunity, which could be upheld only by transferring money from the loser

to the winner so that all who are equally virtuously prudent (as prudent as it would be reasonable to expect) get the same welfare.

Let us grant that someone who gambles might be behaving imprudently yet not falling below the standard of doing as well as one should expect, given the how difficult and painful it would be for this agent to make and execute the prudent choice. In such cases a sensible egalitarianism might require compensation to assist the agent who has imprudently squandered his resources by excusably imprudent conduct. But the objection against strict equal opportunity for welfare is that if two agents face an initially fair array of opportunities and then reasonably and prudently engage in high-stakes gambling, no sensible egalitarian principle that caters to considerations of responsibility should recommend that the gambling outcome be undone and the winner made to transfer his winnings to the loser to restore the status quo ante.

This line of thought suggests the desirability of a further revision in the principle of equal opportunity for welfare. The revised principle should dictate compensation for losses sustained in the "volcano" cases but not in the "voluntary gambling" scenarios. Here then is a first try at a *revised equal opportunity principle*: Equal opportunity for welfare obtains among a number of persons when at the onset of adult life they face an array of options such that if each behaves as prudently as it would be reasonable to expect, each obtains the same welfare over the course of her life, with one exception. The exception is that when individuals face an array that includes risky and satisfactory nonrisky alternatives (so that the choice of a risky alternative can be voluntary), the best risky life choice for each individual offers the same expected welfare. Finally, in keeping with the demanding spirit of the original proposal, we further insist that for all the

individuals, their life choices that do not involve voluntarily incurred risk must be matched, so that the first-best choice provides the same welfare for each, the second-best the same, and so on, and f or life choices that do involve voluntarily incurred risk, the first-best choice for each provides the same expected welfare, the second-best the same expected welfare, and so on.

The revised equal opportunity principle claims that some inequality in the life outcomes that people reach is unobjectionable from the standpoint of egalitarian justice. Faced with equal opportunities, one person may choose reasonably to sacrifice his welfare for the sake of another person or a good cause. Provided the sacrifice is not obligatory and in that sense compelled, it does not offend against egalitarian justice that this individual ends up lower in welfare than someone who pursues her own self-interest assiduously within the limits of moral obligation. Faced with equal opportunities, one person may prefer a risky life course while another plays it safe, and again, it need not offend against egalitarian justice that the risk seeker ends up better or worse off in welfare than the risk avoider. Faced with equal opportunities, one person may behave nonvirtuously imprudently, squandering his prospects deliberately, negligently, or recklessly, and this person's behavior may be less reasonable than one should expect, taking into account the person's traits and talents that make it more or less difficult or painful for him to make and execute a reasonable choice of life course. Such nonvirtuously imprudent agents might behave in ways that predictably make them worse off in welfare than others, and once again, this unequal outcome does not offend against egalitarian justice as I would conceive it. The revised equal opportunity principle distinguishes between sheer good or bad luck that rains on a person in ways that are

beyond his power to control and good or bad luck that individuals enjoy as they voluntarily pursue life choices that include lotteries.

Here it may be useful to bring in terminology introduced by Ronald Dworkin. Dworkin distinguishes between *brute* and *option luck*: "Option luck is a matter of how deliberate and calculated gambles turn out—whether someone gains or loses through accepting an isolated risk he or she should have anticipated and might have declined. Brute luck is a matter of how risks fall out that are not in that sense deliberate gambles."[3] The idea of option luck bundles together several considerations, each of which varies by degree. A pure brute luck risk falls on the individual no matter what life options she chooses and cannot be altered by any coping behavior the individual might take. If we start with a case in which risk of volcanic eruption is the same no matter what one does, we might then imagine that the individual has one rather unattractive option that avoids this risk, perhaps by a difficult migration to an inhospitable site that is volcano-free. We can then alter the brute luck risk toward option luck by increasing the number and attractiveness and variety of the volcano-free life options available to the individual. We might also imagine gradually increased availability of catastrophe insurance that would pay out if the individual suffered volcano eruption loss. We can also imagine that more coping strategies become available to the individual that at some cost would decrease the chances that he would suffer severe damage if a nearby volcano erupted or dampen the severity of any significant risks of harm he must suffer.

In the light of this discussion, the revised equal opportunity principle appears to me to be on the right track. People have equal opportunity for welfare, roughly, if each faces an initial array of life options such that each would get the same welfare over the

course of his life if each behaved as prudently as it would be reasonable to expect. A first complication is that if lotteries (chances of getting goods and bads) are imposed on individuals in ways they have no power to control after the initial arrangement of options, then equal opportunity requires that the outcomes of these lotteries are fully offset by transfers. A second complication is that insofar as individuals voluntarily choose to accept lotteries, equal opportunity for welfare for welfare obtains provided that the expected welfare from the package of lotteries each individual would choose from her initial array of options if she were behaving as prudently as it would be reasonable to expect over the course of her life is the same. A third complication is that full equal opportunity for welfare requires not only that the best sequence of choices effectively available to each individual is equivalent in certain welfare and expected welfare but that the entire fan of people's second-best, third-best, and so on sequence of choices is matched in welfare and expected welfare. A fourth complication is that since many lotteries that individuals face are neither entirely imposed (brute luck lotteries) nor entirely voluntarily chosen (option luck lotteries) but are variously mixed, full equal opportunity for welfare requires that the brute luck components of these packages be offset by transfer and compensation after the fact and the option luck components be matched for expected welfare conditional on expectably reasonable coping behavior by the individual in the face of these mixed options. I will not here attempt to state a principle that fully incorporates all four complications, so I am here pointing in the direction of a best equal opportunity for welfare principle rather than formulating it.

To sum up: Lippert-Rasmussen objects that equal opportunity for welfare as I defined it is unsatisfactory because, in Dworkin's terms, it fails adequately to

discriminate and respond appropriately to brute luck and option luck that individuals encounter over the course of their lives. My response is that the objection shows that my formulation needs to be revised but does not show any deep flaw in the project of conceiving of egalitarian distributive justice as requiring provision of equal opportunity for welfare.

THE SECOND OBJECTION

Lippert-Rasmussen has another objection that to my mind cuts deeper. But the objection raises several issues, which need to be distinguished and assessed.[4]

Lippert-Rasmussen presents the example a two-person society consisting of Charlotte and Dorothy, who face almost effectively equivalent options. Their first-best through ninth-best options offer the same level of welfare to each, but Charlotte's tenth-best option is worse than Dorothy's. Lippert-Rasmussen then asks why any sort of concern for equality or egalitarianism should register as a concern for the quality of people's nth-best options. Shouldn't this matter be a "Don't care" from the standpoint of egalitarian justice? We can imagine variants of the example that seem to reinforce this suspicion. In one variant, Charlotte and Dorothy both pursue their first-best options and end up with equal welfare. Lippert-Rasmussen asserts that in this scenario the situation is in no way bad with respect to egalitarian values, contrary to what the equal opportunity for welfare approach must affirm. In another imagined variant, Lippert-Rasmussen stipulates that Charlotte negligently chooses her second-best option and ends up worse off than Dorothy, who prudently chooses her first-best option. But since Charlotte has enjoyed less opportunity for welfare than Dorothy, the equal opportunity for welfare standard must hold that Charlotte should be compensated for this opportunity deficit.

This is said to be implausible on the ground that it might well be that the opportunity deficit is causally irrelevant to the outcome that comes about: Charlotte would have chosen the second-best option regardless of what the quality of her tenth-best option would have been. Lippert-Rasmussen makes the interesting suggestion that a lesson we ought to have learned from Harry Frankfurt is that the availability of alternative options is not necessary for a person to be morally responsible for a choice that she makes and for the consequences of the choice. Applied to the distributive justice issue, the implication of the Frankfurt insight is that if an individual faces worse opportunities than others, but comes to a bad outcome for himself through his own will, which would not have varied had his options been better, then the absence of better options does not diminish the individual's responsibility for the bad quality of life his freely chosen action produces.

These observations mix insight and confusion. The first point to notice is that it is not true that nothing could sensibly matter to egalitarian justice except the quality of individuals' first-best options. We should be clear that "first-best" refers to the option that is the best from the standpoint of the agent's own self-interest. The first-best option available to an agent yields more utility or welfare for her than any alternative she might choose. But an individual might sensibly choose some other path in life; she might sacrifice her own welfare for the sake of someone she cares about or for the sake of some nonobligatory good cause. (To avoid complications that are irrelevant in this context we should think of the first-best option as the one that the agent would seek if she were being maximally prudent within the limits of strict moral requirements.) If Charlotte's and Dorothy's first-best options are the same, but Dorothy has the option of caring for her ailing mother without much reducing her own utility, while Charlotte has no comparable

second-best option, and if she cares for her mother, her own life goes to ruin, then Charlotte in a clear sense has more positive freedom than Dorothy—she has more freedom to lead a life of her choosing that achieves ends she values while catering adequately to her own personal welfare. In Lippert-Rasmussen's scenario, Charlotte's and Dorothy's options are effectively equivalent except that Charelotte's tenth-best option is worse than Dorothy's. But though tenth-best, the option might be perfectly reasonable to choose. Suppose Dorothy has the option of becoming a missionary, doing good by her lights to the world's truly needy, while also maintaining a high level of welfare, whereas Charlotte's has no such do-good option that does not grossly detract from her own welfare. With a better tenth-best missionary option in place, Charlotte might actually have chosen that way of life and been reasonable to do so. I see no reason to disparage the extra freedom that Charlotte has and Dorothy lacks in the example. IF justice consists in equal opportunity provision, then ideal justice would require equivalence in the full array of options available to persons, not just equivalence along the first-best track.

But the "IF" in the last sentence is a big if. My own current view is that while conceiving of egalitarian justice as equal positive freedom has some attraction, it is not in the end satisfactory. Notice that providing all individuals in society effectively equivalent options is surely a utopian ideal in a bad sense: In most circumstances there would be no conceivable way this goal could be reached. But even leaving this point aside, providing a rich array of options to individuals is costly, and some individuals might reasonably prefer not to have maximal freedom but to have something else instead. It might cost ten million dollars to provide Charlotte ten option matches in welfare to

those Dorothy already has, but Charlotte might prefer less freedom but a better first-best

or second-best option, which could be provided at much lower cost. In this way equal

opportunity for welfare is massively in conflict with the value of efficiency in the

economist's sense, and I regard Pareto efficiency as one aspect of distributive fairness,

though not by any means all that such fairness involves. More generally, I am inclined to

regard the freedom to achieve welfare as a great and important means to gaining

outcomes that people reasonably value rather than to regard this freedom itself as the

overriding justice value.[5]

If we thought that justice required the provision of equal freedom of a certain sort

to all individuals, we would not retract our claim when it is pointed out that some people

will surely abuse their freedom. But consider a case in which it is known in advance that

one can provide a genuine opportunity to Smith, which would enhance his life if he

exercised it prudently. The opportunity is not merely formal, but is an effective

opportunity, in the sense that if Smith behaved as prudently as it would be reasonable to

expect, he would make good use of the opportunity and it would enhance his welfare.

This is all consistent with its also being the case that we know for certain in advance that

Smith will not use the opportunity, and its provision will not enhance his (or anyone

else's) welfare. One might say opportunity provision in such a case is pointless, and

whatever distributive justice obligation we might ordinarily have to supply Smith with

this opportunity lapses once we know that the opportunity if provided will do no good.

But this judgment could hardly make sense if opportunity provision were morally

valuable for its own sake. The opportunity is no less an opportunity just because it is

known it will be wasted. I think the most plausible view to take here is that opportunities

are valuable as means to what matters morally for its own sake, not fundamentally morally valuable in and of themselves.

A qualification: In one significant respect it is wrong to regard equal opportunity for welfare as a positive freedom ideal. Suppose I have very poor choicemaking abilities and am prone to self-destructive recklessness. In order to provide me with a fair level of opportunity for welfare, it may be necessary to restrict my freedom paternalistically by withdrawing some bad but seductive options from my set of available options. Suppose this is not done. For simplicity, suppose that so long as heroin usage is among my life options, I will take that option to my disadvantage. It might be the case that it would be unreasonable to expect me to behave more prudently to the extent of refraining from choosing the drug addict lifestyle. On a fine-grained account of moral responsibility that lets my degree of responsibility (liability to blame) for a bad choice vary with the difficulty and pain of avoiding it, I would not be fully morally responsible for choosing heroin. In such a case, more opportunity for welfare can be secured for me only by restricting my freedom. More opportunity can accompany less freedom.

Lippert-Rasmussen's application of Frankfurtian insight to the analysis of distributive justice suggests a genuine difficulty with views of distributive justice that take opportunity provision to be fundamental. But I don't think the determination whether an agent is morally responsible for a choice interlocks in any simple way with the determination whether society is responsible for improving the array of options from which choice is made or compensating an individual for the bad consequences of his choice that fall on himself. An agent who is allocated an unfairly inadequate array of options by society may nonetheless choose culpably badly among his limited options and

be responsible (blameworthy) for the bad outcome he suffers. The individual's responsible choice does not gainsay the responsibility of society to have provided him a better menu of options. Nor does the agent's responsibility per se settle the further issue whether society ought to compensate him to offset or mitigate the welfare loss he suffers as a result of his culpable choice. For one thing, the agent's culpability might be slight, but the bad consequences he suffers from this slight fault might be catastrophic, and reversible if society intervenes to offer compensation. There are at least three different senses of "responsibility" in play here that need to be distinguished. Society is responsible in the sense of obligated to provide the fair deal to individuals that distributive justice requires. The individual is responsible in the sense of liable to praise or blame depending on whether she makes and executes a choice that falls below, meets, or exceeds the standard of how well it would be reasonable in her circumstances to expect her to behave. The individual may also be deemed responsible in a different sense for the quality of the consequences that fall on her as a result of a choice she makes. She may be deemed responsible for these consequences in the sense that it is morally acceptable that she bear them (no one is obligated to compensate her if these consequences to herself involve reduced welfare).

In the end I agree with Lippert-Rasmussen that the best interpretation of the ideal of distributive equality is not equal opportunity for welfare. My reason for agreeing is that I think that what matters fundamentally from the moral standpoint is not the opportunities one gets but the outcomes one's opportunities generate. I don't draw the inference that the best interpretation of the ideal of distributive equality is equality of outcomes, for this would be to leave out of account entirely the concern for personal

responsibility that the equal opportunity ideal was an attempt to capture. I now suspect

that responsibility considerations should be integrated not into any principle of equality

but into the view Derek Parfit has called prioritarianism.[6] According to this principle,

institutions should be arranged and actions chosen so as to maximize the moral value of

securing gains and avoiding losses for people. The moral value of a gain secured for a

person is (1) greater, the greater the utility or welfare it affords the person and (2) greater,

the lower the person's lifetime utility or welfare prior to receipt of this gain.

Responsibility-catering prioritarianism modifies this view to incorporate the idea that

considerations of responsibility matter morally for their own sakes, not just as means to

securing other values. Another factor that affects the moral value of securing a gain or

avoiding a loss for an individual is that (3) if she is worse off in welfare than others, the

moral value of the gain we might achieve for her is greater, the lower the individual's

degree of responsibility for her present condition, and if she is better off than others, the

moral disvalue of the loss we might impose on her is greater, the greater the individual's

level of responsibility for her present condition. But whether responsibility-catering

prioritarianism better captures the egalitarian component of distributive justice than equal

opportunity for welfare is a topic for another occasion.[7] At any rate, Lippert-

Rasmussen's second objection seems to me to provide good grounds for abandoning not

just any particular formulation of equal opportunity for welfare but the project of

conceiving distributive justice in these terms.

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[1]. Kasper Lippert-Rasmussen, "Arneson on equality of opportunity for welfare," this journal, pages. Further page references to this essay are placed in parentheses in my text.
[2]. I discuss this issue in "Postscript (1995)," published along with a reprinting of my "Equality and Equal Opportunity for Welfare" Equality: Selected Readings ed. Louis J. Pojman and Robert Westmoreland (Oxford: Oxford University Press, 1997), pp. 229-242.
[3]. Ronald Dworkin, "What is equality? Part 2: equality of resources," Philosophy and Public Affairs, 10 (1981), 283-345; see p. 293.,

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[4] . Lippert-Rasmussen's second objection bears some affinity with criticisms raised by Thomas Christiano in "Difficulties with the principle of equal opportunity for welfare," <u>Philosophical Studies</u>, 62 (1991).

[5] . For discussion of the issues mentioned in this paragraph, see Marc Fleurbaey, "Equal opportunity or equal social outcome?", <u>Economics and Philosophy</u>, 11 (1995), 25-55; also John E. Roemer, <u>Theories of Distributive Justice</u> (Cambridge: Harvard University Press, 1996), pp. 263-272.

[6] . Derek Parfit, "Equality or priority?" The Lindley Lecture, University of Kansas (1991). To my knowledge the view was first developed by Paul Weirich. I tentatively embrace prioritarianism, citing the analyses of Weirich and Parfit, in "Equality," <u>A Companion to Contemporary Political Philosophy</u> ed. Robert E. Goodin and Philip Pettit (Oxford: Basil Blackwell, 1993), pp. 489-507.

[7] . For further discussion, see my "Rawls, responsibility, and distributive justice." In <u>Justice, Political Liberalism, and Utilitarianism: Themes from Harsanyi and Rawls</u>, ed. Maurice salles and John A. Weymark (Cambridge: Cambridge University Press); also my "The currency of justice," typescript.