

ECONOMIC ANALYSIS MEETS DISTRIBUTIVE JUSTICE

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[Review of John E. Roemer, *Theories of Distributive Justice* (Cambridge, MA: Harvard University Press, 1996), 342 pp; also of John E. Roemer, *Equality of Opportunity* (Cambridge, MA: Harvard University Press), 1998, 120 pp.]

Some of the best philosophers do not hold academic appointments in philosophy departments. Wouldn't you rather have the ghost of Frank Ramsey (the Cambridge mathematician who died in the 1920s) as a hall mate instead of some of your current colleagues? Confining our attention to the living, we find some economists among the more philosophically inclined intellectuals. The best of these fellow traveling economist-philosophers are the Nobel Prize winner Amartya Sen and also John Roemer. In the early 1980s Roemer did brilliant work on the analytical foundations of Marxist theory. He has also accomplished an imaginative retooling of the Lange-Lerner models of market socialism. For the past dozen years or so Roemer has been thinking and writing about distributive justice. This work has culminated in the two impressive books that are the subject of this review essay.

Theories of Distributive Justice is explicitly a bridge-building effort. Roemer announces that his aim is to provide a philosophical perspective on recent writings by economists that are relevant to the topic of distributive justice and to provide an economist's perspective on recent writings by philosophers on distributive justice. He further announces that his primary aim is to facilitate traffic in one direction--to interpret and formulate the ideas of contemporary philosophers on distributive justice so as to introduce them to economists with a view to increasing the philosophical sophistication of work by economists on these normative issues. I endorse this aim. But since I am not a trained economist, I shall not attempt to assess the extent to which this project is successfully completed. This review explores the adequacy of Roemer's survey of contemporary theories of justice and the philosophical interest of his own contributions to debates about distributive justice. These Roemerian contributions appear interspersed among critical discussions in *Theories of Distributive Justice* as well as in the more recent monograph *Equality of Opportunity*.

1. Egalitarianism Tempered with Responsibility

The chapters of the former book that discuss philosophical writings on distributive justice actually do not aim at comprehensive coverage. Instead what is provided is a focussed treatment of one theme. Roemer takes the interesting and controversial position that the recent history of distributive justice theory exhibits progress at least along one significant dimension: the philosophical adequacy of the understanding of individual responsibility. The line of progress runs from the work of John Rawls¹ and Amartya Sen² to the better (in this respect) contributions of Ronald Dworkin³ and the perhaps still better position of G.A. Cohen.⁴ Discussing the views of this sequence of thinkers, Roemer develops a story of the gradual development and refinement of a credible egalitarian position on social justice. Of course, as Roemer is well aware, egalitarianism is not the only game in town. The major rivals to egalitarianism canvassed in this book include utilitarianism, egoistic contractarianism, and neo-Lockean libertarianism. But the egalitarian drama occupies center stage.

In rough summary, the plot of the story of distributive justice as Roemer tells it runs as follows. John Rawls introduces the idea of a liberal egalitarian theory of

distributive justice. The root idea of egalitarianism is that inequalities in life prospects that simply fall on people and are arbitrary from the moral point of view are problematic and demand justification. Focussing on inequalities of this sort that are generated by the basic structure of social institutions, Rawls proposes that these inequalities to be just must work to everyone's advantage and more specifically must work to the maximal advantage of those who are worst off. The theory is liberal in denying that society should assume responsibility for the quality of individual lives as they might be measured by a utilitarian standard. Rather society is responsible for providing its members fair shares of general-purpose resources and for establishing a morally acceptable framework for individual interaction. Provided this fair background is in place, individuals are free to lead their lives as they choose within broad limits and responsible for the shape of their own lives. But the Rawlsian account of individual responsibility is inconsistent, for it claims that individuals are responsible for their life plans and society is responsible for providing all individuals fair shares of primary goods, but one's life plan influences the amount of primary goods one can expect to get over the course of one's life, so according to Rawls one is and is not responsible for the level of primary goods one acquires.

Ronald Dworkin improves on Rawls's account. His improving innovation is to specify that distributive justice requires an initial fair (equal) allocation of resources to all persons in a context of a fair framework for social interaction. This fair initial distribution of resources must not only evenly divide external material goods but also mitigate the unchosen inequalities in native talent across persons. But once this is done, the individuals in a just society should bear the consequences of their own voluntary choices. Life is always a gamble, but if society is just and individuals proceed from a starting point of equality, the outcomes of free and voluntary choice, win or lose, are the responsibility of the individual choosers. (Dworkin states his proposal as defining an ideal, which could not be straightforwardly implemented, but which tax policy should aim to mimic.)

Dworkin's account of distributive justice is appealing, but fails to unravel the knotty issue of personal responsibility. Critics of Dworkin such as G. A. Cohen hold that one can only reasonably be held responsible for what lies within one's power to control, and Dworkin's account of responsibility fails to respect this restriction. But even if this criticism is correct, the issue of how to characterize individual responsibility correctly in its bearing on distributive justice remains wide open.

There is much more in Roemer's book than the analysis of the theme of individual responsibility in recent egalitarian theories of justice that I have very roughly summarized. In particular, his characterizations of branches of economic thought that pertain to social justice are of great interest. For example, he develops a subtle discussion of the implications (or lack thereof) of Kenneth Arrow's impossibility proof for the project of constructing a theory of social justice. He presents an overview of axiomatic treatments of utilitarianism. He argues that an undefended "welfarism" infects bargaining theory in the tradition of John Nash's solution to the bargaining problem. To reiterate, I am limiting myself to discussion of his treatment of political philosophers.

2. Ignoring Perfectionism?

Roemer's assessment of egalitarian theories of distributive justice is insightful at every turn but falters at times when the theory of the right touches the theory of the good.

Rawls's theory in effect distinguishes the responsibility that individuals bear for their choice of a conception of the good and for their choices with respect to remunerative employment and self-employment. The former choices are the responsibility of the individual who makes them, whereas the latter choices may rightly trigger compensation owed the individual by society. Roemer objects that an inconsistency becomes apparent "if one tries to explain how life-plan choices could be in the realm of personal responsibility of a person while occupation and labor choices were not. Are not occupation and labor choices among the most important ingredients in life-plan fulfillment, for many (most) life-plan conceptions?" (p. 183).

This criticism might be correct, but Rawls does elaborate a rationale for his way of dealing with responsibility that Roemer does not consider.⁵

According to Rawls the principles of justice are what reasonable persons would choose as fair terms of social cooperation. These fair terms must be feasible to administer. The norm that the goods of life should go to individuals (1) in proportion to their deservingness or (2) in proportion to the degree to which they behave responsibly would not be feasible to administer. It's not that there is no such thing as being deserving or behaving responsibly. The point is that what an individual might take credit for is always so tangled with influences on choice that are beyond the individual's power to control that no feasible institutions of social justice could be responsive to individuals' overall comparative merits in a nonarbitrary fashion.

Responsibility for ends is a different matter. According to Rawls we hold individuals responsible for their ends in the sense that society neither attempts to assess the worth of people's lives nor to intervene in people's lives on the basis of such assessment. In a diverse democracy citizens reasonably disagree about what is ultimately worthwhile and choiceworthy in human life, so there can be no reasonable consensus on the good which would serve as a standard for a just society that presumed to grade individuals' ends and to take responsibility for improving them.

This Rawlsian line of thought does not strike me as a knockdown argument, but it needs to be engaged.

Roemer to my mind tends to leave some types of problem dangling that the theory of the good especially in perfectionist guise could be brought in to resolve. In this vein consider his dealings with Amartya Sen's presentation of the problem of adaptive preference formation that is an important strand in Sen's critique of utility (preference satisfaction or pleasure) as the measure of a person's condition that determines the treatment she is owed by society. Sen observes that circumstances of deprivation and even oppression might induce the deprived and oppressed to form unambitious and easily satisfied preferences. The life plans and preferences of the "battered slave, the tamed housewife, the broken unemployed, and hopeless destitute"⁶ might themselves be crimped by their circumstances so that having the opportunity to satisfy these crimped preferences to a great extent or to achieve a high degree of life plan fulfillment is consistent with being the victim of distributive injustice. In much the same way, if the fox comes not to want the grapes hanging overhead only because he thinks he cannot get them anyway, his desire does not render it the case that the loss of the grapes is no loss to him.

Sen suggests that a distributive justice theory should assess a person's condition in terms of the functionings she achieves or has the capability to achieve. The intuitive

judgment on which Sen's argument relies is perfectionist at root, I submit. Suppose we are told that the poor peasant living in grinding poverty comes to seek only to keep his family alive and succeeds in satisfying that single life aim. We respond to the story by denying that the opportunity to satisfy a high proportion of one's preferences is the relevant sort of opportunity of which individuals are owed fair shares. The basis of the denial is our background set of beliefs about what count as really important elements of a good life. We sense a great shortfall between a life in which small desires are satisfied and a life in which the person enjoys enough of significant human goods. The worry is that a preference satisfaction or actual life plan fulfillment standard for measuring how well off or badly off a person is can be deformed by injustice, so cannot be a measure of whether or not justice has been done to the person.

The problem that Sen identifies with preference satisfaction arguably extends to a view that takes extent of pleasure experienced to be the relevant measure of a person's condition for distributive justice purposes. A person who faces grim life conditions might learn to take pleasure in trivial incidents of good fortune even though she still lacks the opportunity to achieve any of the chief goods of human life.

These difficulties would also extend to the functioning capability standard that Sen proposes unless we are given a way of attaching weights to different functionings that accord with the objective significance of the functioning for a good human life. Lacking such a weighting of functionings, we find that we are no longer able to substantiate our strong hunch that the poor peasant, the battered slave, the tamed housewife, and so on are not provided fair opportunities even though they have the opportunity to satisfy a large fraction of their unambitious preferences and life aims. For there will be for virtually any individual a huge number of functioning capabilities that he alone possesses in virtue of his specific circumstances. Most will be utterly trivial, like the capability I now have to touch the scissors my aunt gave me while stroking my knee. We will be able to rank order people by their functioning capabilities only if we have criteria for identifying truly significant functionings.

Sen himself does not declare a view as to how functionings should be rated and compared. But if assessment of people's condition in terms of their functioning capabilities is to be adequate to solve the problem of adaptive preferences that afflicts utility standards as Sen conceives them, then the functioning and capability approach must be refined by the addition of a standard that attaches weights to particular functionings according to their importance. Moreover, not just any weighting will do. To carry through the critique of subjective utility as the measure of people's condition, we must devise a standard that rates particular functionings according to their contribution to human well-being—to what makes a human life genuinely good.

If the analysis just developed is right, then it is misleading for Roemer, here following the suggestion of G. A. Cohen, to identify Senian functionings as “midfare,”⁷ so called because they are regarded as midway between resources and subjective welfare. The idea is that resources combine with an individual to generate various functionings, specific doings and beings, while these functionings in turn generate the subjective welfare the individual enjoys. The idea that midfare matters for distributive justice purposes is the idea that the functionings that individuals achieve and the capabilities to function that individuals have are ethically significant independently of their role in the pipeline that leads to subjective welfare or utility. I do not deny that one can regard

functionings in this way, as midfare, but doing so obscures the fact that in order to execute the critique of subjective utility that motivated the introduction of the functioning terminology, one must see functionings as an incipient elaboration of an objective standard of welfare or human well-being or human good. The point is not that functionings are somehow “between” resources and subjective welfare but that they displace subjective welfare with an objective welfare standard of people’s condition.

Among the debates on distributive justice that Roemer surveys, there are other significant turning points that pivot on conceptions of the good tied to conceptions of the right. Roemer notes this link, but tends to leave undiscussed the perfectionist or (in Derek Parfit’s phrase)⁸ Objective List theory of the good as a contender in the dispute. In my opinion this omission sometimes precludes discerning how a debate should turn.

For example, Roemer rehearses G.A. Cohen’s argument for the position that distributive justice should assess people’s condition, to see if they are well off or badly off and so if they should be recipients of egalitarian redistribution, in ways that extend beyond welfare comparisons.⁹ Cohen points out that Tiny Tim, the crippled boy in the Charles Dickens story, is portrayed as exceptionally cheerful, so he may well be high in welfare or utility. But we nevertheless feel that distributive justice demands that Tiny Tim should be compensated for his crippled condition, perhaps by provision of crutches or more technologically sophisticated mobility assistance. The example is supposed to show that welfare is not the sole currency of justice; instead, we should consider some multidimensional notion of “advantage.” But what the example shows is just that there is more to welfare or human well-being than the subjective responses of the agent to her condition. Lack of normal mobility is a significant deficit in a life, and when combined with Tim’s grinding poverty, it creates the strong impression that Tim’s condition is dismally low in welfare if welfare is properly calibrated.

For another example, Roemer notes Ronald Dworkin’s objection to taking equality of welfare to be the true aim of distributive justice equality.¹⁰ Dworkin raises several objections against assessing people’s condition by their welfare, but Roemer responds by describing a distributive justice principle that assesses people’s condition by the degree to which their life plans are fulfilled and that responds to people’s condition so assessed in ways that Roemer holds are appropriately sensitive to considerations of personal responsibility. But this response to Dworkin cannot be adequate as it stands, for it leaves untouched a central Dworkin criticism of welfare as the currency of justice. (I should observe that Roemer recognizes this point, but declares a stand-off, and does not consider that the case against Dworkin can be prosecuted further.) The objection is that people may form expansive or unambitious conceptions of their life plans for idiosyncratic and capricious reasons. Hence the extent to which people’s conceptions of their life plans are fulfilled may vary enormously even when these differences do not seem to correspond to any morally significant differences in people’s lives. Hence degree of life plan fulfillment is unacceptable as a standard for assessing people’s condition for purposes of distributive justice. This objection has nothing to do with personal responsibility. It attacks welfare or utility as the measure. A response to the objection must be drawn from the theory of the good. To my mind, the best welfarist response is to repudiate a subjective account of human good. Whether one’s life goes well or badly does not hinge on one’s subjective response to it, but rather on the extent to

which one's life achieves genuinely worthwhile significant human goods. The theory of distributive justice needs an objective account of human welfare.

Roemer might resist the line of thought just sketched, and for all that I have said he might be right to do so. Perhaps we should be deeply skeptical of objective or as they are sometimes called perfectionist accounts of human good and especially skeptical of such an account when deployed in a theory of distributive justice. My point is merely that if Roemer has such doubts, he does not share them with his readers. But the story of distributive justice must be interwoven with an ethically attractive account of human good. In order to complete his chosen task, which is to characterize the role of personal responsibility in contemporary theories of justice, Roemer needs to characterize the interface between social obligation, personal responsibility, and individual good. What we owe to each other depends in part on what we reasonably take to be genuinely good for the other.

For a third example, Roemer makes sensible criticisms of Richard Arneson's appeal to an hypothetical ideally informed rational preference conception of welfare to flesh out the proposal that justice requires equalizing opportunities for welfare.¹¹ But it might be simpler just to observe that Arneson is groping toward an objective conception of welfare and needs such a conception if the idea that justice is concerned with the distribution of opportunities for welfare is to look plausible.

3. Roemer versus Dworkin

In the contemporary history of the theory of distributive justice recounted by Roemer, a decisive advance beyond Rawls's and Sen's approaches is made by Ronald Dworkin in a series of essays published in the early 1980s.¹² The advance consists in a new proposal for assigning responsibility to the individual and to society in an egalitarian approach to distributive justice. In the place of Rawls's manifestly unsatisfactory treatment of this issue and Sen's silence on the question Dworkin introduces the distinction between brute luck and option luck, the proposal that we should equalize the outcomes of brute luck but not those of option luck, and the idea that individuals should be held responsible for their preferences, ambitions, and choices, but not for their initial endowment of personal traits given by genetic inheritance plus socialization.

Suppose we believe that distributive justice requires that people's condition be equalized according to the most ethically attractive conception of equality. What is that? Dworkin sets aside the problem of defining equality in political rights and liberties for another occasion. He also sets aside the issue of how to tell whether people have equal access to the collective goods that society supplies. The question he investigates in the writings that Roemer is evaluating is the following: how do we tell when the division of resources for advancing one's goals controlled by individuals is equal?

The guiding insight in Dworkin's discussion is one that Roemer broadly endorses. Suppose we are given an initial distribution of resources that is assumed to be equal, and this division is perturbed because individuals engage in voluntary high stakes gambling and some win big while others lose their resource stake. Or suppose the initially equal division is perturbed as a result of choices that individuals make to pursue risky entrepreneurial activities or to play it safe in their career choices. Or suppose that the initially equal division is perturbed as a result of different lifestyle choices, some individuals pursuing wastrel pursuits while others are living in a more cautious fashion. Dworkin takes it to be unquestionably true that in all such cases we should not regard the

final outcome as violating the norm of equality of resources that we are trying to elaborate. Whatever equality of resources is, it does not demand compensation to offset the unequalizing effects of people's voluntary choices that arise in this manner. Dworkin puts the point by stipulating that we seek to define a norm of equality of resources over the people's entire lives, and by observing that redistribution to offset final inequality in the sorts of cases just described would violate, not fulfill, equality of resources rightly understood.

Contrast the cases in which people have different preferences and aims, make different choices, and arrive at different and unequal life outcomes in consequence with another range of cases. Suppose two people equally have the aim of making their living by farming, but one is much brawnier and smarter and better endowed with farming talent than the other. If the former is more successful than the latter, this difference in outcomes is morally on a par with the difference that would result if the two were identical twins but one had inherited superior farming land and other capital goods and was more successful as a result. As Dworkin interprets these cases, their lesson is that the domain of resources that falls under the principle of equality of resources should be expanded to include personal talents (and handicaps) as well as external material resources. The trick then is how to construe the equality of resources principle for this expanded domain. We need to distinguish sharply between what Dworkin calls "option luck" and "brute luck." Option luck is the outcome of the response by an individual to a risk that he foresaw or should have foreseen and that he might have declined. Brute luck is the outcome of risks that fall on individuals in ways that are not mediated by their voluntary choice in this way. According to Dworkin, equality of resources requires offsetting the effects of brute luck but not those of outcome luck.

As Roemer notes, the availability of insurance tends to transform what would have been brute luck into option luck. Earthquake or tornado storms might destroy my house, but I can choose whether or not to purchase insurance against this risk. Even if insurance is unavailable, if I can mitigate the risk by some action I might take, say by moving to a region in which earthquakes and tornado storms are infrequent, the availability of this choice also renders the risk one of option luck. Given the pervasiveness of option luck in the lives of adults, one can understand equality of resources as requiring an initial equal distribution as one becomes a responsible adult. Dworkin stipulates that this initial distribution is equal just in case these conditions obtain: external resources are divided equally followed by trade to equilibrium, individuals are free to insure against talent deficits behind a veil of ignorance that shields each from knowing the market price of her actual talents in any employment she might make of them, and individuals are free to insure against disability behind a veil of ignorance which shields each individual from knowledge of her actual handicaps (though the veil permits her to know the overall distribution of handicaps across the members of society). If an initial equality of resources prevails among the members of a society and any subsequent inequalities arise via option luck and voluntary interaction among these persons, then according to Dworkin the equality of resources norm is satisfied over the course of their lives. Dworkin conceives of the equality of resources norm as an ideal standard that a tax and transfer policy in a just society would strive to approximate to the extent that this is feasible.

Another way to describe Dworkin's ideal of equality of resources begins by noting that according to Dworkin the measure of the resources a person holds is what others would pay to have those same resources if everyone had equal purchasing power. Hence if all resources were external material goods, then a theoretical equal auction in which all these resources are sold to the highest bidder when all have equal purchasing power implements equality of resources. Personal resources complicate this picture. Some individuals are more talented than others; some are plagued by disabilities and some are not. The appropriate compensation for talent deficits and disability afflictions is set by the insurance that one would have purchased against these misfortunes in the context of a theoretical equal auction with the veils of ignorance described above in place. In contrast, individuals' preferences and aims do not trigger equalizing compensation. Individuals are responsible for their aims and preferences in the sense that they are not owed compensation for negative consequences that befall them as a result of acting on them. The exception to this line on responsibility occurs if one has preferences one would prefer not to have. Such a preference is just an obstacle to achieving one's aims and ambitions. It qualifies as a negative resource according to Dworkin, and triggers compensation if one would have insured against the possibility of becoming handicapped by such a preference in the context of a theoretical equal auction. According to Dworkin the preferences and aims that the individual takes responsibility for are those he is glad to have. One cannot coherently demand compensation from others in virtue of having a preference that one regards as making one's life better, a preference one would not extirpate if one could.

Roemer presses several objections against Dworkin's synthesis of egalitarianism and personal responsibility.

Perhaps the most fundamental of these objections challenges the line that Dworkin draws between the distributive justice obligations of society and the personal responsibility of the individual. Dworkin holds that one should be held responsible for the preferences one is glad to have and the voluntary choices that flow from them. According to Roemer this division cedes both too much and too little responsibility to the individual. Too much: a preference one is glad to have may be a preference that one would in fact be better off without and that was instilled in the individual by processes of socialization and genetic inheritance beyond his power to control. Too little: a preference one would prefer not to have may be a preference that one acquired negligently, via some process for which it would be reasonable to hold one responsible.

I endorse this Roemerian criticism and find his discussion of it sharp and illuminating.

Roemer's second criticism is less successful, in my judgment. He doubts that the Dworkinian hypothetical insurance market succeeds in defining an ethically attractive norm of equality of resources. Consider the case of two persons with identical preferences who would have made the same decision to insure against handicap if this choice could have been made available to them. In the event one ends up handicapped, the other not. The hypothetical insurance norm says that there should be tax and transfer to aid the handicapped person that mimics the hypothetical insurance market. The handicapped person will be compensated, but not fully: he will be worse off in welfare than his counterpart with identical preferences who is lucky not to be handicapped. Roemer objects that in the case where individuals have identical aims and preferences

and behave in exactly the same way, any difference in the outcomes they reach should be regarded as due to brute not option luck. Hence in this sort of case equality of resources should dictate equality of welfare. The idea is that those who conduct themselves with the same degree of responsibility should get the same outcome.

Here I believe Roemer is mistaken about the difference between option luck and brute luck. Consider the example of two identical twins, whose preferences and aims and ambitions are identical in all respects, and who voluntarily engage in high-stakes gambling. One emerges poor, one rich. It is stipulated in the example that there is no difference between the twins in any respect to which responsibility attaches. Yet the outcomes that befall the gambling twins are a paradigm case of option luck. Equality of resources is opposed to the norm that those who are the same with respect to responsibility attributes should get the same in terms of fortunate or unfortunate outcomes.

Nonetheless Roemer is right to be suspicious of Dworkin's hypothetical insurance market construction. Take a case in which one person's talent endowment entirely dominates another's: anything I can do, you can do better. In the hypothetical insurance market against talent deficits, you would purchase less insurance than I would against the possibility that one's talents will command a low market price. Hence in the context of the theoretical equal auction, I have less money than you to spend on other things, and I am unambiguously worse off. But surely the case where one person's talent endowment entirely dominates another's should be a case in which a norm of equality of resources provides full compensation that erases the effect of the talent deficit.

Returning to the adequacy of the complex line dividing individual responsibility from social obligation that Dworkin draws, one might note that it is arguably inconsistent to hold that people's talents are resources that fall in the category of circumstances to be equalized but that preferences and aims that one is glad to have are the personal responsibility of the individual and should not trigger distributive justice compensation. After all, among the significant talents that vary among individuals are talents at value-forming, choice-making, and choice-executing. If I lead a ruinous life because my preferences and aims are defective, and my preferences and aims are defective because I lack personal choice-making talent, then I lack resources that others have, and Dworkin's general line on equality of resources suggests that compensation is called for.

One might also query Dworkin's handling of personal traits via hypothetical insurance markets. If personal traits are resources, why treat them differently from other resources? Initial equality of external resources is achieved among N persons by dividing the resources into N identical piles and allocating one to each person. To avoid inefficiency, one allows trade to equilibrium (or equivalently, one has an auction in which all resources are sold to N persons given equal purchasing power for this auction). Why not include personal traits among the resources to be auctioned, by placing hours of each person's labor up for sale (to avoid personal domination, each hour of a person's labor can be identified with the income it would earn in its most lucrative employment)?

Dworkin rejects the inclusion of personal traits within the set of resources to be sold in the theoretical equal auction, but this proposal would seem to be the most straightforward extension of the basic idea of equality of resources to an expanded domain of resources including personal traits. Dworkin's way of dealing with personal traits by hypothetical insurance markets seems like an ad hoc attempt to avoid an

objection. But Dworkin could respond that it does not matter if his overall proposal is well described by the name “equality of resources.” Suppose we say his view is a mixed view that combines equality of external resources with a more complex proposal for personal traits. What matters is not what name one attaches to Dworkin’s proposal but its all things considered plausibility.

If one takes this line of response in defending Dworkin’s conception of distributive justice, then the hypothetical insurance market constructions for handicaps and talents cannot be regarded as devices for implementing an independently stateable and defensible norm of equality of resources. These insurance proposals are not merely suggested devices for implementing Dworkin’s norm, they partially constitute that norm. Hence the criticisms that Roemer develops of the insurance mechanisms for implementing equality of resources do not merely concern implementation, leaving the heart of the proposal untouched. They strike at the core of the Dworkinian proposal. Dworkin’s invocation of the theoretical equal auction with hypothetical insurance markets raises technical economic issues. Here Roemer’s combination of economic theorizing and philosophical analysis is especially fruitful. I recommend Roemer’s critique of Dworkin in this chapter (which includes some retraction of his own previously published and influential criticism) as a model of careful interdisciplinary work that sustains a high level of analysis.

4. Roemer on Equality of Opportunity

In contemporary prosperous democracies, perhaps especially the U.S., the “welfare state” is contentious. By this term I mean to refer to redistributive tax and transfer policies that aim to benefit worse-off members of society through such means as state-provided medical insurance, need-based income supplements, retraining programs for low-skill people whose jobs have disappeared with economic change, subsidized child care, tax relief for the working poor, aid to low-income single parents raising young children, state-administered compulsory pension plans whose contribution and benefit schedules have an egalitarian tilt, and aid to low-income elderly persons. By coddling the individual from cradle to grave, welfare state policies are alleged to undermine personal responsibility for the consequences of one’s choices and to degrade the self-respect of the poor, who are treated as helpless victims rather than as responsible agents.

In his book *Equality of Opportunity* Roemer makes an interesting intervention in these debates. He proposes that we should be committed to equality of opportunity and should embrace a level-playing-field interpretation of its requirements. An egalitarianism of opportunity embraces the idea that individuals should be held responsible for their choices insofar as these can be disentangled from the effects of circumstances that fall on individuals beyond their power to control. Once opportunities are appropriately equalized, society has fully compensated everyone to offset the impact of unchosen circumstances, and from this fair starting point the life outcomes that individuals reach are properly deemed to be matters of individual responsibility that do not call for further social compensation.

The level playing field conception of equality of opportunity can be contrasted with equal opportunity as nondiscrimination. The nondiscrimination ideal requires that jobs and posts be open to all and that applicants be judged only according to the qualifications they possess that are predictive of successful performance. The most qualified are entitled to be offered the posts first. But of course in many settings those

who are most qualified will be merely lucky to possess the traits that render them especially qualified. Roemer supposes that after reflection many of us will agree that it is unjust that social practices confer special benefits on some and meager benefits on others on the basis of factors that are beyond the power of the individual to control. One is morally responsible and should be held responsible by society only for what lies within one's power to control.

The \$64,000 question is how to determine what does and does not lie within the power of the individual to control. The hard determinist will say nothing is; the soft determinist holds that the causal determination of human action is compatible with responsibility. We might further distinguish between hard and soft soft determinism: The hard soft determinist believes nothing is within the individual's power to control but this fact is compatible with attributions of responsibility, which can be useful instruments for achieving morally important goals. The soft soft determinist believes that causes come in different flavors, and that some are compatible with the individual's choice lying within her power to control, and hence with the individual's being responsible for choice in a robust sense.

Roemer takes an ecumenical approach to this issue. If we can agree on the level playing field version of equality of opportunity as our distributive justice standard, Roemer has a proposal for translating society's view about what lies within individual control into an equality of opportunity policy. Echoing John Rawls, Roemer characterizes his proposal as "political not metaphysical," on the ground that he does not himself take a position as to how to resolve the metaphysical and empirical issue regarding the boundary of individual responsibility.

Roemer's proposal takes as input a determination by democratic vote or some other social agency of circumstances that will be deemed influences of choice that are beyond the power of the individual to control. This list of circumstances generates a partition of society into different groups, each group consisting of a type of person all of whom share the same subset of these circumstances. Let us confine our attention to situations in which there is there is a one-dimensional kind of effort that individuals can manifest that lowers the probability or extent of some misfortune that may befall them. Roemer gives the examples of choosing to smoke or not to smoke, which affects the risk of contracting lung cancer, and choosing whether or not to acquire additional years of education, which affects the income one will get from employment. Relative to each such combination of behavior and paired misfortune, one identifies circumstances beyond the power of the individual to control that influence choice, and partitions society into types of people who are similar in their circumstances. Each type will be associated with a frequency distribution of the behavior that is linked to the misfortune. Roemer's proposal is that across types, we consider those who are at the same centile of effort for their type to have exercised a comparable degree of responsibility. Those who have exercised a comparable degree of responsibility should ideally be made equally well off, so that no one will be worse off than others as a result of factors beyond her power to control. For example, if you and I belong to different types with respect to the combination of smoking and lung cancer, and each of us smoked at the median level for his type, health care policy should pay the costs of our lung cancer ailments (should we contract the disease) to the same extent, even though I smoked for twenty years and you for five years. In the general case, it will not be possible to equalize outcomes for each

centile, so Roemer proposes a mathematical formula that will always be feasible and that approximates to this result.

Roemer distinguishes responsibility and accountability in a useful way. In his terminology, one is accountable for a choice when one is properly liable to praise and blame, reward and punishment, depending on its quality. One is responsible for a choice (that affects only oneself) when one is allowed to absorb its costs and benefits for oneself without compensation. A society might decide to hold individuals morally accountable for behavior for which they will not be held responsible. Teen-agers who avoid school might be held blameworthy for this choice, but we do not hold them fully responsible for the costs of this behavior that threaten to befall them, but instead provide second-chance and perhaps third-chance opportunities for further continuing education.

Roemer also provides a useful distinction between the scope and extent of equality of opportunities and sensibly discusses some of the considerations that should influence the decision how wide a scope and how great an extent should be carved out for equality of opportunity.

The scope issue concerns the range of situations to which equality of opportunity in Roemer's sense is implemented. The issue of extent concerns the amount of resources that society should expend to equalize opportunities (in whatever situations to which we have decided the equal opportunity norm should apply). Roemer observes that both the issue of scope and the issue of extent can be decided only by a full theory of distributive justice, which his book *Equality of Opportunity* does not intend to supply. The equality of opportunity norm that Roemer here elaborates is not a specific principle, much less a specific comprehensive principle of justice. It is instead a framework for thinking about social justice, a common ground on which liberals, radicals, and conservatives can see their differences more clearly without speaking at cross purposes. Roemer does nonetheless offer some observations about both the scope issue and the extent issue.

Regarding extent, Roemer notes that increasing the degree to which equality of opportunity in some specific version is implemented will tend to incur costs of various sorts. One trade-off that might strike us as especially problematic is that as we implement equality of opportunity to a greater extent, some significant fraction of the disadvantaged individuals that the equal opportunity policy aims to benefit will end up worse off in outcomes than they had been under the regime of lesser implementation. If we do not take opportunity provision to be the be all and end all of distributive justice, this worsening of the outcomes of many of the worse-off individuals will pose a nagging worry.

Regarding scope, Roemer comments that intuitively we do not want to apply his equal opportunity norm to competitions that determine who will be professional basketball players, opera singers, or surgeons. Since native talent endowments for these activities are beyond the power of individuals to control, bringing it about that the distribution of these posts does not vary with factors that are beyond the power of individuals to control means that short and uncoordinated basketball players, singers who cannot carry a tune, and surgeons who lack the ability to solve diagnostic problems will be just as likely to be chosen for these posts as the talented who exert comparable effort. Roemer emphasizes the point that we need a theory of distributive justice to solve this problem. He does venture an interim solution: Let the equal opportunity norm be applied to processes that select people for positions in which skills are acquired, and let the

nondiscrimination norm govern the selection of people for productive positions in business and government service. The rationale for this solution is that in educational contexts, the costs of implementing equal opportunity are dispersed across the population of taxpayers, whereas in productive contexts, the costs of implementing equal opportunity would arbitrarily be concentrated on those who happen to consume the particular productive service—basketball fans, audiences at opera performances, medical patients on whom surgery is performed, and so on.

Something has gone awry here. To see this, notice that one's objection to selecting basketball players, opera singers, and surgeons without regard to the unchosen talents levels of those who aspire to these roles applies just about as strongly to selecting high school and college athletes, those admitted to special music conservatories, and medical school students without regard to talent.

What has gone wrong is that the equality of opportunity norm of the sort Roemer works to characterize should be applied at a higher level of abstraction. I'll sketch what I believe about this issue somewhat baldly and dogmatically, setting aside complications, just to mark the contrast with Roemer's approach. If we accept a level playing field conception of equality of opportunity, what we should be concerned with is equalizing people's overall opportunities over the course of their lives. I would say that what we should be equalizing is opportunity for a genuinely good life, a life rich in goods that appear on what the Objective List of goods having which constitutes a worthwhile and choiceworthy human life. Since we surely should not begrudge provision of further beneficial opportunities to the already better off if such provision does not have any negative impact on the beneficial opportunities available to the worse off, let us amend the norm of equalizing to the norm of maximizing the level of opportunity for a good life for those who are worst off in this respect.

From this standpoint, enforcing an equal opportunity norm that gives talented and untalented the same chance to fill any post requiring special talent looks to be unattractive. Life will go better for all of us if basketball players, opera singers, surgeons, physicists and so on are talented rather than untalented. Moreover, life will go better if the apprentice programs and schools from which the ranks of these specialists are drawn also accept applicants on the basis of merit, where merit incorporates native talent for the activity in question.

The aim of social justice should be to improve the overall life prospects of individuals, not per se their prospects in this or that particular social practice or institutional setting. If we picture social life as divided into various institutional and social-practice spheres, then the more costly in terms of human benefit and harm it would be to equalize (maximin) within some particular sphere, the stronger the case for shifting the task of equalization to spheres where this can be done more efficiently. It should then be an open question to what degree improving the life prospects of disadvantaged individuals is better done by transferring money to them, devoting extra resources to their education, changing institutions and practices so as to facilitate their rewarding engagement with them, restricting their liberty in paternalistic fashion, restricting the liberty of others to act in ways that impose external costs on them, expanding or restricting freedom of speech, and so on.

Having followed Roemer's trek through contemporary egalitarianism, one may worry that we are circling around the central point without addressing it. What is the

argument for favoring egalitarianism of any stripe? If distributive justice assesses societies according to the distribution of opportunities their practices generate, why uphold equality of opportunity?

Roemer tends to slide noncommittally from a prescription to equalize according to some standard to a prescription to leximin according to that standard. This nonchalance suggests that he favors the view that it would be morally arbitrary to insist on equality when equalizing would bring about no gain for the worse off but only bring about losses for the better off. If one has done all one can for the worst off, and we could improve the condition of a better off person without harming the now best situated worst off person, why not do it? But this line of thought invites a further question: If one can secure a tiny gain for the worst off at enormous cost to the better off, at some point one should find the trade-off to be morally unpalatable. Being the worst off person, it would be unreasonable for me to insist that society ought to secure me the small pleasure of a lick of ice cream if this is feasible even if doing so would prevent massive gains in fulfillment from materializing for millions of better off persons. In fact Roemer himself presents this line of objection against Rawls's maximin conception of distributive justice in the context of discussing Rawls's original position social contract argument for his view. But then, what gives? What sort of egalitarian is Roemer, and for what reasons?

At times Roemer might appear to be endorsing the norm that it is bad if some people are worse off than others through factors that are beyond the individual control of those who end up with the short end of the stick. But if he holds that the Pareto norm is a necessary though not sufficient condition for fairness, then it is not all things considered bad if someone is worse off than others via some process beyond his power to control, if the alternative would be to worsen someone's condition without improving anyone's.

Roemer briefly states (*Theories*, p. 161) that he is an instrumental egalitarian: the point of equalizing the distribution of resources or anything else is to bring it about that everyone has enough to sustain a sufficiently good quality of life. On this view, what is unjust is not per se that some are worse off than others, for whatever reason, but rather that some people's lives are avoidably horrible (though no fault of their own). This is a coherent and perhaps an attractive position, but to determine if this is so one would have to elaborate a theory of good that would give acceptable content to the notion of a "sufficiently good" quality of life. My hunch is that the account of this threshold, if describable at all, would be derivable from an adequate perfectionist or Objective List conception of well-being. Whether or not this hunch proves correct, here is another point at which the theory of the right hangs on the theory of the good, about which more needs to be said.

5. Conclusion

Roemer is a judicious and fair-minded critic, and he develops humane and sensible views on important and difficult moral issues. He uses the economist's tool kit effectively to open windows that admit light on murky corners of distributive justice theorizing. I recommend this economist's perspective on distributive justice to political philosophers from all points on the political compass.

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- ¹ . John Rawls, *A Theory of Justice* (Cambridge: MA: Harvard University Press, 1971).
 - ² . See Amartya Sen, *Inequality Reexamined* (Cambridge, MA: Harvard University Press, 1992).
 - ³ . See Ronald Dworkin, "What Is Equality? Part 1: Equality of Welfare," *Philosophy and Public Affairs* 10 (1981): 185-246; and Dworkin, "What Is Equality? Part 2: Equality of Resources," *Philosophy and Public Affairs* 10 (1981): 283-345.
 - ⁴ . G. A. Cohen, "On the Currency of Egalitarian Justice," *Ethics* 99 (1989): 906-944.
 - ⁵ . This rationale can be found in John Rawls, "Social Unity and Primary Goods," in Amartya Sen and Bernard Williams, eds., *Utilitarianism and Beyond* (Cambridge: Cambridge University Press, 1982). See also sections 47 and 48 of Rawls, *A Theory of Justice*; also John Rawls, *Political Liberalism* (New York: Columbia University Press, 1996).
 - ⁶ . Amartya Sen, *the Standard of Living* (Cambridge: Cambridge University Press), p. 11.
 - ⁷ . Roemer, *Theories of Distributive Justice*, p. 189 and 203, citing G. A. Cohen, "Equality of What? On Welfare, Goods, and Capabilities," in Martha Nussbaum and Amartya Sen, eds., *The Quality of Life* (Oxford: Clarendon Press, 1993).
 - ⁸ . Derek Parfit, *Reasons and Persons* (Oxford: Oxford University Press, 1984), p. 499.
 - ⁹ . G. A. Cohen, "On the Currency of Egalitarian Justice," pp. 917-918.
 - ¹⁰ . See Roemer, *Theories of Distributive Justice*, chapter 7; also Dworkin, "What Is Equality? Part 1: Equality of Welfare."
 - ¹¹ . See Richard Arneson, "Equality and Equal Opportunity for Welfare," *Philosophical Studies* 56 (1989) 77-93.
 - ¹² . See note 3.