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HIJACKING RESPONSIBILITY

PHILOSOPHICAL STUDIES ON
HEALTH DISTRIBUTION

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ACADEMIC DISSERTATION

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ABSTRACT

Should smokers pay for their lung cancer treatment and the obese for their diabetes medication? These questions epitomize a current political megatrend: the responsabilization of the individual. The trend turns complex societal issues like poverty and sickness into simple questions of individual responsibility.

In this thesis, I examine the theoretical background of the trend and show that what underlies it is a simplified and misunderstood version of luck egalitarianism, or responsibility-sensitive egalitarianism – an influential doctrine that was probably meant to be an abstract academic project rather than a real-life policy-making tool. The starting point and basic tenet of the doctrine is to make a distinction between unchosen and chosen inequalities for redistributive purposes. Inequalities are compensated for if they are unchosen, determined by circumstances; but not if they have been chosen by individuals. If a person chooses to smoke, or to assume an unhealthy diet, she does not have a legitimate claim to public assets in case she falls ill. Individuals must bear the consequences of their choices and behavior.

Luck egalitarianism emerged as a reaction to the anti-egalitarian wish to emphasize responsibility and agency in decisions concerning redistribution. Theorists incorporated the traditionally anti-egalitarian notions of choice and responsibility into egalitarianism. A reconstruction of the original theories shows, however, that this was done to defeat anti-egalitarians in their own game, not to embrace the connection between responsibility and redistribution. Luck egalitarians demonstrated in detail that responsibility is not a reliable guide in policymaking. Circumstances influence every choice, people in disadvantaged positions suffer from bad luck and make bad choices due to their positions; and it would be impossible to calculate the exact amount of responsibility in every individual case. The best way to be choice-sensitive, then, is to promote general redistributive institutions and public insurance systems.

When the starting point of luck egalitarianism – the admission that choice matters – is combined with a simplified popular understanding of responsibility, however, the picture changes dramatically. In applied philosophical contexts, the simplified notion somehow overshadows more nuanced accounts, and all that remains of the complex theory is a normative emphasis on individual responsibility. This is my main criticism against luck egalitarianism. Brought to bear on real-life political discussions, it turns out to be misleading and counterproductive. Despite the good intentions of early luck

egalitarians, the theory directs politicians and the general public to focus on choice and encourages a moralism of responsibility.

In bioethical literature, a prime example is the discussion on chronic diseases and its obsession with individuals and their responsibility. People are seen as autonomous and rational decision makers who can choose their lifestyles freely. By choosing detrimental lifestyles they make themselves accountable for any ensuing health problems; and show insufficient solidarity towards others in need of public health services. This line of thinking is severely mistaken, though. Chronic diseases correlate with socioeconomic backgrounds, and they are strongly affected by many social determinants of health. This means that leaving political and social answers to the sidelines in trying to provide solutions is inefficient and unfair. Besides, talk about “being healthy” and “being responsible” should not be restricted to a narrow scope of accepted behaviors.

I conduct a conceptual and normative study into the notion of “responsibility” in post-Rawlsian Anglo-American political philosophy, focusing on distributive justice. I argue that discussions on responsibility have been hijacked by a simplified backward-looking desert-based view. I also argue that the notion of responsibility has acquired an excessive role in egalitarian theory and its applications. Responsibility needs to be redefined and its proper normative place clarified in political philosophy and real-life decisions based on it. The concept of *response-ability* seems worth pursuing in this context. This would mean the promotion of capabilities, the promotion of having the necessary resources and control over one’s life.

My main claim is that responsibility should not have a role in the distribution of primary goods. I defend the view that a society should guarantee its citizens’ basic need satisfaction – health included – to create sufficiently equal opportunities and capabilities. It is not clear why responsibility should belong to the first principles of a theory of political philosophy. Guaranteeing equal standing for persons is more important than ambiguous assessments of desert and responsibility. The assessment and computation of responsibilities cannot be the primary goal of a just society.

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Although this thesis situates within the discipline of philosophy, it is a product of many academic communities. My first academic home was among biologists, where I received my first degree in human genetics. I learnt that academic life is about research groups and division of labour. However, I also learnt that genetics wasn't my bit after all. Just for fun, I thought I would study a bit of moral and political philosophy. I fell for it in 15 minutes. This second degree was a love story between me and political philosophy from the beginning, and our love marriage still goes on. In my mind it is somewhat hard to separate when my PhD studies actually started – I think I began to focus on becoming a researcher when I started in the bachelor's programme in philosophy. Then, in the mid-way of my PhD process, my working desk and daily lunches were transferred to the Department of Management Studies at Aalto Business School, in a project led by Matti Häyry. This academic history is to show that my gratitude to people who have made me the academic I currently am go in many campuses and to many disciplines, which all have contributed to the way I think and do. Therefore, these acknowledgements are doomed to be incomplete. I am grateful to all the people I have encountered and apologize for those I should have mentioned but didn't do so.

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LIST OF ORIGINAL PUBLICATIONS

This thesis is based on the following publications:

- I Ahola-Launonen, J. 2015: “The evolving idea of social responsibility in bioethics: A welcome trend”. *Cambridge Quarterly of Healthcare Ethics* 24(2); 204-213.
- II Ahola-Launonen, J. 2016: “Humanity and social responsibility, solidarity and social rights” *Cambridge Quarterly of Healthcare Ethics* 25(2); 176-185.
- III Ahola-Launonen, J. 2019: If solidarity is the answer, what was the question? “Thick” and “thin” solidarity and embedded conceptions of individual responsibility. In Jakob Schäuble et al (eds): *Solidarity in Open Societies*. Springer. In press.
- IV Ahola-Launonen, J. 2016: “Social Responsibility and Healthcare in Finland: The Luck Egalitarian Challenge to Scandinavian Welfare Ideals” *Cambridge Quarterly of Healthcare Ethics* 25(3); 448-465.

The publications are referred to in the text by their roman numerals.

1 INTRODUCTION

The rising cost of healthcare has, for some time, been regularly debated in the Western world. Advances in medical sciences produce new, improved, and often expensive treatments and diagnostic tools. Emphasis on patient choice, the contemporary alternative to past medical paternalism, also tends to increase healthcare expenses. Combined with a projection of decreasing tax revenues due to an aging population, these trends have created concerns about the future of healthcare.

In discussions on rising medical costs, the focus is often on lifestyle-related chronic diseases. The World Health Organization (WHO) has estimated that at least a third of the disease burden in high-income countries is attributable to the use of tobacco and alcohol, high blood pressure, unhealthy cholesterol levels, and obesity.

Insofar as chronic and costly diseases depend on individual lifestyles, it is easy to think that individuals and their behavior should become the focus of interventions. In public discussions and political debates, this has raised questions about fairness, reciprocity, and efficiency. A vocal line of thought argues that “it is not fair that those who are not responsible for the increased costs are required to contribute as much as those who are responsible for their ill health” and “it is unfair that those who have brought the ill health upon themselves should receive the same level of care as those who are ill due to no fault of their own”. It has been suggested that emphasis on responsibility could help in making difficult rationing decisions in healthcare distribution. The idea is that if everybody’s healthcare needs cannot be met, priority should be given to those who have taken the responsibility for their own health.

Concrete proposals have included giving a lower priority, or longer waiting times, to those with unhealthy lifestyles, demanding insurance co-payments, or devising appropriate bonus-malus frameworks¹. These and similar suggestions have already been implemented in some countries, and debates on them continue in others.

Healthcare is not the only area in which the “*responsibilization of the individual*” has become fashionable. Studies show a discursive shift towards

¹ E.g. Albertsen, Andreas (2016a). “Drinking in the last chance saloon: luck egalitarianism, alcohol consumption, and the organ transplant waiting list”. *Medicine, Health Care and Philosophy* 19, 325–338; Cappelen, Alexander W., Ole Frithjof Norheim (2005). “Responsibility in health care: a liberal egalitarian approach”. *Journal of Medical Ethics* 31, 476–80; Cappelen, Alexander W., Ole Frithjof Norheim (2006). “Responsibility, fairness and rationing in health care”. *Health Policy* 76, 312–319. For a discussion on existing policies, see Daniels, Norman (2011). “Individual and social responsibility for health”. In Carl Knight & Zofia Stemplowska (eds.), *Responsibility and Distributive Justice*. Oxford: Oxford University Press, 266–86.

this kind of thinking both in public discourse and in political decision-making. Phenomena, such as poverty or unemployment, that were previously discussed as societal problems are now increasingly understood as individual shortcomings. Political interventions focus more and more on individuals rather than social structures.

Some have expressed this idea by saying that we now live in an “*age of responsibility*”. Public and political debates, as well as discussions in political philosophy and political theory, focus more and more on the responsibility of individuals. There has, of course, been talk of the “deserving poor” and the “work-shy” since the beginning of welfare policies, but never before has such prominence been given to personal responsibility as the decisive factor in the distribution of social goods.² There is a political craze of wishing to expose the “irresponsible”.

The theoretical justification for appeals to responsibility in healthcare provision is typically sought from *responsibility-sensitive egalitarianism* or *luck egalitarianism*³. In these theories, normative power is given to the distinction between voluntary choices on one hand and circumstances on the other. If unequal outcomes result from factors for which individuals can be held properly responsible, then they are just; otherwise, they are unjust. This simplified reading gives a preliminary justification for assigning higher costs and lower priorities to those who are seen to have brought about their detrimental conditions themselves.

Holding individuals responsible for health and lifestyle is, however, problematic in many ways. In healthcare ethics and bioethics, much attention has been given to the *social determinants of health*, which have proven to have a strong effect on health and which can be influenced by policy decisions. These determinants include a wide variety of factors, such as education, wealth and income, food and environment, social, cultural and economic circumstances, and living conditions. Moreover, scarcity and uncertainty of income, discrimination, poverty, stress and disempowerment, and inequity in genuine opportunities to participate in social and political life, among other things, can all increase the prevalence of chronic disease and limit an individual’s ability to choose.⁴ However, these are circumstances that are

² Mounk, Yascha (2017). *The Age of Responsibility. Luck, Choice, and the Welfare State*. Cambridge, MA: Harvard University Press.

³ Dworkin, Ronald (1981a). “What is equality? Part 2: Equality of resources”. *Philosophy & Public Affairs* 10(4), 283–345; Cohen, Gerald A. (1989). “On the currency of egalitarian justice”. *Ethics* 99(4), 906–944; Arneson, Richard (1989): “Equality and equal opportunity for welfare”. *Philosophical Studies* 56(1), 77–93.

⁴ See e.g. Daniels, Norman (2008). *Just Health. Meeting Health Needs Fairly*. Cambridge: Cambridge University Press; Wilkinson, Richard G, Marmot, Michael, World Health Organization. Regional Office for Europe, WHO Centre for Urban Health (Europe) & International Centre for Health and Society. (1998). *Social Determinants of Health: the Solid Facts*. Edited by Richard Wilkinson and Michael Marmot. Copenhagen: WHO Regional Office

primarily shaped by political decision-making; and the individual herself has only limited control over them. If they have such a strong influence, how can we blame the individual for a harmful health outcome? And how can we assess responsibility in such a complex network of contributing causes?

Furthermore, the idea of holding people responsible for risky lifestyles, as intuitively appealing as that might be for many, is ambiguous. How should we interpret responsibility for health? Should it be seen as a negative duty to avoid decisions that might cause one to become a burden to the health-care sector? Without further arguments, this would not only include the traditional candidates for unhealthy lifestyles, but it would also mean that people should refrain from, for instance, dangerous sports and stressful jobs. Responsibility for health could also be taken to mean a responsibility to stay healthy in order to be able to contribute to the society's functions, for instance, by paying taxes. But if the ability to contribute is the reason for holding people responsible for their health, perhaps we should also look at other people who are not contributing, say, those who are simply living off their inheritance.

The debates on responsibility in political philosophy and bioethics often start with empirical and conceptual arguments that show the importance of responsibility as a distributive criterion. However, the analysis that then follows normally ends up demonstrating how individuals are not as responsible for the outcomes as they first seem. This results in adjusting the responsibility-theory so that it is able to accommodate limited individual responsibility. Despite all the literature that concludes by questioning the normative relevance of responsibility, the empirical and conceptual discussion continues to focus on individual responsibility as a criterion for distribution. One of the key goals of this thesis is to show why responsibility should not be used in this way.

My normative stance bears close resemblance to Norman Daniels's account, which states that health⁵ is a special social good, because it makes a significant contribution to a person's overall wellbeing by protecting a wide range of exercisable opportunities open to individuals.⁶ Therefore, health must belong to the set of social goods that a society guarantees to its citizens⁷. My

for Europe; Mullainathan, Sendhil & Eldar Shafir (2013). *Scarcity: Why Having too Little Means so Much*. New York: Times Books.

⁵ Not as a medically defined notion (Boorse, Christopher (1975). "On the distinction between disease and illness". *Philosophy & Public Affairs* 5(1), 49–68.), but as a condition for wider well-being, a central factor in providing the necessary opportunities to be a full member of the society (Daniels 2008).

⁶ Daniels, Norman (1985). *Just Health Care*. Cambridge: Cambridge University Press; Daniels 2008.

⁷ I use the term "citizens" to refer to those people who live in the country. The assumption of nation states is strong in Rawls' theory, given that the theory to take place in "a well-ordered society". Some luck egalitarians criticize this, stating that their theories can be applied globally without being tied to nation states. (Arneson, Richard J. (2011). "Luck egalitarianism—A

basic assumption is that any theory that fails to guarantee this is a failed theory of social justice.

All egalitarian theories of social justice guarantee some set of “primary goods” (however defined) to all citizens and advocate redistributive institutions that mitigate differences in welfare. There are a number of differences between the various theories, but what interests me in this thesis is the varying weight that each of the theories gives to personal responsibility. To me, the fundamental question is whether responsibility should effect the distribution of basic goods; and what I hope to show in the following pages is that it should not.

This thesis is a conceptual and normative study into the concept of “responsibility” in post-Rawlsian Anglo-American political philosophy. The focus is on distributive justice, especially when it comes to health.

The original articles explore how individual responsibility is discussed in the context of the re-organization of healthcare structures in bioethical and related literature. Even though there is a wide recognition of the importance of the social determinants of health, there seems to be a persisting urge to be able to hold individuals responsible for their lifestyle choices. The basic tenet of the articles is to criticize interventions aimed at the individuals, because these direct the focus away from structural solutions and overlook basic social rights.

My hypothesis is that this has to do with the historical roots of the discipline of bioethics. Much of what we know as bioethics today started with medical ethics in the late 1960s and early 1970s to counter the then prevailing ethos of medical paternalism. This resulted in emphasizing personal autonomy as the cornerstone of ethics⁸. Respecting people’s choices presupposes that they are free and able to make choices. It is very difficult to incorporate the idea that most of our choices and actions are strongly influenced by factors outside our control into a framework that sees individuals as independent decision-makers.

Bioethics has a great societal impact. It extends from academic discussions to political decision making and bedside situations. Many academic bioethicists sit on various regional, national and international ethics committees and are directly involved in regulative decisions. They are also heard as experts by legislative bodies and paraded as ethics experts in the popular media. The theory is never far removed from practice. Bioethicists do not work in ivory towers: their theoretical contributions have a more or less direct bearing on the lives of actual people.

primer”. In Carl Knight & Zofia Stemplowska (eds.), *Responsibility and Distributive Justice*. Oxford University Press, 24–50, at 42.)

⁸ Beauchamp, Tom L. & James F. Childress (1983). *Principles Of Biomedical Ethics*. New York: Oxford University Press.

However, this thesis is not only about responsibility in the context of healthcare distribution. The analysis is also applicable to the wider political discussion on the “responsibilization of the individual”. After all, the social determinants of health cover a wide area of social goods beyond health.

My main claim is that the notion of individual responsibility should not play a role in redistributive institutions. My reasons are the following: First, proving causal responsibility is almost impossible. Secondly, the luck egalitarian justifications for holding people responsible are unpredictable and misleading. Thirdly, applying luck egalitarian theories leads to practices that are incommensurable with egalitarianism (understood in a wide sense) and would not be acceptable even to the theorists themselves. Finally, I argue that primary goods, as social rights, are more important than the assessments of desert. In what follows, I will provide detailed arguments for these.

The notion of responsibility has been hijacked by people looking for an easy enemy. Their use of the concept does not serve equality or fairness, and it fails to help to provide answers to the debates on just distribution. Responsibility and its proper role needs to be redefined. Being responsible must be detached from distributive sanctions, and measures to enhance responsibility should be directed towards increasing capabilities for having control and sufficient resources in one’s life. The primary goal of a just society cannot be to track responsibilities.

In this introductory part of my thesis, I describe the philosophical framework in which the original articles are located and provide theoretical background for my overall conclusions. In chapter 2, I show how responsibility became such a central element in current Anglo-American political philosophy. In chapter 3, I outline the relevant distinctions and conceptualizations debated in moral philosophy of responsibility. These provide a framework for a detailed discussion on responsibility in luck egalitarianism. In chapters 4-6 I give a systematic analysis of how responsibility is understood in luck egalitarianism and demonstrate how I have come to the conclusion that luck egalitarianism is an ill-equipped theory for any applied discussions of responsibility. Chapter 7 concludes by suggesting some more sensible ways to discuss responsibility.

2 THE GENEALOGY OF RESPONSIBILITY IN RECENT POLITICAL PHILOSOPHY

John Rawls' *A Theory of Justice*⁹ is the most influential book in Anglo-American political philosophy in recent history. Most theories since developed has taken a stand in accepting or rejecting Rawls' main axioms. For example, Rawls' notion of primary goods has been challenged by the capability theorists because they worry that primary goods might not create real capabilities for individuals, communitarians criticize the idea of rights over goods and the atomistic view of individuals, libertarians question the validity of redistribution in the first place, and global justice theorists question the scope of the theory. Luck egalitarian theories take issue with the notion of individual responsibility – or the relative absence of it – in Rawls' theory.

The role of individual responsibility is somewhat ambiguous in Rawls' theory. On the one hand, the theory, as a whole, relies on the individuals' willingness to be contributive members of society. On the other hand, however, when compared to the explicitly defined responsibilities that society has towards the individual, the responsibilities of the individuals towards society remain mostly implicit.

In Rawls' fair equality of opportunity, the basic structure of a just society is arranged following the two principles of justice that rational individuals behind the veil of ignorance unanimously accept. The veil of ignorance is a hypothetical scenario in which individuals, without knowing their position in society or their personal skills and abilities, but having a basic understanding of how societies work, choose the principles for a just society. According to Rawls, the two principles that would arise are the "Liberty principle" and "Fair equal of opportunity, further defined by the difference principle". According to these principles, society has a responsibility to distribute certain primary goods to its citizens: basic rights, liberties and opportunities, income and wealth, and the social bases of self-respect. These goods are the essential elements that citizens need in order to be free and equal persons who can participate in society and who have the capacity to develop and pursue any rational plan of life they choose.¹⁰

The assumption behind Rawls' theory is that neither the distribution of natural assets nor historical and social chance should determine the distribution of income and wealth. Natural talents, and the socioeconomic

⁹ Rawls, John (1999[1971]): *A Theory of Justice*. Cambridge, MA: The Belknap Press of Harvard University Press.

¹⁰ Ibid; Rawls, John (2005[1993]): *Political Liberalism*. New York: Columbia University Press, at 180–1.

position one is born in, are matters of luck, and, as such, morally arbitrary and not deserved. Without the mitigation of the arbitrary effects of natural and social lotteries, a society cannot provide genuine equality of opportunity to its citizens.¹¹

The idea of individual responsibility in Rawls is in-built in his assumption of what people are like. Of the principles of justice, Rawls writes, “[t]hey are the principles that free and rational persons concerned to further their own interests would accept in an initial position of equality as defining the fundamental terms of their association”¹² The people entering the hypothetical contract are, in a Kantian sense, free and equal individuals who, in a well-ordered society built on the principles of justice, understand and accept the mutual advantages of reciprocal cooperation¹³. Defined in this way, citizens want to contribute to the basic structure of society, for example, by working and paying taxes. Responsibility is assumed, in the sense that people are reasonable and want to do their part. Individual citizens have a duty to uphold the basic structures of society as defined by the principles of justice (that they themselves would have chosen). Furthermore, Rawls’ citizens are able to adjust their aims and aspirations in the light of fair and reasonable expectations. In other words, the citizens’ responsibility is to understand what they can and what they cannot claim in the name of justice.¹⁴

Theoretically, individual responsibility has an important place in Rawls’ theory. But this idealized notion has been seen as inadequate by those seeking answers to “commonsense intuitions” about desert and effort. After all, real people might not be acting like Rawls’ ideal citizens. According to Rawls, however, even the individual’s ability to make an effort is affected by various social circumstances¹⁵. Not everyone is satisfied with this answer.

This is the starting point of egalitarian theories that aim to incorporate a stronger notion of individual responsibility by making it a distributive criterion, at least in principle. The paradigmatic explanation for the rise of the luck egalitarian¹⁶ tradition is that it was a reaction to the conservative criticism of Rawlsian egalitarianism. The fact that Rawls’ theory fails to answer

¹¹ Rawls 1999, e.g. at 63–64, 104, 122, 274.

¹² *Ibid.*, 10.

¹³ Rawls, John (1985): “Justice as fairness: political not metaphysical”. *Philosophy & Public Affairs* 14(3), 223–251, at 243–4; 2005, at 15–17.

¹⁴ Rawls 1985, 243–4; Blake, Michael, and Mathias Risse. 2008. “Two models of equality and responsibility”. *Canadian Journal of Philosophy* 38(2), 165–199.

¹⁵ Rawls 1999, at 64.

¹⁶ The term “luck egalitarianism” is ultimately an ill-fitting notion to describe the theory. It was, after all, coined by a critic of the theory, Elizabeth Anderson (1999. “What is the point of equality?” *Ethics* 109(2), 287–337.). As will be discussed later, there is no agreement on what “responsibility” in the theory stands for; and there is no agreement on what “egalitarianism” means. There are sufficientarian, equalizing, and prioritizing versions of the theory, and the accounts differ in terms of whether the distribution focuses on, say, material resources, wealth, power, welfare, or capabilities.

commonsense intuitions about desert and effort creates feelings of unfairness and frustration. It can be seen to justify a world where hard-working people are forced to participate in redistributive actions to support the undeserving and lazy.¹⁷ As Gerald A. Cohen states in his famous passage, the secret of luck egalitarian success was that it was able to demonstrate that egalitarianism can incorporate “the most powerful idea in the arsenal of the anti-egalitarian right: the idea of choice and responsibility”¹⁸.

Because Rawls gives such a significant meaning to circumstantial contingencies, there have been suggestions that luck egalitarianism could actually be a better formulation of Rawls’ basic premise concerning the moral significance of luck. The thought here is that in order to justly mitigate luck, distribution should be based on a clear distinction between choice and circumstance.¹⁹ And indeed, some support to this line of thought can be found in the Theory of Justice. Rawls notes that people are not passive carriers of desires and that, for instance, people with expensive tastes could have chosen otherwise. According to Rawls it is doubtful that individuals could claim compensation for their extravagant preferences. He also briefly discusses the case of the “Malibu Surfer”²⁰. The Malibu surfer is offered as a paradigmatic example of a member of the society who willingly refuses to contribute to the common good, but nevertheless claims her share. Rawls does not discuss this at any great length, but questions whether such idle members of the community can claim their part of the social goods.²¹

However, these short detours have no bearing on Rawls’ grand theory. Rawls remains adamant that an unconditional guarantee of a social minimum is an essential feature of a just society²². No matter whether the preferences leading to an outcome are genuine or not, primary goods cannot be

¹⁷ Scheffler, Samuel (1992). “Responsibility, reactive attitudes, and liberalism in philosophy and politics”. *Philosophy & Public Affairs* 21(4), 299–323; (2005). “Choice, circumstance and the value of equality”. *Politics, Philosophy & Economics* 4(5), 5–28; Arneson, Richard J. (1997). “Egalitarianism and the undeserving poor”. *The Journal of Political Philosophy* 5(4), 327–350; (2000a). “Luck egalitarianism and prioritarianism”. *Ethics*, 110(2), 339–349; Dworkin, Ronald (2000). *Sovereign Virtue: The Theory And Practice Of Equality*. Harvard University Press, Cambridge, Mass, at 325–8.

¹⁸ Cohen 1989, at 933.

¹⁹ Kymlicka, Will (2002). *Contemporary Political Philosophy*. Oxford: Oxford University Press, at 70–5; Blake & Risse 2008.

²⁰ Rawls (1988). “The priority of right and ideas of the good”. *Philosophy & Public Affairs* 17(4), 251–276, at 257, fn7) discusses the Malibu surfer in his brief comments on leisure time’s relation to the index of primary goods. The surfers are originally discussed in Van Parijs Philippe (1991). “Why surfers should be fed: The liberal case for an unconditional basic income”. *Philosophy & Public Affairs* 20(2): 101–131.

²¹ Rawls, John (1982). “Social unity and primary goods”. In Amartya Sen and Bernard Williams (eds.), *Utilitarianism and Beyond*. Cambridge: Cambridge University Press, 159–186, at 168–9.

²² Rawls 2005, at 228–9; 1999, at 243; Daniels 2011.

compromised. Besides which, it is likely that all preferences are at least partly a matter of luck.²³

The emphasis on the crucial role that luck plays in determining how people's lives turn out is an argument for the existence redistributive institutions. It is not an argument about the principles of redistribution. The moral arbitrariness of natural and social contingencies creates the basis for the redistribution. The less well-off do not, morally speaking, deserve their hardships, but neither do the more successful fully deserve all the benefits. However, the better off are allowed to enjoy much of their success, as long as that, in accordance with the difference principle, also benefits those least well-off. This is in everyone's interest.²⁴

Rawls is very clear in that no one deserves her societal position in a moral sense. However, *legitimate expectations* can matter in the distribution of social goods. The distinction between moral desert and legitimate expectations²⁵ can also be understood in terms of *pre-institutional* and *institutional* desert, or *pre-political* and *political* desert. Concretely, there is a clear-cut distinction between basic social goods, primary goods, which everyone deserves equally, and those social goods, which are above the threshold of primary goods and which can, therefore, be unevenly distributed.

Moral desert is about the intrinsic moral worth of every citizen. In Rawls' well-ordered society, as well as in most other egalitarian models²⁶, everyone is of equal moral worth; a free and equal member of the society, and primary goods are what citizens deserve just by being citizens²⁷. In contrast, legitimate expectations are what persons and groups can claim of one another according to publicly recognized norms²⁸.

Wages, for instance, are an important factor in determining the distribution of wealth, income, and societal positions. One's salary is linked to the contribution one makes, but the assessment of the importance of different contributions is a function of the society.²⁹ Surgeons and bank managers have big pay checks, because society happens to appreciate what they do, not because they are morally more deserving. They deserve their bigger salaries

²³ Kaufman, Alexander (2004). "Choice, responsibility and equality". *Political Studies* 52, 819–836, at 832–3.

²⁴ Scheffler, Samuel (2003). "What is egalitarianism?" *Philosophy & Public Affairs* 31(1), 5–39, at 8–12 and 24–31; Freeman, Samuel (2007). "Rawls and luck egalitarianism". In Samuel Freeman (ed.), *Justice and the Social Contract*. New York: Oxford University Press, 111–142.

²⁵ Rawls 1999, at 273–7.

²⁶ E.g. Miller, David (1998). "Justice and equality". In Andrew Mason (ed.), *Ideals of Equality*. Oxford: Blackwell, 21–36.

²⁷ Scheffler 2003, at 22.

²⁸ Rawls 1999, at 273.

²⁹ *Ibid*, at 273–4.

because they can legitimately expect it³⁰. The ones with bigger salaries might be richer and have more opportunities than others, but the others still have a reasonable set of opportunities. The income differences are there for efficiency reasons, not to reward moral deservingness.³¹

Even though Rawls talks very little about individual responsibility, his theory, and the contractarian tradition more generally, had a significant role in turning attention to responsibility. The consequentialist tradition, which had pretty much dominated the Anglo-American political philosophy before the rise of contractualism in the late 20th and early 21st centuries, understood responsibility primarily as a duty to help others. Consequentialist accounts usually aim to maximize happiness (or other types of “good”) and are applied objectively. In contrast, the contractualist theories are more restricted in scope: the aim is not to maximize anything, but to act according to the principles defined within a “fair scheme of cooperation”.³² This shifts the focus of responsibility from others to self.

Secondly, and more importantly, by establishing the “institutional notion of desert”, also known as legitimate expectations, Rawls inadvertently drew attention to people’s choices and their role in determining one’s societal position. While the Rawlsian paradigm denies the moral significance of pre-institutional desert and dictates that it should not dominate one’s societal position, it, at the same time, leaves much to be distributed according to what citizens “deserve” institutionally. One could argue that when compared to consequentialism with no normative power of desert, the contractarian tradition gives much more significance to desert and past choices.³³

However much one emphasizes the distinction between moral desert and legitimate expectations in Rawls’ theory, the latter opens the door for considering the importance of past choices. And from there, arguably, it is only a small step to a theory that takes desert and choice as its starting point.

Robert Nozick’s libertarian criticism of Rawls’ theory made the idea of past desert cross-generational. Following John Locke, Nozick saw property rights as inviolable and, consequently, the whole idea of redistribution unacceptable. According to Nozick³⁴, a distribution is just “if everyone is entitled to the holdings they possess under the distribution”³⁵. This is a historical view observing how holdings and possession came to be. According to Nozick, “historical principles of justice hold that past circumstances or actions of

³⁰ Furthermore, the existence of ‘better jobs’ needs the category of ‘bad jobs’. Therefore, those at the low point of hierarchies are actually making a favor to the ones at higher positions. (Arneson 1997, at 340–1.)

³¹ Mounk 2017, at 176; Rawls 1999, at 275–7.

³² Mounk 2017, at 39–41; Scheffler, Samuel (2001). *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought*. New York: Oxford University Press, at 36–7.

³³ Mounk 2017, at 42–46.

³⁴ Nozick, Robert (1974). *Anarchy, State and Utopia*. New York: Basic, at 153–155.

³⁵ *Ibid*, at 151.

people can create differential entitlements or differential deserts to things.”³⁶ Thus, past circumstances or actions can create differences in what people deserve.

Nozick contrasts historical views with unhistorical time-slice principles of justice, or end-state principles. These neglect how holdings came to be. The justice of distributions is assessed based merely on how things are distributed, judged on some structural principles, for example, stating that a just distribution is the more equal distribution.³⁷ This is obviously a problem for Nozick, for whom property rights are inviolable, and redistribution is in principle an illegitimate invasion to personal assets. Continuous redistribution means a continuous invasion in people’s lives³⁸. In this sense, Nozick rejects the pre-institutional – institutional cut. Material entitlements are pre-institutionally deserved, and emphasizing that they are “only” institutional would violate the natural right to property.

Even though Nozick’s general theory was not widely accepted, his criticism of egalitarian distributive justice was influential: it contributed to bringing the issue of agential history to the fore. This gave rise to the aspiration to adjust Rawlsian theory to be more compatible with the intuition that desert and choice should have a stronger role in egalitarianism.³⁹ Luck egalitarians were the ones who stressed the importance of responsibility in egalitarian thought, but the core idea of taking past behaviors and choices into account can be traced back to Rawls’ legitimate expectations.

When we introduce the historical assessment of choice and responsibility into the discussion, the outcome is far from obvious. Everything hangs on how we define the *historical*. If we concentrate only on the supposedly legitimate transfer of properties – and believe that the right to property is a natural right – we may end up believing that almost any kind of redistribution would be unjust. No one has any right to what is mine by inheritance, and the state has no duty to care for the less fortunate beyond the protection, against others, of their rights to life, liberty, property, and making binding contracts.

In contrast with this interpretation, we could focus on the original acquisition of the properties inherited by our contemporaries. In many cases, we have a good idea that historical properties have been accumulated by illegitimate measures – theft, embezzlement, and exploitation of the workers being solid candidates, especially when vast fortunes are discussed. This being the case, would it not be safer to shift the burden of proof to those inheriting the properties? This would, in purely Nozickian terms, make available many unclaimed fortunes to which the heirs have no proper right. These, in their

³⁶ Ibid, at 155.

³⁷ Ibid, at 153–155.

³⁸ Ibid, at 163.

³⁹ Mounk 2017, at 48–52.

turn, could be used for education, healthcare, and many other welfare functions.

Thus, incorporating the historical perspective can lead to very redistributive or strictly non-distributive schemes. What we end up with depends on the interpretation given to legitimacy of the chain of acquisition of current properties. People have a right to the protection of their “historically deserved” acquisitions, but not necessarily to properties that have been accumulated by violating other people’s rights. This dependency on infinite empirical issues bears a close resemblance to the problems faced by luck egalitarianism according to my conclusions.

3 THE MORAL PHILOSOPHY OF HOLDING INDIVIDUALS MORALLY RESPONSIBLE

The luck egalitarian concept of responsibility is ultimately a notion of moral responsibility that translates into what the agent can or cannot claim of the society. It is not a question of praise and blame only; it is a question of distributive sanctions. The conditions of responsibility determine the outcomes of the distribution and that is why understanding those conditions is so relevant.

When discussing responsibility as a distributive criterion we have thus far identified two fundamental questions. First, what kind of historical perspective do we use when we determine who is responsible for what? Is the threshold for attributing responsibility high, so that most issues turn out to be circumstantial; or low, implying that even a low level of choice will give rise to responsibility? Second, does the existence of responsibility revoke duties that society would otherwise owe to the individual? Must responsibility translate into distributive sanctions and rewards?

The following discussion on responsibility is mainly about assessing the historical conditions of choice as well as circumstances beyond the individual's control. By bringing up some age-old debates from moral philosophy, I hope to show how complicated these assessments are. If the assessments regarding choices are taken to be based on objective criteria, the analysis will quickly face the largely unsolvable question of free will.

Furthermore, to make the move from responsibility to distributive sanctions requires that the different justifications given for holding one responsible be clarified. These can consist of desert-based or consequence-based reasons. The justification of responsibility has an effect on how robust the conditions of responsibility have to be. If the justification is consequence-based, historical assessments can be of less importance, but if the justification is desert-based, we cannot avoid the backward-looking assessment. Then again, responsibility can also be seen as a mere reactive attitude without any requirement of justifications or objective conditions.

The traditional accounts of moral responsibility focus on assessing blameworthiness and praiseworthiness of moral actions, traits and characters, and giving a due response to these by giving moral praise or blame to the moral agent⁴⁰. A proper assessment of blameworthiness and praiseworthiness

⁴⁰ Moral responsibility is a disposition that moral agents have. Moral agents are agents capable of moral thinking who need to possess certain capacities. An adult with sufficient mental capacities is the normal type of a moral agent. Moral responsibility is usually contrasted with responsibility without a moral element. For example, causal responsibility can be assigned to non-moral agents such as cats and small children, but not moral indignation. Other types of

requires certain conditions for responsibility: under which conditions can the moral agent be held responsible?⁴¹

The traditional view on responsibility emphasizes voluntariness as a requirement for holding people morally responsible. Voluntariness entails that the agent has control: the action or trait must have its origin in the agent, and it must be up to the agent whether to perform the action or possess the trait – it cannot be compelled externally, and the agent has to have the ability to do otherwise. Furthermore, the agent must be aware of what she is doing or bringing about. These are the control condition and the epistemic condition of responsibility.⁴²

If voluntariness is undermined, this gives us reason to think that responsibility is diminished. The control condition, or the freedom-relevant condition, is undermined if the agent does not have control over her action; it was not up to her, she did not have freedom to do otherwise, or she could not have acted differently. The traditional view of responsibility follows this, by stating that “an agent is morally responsible only if he has the power freely to bring about one event, and he has the power freely to bring about some alternative event”.⁴³

Another voluntariness-undermining condition is ignorance: the agent did not know what she was doing, or it was not reasonable to expect her to have the knowledge. This can happen, for example, because of simple lack of knowledge, irresistible psychological impulses, brainwashing, or hypnosis.⁴⁴ These conditions tell us when it is appropriate to assign responsibility.

In contemporary moral philosophy, the discussion on *moral luck*⁴⁵ has been influential in questioning our ability to properly make moral judgements in accordance with the control principle. If people should be responsible only for things under their control, this also means that people should be assessed morally differently only if the reason for their different situations is in their control. However, the presence of moral luck makes us act against this

responsibility include, for example, role responsibility and legal responsibility. Both of these apply only to moral agents but are different from moral responsibility. Role responsibility is defined institutionally and legal responsibility by the prevailing laws. (Fischer, John Martin and Ravizza, Mark (1998). *Responsibility and Control: A Theory of Moral Responsibility*. Cambridge: Cambridge University Press, at 1–4).

⁴¹ See e.g. Aristotle’s view of responsibility for action (NE III.1), and responsibility for character (NE III.5). Aristotle: *The Nicomachean Ethics*. Translated with an Introduction by David Ross, Revised by J. L. Ackrill and J. O. Urmson (1998). Oxford University Press.

⁴² Fischer, John Martin and Ravizza, Mark (1993). *Perspectives on Moral Responsibility*. Ithaca and London: Cornell University Press, at 8.

⁴³ Ibid.

⁴⁴ Fischer and Ravizza 1993, at 7; NE III.1.

⁴⁵ Williams, Bernard (1981). *Moral Luck*. Cambridge: Cambridge University Press; Nagel, Thomas (1979). *Mortal Questions*. Cambridge: Cambridge University Press; Williams, Bernard & Thomas Nagel (1976). “Moral luck”. *Proceedings of the Aristotelian Society, Supplementary Volumes* 50, 115–135+137–151.

principle all the time. According to Thomas Nagel, moral luck is the situation where “a significant aspect of what someone does depends on factors beyond his control, yet we continue to treat him in that respect as an object of moral judgment”.⁴⁶

Nagel famously conceptualizes the kinds of luck that can affect the end-results of moral situations⁴⁷. For *outcome luck* he gives the following examples. The moral judgement for an attempted murder is less harsh than for a successful murder, even though the intentions are the same. It is beyond the control of the assassin whether the victim is wearing a bulletproof vest or a bird flies into the path of the bullet, but still we give a harsher judgement to the successful murderer. Another example is a comparison between a drunk driver who kills a pedestrian she fails to notice, and a drunk driver who does not encounter any pedestrians and is spared from the possibility of killing one. Both drivers commit the same wrong, driving whilst drunk, but because of the different outcomes, they encounter different moral judgements. Similarly with two truck drivers who both are negligent in checking their brakes, but only one of them fails to brake to save a child. In the above cases, the compared agents had the same intentions, and only luck affected the outcome. Thus, they should not get differential judgements.⁴⁸

Furthermore, “decisions under uncertainty” affect the outcome. The outcome of a choice cannot be seen with certainty, yet the fortitude of blame is heavily dependent on outcome luck. Certainly, some actions are at least somewhat blameworthy regardless of the outcome: we know in advance that leaving the bath running while there’s a baby in the tub is bad, whether or not the baby drowns in it, and so is the case with checking brakes and drunk driving. However, in this reasoning, the object of moral judgement is the person, which brings other problems.⁴⁹

The kind of a person one ends up being is affected by *constitutive luck*. The agent might have foreseen the outcome of her action, and maybe nothing could have justified the action. However, how the agent came to be the kind of person she is beyond her control: her traits, capacities, and temperament are not her own making.⁵⁰ From Aristotle’s theory on how to become a virtuous character to more contemporary theorists, the role of caregivers, peers, and the environment as a whole has been recognized to have an effect. These constitutive elements affect how we are and how we came to be.

The third category of luck is *circumstantial luck*. This luck has to do with the circumstances one faces. Depending on the circumstances, an agent will, or will not, end up having her moral character tested. For instance, only people

⁴⁶ Nagel 1979, at 26.

⁴⁷ Nagel 1976.

⁴⁸ Ibid, 140–3.

⁴⁹ Ibid, 142–3.

⁵⁰ Ibid, 143–5.

living in Nazi-Germany were faced with the choice of whether to submit to the Nazi ideology or to rebel at a risk to their own lives and those close to them. No-one else has faced this particular situation and won't be judged on that.⁵¹

Nagel's last type of moral luck concerns the familiar problem of the freedom of the will. As shown, it might be that one cannot be responsible for the consequences of one's act, because the antecedents of these acts are properties of temperament beyond the person's control or have to do with equally uncontrollable circumstances. How, then, "could one be responsible even for the stripped-down acts of the will itself, if they are the product of antecedent circumstances outside of the will's control?"⁵² The area of genuine agency seems to shrink so that it becomes almost impossible to make legitimate moral judgements.⁵³

Since the Stoics, the problem of determinism has engaged moral philosophers. At its core, the question is about whether it is possible to combine determinism and free will. Can causal determinism and moral responsibility coexist? Do we need free will to be morally responsible?

The philosophical literature on the topic is vast, and a detailed study of its nuances is beyond the scope of this thesis. In what follows, I will briefly explore the main arguments and distinctions used, insofar as they are relevant to my topic.

Galen Strawson describes the problem of the free will in his famous *basic argument*:⁵⁴

- (1) You do what you do because of the way you are.
- So
- (2) To be truly morally responsible for what you do you must be truly responsible for the way you are - at least in certain crucial mental respects.
- But
- (3) You cannot be truly responsible for the way you are, so you cannot be truly responsible for what you do.
- Why can't you be truly responsible for the way you are? Because
- (4) To be truly responsible for the way you are, you must have intentionally brought it about that you are the way you are, and this is impossible.
- Why is it impossible? Well, suppose it is not. Suppose that
- (5) You have somehow intentionally brought it about that you are the way you now are, and that you have brought this about in such a way that you can now be said to be truly responsible for being the way you are now.
- For this to be true

⁵¹ Ibid, 145–6.

⁵² Ibid, 146.

⁵³ Ibid, 146–50.

⁵⁴ Strawson, Galen (1994). "The impossibility of moral responsibility". *Philosophical Studies* 75(1/2), 5–24, at 13–14.

- (6) You must already have had a certain nature N in the light of which you intentionally brought it about that you are as you now are.

But then

- (7) For it to be true you and you alone are truly responsible for how you now are, you must be truly responsible for having had the nature N in the light of which you intentionally brought it about that you are the way you now are.

So

- (8) You must have intentionally brought it about that you had that nature N, in which case you must have existed already with a prior nature in the light of which you intentionally brought it about that you had the nature N in the light of which you intentionally brought it about that you are the way you now are ...

Strawson proves the impossibility of “ultimate moral responsibility” by demonstrating a problem of regress with the control condition⁵⁵. Even if we had control over a particular action, we lack in control over factors that led to that action, and we do not have control over how we became the beings we are taking that action. Furthermore, it is not clear what particular point in the chain of acts should matter in terms of control – all choices seem arbitrary.⁵⁶

This does not prove that acts are causally determined – there could also be random factors at play. That would not, however, help us to assign responsibility. No-one can be held responsible for random factors. The impossibility of ultimate moral responsibility prevails.⁵⁷ Responsibility, if defined along the lines of the control condition, requires that the agent has the ability to do otherwise, and has command over the causes of her actions⁵⁸. If actions are determined by prior actions, or the agent cannot do otherwise, or if the causes are random, the agent is not responsible for them. Similarly to the conclusions of the discussion regarding moral luck, it seems that the agent’s actions are not free from determinants outside her control.

A strict reliance on the control condition means that if there is determinism, there can be no free will and no responsibility. In this view, free will, responsibility, and determinism are incompatible. According to determinists, responsibility and free will are illusions. In contrast, metaphysical libertarians wish to restore responsibility by arguing that determinism is false and we are free from causalities. Both views seem implausible. It seems highly unlikely that *everything* would be causally

⁵⁵ Strawson, Galen (1986). *Freedom and Belief*. Oxford: Clarendon Press.

⁵⁶ Ripstein, Arthur (1994). “Equality, luck, and responsibility”. *Philosophy & Public Affairs* 23(1), 3–23.

⁵⁷ Strawson G. 1994, at 7.

⁵⁸ Hurley, Susan (2003). *Justice, Luck, and Knowledge*. Cambridge, MA: Harvard University Press.

determined, but it also seems highly unlikely that we would be *completely free* of causal chains.⁵⁹

Most of the incompatibilist accounts, theories that hold that free will and determinism are incompatible, seem to undermine the whole notion of moral responsibility. However, there are compatibilist accounts according to which free will and determinism can coexist. These accounts argue that we should not concentrate on the entire causal history of a particular action, but, instead, emphasize freedom of the will as an intentional state of mind.

Harry Frankfurt claims that to be responsible does not necessarily require the freedom to do otherwise. In “the Frankfurt cases”, he presents hypothetical situations where moral responsibility does not seem to require an ability to do otherwise.⁶⁰ Indeed, in these cases we seem to want to hold the agents morally responsible even though their actions are predetermined.

Consider Mary, who is extremely good at persuasion. Mary wants Alice to perform a certain action. Mary will use her extraordinary persuasion power only if Alice is about to make a wrong decision. In the end, Alice independently, “of her own free will” decides to act in accordance with Mary’s wishes. (There are variants of the example, for example, one in which Mary is a neurosurgeon who has implanted a device in Alice’s head, which will change Alice’s mind if she is trying to decide against Mary’s wishes⁶¹.) In these cases, Alice’s actions were predetermined – she would have done as Mary wished in any case, be it her original intention or a result of Mary’s persuasion. She did not have the ability to do otherwise, and, in that sense, she did not have control over what she did.⁶²

However, in the examples, Alice performed the action because she herself truly wanted to do so. And therein lies the key to Frankfurt’s notion of responsibility: Alice acted in correspondence with her *true identity*. Whether someone acts according to her true identity or not can be assessed by examining the correspondence between her first-order desires and second-order desires. First-order desires are *desires about actions* (“I want to eat cookies”), and second-order desires are *desires about desires* (“I do not want that I want to eat cookies”). Hence, second-order desires tell what the agent truly would like to do, while the first-order desires can also result from the

⁵⁹ Fischer, John Martin (1999). “Recent work on moral responsibility”. *Ethics* 110(1), 93–139; Fischer, John Martin (1982). “Responsibility and control”. *The Journal of Philosophy* 79(1), 22–40; Watson, Gary (1987). “Free action and free will”. *Mind* 96(382), 145–72; Fischer and Ravizza 1993, at 10–11.

⁶⁰ Frankfurt, Harry G. (1969). “Alternate possibilities and moral responsibility”. *The Journal of Philosophy* 66(23), 829–839.

⁶¹ Andersen, Martin Marchman & Morten Ebbe Juul Nielsen (2016). “Personal responsibility and lifestyle diseases”. *Journal of Medicine and Philosophy* 41, 480–499, at 487.

⁶² Frankfurt 1969.

weakness of will, addiction, imprudence, or such.⁶³ In the examples, we will have to assume that Alice's actions were compatible with her second-order desires.

This compatibilist account states that the necessary condition for assigning responsibility is that the action was done according to the agent's true identity. A kindred account of defining responsibility is Johan Martin Fischer and Mark Ravizza's *responsiveness to reasons* view. According to them, the condition for holding people responsible is that the agent's acts follow from her own reason-responsive mechanism. Reason-responsive mechanisms are sensitive to rational considerations. The view asks whether the agent would have been, in some counterfactual circumstances, responsive to rational reasoning to do otherwise. If the agent would have been willing to do otherwise in some other hypothetical circumstances, that makes her responsive to reasons and therefore responsible.⁶⁴ In a similar vein, Daniel Dennett argues that we can be responsible for what we do even though we could not change who we are.⁶⁵

These compatibilist views are examples of accounts according to which responsibility does not need a metaphysically robust account of causal control. Rather, they suggest different ways of defining sufficient conditions for free will. Questions still remain: How do we know whether people actually desired their desires? How to judge whether the thought mechanisms behind one's actions were really hers? Theoretically we can always speculate but making the assessments in real-life would be next to impossible.⁶⁶

There is a debate whether these compatibilist accounts are *ahistorical* or not. The theories that look at individual's control related to the complete causal history are definitely *historical*. In contrast, at least some of theories that concentrate on how people identify with their actions eschew historical conditions. This makes them *time-slice-views* of responsibility that ignore the processes that lead to that time-slice. This is the most common accusation against Frankfurt's account of true identity. Where did the desire to desire certain desires come from? Fischer and Ravizza claim that their "responsiveness to reasons" model takes the occurrences that preceded the action into account, at least in some cases.⁶⁷ Then again, one could ask why someone reacts to reasons the way they do?

Apart from knowing the proper conditions of attributing moral responsibility, a further question is, what is the justification for the appropriateness of the attribution? The main alternatives are the *desert-based*

⁶³ Frankfurt, Harry G (1971). "Freedom of the will and the concept of person". *The Journal of Philosophy*, 68(1), 5–20.

⁶⁴ Fischer and Ravizza 1998; Andersen & Nielsen 2016.

⁶⁵ Dennett, Daniel (1984). *Elbow Room: The Varieties of Free Will Worth Wanting*. Cambridge, MA: MIT Press.

⁶⁶ Andersen & Nielsen 2016.

⁶⁷ Fischer and Ravizza 1998, at 230–1.

view, according to which praise and blame are attributed to agents who deserve, or merit, the moral judgement; and the *consequentialist view*, according to which praise and blame are justified if they are expected to have desirable effects on the person's behavior or on other outcomes.

The desert-based view is straightforward: if the agent did not have the ability to do otherwise, it would be unfair to blame to agent. If the agent had no control and was not free to do otherwise, she does not *deserve* the blame. Desert-based justifications need metaphysical or objective criteria for conditions of responsibility as they seek to assess what people *really* deserve. Of course, as the discussion on the objective criteria of responsibility in the above has demonstrated, it is notoriously difficult to know what people really deserve.

In contrast, the consequentialist view does not need any objective or metaphysical criteria for control and will. According to Dennet, for example, "whatever responsibility is, considered as a metaphysical state, unless we can tie it to some recognizable social desideratum, it will have no rational claim on our esteem" ⁶⁸. This can also be called the social regulation view, where responsibility is seen as a means to regulate behavior. Punishments and blame, rewards and praise are used to encourage people to act according to the prevailing social norms and the laws of the society.⁶⁹

However, this view can only justify assigning responsibility as a means, as a way to a better future. It does not seem to capture moral responsibility like it is normally understood. Furthermore, it could allow for, say, imprisoning innocent people if something good would come out of it. Many people see this as unfair – because the innocent do not *deserve* imprisonment.⁷⁰

Holding people responsible can have *intrinsic or instrumental worth*. The desert-based theories of moral responsibility are interested in the intrinsic worth, while those subscribing to consequentialist theories see the value of moral praise and blame as instrumental.⁷¹ Similarly, ascriptions of responsibility can be backward-looking or forward-looking. *Backward-looking* models base their evaluations on what someone deserves due to what she has done and in what context (widely construed), while *forward-looking responsibility* justifies holding people responsible on account of desirable outcomes in the future.⁷²

The conditions for holding people responsible so far discussed have been based on objective criteria about causality and freedom of the will, and the

⁶⁸ Dennet 1984, at 163.

⁶⁹ Fischer and Ravizza 1993, at 11–12.

⁷⁰ Ibid, at 12–13.

⁷¹ Arneson 2011, at 26–7.

⁷² Cappelen and Norheim 2005; Nielsen, Morten Ebbe Juul & Martin Marchman Andersen (2014). "Should we hold the obese responsible?" *Cambridge Quarterly of Healthcare Ethics* 23, 443–451.

justifications have been merit-based or consequentialist. According to Peter Strawson, these all fail because they try to define some objective criteria based on which we can judge whether an agent is responsible⁷³.

For Strawson, ascriptions of responsibility are *reactive attitudes* expressed in personal relationships, such as resentment, anger, gratitude, and forgiveness. The practice, then, of holding someone responsible for something – embedded as it is in our way of life – “neither calls for nor permits, an external ‘rational’ justification”⁷⁴. Reactive attitudes are a part of interpersonal human relationships, not rational acts of mind that should be overintellectualized⁷⁵.

The weakness of this account is that it has no normative content and it offers no practical guidance. As Fischer and Ravizza put it: imagine a society where certain people are kept only as social utility objects and no-one has reactive attitudes of blame towards this practice. It seems that there is a difference between being *held* responsible and actually *being* responsible, even if defining the conditions for being responsible are difficult to define.⁷⁶

This intuitive difference between being *held responsible* by reactive attitudes and *being responsible* by some objective – or objectivity-seeking - criteria provides a paragon for understanding why there might be a reason to distinguish between what we think of people and how we should treat them. People might be responsible in the sense that it is thought to be appropriate to direct reactive attitudes of blame or praise towards them. According to Strawson, these attitudes of responsibility are ultimately social. However, how we treat the agent also seems to depend on some account of desert and fairness. If it did not, the community might find it appropriate to sacrifice the innocent, or merely have inappropriately moralistic attitudes towards the innocent.

This brings us closer to the questions of distributive justice and political philosophy: Should praise and blame translate into concrete actions, such as changes in the agent’s share of the social goods? What are the legitimate conditions and justifications of responsibility?

⁷³ Strawson, Peter (1962). “Freedom and resentment”. *Proceedings of the British Academy* 48, 1–25. Reprinted in John Martin Fischer & Mark Ravizza (eds) (1993). *Perspectives on Moral Responsibility*. Ithaca and London: Cornell University Press, 45–66.

⁷⁴ *Ibid*, at 64.

⁷⁵ Strawson 1962.

⁷⁶ Fischer and Ravizza 1993, at 18.

4 LUCK EGALITARIANISM AND RESPONSIBILITY

All luck egalitarian theorists seem to agree on one thing: that “responsibility” must matter in distribution. There is, however, no consensus on what “responsibility” means, as theorists disagree on its proper foundation: should it be luck, choice, or desert? What is being evaluated is normatively different in each case. Are we interested in circumstances, personal choices, virtuous characters, causal chains leading to actions, or something else? Furthermore, since these are all in a sense desert-based views, they may require robust assessments of what people *truly* deserve, and, as a result, face the problems of the control condition. However, not all luck egalitarians call for robust historical assessments. While many struggle with the control condition, others deny the need for objective or metaphysically robust accounts. For them, the prerequisites of responsibility can be defined in intuitionist, political, or deliberative terms, which may be open to relativist interpretations. There are both incompatibilists and compatibilists among luck egalitarians.

I believe that this diversity is a major source of confusion in the application of the theory. Employing luck egalitarianism can be seen as a kind of a procedural gamble. Depending on the account of moral responsibility chosen, it can lead to very dissimilar outcomes in the real world.

Luck egalitarianism, like many other theories, has developed through responses to its critics. The standard way of criticizing luck egalitarianism is to provide examples in which the principle of responsibility leads to harsh outcomes for *the victims of bad option luck*. These are fairly standard reduction ad absurdum arguments that show how an alleged theory of justice leads to injustice and cannot therefore be a theory of justice.⁷⁷

Typical examples include a speeding motorcyclist who has chosen not to wear a helmet and is therefore left without medical care when injured; and a family caregiver who faces economic hardships but is denied help because she chose to be a caregiver. Yet, intuitively it would seem that both should receive assistance and to deny them that would be harsh and insensitive.⁷⁸

Another common line of criticism focuses on what it would take to actually try to prove responsibility. Intrusive scrutinies on people’s behavior? Disrespectful assessments of people’s capacities? Requirements to reveal

⁷⁷ Knight, Carl (2015). “Abandoning the abandonment objection: Luck egalitarian arguments for public insurance”. *Res Publica* 21, 119–135, at 120.

⁷⁸ Anderson 1999; Scheffler 2003, 2005; Wolff, Jonathan (1998). “Fairness, respect, and the egalitarian ethos”. *Philosophy & Public Affairs* 27(2), 97–122; Wolff, Jonathan (2010). “Fairness, respect and the egalitarian *ethos* revisited”. *Journal of Ethics* 14(3–4), 335–350; Fleurbaey, Marc (2001). “Egalitarian opportunities”. *Law and Philosophy* 20, 499–530.

shameful facts concerning one's personal life? Citizens monitoring each others' behaviors and reporting them to the authorities? All the means suggested seem to go against the ideals of a liberal state that holds individual freedom and privacy in high value.⁷⁹

4.1 CONDITIONS OF RESPONSIBILITY

Ronald Dworkin illuminates his view on the conditions of responsibility with a story about shipwreck survivors on a deserted island. The survivors start with an agreement that none of them is originally entitled to any of the abundant resources on the island. Each of them is distributed an equal number of clamshells, which they can then use in a hypothetical auction to gain access to the resources available.⁸⁰ However, the initial equality will not hold for very long. People will act differently with their clamshells and resources acquired at the auction. These differences follow from, for example, different talents, tastes and ambitions, but they are also affected by accidents and flukes.⁸¹

With this example, Dworkin draws our attention to those natural and social contingencies that he thinks should be compensated with redistributive institutions and those that should not. His luck egalitarian principle of responsibility aims to lay out a *responsibility-sensitive condition* for redistribution. Bad outcomes of *brute luck* are compensable but *option luck* outcomes, for which the individual is responsible, are not. In Dworkin's words,

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.⁸²

Outcomes of deliberate and calculated gambles, such as losing in the stock markets, belong to the sphere of non-compensable inequalities. According to Dworkin, “the possibility of loss was part of the life they chose – that it was the fair price of the possibility of gain”⁸³. In contrast, outcomes of brute luck, such as being hit by a meteorite, are compensable inequalities. Outcomes of option luck are chosen outcomes, whereas outcomes of brute luck are not chosen. People are responsible for the things they have chosen.

Dworkin provides a detailed definition of this distinction. According to him, the category of choice further includes a person's personality: her

⁷⁹ Anderson 1999; Scheffler 2003, 2005; Wolff 1998, 2010; Fleurbaey 2001.

⁸⁰ Dworkin 1981a, at 283–290.

⁸¹ Ibid, at 292–3.

⁸² Ibid, at 293.

⁸³ Ibid, at 294.

ambitions and character. Ambition comprises of tastes, preferences and plans of life, that is, reasons for making one choice rather than another. A person's character consists of those traits of her personality that affect the ways in which ambitions can be pursued, such as her energy, industriousness and persistence.⁸⁴

In contrast, the category of brute luck includes, in addition to the matters clearly outside the person's control such as accidents, an individual's personal resources. These, according to Dworkin, cover physical and mental health and ability, and general fitness and capacities, including something that Dworkin calls 'wealth-talent', which means a person's innate capacity to produce goods or services that will result in wealth. Furthermore, impersonal resources belong to brute luck: wealth, property, and provided opportunities that one commands, that is, the resources that can be reassigned from one person to another.⁸⁵

Thus, Dworkin wants redistribution to be sensitive to what people want and seek, but, at times, insensitive to their ability to achieve resources.⁸⁶ The distinction seems both arbitrary and ambiguous. Is unemployment, for instance, a result of lack of ambition (non-compensable) or lack of general fitness and capacities (compensable)? The distinction may work on a purely conceptual level, but its application to real life is challenging. Dworkin himself recognized the interconnectedness of personality and personal and impersonal resources, but did not pursue the matter further⁸⁷.

Cohen's contribution to this discussion was to question why ambition and taste belonged to the category of choice. He attacked Dworkin's view that expensive tastes were part of one's chosen characteristics.⁸⁸ Dworkin uses the example of Louis and his decision to cultivate an expensive taste to plover's eggs. When Louis finds himself in minor financial hardships and can no longer support his habit of enjoying plover's eggs, this affects his wellbeing. However, Dworkin does not see this as something he could claim compensation for. The practical rationale he offers is that otherwise society would be hostage to those cultivating expensive tastes and claiming for compensations for not having their extravagant needs met.⁸⁹

Cohen, however, argues that such tastes can come to the agent without an actual choice and that Dworkin's theory unjustly holds people responsible for tastes they cannot be held responsible for, however expensive⁹⁰. Cohen

⁸⁴ Dworkin 2000, at 322–323.

⁸⁵ Ibid.

⁸⁶ Cohen 1989, at 921.

⁸⁷ Dworkin 1981a, at 293; 2000, at 324.

⁸⁸ Cohen 1989, at 922–8; (2004). "Expensive tastes ride again". In J. Burley (ed), *Dworkin and His Critics: With Replies by Dworkin*. Oxford: Blackwell, 3–29.

⁸⁹ Dworkin, Ronald (1981b). "What is equality? Part 1: Equality of welfare". *Philosophy & Public Affairs* 10(3), 185–246, at 228–240.

⁹⁰ Cohen 1989, at 908.

suggests that we need to assess tastes and preferences according to whether they are *genuinely chosen* or not. The condition for a genuine choice, according to Cohen, is that the agent values and relates to her expensive taste. Genuine choices are grounded in beliefs, not on mere inclinations. Furthermore, the resulting disadvantage must also be a part of the belief, intrinsic to the choice and a part of it.⁹¹

Cohen also speaks about people's inability to convert resources into welfare. These inefficiencies can be one's own fault, or the result of bad luck, but most sit somewhere in the middle and with these, it is unclear if fault applies or not. According to Cohen, the reasonable criteria for compensation would be that we should compensate people for those disadvantages that it would not be reasonable to expect them to avoid or overcome.⁹²

Richard Arneson was, with Cohen, among the first commentators of Dworkin's theory; and launches similar criticisms. Arneson notes that Dworkin's distinction between option luck and brute luck does not make a clear division between voluntary and non-voluntary choices. For example, a pedestrian who slips might be behaving in a seemingly careless manner which makes us think that her fall was voluntary although, as a matter of fact, it was an outcome of brute luck.⁹³ More generally, bad outcomes of ill-informed choices could be seen as products of voluntary choices, even if they are instances of brute luck.⁹⁴ On reasonable expectations, Arneson writes:

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.⁹⁵

According to Arneson, responsibility should be interpreted as a matter of degree. He further argues that the duty of justice is to maximize human well-being by giving priority to those who are bad off, and among the bad off, by prioritizing to those who are "not substantially responsible for their condition in virtue of their prior conduct"⁹⁶.

Both Cohen and Arneson question the demarcation between brute luck and option luck because option luck seems vulnerable to false judgements.

⁹¹ Ibid, at 937.

⁹² Ibid, at 920; Cohen 2004; for a health-application, see Segall, Shlomi. (2010a). *Health, Luck, and Justice*. Princeton, NJ: Princeton University Press.

⁹³ Arneson 1989, at 79–80.

⁹⁴ Arneson 2011, at 34.

⁹⁵ Arneson, Richard (1999). "Equality of opportunity for welfare defended and recanted". *Journal of Political Philosophy* 7(4), 488–97, at 488–9.

⁹⁶ Arneson 2000a, at 340.

They propose, instead, that the distinction should be between brute luck and genuine choice. A theory known as *all-luck egalitarianism* takes this line of thought a step further and holds that no form of luck should have distributive significance, only choice.⁹⁷

Carl Knight demonstrates the intuitive appeal of this view. He asks us to compare the situations between a person who loses her house as the result of investing her money in bad stocks and a person who loses her house to fire after covering it in flammable liquid and throwing a lit match into it. The decision to invest money was a deliberate and calculated one, but the outcome was a result of bad luck. In contrast, burning one's house was an intentional choice, and, according to Knight, any relevant theory of distributive justice must be able to take this distinction into account. The decisive difference is between outcomes of luck and predictably destructive acts.⁹⁸

Knight admits that the distinction is not clear-cut, because luck plays a part in all of our actions; for instance, the match could have been extinguished by wind. All-luck egalitarians, nevertheless, stress the normative importance of luck versus choice. Knight proposes a spectrum from pure choice to pure chance, the former implying zero compensation and the latter full compensation. Most acts would be judged to be somewhere between these two extremes. A key role is here given to reasonable expectations, in Knight's terms, *warranted probabilities adjusted for non-culpable incapacity*: "individuals receive the warranted probabilities of their choices except insofar as individuals' inability to recognize which beliefs about probabilities are warranted have arisen through no fault or choice of their own".⁹⁹ He goes on:

On my favoured version of the view, individuals receive the expected value of their choices except where they non-culpably lack the ability to anticipate that value, or there is an insufficient level of societal resources to meet expectations.¹⁰⁰

The basic idea is to compensate all that comes from luck, and not compensate those outcomes that were expected.

Kasper Lippert-Rasmussen's notion brings a further nuance to the distinction between option luck and brute luck. While Dworkin had described option luck as a calculated gamble, Lippert-Rasmussen wants to make a further distinction. He argues that there is a difference between gambles where the gambler prefers the gamble itself, 'gambles proper', and gambles where the agent actually wants the expected value of the gamble, 'quasi-gambles'.

⁹⁷ E.g. Knight, Carl (2013b). "Egalitarian justice and expected value". *Ethical Theory and Moral Practice* 16, 1061–1073; Segall 2010a; Vallentyne, Peter (2002). "Brute luck, option luck, and equality of initial opportunities". *Ethics* 112(3), 529–557.

⁹⁸ Knight 2013b, at 1062.

⁹⁹ Ibid, at 1067.

¹⁰⁰ Knight 2015, at 131.

Gamblers proper have genuinely taken the risk (casinos, racetracks), while the quasi-gamblers actually are not prone to the imprudent risk-taking, but perhaps simply lacked in low-risk alternatives.¹⁰¹ Many authors see this as a relevant distinction and hold that the bad outcomes that quasi-gamblers face should be compensable, while the gamblers proper should bear the adverse outcomes themselves. Their argument is that unlike the gamblers proper, the quasi-gamblers are in a slightly coercive situation where they are, in certain sense, forced to take the risk.¹⁰²

Subsequent luck egalitarian literature began to discuss responsibility together with “*desert*”. This can be interpreted as one explication, among many others, for the proper role of responsibility, but it can also be seen as the starting point of all discussions on responsibility-sensitive views. Responsibility and desert go hand in hand in this matter: those who have assumed their responsibilities deserve more than those who have shunned them; and those whose unequal position is due to brute luck *deserve* their compensation.

Deserterians, however, want to provide an alternative to luck egalitarianism. They hold that an emphasis on desert corrects many flaws typical to the views focusing simply on choice and luck. This, they maintain, is because many genuine choices are virtuous, and done by virtuous people, but end up putting them in worse positions. From the viewpoint of justice, this is counterintuitive.¹⁰³

For Knight, desert is what ultimately encapsulates the appeal of luck egalitarianism. People want to see hardworking Bill getting a better outcome than lazy Ben. According to Knight, *desert*-sensitivity is the anti-egalitarian idea that luck egalitarianism managed to incorporate into egalitarianism.¹⁰⁴ Indeed, insofar as the original anti-egalitarian motive for attacking Rawls was that his theory did not properly acknowledge desert, this seems to be the case.

Desert as a distributive criterion can be comparative or non-comparative. According to the comparative reading, it is bad if Hitler and Gandhi have equal shares. According to the non-comparative interpretation, it is bad if Hitler has +4 rather than -4, whatever Gandhi’s share is.¹⁰⁵ Luck egalitarians usually opt for the comparative model of desert¹⁰⁶. Distributive shares are assessed by comparing the deservingness of different people. Larry Temkin calls this

¹⁰¹ Lippert-Rasmussen, Kasper (2001). “Egalitarianism, option luck, and responsibility”. *Ethics* 111(3), 548–79, at 555.

¹⁰² Barry, Nicholas (2008). “Reassessing luck egalitarianism”. *The Journal of Politics* 70(1), 136–50; Fleurbaey 2001.

¹⁰³ Arneson 2011, at 35.

¹⁰⁴ Knight 2015, at 127–8.

¹⁰⁵ Segall, Shlomi (2015). “What’s so egalitarian about luck egalitarianism? *Ratio (new series)* XXVIII, 349–368, at 355.

¹⁰⁶ Segall 2015.

comparative fairness or proportional justice¹⁰⁷. Temkin argues that fault, choice, luck and responsibility are rough approximations of comparative fairness – the most fundamental principle for luck egalitarians.¹⁰⁸

Actually, Temkin continues, luck egalitarianism has been misunderstood both by its advocates and by its critics because of all the attention given to luck. What really matters is not if people are worse off than others because of luck, but if equally deserving people are unequally well off. The confusion arises from the fact that, usually, inequality *also* involves luck.¹⁰⁹ Thus, Temkin states, the common proverb ‘through no fault or choice of their own’ is fundamentally a statement about desert, not about luck.

Desert can be estimated in terms of morality or prudence, or both¹¹⁰. Temkin sees it in terms of morality:

I believe that comparative justice involves comparative desert, where the desert is moral desert. So, as seen, the idea is that saints morally deserve to fare better than sinners, on the supposition that there is a meaningful notion of free will, and that the saints and sinners are responsible for their moral characters.¹¹¹

Temkin admits that the concept of living well – the saintly alternative – is ambiguous. It can mean *acting* right and doing good deeds; or it can refer to possessing a good *character* and being of high moral virtue. Although these are often overlapping, Temkin emphasizes the latter.¹¹² In contrast, Arneson makes an appeal for prudence. Being responsible is to make prudent choices (within the limits of reasonable expectations) and having a prudent character.¹¹³

Arneson describes his account of prudence with examples. He asks us to consider a national park rescue team who must decide which group of people to save during an unanticipated blizzard. The three groups they need to choose from are a company of schoolchildren, a club of experienced climbers who chose to take a difficult route, and a party of tourists who ignored warning signs and took an audacious hike. The experienced climbers made a “fully voluntary choice” and the tourists chose “grossly reckless conduct”. Therefore, according to Arneson, their moral claims to be aided are reduced. The schoolchildren are the most deserving, and since prioritization is needed, a

¹⁰⁷ Temkin, Larry (2011). “Justice, equality, fairness, desert, rights, free will, responsibility, and luck”. In Carl Knight and Zofia Stemplowska (eds), *Responsibility and Distributive Justice*. Oxford: Oxford University Press, 51–76.

¹⁰⁸ Ibid, at 51.

¹⁰⁹ Ibid, at 62.

¹¹⁰ Segall 2015.

¹¹¹ Temkin 2011, at 67.

¹¹² Temkin 2011.

¹¹³ Arneson 1999, at 488.

desert-based account of responsibility seems to be a good candidate to solve the situation.¹¹⁴

In another example, Arneson asks us to imagine Marx's theory with two kinds of proletarians: proletarians as we know them – true victims of intergenerational production chains – and proletarians*. The latter had the best socioeconomic and biological starting points in society. In their early adulthood, however, proletarians* managed to waste all the benefits of their favorable start to life and are now forced to work in monotonous and ill-paid jobs. According to Arneson, the differences in character and the imprudent actions of proletarians* would completely undo the critique that Marxism raises. In Arneson's version of luck egalitarianism, proletarians would deserve favorable treatment, proletarians* would not.¹¹⁵

Comparing deserts is problematic. In one of Temkins' examples, comparative fairness is used to decide who gets the last bed in an intensive care unit: the innocent pedestrian or the drunk driver. In this case, the innocent pedestrian has a stronger moral claim, because it would be unfair if the "guilty" was saved rather than the "innocent".¹¹⁶ However, this is only a *local* assessment of comparative desert. In contrast, *global* reasons force us look at the character of the agents more widely; the driver might be a saint who had a one-off lapse in judgement and the pedestrian might be an evil person. Temkin urges us to take into account local responsibility for specific outcomes, and global responsibility for one's overall character.¹¹⁷

Another requirement that Temkin sets for comparisons is that they cannot be made with one scale that fits all. If everyone's responsibility is evaluated on the same scale, the worse-off will be treated unequally due to their lesser resources to make the right choices. This is why behaviors must be assessed within appropriate comparison classes. These must take into account relevant behaviors consistently. If unprotected sex is a factor in ignoring medical needs, the same criterion must apply to all those who have unprotected sex, not only to specified groups such as the HIV positive. Comparisons must not focus on mere outcomes by looking at the 'losers' among those who made bad choices; and 'winners' among those who made good choices. For example, most overeating people will not have strokes, and most motorcyclists driving without helmets will not face accidents.¹¹⁸ Referring to Immanuel Kant's view that we should judge people based on their good will and not on untoward consequences¹¹⁹, Temkin seems to mean that the proper comparisons must be

¹¹⁴ Arneson 2000a, at 348.

¹¹⁵ Arneson 2011, at 25.

¹¹⁶ Temkin 2011, at 64–5.

¹¹⁷ Ibid, at 65–6.

¹¹⁸ Ibid, at 65.

¹¹⁹ Kant, Immanuel (1998[1785]). *Groundwork of the Metaphysics of Morals*. Cambridge: Cambridge University Press.

made between overeaters and not between those who encountered strokes; or between drivers without helmets, not between those who faced accidents. Thus, full responsibility for a choice does not entail full responsibility for an outcome¹²⁰.

John Roemer provides an oft-cited and detailed proposal on how to make proper comparisons. In his view, responsibility must be assessed by comparing people in similar circumstances. In this way, we can evaluate people by observing their levels of effort.¹²¹ Roemer gives an example about estimating responsibility for lung cancer. To begin with, the relevant circumstances beyond one's control related to smoking must be identified; for example, occupation, ethnicity, gender, parents' behavior, and income level. Then the population is divided into types according to these factors, and each type will have their own median of years spent smoking. The *comparable degree of responsibility* will be assessed by looking at how the individual under assessment is situated among the average of smokers of her type. By seeing whether the individual has smoked more or less than an average member of her demographic, we can estimate how much effort she has put to acting responsibly. In the end, one person can have a much longer history of smoking than another, yet due to their different demographics, society might do the right thing by treating them similarly.¹²²

To summarize the considerations thus far, the criteria for luck egalitarian responsibility can be very detailed and well thought out. Accusations of arbitrariness and harshness have inspired theorists to put together quite reasonable sets of criteria for conditions of responsibility, *on the level of political theory*. If we accept the principle of responsibility in the first place, a coherent version of luck egalitarianism can probably be found.

The proposed conditions do not escape, however, the classic problems of assigning responsibility. The control condition still faces the problem of regress, moral luck still overshadows everything that we do, and we still do not know the actual origins of our characters and motivations. If the basic tenet of the theory is that individuals are only responsible for choices or outcomes that are not based on luck, not their own fault, or not in their control¹²³, we should know more about luck, fault, or control to make proper assessments in particular situations. This threatens to be a difficult challenge.

¹²⁰ Temkin 2011, at 65.

¹²¹ Roemer, John E. (1998). *Equality of Opportunity*. Cambridge: Harvard University Press, at 11.

¹²² Roemer, John E. (1993). "A pragmatic theory of responsibility for the egalitarian planner". *Philosophy & Public Affairs* 22(2), 146–166, at 150. Roemer admits the limitations of his approach: some behaviors are bad regardless of the types and medians, such as being a Nazi SS member (Ibid, at 163).

¹²³ Knight, Carl (2013a). "Luck egalitarianism". *Philosophy Compass* 8(10), 924–934.

4.2 METAPHYSICAL OR NON-METAPHYSICAL?

In the luck egalitarian literature, a distinction is made between metaphysical luck egalitarianism and non-metaphysical luck egalitarianism. The label “metaphysical luck egalitarianism” refers to those luck egalitarian theories that rely on the control condition of responsibility, and uphold one version of incompatibilism or another. The “non-metaphysical luck egalitarians”, for their part, count on compatibilist notions of responsibility. Both versions have their supporters among the most influential luck egalitarian theorists.

Arneson¹²⁴, Cohen¹²⁵, and Temkin¹²⁶ rely on metaphysically robust conditions of responsibility. Cohen admits that his insistence on genuine choice threatens to subordinate political philosophy to unanswerable questions of free will¹²⁷, while Temkin argues that justice must have a tight connection with moral desert and free will:

People must, in a robust sense, be responsible for their characters for them to be morally deserving of being well or poorly off in virtue of their characters.¹²⁸

However, both Cohen and Temkin are unwilling to provide explicit description as to what these commitments mean. While grounding his theory on robust conditions, Temkin says that the catchwords of luck egalitarianism, such as moral desert, are at best rough approximations, and that he himself doesn’t “have the foggiest idea how to solve the mare’s nest of (meaningful!) free will”.¹²⁹ Cohen echoes this line of thought by remarking that the fact that we are caught with the problem of free will is just “tough luck” [sic]: it does dictate that we should refrain from following the argument to its conclusion¹³⁰. These authors, then, want to commit to the control condition, but wish to leave the question of what the control condition really means to metaphysicians.¹³¹

Cohen, Arneson, and Temkin deal with the metaphysical uncertainty by making approximations. Cohen argues that if we take the genuineness of a choice as a matter of degree, we do not need an absolute distinction between genuine choice and circumstance. The more genuine the choice, the less cause for complaint one has, and the less genuine the choice, the more cause for complaint one has. In Cohen’s view, interpreting responsibility as a matter of degree reduces his theory’s dependence on metaphysics.¹³² According to

¹²⁴ Arneson 1989.

¹²⁵ Cohen 1989.

¹²⁶ Temkin 2011.

¹²⁷ Cohen 1989, at 934.

¹²⁸ Temkin 2011, at 55.

¹²⁹ Ibid, at 56.

¹³⁰ Cohen 1989, at 934.

¹³¹ Knight 2015, at 132.

¹³² Cohen 1989, at 934.

Arneson, his theory is only an abstract, non-applicable theory, because “in practice individuals and institutions would not have access to such information”¹³³. As for Temkin, the sufficient robustness comes from relying on thresholds. While admitting that he will not solve the question of free will, he believes that “many rational beings are sufficiently free, in the relevant sense, as to make attributions of responsibility for their characters appropriate”¹³⁴.

Arneson, Cohen, and Temkin’s answers seem theoretically sound, but as soon as one tries to apply any of the theories, the metaphysical questions come back to haunt us. How do we know that someone is responsible enough? Where do we set the thresholds?

Many critics have accused luck egalitarians for tacitly relying on metaphysical libertarianism¹³⁵. Samuel Scheffler, for example, points out that taking into account the great normative power of the distinction between choice and circumstance in the theory, the theory should be able to place voluntary choices and causal factors into separate metaphysical categories. He further wonders that if genuine choice does not really exist, why should choice matter and, most importantly, why make it the defining parameter in distributive justice?¹³⁶

Knight replies to Scheffler’s criticism by denying the straightforward connection. According to Knight, there are many versions of luck egalitarianism, as there are many ways of understanding the connection between free will, responsibility and luck. Knight argues that the theory as such is not committed to either libertarianism or compatibilism, nor to any particular understanding of free will and responsibility.¹³⁷

In fact, Knight argues that luck egalitarianism is metaphysically only as dubious as egalitarianism, which does not cater for responsibility at all. Egalitarianism, with all its certainty about the normatively relevant lotteries, seems to be committed to hard determinism, and this is no less problematic. Knight argues that responsibility-*insensitive* egalitarianism faces the same problems of metaphysical uncertainty.¹³⁸ That might be true.

The relevant difference is that responsibility is not a guiding principle in egalitarianism. Rawlsian egalitarianism is committed to determinism up to the point that it is able to deny metaphysical libertarianism. The reasoning behind this is that because there is so much determinism created by natural

¹³³ Arneson 2000a, at 345.

¹³⁴ Temkin 2011, at 56.

¹³⁵ Scheffler 2003; 2005; Fleurbaey, Marc (1995). “Equal opportunity or equal social outcome”. *Economics and Philosophy* 11(1), 25–55, at 38–44; Smilansky, Saul (1997). “Egalitarian justice and the importance of the free will problem”. *Philosophia* 25, 153–61.

¹³⁶ Scheffler 2005.

¹³⁷ Knight, Carl (2009). *Luck egalitarianism. Equality, Responsibility, and Justice*. Edinburgh: Edinburgh University Press, at 181.

¹³⁸ Ibid.

contingencies, social institutions and other factors beyond individual's control, it would be unfair for these to determine one's position in a society. This does not, however, mean that everything is determined.

Neither does Rawlsian egalitarianism deny the existence of responsibility. It only says that responsibility should not be used in determining societal positions because of the multiple factors at play beyond individuals' control. We cannot know the absolute degree of responsibility, but we know that circumstantial factors have an effect on the choices that we make. This is why desert is taken into account only institutionally in egalitarianism. Individual responsibility can only be seen through institutional lenses, because institutions create the background conditions for individuals to be responsible.

Knight admits that luck egalitarianism cannot insist that distribution should be based on genuine responsibility, because that would require the free-will problem to be resolved. Being a victim of unsolvable metaphysical questions would practically disable the theory.¹³⁹

Another approach is to bypass the requirements of genuine choice or true desert altogether. Dworkin, for example, seems to rely on an intuitionist account. He is not so much concerned with the philosophical doubt on choice and responsibility, and actually accuses Cohen for making too sharp a distinction between choice and circumstance¹⁴⁰. Dworkin's idea is to incorporate responsibility into distributive justice based on *personal ethics*. For Dworkin, individual responsibility represents one of the most fundamental guidelines of our personal and social ethics. For Dworkin, "the distinction between choice and circumstances is not only familiar in first-person ethics, but is essential to it"¹⁴¹. Dworkin calls his own theory continuous, because it embraces a continuity between personal ethics and distributive theory.

My distinction tracks ordinary people's ethical experience. Ordinary people, in their ordinary lives, take consequential responsibility for their own personalities ... it would strike us bizarre for someone to say that he should be pitied, or compensated by his fellow citizens, because he had the bad luck.¹⁴²

Thus, Dworkin's understanding comes from ordinary ethics, not from abstract theorizing. Even if there were philosophical reasons to be skeptical about the existence of genuine choice, we should continue to rely on our personal ethics of knowing which things are matters of choice and which are not.¹⁴³

¹³⁹ Ibid, at 185–188.

¹⁴⁰ Dworkin 2000, at 323.

¹⁴¹ Ibid, at 323.

¹⁴² Ibid, at 289–90.

¹⁴³ Knight 2013a, at 26; Dworkin 2000, at 323.

Knight, too, denies the significance of metaphysical certainty. For him, the best luck egalitarian strategy is to make practical judgements based on our best guesses about responsibility.¹⁴⁴ Knight does not need any epistemic certainties:

The exact specification of when belief in a probability is warranted is not a task of a theory of justice. Just as luck egalitarians typically leave responsibility as a problem to be solved by metaphysicians, so I believe they should leave warrant as a problem to be solved by epistemologists.¹⁴⁵

Knight, too, seems to rely on an intuitionist or traditionalist account of responsibility. Knight sees that the luck egalitarian principle of responsibility can very well be used as a distributive criterion in public policy. He suggests that:

‘Non-metaphysical’ luck egalitarians might recommend that we reward and penalize wherever certain criteria of responsibility are satisfied, regardless of whether metaphysically genuine responsibility has actually been exercised”.¹⁴⁶

He further advocates a “typical compensation pattern”: compensation for disadvantages rising for congenital disability, poor native endowment or talent, or birth into unfavorable social or economic circumstances; but no compensation for disadvantages arising from choices to make more or less of an effort, or to pursue some goals rather than others. Knight explicitly admits that his proposal is political, not metaphysical.¹⁴⁷ Roemer, another luck egalitarian who emphasizes the political dimension, suggests that individual choice and circumstance should be defined by the democratically expressed views of the society.¹⁴⁸

The political and intuitionist approaches avoid the problems related to metaphysics. If defining the meaning of responsibility can be left to expert committees, deliberation, and democratic procedures, metaphysics need not to be discussed. This solution is, however, somewhat disquieting. The criteria become relative, and could simply portray reactive attitudes. And if responsibility is decided based on personal ethics, intuition and tradition both play important roles. All of these can, on a closer look, result in biased judgements, but there is nothing in the theory to mitigate that.

Knight’s *typical* compensation patterns model faces similar problems. Even if we could agree on the patterns, placing individual situations into the categories of choice and circumstance would always face epistemic

¹⁴⁴ Knight 2015, at 132–33.

¹⁴⁵ Knight 2013b, at 1067 fn13.

¹⁴⁶ Knight 2009, at 185.

¹⁴⁷ *Ibid*, at 187.

¹⁴⁸ Roemer 1993.

uncertainty. How can we know whether a particular outcome was the result of an unfavorable socioeconomic circumstance or of insufficient effort? Further, because epistemic certainty is not important to Knight, the matter becomes a question of tradition, personal ethics, and political decision-making. Again, there is little to safeguard us against biased judgements.

There is nothing wrong with arguing that compensation and rewarding patterns should be decided in a democratic process. Societies can very well decide, for example, that some professions have higher salaries than others. In a similar vein, arguably, a society could decide that from now on, for example, smokers get less healthcare benefits, because smoking is agreed to fall under “personal responsibility”. However, stating that this is primarily a matter of responsibility is problematic on two accounts.

First, it would neglect the widely supported view that there are circumstances that actually diminish responsibility. And none of the luck egalitarians discussed here claim otherwise. All the theorists wish to remain sensitive to the causal histories that effect choices. They refer to socioeconomic backgrounds, available opportunities, and other contributing factors beyond the individual’s control that influenced her choices.

However, this understanding is undermined if the notion of responsibility is in practice defined by intuitions or political decisions, like some of the theorists suggest. Surely, we can hope that intuitions and political decisions come close to the “true” distinction between choice and circumstance; and perhaps there could be procedures in place that would mitigate the potential biases in judgement. Resorting to intuitions and political deliberations could indeed offer approximations on where to draw the line between choice and circumstance, but there is a problem of consistency here. It is inconsistent to claim, simultaneously, that epistemic certainty has no significance, *and* that causal, historical effects on responsibility matter. To take into account the causes that have an effect on an individual’s responsibility means that one needs to be able to know about those causes.

As Andersen and Nielsen¹⁴⁹ point out, luck egalitarians wish to uphold the view that causal effects can diminish responsibility, but the only theories of moral responsibility that can do this are those that follow some objective logic about causal history or rely on genuine intentions. However, following those would need epistemic certainty, and satisfying the control condition has proven to be impracticable. An account of responsibility without a need for epistemic certainty should probably have its justification outside the desert-based view, such as theories referring to preferred outcomes¹⁵⁰. However, this

¹⁴⁹ Andersen & Nielsen 2016; Nielsen & Andersen 2014.

¹⁵⁰ Ibid. Actually, Arneson states that his luck egalitarian view is consequential. According to Arneson, the consequentialist luck egalitarian wants to promote actions and policies that advance luck egalitarian goals and have an overall positive impact on the quality of people’s lives. (Arneson 2011, at 41.) This, however, is still relative to what the goals of luck

is not what is suggested in the literature. The views expressed both in metaphysical and non-metaphysical luck egalitarianism are more or less deserterian, and therefore, it would be logical that they aim to be sensitive to what people really deserve, and not only to approximations of what people deserve.

The second problem with making democratic decisions about the types of behavior that should lead to lesser compensation is that these decisions tend to have moralistic undertones. As Arthur Caplan puts it when discussing giving lower priority to alcoholics on a liver transplant waiting list:

[e]quity would require exclusionary policies for individuals who require medical care as a result of conduct as diverse as participation in athletics, horseback riding, failure to wear a seatbelt or helmet while operating a motor vehicle, failure to obey speed limits, failure to stop smoking, the ownership and use of a firearm, morbid obesity, employment in environments that are dangerous or stressful or, owning a large dog, a chain saw, or a swimming pool.¹⁵¹

The issue at hand can be understood by making a distinction between *depravity-subsidizing* and *cost-shifting* accounts of responsibility in distribution. The depravity-subsidizing view holds that distributive shares ought not be directed to subsidize “personal depravity of immoral behavior”. In contrast, the cost-shifting view is not interested in the morality or immorality of behavior. What is immoral “is not the behavior as such, but simply that the individual shifts costs to others”.¹⁵²

According to Eric Cavallero¹⁵³, the luck egalitarian accounts that take genuine choices as the criteria for responsibility offer an account that aims to make distribution and cost-shifting sensitive to choice. However, when the definition of responsibility goes to matters of character or prudence, we turn, intentionally or unintentionally, our investigations into the moral nature of persons and actions. What we think is prudent is often discriminatory, moralist, arbitrary, and influenced by markets and the media. As Daniel Wikler puts it, “we should not expect that the only ones made to shoulder the costs are those who behave in ways that offend their neighbours.”¹⁵⁴ Furthermore, to allocate healthcare on the basis of personal responsibility

egalitarianism end up being. If the aim is to maximize responsibility, this is very different from mainstream consequentialism where the maximized good is usually happiness or well-being.

¹⁵¹ Caplan, Arthur L. (1994). “Ethics of casting the first stone: Personal responsibility, rationing, and transplants”. *Alcoholism, Clinical and Experimental Research* 18(2), 219–221, at 220.

¹⁵² Cavallero, Eric (2011). “Health, luck and moral fallacies of the second best”. *Journal of Ethics* 15(4), 387–403, at 389–90.

¹⁵³ Cavallero 2011.

¹⁵⁴ Wikler, Daniel (2002). “Personal and social responsibility for health”. *Ethics & International Affairs* 16(2), 47–55, at 52.

would arbitrarily and publicly burden the socially detectable risk-takers while undetectable risk-takers would continue to enjoy a free ride.¹⁵⁵

¹⁵⁵ Cavallero 2011.

5 AN END-STATE THEORY OR A PROCEDURAL GAMBLE?

So far, we have seen that historical assessments of desert, choice, and luck can lead to very different conclusions depending on the normative and metaphysical presuppositions chosen. If emphasis is given to the control condition (which raises questions of regression and epistemic uncertainty), the conclusion reached is that, in practice, no individual responsibility should be assigned. However, if in the historical assessments we assume that everyone has a sufficiently free will, then everyone is responsible for almost every act and omission.

In this chapter, I discuss the different end-states that luck egalitarians assume in their theories. Some theorists end up proposing the collectivist solutions such as general taxation or public insurance. Their rationale is roughly the following. By carefully studying societies, we see that, generally speaking, the worse-off have had worse luck, and the better-off have had better luck. To the collectivist theorists, general taxation seems to be the best strategy to level the playing field and to apply choice-sensitivity. Alternatively, collectivist solutions like public insurance can be advocated because circumstances have such a significant role in our actions that hardly anyone can be held responsible for anything, or because other principles should complement the theory. In these interpretations, luck egalitarianism can be seen simply as a more complicated version of egalitarianism. Or, to put it the other way, egalitarianism is a streamlined version of luck egalitarianism¹⁵⁶. As we already know that we can never properly verify the genuineness of choice, it would be futile to try to do this in individual cases. Instead, we can proceed straight to collectively funded public insurance as the solution. However, there are also many theorists who think that individual responsibility should inform the distribution of social goods to individuals.

On the level of first principles, the only shared axiom among luck egalitarians theorists is that genuine responsibility should impact distribution.¹⁵⁷ The rest depends on how responsibility is understood. This is the reason for the uncertainty of outcomes when luck egalitarianism is applied.

It seems that at the level of real world outcomes, luck egalitarianism is a procedural gamble that can lead to anything from all-embracing welfare structures to very unforgiving and harsh models. This is hardly surprising. The theory is a combination of standard left-wing distributive views about combatting inequalities based on familial wealth and abilities, and right-wing

¹⁵⁶ Kaufman 2004, at 833.

¹⁵⁷ Scheffler 2005; Knight 2013a; Mounk 2017; Daniels 2011.

distributive views about the importance of individual choice¹⁵⁸, without a clear normative guidance of their lexical order. Thus, the normative direction that policy recommendations based on luck egalitarianism take will depend on the person applying the theory. Whether or not this is a problem will be discussed in chapter 6.

On a theoretical level, many of the creed's proponents maintain that responsibility should matter in distribution only when "*other things are equal*". By this they mean, for instance, societies with just institutional structures. If people truly had genuinely equal opportunities to make choices in their lives, then inequalities brought by choices would be their own responsibility¹⁵⁹. This is because everyone would be equally in control of their own lives. Dworkin, for example, would hold someone responsible for a failure to insure¹⁶⁰ *only* if every person faces the same risk of disadvantage and each person is guaranteed an equal opportunity to insure.¹⁶¹ This level of equality does not exist anywhere.

After developing a highly complex hypothetical model of auctions and insurances, Dworkin ends up relieving individuals from responsibility for their option-luck choices. Eventually, his insurance scheme's main purpose seems to be to serve as counterfactual evidence, to show that even if we had all the knowledge of our upcoming risks and wished to insure against those, the best insurance market would still observe more general categories based on estimates of what most people want.¹⁶² The hypothetical insurance scheme is, then, replaced with a scheme that reflects a general tax system.¹⁶³ Many advocates of luck egalitarianism take the theory to be an argument for public insurance schemes, because those would best mitigate the distributive impact of luck when it comes to, for example, health and unemployment.¹⁶⁴

Actually, luck egalitarianism provides a justification for a much more comprehensive redistribution than Rawls' egalitarianism. Rawls limited redistribution to a set of primary goods. When these are satisfied, there is nothing awry, according to Rawls' theory, if luck determines the rest of societal goods, as long as the differences benefit those worse-off. Why is it acceptable that the lucky can enjoy their advantages, while the unfortunate must remain content with their primary goods? What kind of egalitarianism is that – as

¹⁵⁸ Knight 2015, at 119–120.

¹⁵⁹ Arneson 1989, at 86.

¹⁶⁰ At Dworkin's hypothetical auction, there is a hypothetical insurance market, too. People can invest their clamshells to buy insurances against the risks they wish to protect themselves. Not buying insurances is similar to taking part in a gamble. Therefore, the starting point is that not buying insurances is an option-luck choice, not worthy of compensation. (Dworkin 1981, 293–298.)

¹⁶¹ Dworkin 1981, at 296–7; Kaufman 2004, at 825–6.

¹⁶² Dworkin 1981, at 296–9.

¹⁶³ Cavallero 2011, at 397.

¹⁶⁴ Knight 2015.

Cohen asks, “if you’re an egalitarian, how come you’re so rich?”¹⁶⁵ Cohen refutes Rawls’ difference principle as a mere compromise of justice, not actual justice¹⁶⁶. Cohen’s version of luck egalitarianism would redistribute everything that people did not deserve or that came to them because of luck; and, in his model, those would include almost everything.

Arguably, this version of luck egalitarianism is the perfect cunning plan. It starts by embracing the argumentative arsenal of the anti-egalitarian social conservatives by taking seriously the entities that concern them: desert, choice, and responsibility. It then goes on to demonstrate how these do not actually exist or are impossible to verify with sufficient precision; and concludes with the very redistributive solutions that the social conservatives originally opposed. In a way, by using their own language, the doctrine proves that the social conservative argument is flawed. As Nicholas Barry concludes, “the genius of luck egalitarianism is that it highlights the radical implications of any theory that is truly sensitive to individual choice” and shows that only a few of the inequalities that exist today are acceptable¹⁶⁷. This certainly is a theoretically fascinating project. Assuming that metaphysical libertarianism does not exist and that brute luck greatly affects our socioeconomic positions, this is a very convincing argumentative tool for egalitarians with socialist or left-libertarian leanings. This interpretation of luck egalitarianism is far removed from the crueler versions of the theory criticized by egalitarians.

Many luck egalitarians seem to assume that the theory will automatically lead to all-compensable practices in real life, especially when it comes to those most disadvantaged. According to Arneson, deservingness is actually hugely irrelevant when it comes to society’s major institutions in real life¹⁶⁸. Those most in need of aid are usually under socioeconomic hardships that make it difficult and painful for them to make sensible decisions. In Arneson’s model, the degree to which people are responsible for their moral failures depends on how painful acting responsibly would have been to that person. People in poverty have lesser resources to make good choices and stick to them. Blaming the people for whom the choice was more difficult than for others for not conforming to even reasonable standards is unreasonable.¹⁶⁹ Therefore, the proper luck egalitarian answer is not to hold these people responsible.

Some people among the resource-lacking might, of course, actually have sufficient resources to behave responsibly in at least some matters. The problem is that we do not know who they are; and they might not know

¹⁶⁵ Cohen, Gerald A. (2001). *If You're an Egalitarian, How Come You're So Rich?* Cambridge, MA: Harvard University Press.

¹⁶⁶ Cohen 2001; 2008. *Rescuing Justice and Equality*. Harvard University Press; Barry, Nicholas (2006). “Defending luck egalitarianism”. *Journal of Applied Philosophy*, 23(1), 89–107, at 101.

¹⁶⁷ Barry 2006, at 102.

¹⁶⁸ Arneson 1997, at 328.

¹⁶⁹ *Ibid*, at 343.

themselves.¹⁷⁰ Furthermore, even if we could agree on some justified and interpersonally comparable scale of deservingness, it would be too difficult to measure in practice¹⁷¹.

This is the reason why Arneson would eschew considerations of desert from the social policy of poverty. He states that this is not because he wishes to ignore desert-sensitivity, but simply because it would not work.¹⁷² According to Arneson, if we successfully abandon moralism towards the poor, “it turns out that controversy about deservingness and responsibility becomes peripheral to debates about redistribution”¹⁷³. Arneson takes egalitarianism and responsibility to be “comrades, not adversaries”, a combination that does not need to produce “stingy” applications.¹⁷⁴

For example, leaving a family caregiver without assistance would be unjust, because brute luck often influences the background conditions. A sexist division of labor or damaging family relationships can be at the root of the issue. In many cases, what looks like option luck, actually turns out to be brute luck.¹⁷⁵ It is relatively easy to take any example that is seen to lead to harsh outcomes; and to show how matters beyond the individual’s choice actually played a crucial role, and how the individual should not be held responsible. One can point to brute luck, frame the situation as a quasi-gamble or a non-genuine choice, emphasize the unexpectedness of the outcome, argue that the outcome did not belong into the agent’s belief system, or that the individual simply had insufficient societal resources.

This strategy is what Yascha Mounk¹⁷⁶ calls denial of responsibility, and it leads to an intra-theory argument which is quite interesting from the point of view of the theory ever having significant applications. *The practical argument* states that very few individuals could be considered responsible for their disadvantages if luck egalitarianism were applied in today’s world.¹⁷⁷ Real-life conditions rarely fulfill the necessary criteria for holding someone responsible, and even when they do, the claim for responsibility can in most cases be overridden by excusing conditions related to inequalities in income, wealth, education, family, and other background factors. When making

¹⁷⁰ Ibid, at 344.

¹⁷¹ Ibid, at 328.

¹⁷² Ibid, at 350.

¹⁷³ Ibid, at 333.

¹⁷⁴ Ibid, at 329.

¹⁷⁵ Knight 2013a, at 929; Dworkin, Ronald (2002). “Sovereign Virtue revisited”. *Ethics* 113(1), 106–143, at 136–137; Brown, Alexander (2005b). “Luck egalitarianism and democratic equality”. *Ethical Perspectives* 12(3), 293–339, at 320–324; Mason, Andrew (2006). *Leveling the Playing Field: The Idea of Equal Opportunity and its Place in Egalitarian Thought*. Oxford: Oxford University Press, at 182–188.

¹⁷⁶ Mounk 2017.

¹⁷⁷ Barry 2006, at 96–98, Voigt, Kristin (2007). “The harshness objection: Is luck egalitarianism too harsh on the victims of option luck?” *Ethical Theory and Moral Practice* 10(4), 389–407, at 395–396.

decisions, everyone is in a unique position affected more or less by chance. In real life, Dworkinian impersonal resources always influence our choices. This undermines the control condition, and the epistemic condition will not be satisfied either, because we rarely know about all the risks involved in the situation. Consequently, the problem of harsh treatment will not become widespread.

The luck egalitarian's answer to her original critic, the social conservative, is that no-one can be assessed simply on a given standard of behavior, but that the myriad of background conditions that contribute to the individual's conduct and decisions also need to be considered. Desert is important, but in practice, it is next to impossible to differentiate the deserving from the undeserving. Even if, in principle, we could make circumstance-sensitive judgements about responsibility, we can never attain the necessary information when it comes to individuals in particular situations.¹⁷⁸ Arneson presumes that "[m]ost often, the fine-grained approach leads to softening judgements at least for the types of undesirable behaviours that are the concern of political conservatives".¹⁷⁹

Again, we see that luck egalitarianism in its theoretical form leads to practices more or less similar to what Rawls advocated, or to an even more equal redistribution. Even if we agreed on the right standards of conduct, true merit and desert, in practice these are beyond our measuring capacities for the purposes of public policy. Therefore, notions of moral worth and true deservingness should be dropped from the fundamental principles of justice¹⁸⁰.

Another strategy used in answering the harshness criticism is to argue that responsibility is not the only principle that should guide distributive justice; and that luck egalitarianism should be complemented by other principles. Even in situations where responsibility for one's character or action could be established, welfare benefits might still be morally required, overall, due to prioritarian, welfarist, utilitarian, or other considerations. As Cohen puts the matter, acting in accordance with justice can be only a part of what we should do¹⁸¹.

The most common additions to luck egalitarianism are sufficientarian and prioritarian strategies. The former aims at guaranteeing a sufficiency threshold for everyone, while the latter prioritizes the worse-off in distributive decisions. Both strategies offer appropriate compensations to people in the most disadvantaged societal positions, even though the actual definition of the sufficiency threshold and the limits of priority are open to debate. The explicit

¹⁷⁸ Arneson 2000a, at 345.

¹⁷⁹ Arneson 2011, at 28–29.

¹⁸⁰ Rawls 1999, at 64, 274; Arneson 2011, at 30–31.

¹⁸¹ Cohen 2008, at 302.

purpose of the principles is, however, to ascertain that the victims of option luck and bad choices do not fall below a certain level of well-being.

Luck-egalitarianism combined with sufficientarianism states that even if one is responsible for her disadvantage, she cannot be allowed to fall below a certain threshold of well-being¹⁸². To put it in other words, luck egalitarian principles should only operate above the sufficiency level, while humanitarian principles apply below that threshold level¹⁸³.

Prioritarian accounts hold that institutions and policies should be designed to maximize moral value, and the lower the person's well-being, the greater the moral value of a well-being gain offered to her. What makes this responsibility-catering is that the more morally deserving and the less responsible for the bad outcome the person is, the greater the moral value in her gain of well-being is, as well.¹⁸⁴

Accounts of comparative desert operate in a similar manner. Improving the lot of the worse off can be justified on prioritarian, humanitarian, or utilitarian grounds; or by appealing to the virtues of compassion, mercy, or forgiveness. This is because "egalitarians are rightly committed to pluralism, and we have to be sensitive to the full range of reasons for aiding the needy besides those of comparative fairness"¹⁸⁵. In situations where the other morally relevant factors are close to equal, comparative fairness tells us who has the strongest moral claim for help.¹⁸⁶

Pluralistic views can also be employed in explaining why it would be wrong to use intrusive means in measuring levels of responsibility. A pluralistic view would take into account the welfare loss related to the social cost of intrusion; and would not advance policies that come with such a cost.¹⁸⁷

Arneson sees comprehensive luck egalitarians (taking the theory as comprehensive fundamental morality) and non-comprehensive luck

¹⁸² Barry 2006, Brown, Alexander (2005a). "If we value individual responsibility, which policies should we favour?" *Journal of Applied Philosophy* 22(1), 23–44; Segall 2010a; Voigt 2007; Casal, Paula (2007). "Why sufficiency is not enough". *Ethics* 117 (2007), 296–326.

¹⁸³ Tan, Kok-Chor (2012). *Justice, Institutions, and Luck*. Oxford: Oxford University Press, at 100–1.

¹⁸⁴ Arneson 2000a, Segall 2010a.

¹⁸⁵ Temkin 2011, at 64.

¹⁸⁶ Temkin 2011, at 64–65. In the health-care setting this could be taken to mean that "fairness requires giving priority to improving the health of an individual if she has invested more rather than less effort in looking after her health, and of those who have invested equal effort, priority should be given to those who are worse off (health-wise)." Segall, Shlomi (2011). "Luck prioritarian justice in health". In Carl Knight and Zofia Stemplowska (eds), *Responsibility and Distributive Justice*. Oxford: Oxford University Press, 246–265, at 263.

¹⁸⁷ Arneson, Richard (2000b). "Egalitarian justice versus the right to privacy". *Social Philosophy and Policy* 17, 91–119; Arneson, Richard (2004). "Luck egalitarianism interpreted and defended". *Philosophical Topics* 32, 1–20; Albertsen, Andreas and Carl Knight (2015). "A framework for luck egalitarianism in health and healthcare". *Journal of Medical Ethics* 41, 165–169.

egalitarians (taking the theory as one principle among others) as the opposite ends of a scale. Accordingly, luck egalitarianism can be a theory that has a bearing on distributive justice; or a theory that covers distributive justice in its entirety, but social justice (which is wider) only partly; or a theory that covers all of social justice, but only a fraction of fundamental morality; or a complete theory of fundamental morality.¹⁸⁸

Andreas Albertsen and Knight propose a framework for applying luck egalitarianism to questions of health. They concentrate on health, as opposed to healthcare, because this allows them to look at health as a general state of well-being, which is shaped not only by healthcare but also by wider factors, including the social determinants of health. They call the framework integrationist, in contrast to isolationist, and emphasize that health is influenced by general distributive arrangements as well as by more direct factors, such as diseases and injuries. In their model, an individual's situation is assessed through all the circumstances in her life. The authors further advocate a pluralistic approach and recognize that, for example, sufficientarian or prioritarian views can well override the principle of responsibility. They conclude that instead of choice-sensitive policies, a luck egalitarian framework can support welfarist policies through taxation.¹⁸⁹ They argue:

[I]t should be emphasised that luck egalitarianism is a view about how to respond to responsibility, not a view about who is in fact responsible for bringing about what. Consider, for example, the seemingly responsibility-sensitive policy of giving lower priority to people whose need for a new liver is related to alcohol consumption. While luck egalitarianism under certain empirical conditions and on a specific theory of responsibility is compatible with such a policy, it is not an integral part of luck egalitarianism to claim that this group of patients is in fact responsible for their condition. We again find that luck egalitarianism does not provide the unmitigated support for real-world attempts at 'choice-sensitive' policies that many suppose it to.¹⁹⁰

When we know that the burden of disease is borne disproportionately by the poor, we may have luck egalitarian reasons to prefer a system more similar to that of Canada or Western Europe, where general taxation on the rich benefits the poor through improved public healthcare provision.¹⁹¹

According to pluralist accounts of luck egalitarianism, the principle of responsibility might not, after all, be the first principle of distributive justice. When we combine the pluralist ethos with the practical argument, Barry's

¹⁸⁸ Arneson 2011, at 42.

¹⁸⁹ Albertsen and Knight 2015.

¹⁹⁰ *Ibid*, 167.

¹⁹¹ *Ibid*, 168.

question is to the point: “[i]f option luck rarely occurs, what is the point of luck egalitarianism?”¹⁹²

Barry’s own answer is that “[t]he option-brute distinction still has worth precisely because it allows egalitarians to explain why the inequalities that exist in the real world today are unjust, even when they seem to be the result of individual decisions.”¹⁹³ Indeed, for some, the point of luck egalitarianism is that, instead of judging individuals in particular situations, the most accurate way to take individual responsibility into account is through general taxation and public insurance. Their argument starts by emphasizing the importance of personal responsibility and ends up with non-individualistic solutions. If luck egalitarianism is not interested in who is responsible for what, but how to respond to responsibility¹⁹⁴, the distributive implication to individuals vanishes. However, this is not the only conclusion drawn in the vast luck egalitarian literature; and especially practical applications tend to stress the role of personal responsibility. Not everyone agrees that luck egalitarianism should promote interventions only at the collective level.

Knight is one of these theorists. He argues, for instance, that employment and occupational choices are paradigmatic cases of deliberate gambles; and that their outcomes should be seen as instances of option luck¹⁹⁵. Knight defends the distributive implications of responsibility at the individual level. He criticizes the view that attribution of moral responsibility without distributive implications would be a sufficient form of responsibility. According to Knight,

[w]e usually want to back up a justified expression of praise or dispraise with action of some kind. It seems wholly inadequate to respond to grossly irresponsible or even malicious behavior with a mere shake of the head. We cannot, for instance, tolerate ‘moral hostage taking’ by those who know that an egalitarian society will pay for their destructive or extravagant behavior. Assuming that such persons are, determinism notwithstanding, responsible for their behavior, it may well strike us as wrong to subsidize their reprehensible choices.¹⁹⁶

Temkin, too, believes that responsibility should matter in distribution. He states that *if* we can connect personal responsibility and desert,

this position has deep and important implications for the nature and extent of our obligations towards the less fortunate whose predicaments resulted from their own fully responsible choices. This

¹⁹² Barry 2006, at 101. See also Daniels 2011, at 282.

¹⁹³ *Ibid.*, at 102.

¹⁹⁴ Albertsen and Knight 2015, at 167; Cappelen and Norheim 2005, at 478–9.

¹⁹⁵ Knight 2015, at 122.

¹⁹⁶ Knight 2009, at 184.

might include conditions resulting from individually responsible choices involving job selection, lifestyle, risky behaviour, and so on.¹⁹⁷

Now, occupation and lifestyle are exactly those kinds of practices that are often heavily influenced by factors outside the individual's control. Public decisions do have a considerable impact on how much choice people are left with, and, recognizing this, Temkin leaves a big *if* to his case. However, Knight and Temkin present a strong argument for holding individuals responsible for the untoward outcomes of their lifestyle and job selection, in theory at least.

When luck egalitarianism is applied to real life, the focus seems to be on finding harmful behaviors for which individuals could be held responsible. These behaviors can then be used as a justification for offering the individuals in question a lesser share of the common good. The literature on health offers some very detailed suggestions concerning, for instance, oral hygiene. Luck egalitarian principles are harnessed to make the point that insufficient efforts to take care of one's dental hygiene should result in a lower priority, or higher prices, in dental care. The grounds are that personal oral hygiene is a reasonable expectation; and that dental wellbeing does not belong to the sphere of basic needs.¹⁹⁸

Another oft-used example is organ transplantation. Shlomi Segall builds his "responsibility-sensitive account that is not unduly harsh"¹⁹⁹ on prioritarian views and suggests giving some priority to those who are not responsible for their need of an organ. Since excluding everyone who is responsible point-blank would be harsh, he suggests a weighted lottery system that favors those who are not responsible. In Segall's model, the needs of the prudent and innocent take precedence, but not absolute priority, over those of the reckless and guilty.²⁰⁰ The argument for this view is that when resources are scarce and prioritization is needed, giving priority to those who did not bring their need upon themselves seems fair. Why should the innocent not be prioritized?²⁰¹

Arneson (against his earlier²⁰² statement that luck egalitarianism is an abstract moral theory), too, suggests examples of policy implications. He discusses how affluent consumers overuse and misuse antibiotics, pressurize doctors to prescribe those, passively tolerate the situation of overuse, and contribute to the development of resistant bacteria. He also criticizes the affluent consumers for demanding expensive health care in the last months of their lives and in doing so, draining the resources that could have been used

¹⁹⁷ Temkin 2011, at 64.

¹⁹⁸ Albertsen, Andreas (2015a). "Tough luck and tough choices: Applying luck egalitarianism to oral health". *Journal of Medicine and Philosophy* 40, 342–362.

¹⁹⁹ Segall 2010a, at 72.

²⁰⁰ Segall 2010a, 2011.

²⁰¹ Albertsen 2016a.

²⁰² Arneson 2000a.

elsewhere more beneficially. In both cases, he argues, the affluent are behaving in a selfish manner, and this should be taken into account in health policies.²⁰³

Luck egalitarianism does not have a clear normative end-state. It is unclear whether the theory should be applied on an individual or collective level and in what way, and whether the theory is applicable in the first place. Furthermore, some theorists seem to have changed their views over time. All these factors make appeals to the theory a procedural gamble. What sort of problems, if any, follow from this, will be discussed next.

²⁰³ Arneson 2011, at 32–33.

6 DOES LUCK EGALITARIANISM HAVE A PROBLEM?

We have seen that, contrary to what the critics say, most versions of luck egalitarianism do not lead to cruelty, invasions of privacy, or to other anti-liberal and anti-egalitarian policies. With the pluralistic and holistic exceptions and nuanced excusing conditions, different luck egalitarian theories can dodge many criticisms levelled at luck egalitarianism in general. I will argue, however, that this does not salvage luck egalitarianism from all accusations. In this chapter, I discuss two problems that I think luck egalitarians should take seriously. These are the wider political implications of luck egalitarian thinking; and the assumption of scarcity.

The scope of the first problem is broader than luck egalitarian theory itself. It concerns the theory's contribution to the political trend of "the responsabilization of the individual". Luck egalitarians use the concept of responsibility as their starting point, but cannot agree, in the end, on its definition or normative force. The finely nuanced accounts of responsibility they present are too complex for popular understanding; the preferred end-states of public insurance and strong redistributive institutions are buried deep under layers of theory; and the initial examples used to illustrate responsibility are often less favorable to the worse-off than the final normative conclusions. It is no wonder, then, that public discussions embrace luck egalitarianism primarily as the theory that stresses the importance of responsibility. Combine this with a simplistic popular view of responsibility, and the table is set for moralism and responsabilization.

Most luck egalitarians may not support harsh and intrusive policies, but they are supported by luck egalitarian arguments. As Scheffler states, luck egalitarians unwittingly incorporated in their theories non-egalitarian elements, such as the libertarian ideas of choice and responsibility as the fundamental principles of political morality.²⁰⁴ The unfortunate result was that choice and responsibility found their way into political and popular discussions on social policies, and not in a considered way.²⁰⁵

One could argue that this is not a problem for a philosophical doctrine as such. Luck egalitarianism is a cluster of theories that all emphasize responsibility. The inconsistency between the different understandings of responsibility within luck egalitarianism is not any different from, say, the numerous different ways in which 'utility' and 'good' are understood in

²⁰⁴ Scheffler 2005, at 5–8.

²⁰⁵ E.g. Mounk 2017; Wolff 2010; Voigt, Kristin (2013). "Appeals to individual responsibility for health - Reconsidering the luck egalitarian perspective". *Cambridge Quarterly of Healthcare Ethics* 22(2), 146–158.

different utilitarian theories. Furthermore, how a theory ends up being applied is not really up to the theorists themselves. Some go as far as to argue that luck egalitarianism is not applicable in the first place, but an abstract moral theory²⁰⁶. Practical limitations do not undermine the normative principle itself²⁰⁷.

On the other hand, however, the versions of luck egalitarianism applied in healthcare ethics are just used as a tool to combat the issues of prioritization and justice in an era of rising healthcare costs. I argue that, in this context, luck egalitarianism produces stigmatizing and discriminative practices; both because some interpretations of the theory are incorrect and because even the correct interpretations are presented in a misleading manner. If we are interested in the societal impact of applying philosophical theories, and if we do not want to promote stigmatizing and discriminative practices, we have to deduce that luck egalitarians have a problem.

The second problem I discuss in this chapter is the assumption of scarcity, prevalent especially in the prioritarian versions of luck egalitarianism. I claim that this assumption distorts the discussion and directs the attention to individuals and their deservingness, when, instead, the actual reason for the need to prioritize lies in policies and institutional structures. Furthermore, with all the pluralistic and excusing conditions, it is doubtful whether luck prioritarian schemes could provide any large-scale solutions to rising costs.

My criticism can be understood in terms of ideal and non-ideal theory. Ideal theory extrapolates away from empirical facts, with the purpose of identifying, elucidating, and clarifying the nature of principles, ideals, or other concepts. In contrast, non-ideal theory takes empirical facts seriously and aims to outline social arrangements that are feasible in the real world yet abide by our ideals as best they can. Theorists disagree on the correct procedure here. Should we start with empirical facts and build our theory by observing them; while at the same time trying to improve them? Or should we first create a perfect theory of perfectly behaving people in perfect surroundings; and then deal with the real-life imperfections afterwards?²⁰⁸ Both ends of the fact-sensitivity spectrum are problematic. A completely fact-insensitive ideal theory risks offering an account of justice that cannot be applied to the non-ideal world at all. Total fact-sensitivity, in its turn, may fail to question existing

²⁰⁶ E.g. Arneson 2000a, at 345.

²⁰⁷ Knight 2015, at 133 fn8; Arneson 2000b.

²⁰⁸ Lawford-Smith Holly (2010). "Ideal theory—A reply to Valentini". *The Journal of Political Philosophy* 18(3), 357–368; Lawford-Smith, Holly (2013). "Understanding political feasibility". *The Journal of Political Philosophy* 21(3), 243–259; Cohen, Gerald A. (2003). "Facts and principles". *Philosophy and Public Affairs* 31(3), 211–45; Stemplowska, Zofia (2008). "What's ideal about ideal theory". *Social Theory and Practice* 34(3), 319–340; Hamlin, Alan & Stemplowska Zofia (2012). "Theory, ideal theory and the theory of ideals". *Political Studies Review* 10, 48–62; Farrelly, Colin (2007). "Justice in ideal theory: A refutation". *Political Studies* 55, 844–864; Daniels 2011, at 282.

arrangements and end up reestablishing the status quo, possibly an unjust one.²⁰⁹

The popular understanding of responsibility is very similar to the view driving the political trend of the responsabilization of individuals. Both contain three interconnected aspects: an individual is responsible for her character, and the actions and qualities linked with the character; she is responsible for the outcomes linked with her actions and qualities; and her treatment by others is justly influenced by these outcomes. In the popular understanding, the threshold for holding an individual responsible for a detrimental outcome is low; and distributive sanctions are almost automatically insisted on when an individual is considered responsible for her actions and qualities and their outcomes.²¹⁰

This means that an agent is responsible for her action if she did not just react mechanically to an external influence; and was not suffering from severe mental distortion. In other words, an agent is responsible if she fulfills the traditional conditions of *mens rea* – a “guilty mind” is the cause of her behavior. Responsibility for an outcome, again, can be assigned when the agent has control over meaningful outcomes in the chain of outcomes: if a person had control and therefore was responsible for failing to graduate, she is also responsible for her resulting unemployment. Furthermore, being responsible implies that society has a decreased duty to help the individual in her predicament. Society has a lesser duty to take care of this person during her unemployment, because she has caused the situation herself.²¹¹ To put this in the words of Thomas Scanlon’s famous account of attributive and substantive responsibility²¹², in this view the threshold for assigning attributive responsibility is low, and attributive responsibility translates into substantive responsibility almost automatically. This interpretation is what

²⁰⁹ Farrelly 2007, at 846.

²¹⁰ Mounk 2017, at 177–8.

²¹¹ *Ibid.*

²¹² Scanlon, Thomas (1998). *What We Owe to Each Other*. Cambridge, MA: The Belknap Press of Harvard University Press, at 248–294. Scanlon’s responsibility as attributability is to be a subject of praise or blame for having acted in a certain way. In contrast, substantive responsibility entails substantive conclusions about what we owe to each other. To be responsible in a substantive manner means that the resulting burdens or obligations can be directed to the person responsible and it requires that the actions in question depend on and reflect the agent’s choices. Thus, the absence of eligible alternatives can undermine substantive responsibility. In Scanlon’s account, a person can be assessed responsible in the first sense without having the substantive responsibility that would lead to bearing the costs of the action. Scanlon illustrates the difference with an example about drug addicts who gained their addiction in childhood: it might be that the addicts are open to moral criticism and responsibility as attributability, but it may not be proper to make them bear the consequences of these acts by saying that because of these “voluntarily” addictions, the society has no duty to provide treatment to the addicts. Thus, substantive responsibility can be questioned without undermining responsibility as attributability.

critics of luck egalitarianism have in mind when they argue that the doctrine's implications are harsh and fundamentally conservative²¹³.

The “popular” view on the matter is a type of political ideology that uses simplified and moralistic terms when discussing individual responsibility. This “moralism of responsibility” blames the poor for their own poverty; and allows the better off to enjoy their success without compunctions concerning those in need.²¹⁴ In this blame game, important questions of economics and social policy are easily ignored; and individual deservingness is evaluated without a good understanding of particular situations. With this notion of responsibility, the main task of the welfare state and its institutions is to be on a constant lookout for who does and who does not deserve benefits²¹⁵.

The simplistic view on responsibility bears little or no similarity to the thorough analyses presented by luck egalitarian philosophers. In the discourse, however, the “popular view of responsibility” has been mixed up with the more intricate accounts.²¹⁶ This is probably because luck egalitarianism is not entirely opposed to the popular understanding: the creed actually subscribes to some elements in it, as will be demonstrated in what follows.

The *starting point* in both theoretical and applied discussions on luck egalitarianism is the importance of tracing individual responsibilities. As indicated in chapter 4, the theoretical accounts start by making a distinction between compensable and non-compensable outcomes and assuming (initially) that there is a solid category of genuine choices, or option-luck outcomes, for which individuals should be held responsible. Applied argumentation starts with the assumption that lifestyle is something that individuals choose freely and can be held responsible for²¹⁷. As a rule, the tone of the authors eventually changes and they move on to challenge the feasibility of the distinctions in real life. As I demonstrate in chapter 5, many theorists end up conceding that, due to metaphysical or methodological unclarities, it would not be a good idea to assign responsibilities to individuals. Practical commentators can come to the same conclusion by acknowledging that the role of the social determinants of health is too significant to be overlooked.

This does not, however, change the starting point and basic tenet of the theory, namely, that distribution must be sensitive to individual responsibility. Although Dworkin, for instance, may not in the end hold individuals responsible even for their option-luck choices, the distinction between brute luck and option luck that he introduced has remained at the core of luck

²¹³ Anderson 1999; Scheffler 2003, 2005; Wolff 1998; Fleurbaey 2001.

²¹⁴ Scheffler 2005, at 14–15.

²¹⁵ Mounk 2017, at 178

²¹⁶ Voigt 2013.

²¹⁷ E.g. Brown, Rebecca (2013). “Moral responsibility for (un)healthy behaviour”. *Journal of Medical Ethics* 39, 695–698.

egalitarian considerations. The conclusions might call for collective measures, but the starting point is individual responsibility.

Moreover, there are theorists who sincerely seem to support at least some elements of the simplified understanding of responsibility. They may contend that everyone can actually make a genuine choice concerning their jobs and the ensuing incomes and other rewards; or that everyone is in a position to practice good dental hygiene and should therefore accept lower priority in case they do not do so. These claims ignore the influence of non-chosen, circumstantial factors on real-life socioeconomic and health differences.²¹⁸ By drawing attention to “grossly reckless behavior”, and by deeming people as morally undeserving because of their “chosen” lifestyles²¹⁹, they subscribe at least partly to the “popular”, simplified understanding of responsibility.

The use of simplifying and tentatively marginalizing examples is also, in and by itself, problematic. Luck egalitarian literature bursts with imaginary cases that are supposed to appeal to our intuitions on some tentative and initial level, but only manage to encourage our prejudices about groups of people who are less deserving. These examples include comparisons between the prudent-foodie, regretful-foodie, and non-regretful-foodie²²⁰; Sainly Bob and Vicious Sue; Prudent Bob and Lazy Sue²²¹; saints and sinners²²²; and the lazy grasshopper and the hard-working ants²²³. The paradigmatic story – of which there are many variations in the literature²²⁴– tells why the lazy grasshopper does not deserve the assistance of others. The ants ask:

“What did you do this past summer?”

“Oh,” said the grasshopper, “I kept myself busy by singing all day long and all night, too.”

“Well then,” remarked the ants, as they laughed and shut their storehouse,

“since you kept yourself busy by singing all summer, you can do the same by dancing all winter”.²²⁵

Now, examples are commonly used in philosophical literature. As thought-experiments, they are isolationist, reductionist versions of situations that would actually happen in historical, social, and political contexts. Their point is to highlight significant philosophical concepts and distinctions. Seen from

²¹⁸ E.g. Arneson 2000a, at 348; Knight 2009, at 184; Temkin 2011, at 64.

²¹⁹ Ibid.

²²⁰ Vansteenkiste, S., Devooght, K. and Schokkaert, E. (2014). “Beyond individual responsibility for lifestyle: Granting a fresh and fair start to the regretful”. *Public Health Ethics* 7(1), 67–77, at 70.

²²¹ Segall 2015, at 356.

²²² Temkin 2011, at 67.

²²³ Segall 2015, at 357; Brown 2005.

²²⁴ E.g. Dworkin’s (1981, at 305–6) tennis player (as the grasshopper) and gardener (as the ant).

²²⁵ Aesop (1996) Aesop’s Fables (London, Penguin), p. 11 [Brown 2005, 36].

this angle, examples like Aesop's grasshopper may fulfil their aim and make visible our abstract thoughts on responsibility and deservingness.

The problem is that we do not get to apply our abstract thoughts into abstract situation, where they belong. The minute we think that "prudent saints" or "lazy sinners" roam our streets in real life we have given in to the moralistic view on responsibility and forgotten the complicated causal events that have shaped the actual situation our fellow human beings and we are facing. We have let ourselves to be fooled by a theoretical construction that has next to no bearing in the world we live in.

To make matters worse, most health-related cases discussed in luck egalitarian terms have an aura of stigmatization attached to them. Welfare-state benefits and access to public health care mostly need to be considered in relation to the less well off. The better off population is less in need of welfare-state benefits; and they can usually pay for private healthcare or have employment-related healthcare contracts. It is the economically worse-off who are the most dependent on public redistributive institutions. They are also disproportionately affected by brute luck, disadvantaged by unequal opportunities, and systematically deprived of their social base of self-esteem. They have the least resources to deal with financial catastrophes and are at a bigger risk of facing personal bankruptcy.²²⁶

Diseases related to obesity, smoking, and drinking are more prevalent among the economically worse-off²²⁷. If these are seen as self-inflicted, policies that aim to be responsibility-sensitive will mainly add to the burden of the worse off. The impact on the well off with the same choices and conditions will be lesser, because they have better resources to pay for their own treatments²²⁸.

Although the eventual theoretical concepts of responsibility in the egalitarian literature can be nuanced and equality promoting, the paraded examples run the risk of ignoring the differences in people's abilities to adopt healthy lifestyles. This gives credibility to a language of individual responsibility that fosters moralistic attitudes towards, and the stigmatization of, those who are regarded as "having irresponsible lifestyles".²²⁹

Luck egalitarians defend themselves by saying that if the ensuing policies stigmatize and disadvantage people in the worse positions, wrong versions of

²²⁶ Cavallero 2011, Wolff, Jonathan & Avner de Shalit (2008). *Disadvantage*. Oxford: Oxford University Press.

²²⁷ E.g. Cavallero 2011.

²²⁸ Daniels 2011.

²²⁹ Popay Jennie (2008). "Should disadvantaged people be paid to take care of their health? No". *British Medical Journal* 337(7662), 141; Voigt 2013, 154–55. On the other hand, it has been suggested that speaking about the importance of individual behavior might help addressing feelings of fatalism and resignation among disadvantaged groups when they realize their own possibilities of action. In this manner, it can have good health outcomes. (Voigt 2013, 154.)

the theory have been used or the theory has been applied incorrectly²³⁰. This is a fair argument. However, the question remains. If luck egalitarians wish to avoid adding disadvantages to the worse off, why highlight cases that hint to the opposite direction? Is the most relevant philosophical content of luck egalitarianism to stress that some individuals are, due to responsibility, less deserving than others? If not, and this seems to be the correct reading, why open the Pandora's Box in the first place?

Luck egalitarians could draw attention to the better off by using different examples, but this is not happening. The "less deserving one" in the examples is usually someone who already belongs to the worse-off group due to socioeconomic reasons.

This phenomenon appears to be a catch 22 situation, or a paradox of the welfare state. Appeals to responsibility are persuasive, and the responsibility-sensitive rationing measures are usually suggested to secure the functioning of the social welfare system, but the results are likely to harm the most vulnerable and the most disadvantaged. This is a paradox, because these are the very people that the welfare state should protect. Restraints and cuts hit those who are the most dependent on redistributed social goods the hardest. Additionally, moralistic requirements for giving sensitive information might discourage people from seeking assistance exactly when they need it.²³¹

Arneson's examples of well-off antibiotic overusers and overtreatment seekers are among the few examples that talk about the well off. However, there are problems with these examples too, as they still point towards individual responsibility, which most luck egalitarians do not want in the end. We are encouraged to believe both that lazy people and sinners are less deserving; and that we should assist them nonetheless. The starting point of redistributive luck egalitarianism is not in line with the end states it wishes to produce.

Arneson wishes to avoid punishing the already worse off by concentrating on the affluent in his examples of antibiotics and overtreatment²³². However, if the aim is to decrease antibiotics overuse and overtreatment, is setting sanctions on individuals the most effective means? Is it fair that the individual pays the price of the existing medication policies? Why is it legitimate to regulate and sanction individuals, but not industries? Individual-oriented solutions might be politically easier, but this pragmatic reason is hardly a legitimate argument for a theory of justice.

The move from individual responsibility to publicly funded institutions in luck egalitarian theories is too implicit and hidden. Even if the original attempt was to destroy the conservative and moralistic concepts of responsibility, the

²³⁰ Albertsen, Andreas (2015b). "Luck egalitarianism, social determinants and public health initiatives". *Public Health Ethics* 8(1), 42–49; Arneson 2000a, 2011.

²³¹ Mounk 2017, at 13, 94.

²³² Arneson 2011, at 32–33.

finer details of luck egalitarianism vanish as the theory is applied and brought in to inform public policy. Accordingly, what luck egalitarianism ends up endorsing is the simplistic account of responsibility²³³. This is not the goal of the theory, at least not for many. Dworkin, for example, has criticized the disadvantaging policies that an emphasis on responsibility, combined with a simplified account of it, has produced²³⁴.

The theoretical project of luck egalitarianism is too complicated to dent the conservative criticism that it was supposed to refute. If luck egalitarians wish their theory to end up in collective solutions, the basic tenet should be re-stated. Suitable opening lines could be, for instance:

Due to the various influences that luck has on people's lives, the best a society can do to remain choice-sensitive is to build a universal cost-pooling system in which those who have the best luck subsidize those with bad luck.

This re-formulation adds nothing new to what the luck egalitarians themselves argue, yet it would offer a better basic tenet to the theory, as opposed to the current starting point of individual responsibility. However, even this re-formulation fails to tackle the most important issue, which is that responsibility is linked with distributive sanctions in all luck egalitarian accounts. Even the collective-solution seeking luck egalitarians do not try to unravel this connection; they just argue collectivist policies would address the questions of responsibility better than other alternatives.

The impact of luck egalitarianism on policy debates is ultimately an empirical question, and as such, irrelevant to the underlying philosophical theory. However, since the theory is applied to real-world problems with the hope of solving them, paying heed to the potential empirical consequences seems relevant. If theoretical discussions have untoward effects on individuals' well-being, this is something that theorists who aim to reduce unfair inequalities should think about²³⁵. As Jonathan Wolff states, "the attempt to implement an "ideal" theory of equality can harm the very people that the theory is designed to help"²³⁶.

Arneson has opined that the endless debate for and against luck egalitarianism in the egalitarian discourse has an "other-worldly quality of a tempest in a teapot"²³⁷. I disagree with him. Arneson's argument is that since most luck egalitarians would promote Rawlsian primary goods (or something like them) in most questions, the debates about the consequences of applying the theory are useless. However, as I have argued, it does not seem that all luck egalitarians would in fact promote this view on primary goods; and what is

²³³ Voigt 2013, Scheffler 2005.

²³⁴ Kaufman 2004, at 833–4. Kaufman refers to welfare policy reformations in the USA in 1996.

²³⁵ Voigt 2013, at 155.

²³⁶ Wolff 2010, at 335.

²³⁷ Arneson 2011, at 30.

more, most luck egalitarians present their case in a way that makes it seem that they would not promote them. Furthermore, the order in which the theory is constructed and presented often seems to support some other conclusion. If we have any interest in applying the theory outside the scope of pure philosophy, we need to strive for a better grasp of its premises and assumptions.

I will now turn my attention to the “fact of scarcity”. The assumption of scarcity is most often made within the prioritarian versions of the theory. Prioritarians typically use extreme examples: many people in need of a liver transplant and only one liver available, or several groups in need of assistance in a blizzard and only one rescue team. A rationing decision has to be made, lest all perish, and the idea of varying degrees of responsibility seems to offer a solution to the allocation problem. The assumption of scarcity is, however, problematic on many accounts.

First, the examples cited describe emergencies; and the agents making the decisions are people in rescuing professions. This seems to imply that people in life-saving professions, such as physicians and members of rescue teams, should estimate the immediate deservingness of their patients and others in need, instead of looking at their need, vulnerability, and survival estimates more generally²³⁸. Even if these decisions were outsourced to policy-makers, guidelines are never complete and the applicability of the guidelines would still need to be estimated in many situations. Changing the culture of “saving everyone in need” to a culture of “saving the most deserving first” would arguably open a door for discrimination and moralism.

Secondly, the emergency examples dismiss the wider issues. Why was there only one rescue team on call, why are there too few beds in emergency rooms, and what causes the shortage of organs for transplantation? Surely, sometimes resources fail to be sufficient. However, if it is the case that, on a regular basis, not all car accident victims fit into the emergency rooms, or national park rescue teams are forced to leave behind two out of three groups in trouble, surely something should be done to address the shortage. The organ transplant example is slightly different, because until artificial organs become an option, they are in limited supply. There are, however, ways of making more organs available.

Finally, I question the luck prioritarian assumption of scarcity in general. To be sure, some scarcity is reasonable to assume. Scarcity is a basic premise for the need for justice: if there were enough of everything for everyone, we would not need distributive justice²³⁹. Luck prioritarians, however, do not seem to think that there could ever be even sufficiently enough for everyone. Arneson, for example, is doubtful that societies could ever provide an

²³⁸ Nielsen, Lasse (2013). “Taking health needs seriously: Against a luck egalitarian approach to justice in health”. *Medicine Health Care and Philosophy* 16(3), 407–416, at 415.

²³⁹ Rawls 1999.

unconditional guarantee even at a basic functioning level. He worries that if everyone is guaranteed too much, it would cause excessive costs to others.²⁴⁰ When it comes to healthcare, the set of assumptions is that we cannot uphold the current healthcare structures in the future; that, therefore, we must prioritize more stringently; and that responsibility-sensitivity is the way of doing it.

However, taking scarcity for granted seems unwarranted. Amartya Sen argues that the problems of famine and poverty have never been the consequence of lack of food and wealth, but the way they are distributed²⁴¹. Although many societies struggle to guarantee everyone a decent level of basic goods or healthcare services, it would not have to be that way. Taking scarcity as a theoretical premise suggests the presence of other premises too, such as assuming limitations to redistributive institutions or proper levels of “excessive costs”.

Healthcare costs are not isolated from politics more generally and they depend on the nature of the healthcare system. Healthcare budgets can be expanded and taxation increased when this is required to provide the goods needed. The original explanation to the rising costs and to the “healthcare crisis” listed new expensive treatments and diagnostic tools, emphasis on patient choice, and decreasing tax revenues due to an aging population. Why, then, should the primary focus of discussion be individual behaviors?

Furthermore, seeing healthcare costs – or costs ensuing from guaranteeing primary goods for everyone – as isolated from the general structures of the welfare state is a mistake. Trying to save money by denying primary goods or basic health services from the undeserving could lead to even higher costs in other parts of the system. We know that there are social determinants of health; and that possessing certain basic goods has a favorable effect on those determinants. Therefore, guaranteeing primary goods for everyone seems to be the perfect strategy to advance health, productivity, and stability of a population. Further, focusing on, say, preventive healthcare could lessen the need for expensive treatments.

My point here is not to claim that the rising cost of healthcare is not a problem. What I argue is that the “fact of scarcity” assumed in the literature fails to acknowledge the various ways we could combat scarcity, or how the “fact” itself is constructed. Instead of taking perpetual scarcity for granted, we could question the existing arrangements and political choices that endorse scarcity now. “Ought” implies “can”, in other words, we should not demand the impossible, but it is far from obvious that we could not do a better job of reducing the shortage of resources in healthcare and other social institutions.

²⁴⁰ Arneson 2000a, at 347; also e.g. Knight 2015.

²⁴¹ Sen, Amartya (2010). *The Idea of Justice*. Cambridge, MA: The Belknap Press of Harvard University Press, at 47–48.

I question luck egalitarianism's ability to challenge the supposed "fact" of scarcity in the first place. The motivation in the theory's applications seems to come from a need to find rationing mechanisms; and from the observation that there is a correlation between chronic diseases and individual lifestyles. However, despite the conviction that responsibility is important, the concrete solutions suggested are quite limited. Those favoring individual-centered solutions go for weighted lotteries in limited settings; and those favoring collective-oriented solutions propose schemes of public insurance and taxation. I doubt whether these succeed in answering the original need. If solutions focus on the individual, even the most nuanced theoretical models have a very limited applicative scope. The collective solutions of taxation and public insurance provide good general answers insofar as they enable redistribution and primary goods. However, they fail to address particular issues such as the efficacy calculations of implementing new technologies to clinical use; the quality of care for the elderly; the arrangement of preventive care; and other factors usually associated with the rise of healthcare costs. Most importantly, one can question whether general taxation and public insurance are those kinds of responsibility-sensitive answers that the application-oriented luck egalitarians were looking for.

7 RESPONSIBILITY HAS BEEN HIJACKED, LET'S HIJACK IT BACK

In this theoretical introduction to my thesis, I have shown how responsibility made its way to the forefront of Anglo-American political philosophy; what the main philosophical problems that holding individuals responsible gives rise to are; and, more specifically, why these problems create challenges to those theories of political philosophy that aim for a deep normative significance of responsibility. My main criticism was not directed toward any philosophical theory as such. Rather, I have criticized a wide variety of luck egalitarian theories for being misleading and unfit for applications. In this final chapter, I summarize the main conclusions of the thesis and outline some preliminary ideas for a way forward.

There is nothing wrong as such in thinking that people can be, or should be, responsible for their actions. People themselves have plenty of reasons for wanting to be responsible for their choices. These fall into the categories of “instrumental”, “demonstrative”, and “symbolic”. Instrumental reasons have to do with the wish to be independent, to have control over one’s own life, and perhaps also to be free from potentially restrictive welfare schemes. Demonstrative reasons are motivations for being able to communicate and encapsulate important aspects of ourselves, such as tastes, attitudes, and preferences. Symbolic reasons have to do with our wish to see our choices as representations of our values. Having responsibility for our lives tends to make us happy, self-respecting, and autonomous.²⁴²

Following Meredith Minkler, responsibility can be seen as *responsibility*, a capacity to build on one’s strengths and responses. Responsibility implies people’s ability to have control over their own lives and an ability to respond “to their personal needs and the challenges posed by the environment”.²⁴³ Further, being able to hold others responsible is meaningful to human relationships.²⁴⁴ Not to mention that responsible and reciprocating citizens are a precondition of a functioning welfare society.

Taking all this into account, the intuition that individual responsibility is important and that it should, therefore, inform theories of political justice, makes sense. Perhaps there is also a growing feeling that an increasing number of people seem to be losing control over their lives, and that it would be good to restore it. However, this is not what the luck egalitarian theories argue for.

²⁴² Scanlon, Thomas M. (1986). “The significance of choice”. *The Tanner Lectures on Human Values* 7, 149–216; Mounk 2017, at 147–50; Brown 2005.

²⁴³ Minkler, Meredith (1999). “Personal responsibility for health? A review of the arguments and the evidence at century’s end”. *Health Education & Behavior* 26(1), 121–40, at 124.

²⁴⁴ Strawson 1962, Mounk 2017, at 160–164.

Instead of asking how to enhance responsibility, their starting point is to give people what they deserve.

In the preceding chapters, I hope to have shown that the backward-looking desert-based accounts of responsibility are difficult to apply, and when applied, they end up with simplistic and moralistic solutions. The cunning plan of the luck egalitarian theorists, to beat the social conservatives in their own game, is too complex to have an effect. The intuition that choice and desert matter is so strong that even just flirting with it runs the risk of making us blind to the contexts in which choices are made. This further encourages one-sided views about responsible behavior: certain jobs are preferable to others and one is expected to follow the recommendations of a balanced diet and proper ways of exercising. Responsibility can, however, manifest itself in various ways. People who fail to meet the standards of healthy lifestyles can still show responsibility for example by taking care of others or by devoting themselves to various projects, such as volunteering,²⁴⁵ but these are given less attention. If “being responsible” is restricted to a narrow scope of accepted behavior, it becomes a simplification of itself. In health issues, this creates a new mode of oppression, where the “expert patient” must make the “right” decisions within the limited category of accepted choices. There is more to “health” than following a balanced diet and exercising regularly: these do not guarantee health.

An overemphasis on responsibility brings it to bear in normatively irrelevant contexts. Mounk gives a revealing example of this. A common argument for promoting the rights of sexual minorities has been based on the assumption that being, say, gay, is not a question of choice. People do not choose to be gay, they are not responsible for being gay, and therefore, they should be accepted as they are and not discriminated against. But why would being gay be somehow worse if it were a matter of choice? Why could people not be granted sexual minority rights based on the principles of pluralism, equality, and respect, instead?²⁴⁶

One of my main claims has been that the punitive account of responsibility should be kept apart from the category of “primary goods”, or similar. Distributing primary goods, the essential elements of having a decent life with sufficiently equal opportunities, is too important to be submitted to simplistic and moralistic assessments of responsibility. None of the methods suggested for assessing desert are robust enough to trump the fact that everyone deserves their primary goods. Furthermore, it is not clear why responsibility should belong to the first principles of a theory of political philosophy.

The intuition that “those who work hard deserve more” must be satisfied above the level of primary goods. Those who play by the rules that their society sets will probably get more. But then, again, the rules are made by those who

²⁴⁵ Mounk 2017, at 184–194.

²⁴⁶ *Ibid.*, at 19–21.

have the most power; and the positions of power are institutionally determined. Also, the ability to follow rules is at least partly socially determined; and the rules themselves are dependent on political and economic changes. Hence, certain basic goods need to be guaranteed for everyone. Only in this way can everyone have an equal standing – and justice requires this. What, then, is the level of primary goods that secures equal standing? This question requires a non-ideal-theory answers, which probably falls within the remit of social scientists. The philosophical answer does not necessarily require further details, and the ideal presented can well provide the normative guidance required by the ideal-theory answers.

The matter can also be discussed in terms of the purpose of a welfare state. Are the primary functions of a welfare state, for instance, to reduce needless suffering, guarantee an equal standing for its citizens, and enable cooperation? Or is it perhaps to track responsibilities as precisely as possible and distribute social goods accordingly? Framed this way, the answer seems rather obvious. I maintain that the former egalitarian tasks are what the welfare state should prioritize; not assessing responsibility and desert.²⁴⁷

Consequentialism offers an alternative way of understanding responsibility. In that model, assigning responsibility is good if it brings about desirable results to individuals themselves and/or to society. This transforms the discussion from backward-looking assessments to forward-looking questions about how to get to a situation where more people would have more control over their lives. The consequentialist approach requires empirical hypotheses that bring the discussion close to moral psychology. The crucial question is: if we wish people to become more responsible, is this better achieved by sanctioning irresponsible behavior or by enhancing individual capabilities to be responsible?

Many have argued in support of the enhancing-capabilities option. It has been said that people are actually more likely to take responsibility for their own lives when they can trust in the existence of some basic safety nets. Additionally, our cognitive abilities and mental well-being benefit from the feeling that we have a high degree of agency over our own future. Institutions that allow people to exercise control over their own lives help people become more responsible.²⁴⁸

In contrast, punitive policies are deemed counterproductive. They are designed to create incentives for people to take responsibility for their own lives, but they end up producing stress, which has the long-term effect of decreasing one's capability to control one's own life.²⁴⁹ This creates the paradox of the welfare state discussed earlier: good intentions end up harming

²⁴⁷ Mounk 2017.

²⁴⁸ E.g. *Ibid*, at 154–6; Mullainathan and Shafir 2013.

²⁴⁹ Mullainathan and Shafir 2013.

those in most need²⁵⁰. Furthermore, the policies of blame increase the personal feelings of guilt and failure, and encourage the stigmatization and blaming of others²⁵¹. These are the most often mentioned reasons why punitive or “incentivizing” policies towards, say, the obese have undesirable consequences. Stigmatization and its side effects often worsen the person’s situation.²⁵²

When it comes to taking responsibility for others, increasing capabilities for response-ability seems to work well. As I discuss in articles II and III, there are convincing arguments stating that social cohesion and reciprocation are best enhanced by making sure that individuals are above a certain level of scarcity. This gives them the necessary resources to take others into consideration, which further gives them reason to contribute to reciprocal practices.

Actually, some claim that responsibility-tracking policies encourage people to deny their own responsibility for the problems they face²⁵³. This seems logical. If people are denied certain goods when they are deemed responsible for their own difficulties, it makes sense for them to try to claim that they are not, in fact, responsible. This, of course, works against the ideal that the punitive system was supposed to create. Rather than encouraging people to become more responsible, it seems to prompt people to shy away from the goal.

Designing a society’s basic structure based on the view that people do not want real agency for their lives and do not want to reciprocate, but simply want to gamble away all their resources seems unreasonable. I am not denying that there could be issues and circumstances where behavior should inform social benefit decisions, just that it should not be the starting point. The institutional design of a welfare state must be compatible with the core values of a welfare state and must be such that the institutional structures actually realize these values. Behavior is important, but punitive responsibility simply does not work; it fails to produce the desired end results.

Responsibility must be hijacked back from those advocating punitive tracking, and redirected towards models intended to increase capabilities of having control over one’s life. This means abandoning the strict desert-based account of responsibility and concentrating on a variety of other understandings of responsibility. Most importantly, I suggest that we encourage responsible behavior by denying the importance of the concept in the first place and start focusing on other meaningful values.

²⁵⁰ Mounk 2017, at 13, 94.

²⁵¹ Voight 2013; Guttman N, Salmon CT (2004). “Guilt, fear, stigma and knowledge gaps: Ethical issues in public health communication interventions”. *Bioethics* 18(6), 531–52; Guttman N, Ressler W (2001). “On being responsible: Ethical issues in appeals to personal responsibility in health campaigns”. *Journal of Health Communication* 6(2), 117–36.

²⁵² Nielsen & Andersen 2014, at 448–50; Andersen & Nielsen 2016.

²⁵³ Anderson 1999, at 311.

With my thesis I hope to demonstrate that there is a need for a change on three levels. First, on the level of political philosophy, I hope to show that there is too much normative weight given to responsibility in egalitarian theoretical discussions. Second level is the bioethics and related literature where luck egalitarian ideas, widely construed, are applied to healthcare reforms. I wish to show that luck egalitarianism is a misleading theory to follow. Moreover, I hope to make a difference on the level of healthcare policies by showing that holding people responsible for their lifestyles is counterproductive and unfair.

It has become customary for philosophers whose main interest is theoretical also to contribute to the applied discussions. For instance, many political philosophers have, of late, taken part in bioethical and related debates. This is good. However, I argue that when philosophers leave their ivory towers, they need to be more explicit about their normative objectives and take responsibility [sic] for how their theories are interpreted and applied. Philosophers who discuss real-world issues need to realize that the real world operates on a different set of rules than those of the ivory tower.

THE ARTICLES OF THE THESIS

ARTICLE I

Ahola-Launonen, J: "The Evolving Idea of Social Responsibility in Bioethics - A Welcome Trend"

In the first article, I study the bioethical literature in terms of how the accounts of individual and social responsibility are balanced, and what the background for the focus on individualistic language is. The article communicates one of the main conclusions of the thesis: in health distribution, individuals should be seen as embedded in social contexts, not as fully autonomous decision-makers.

Bioethics as a discipline was born in the 1960s. At first, it was concerned with ecological and societal issues. The focus, however, quickly shifted to patient autonomy and the rights of research subjects. From then on, the basic starting point of the discipline has been to look at individuals as autonomous agents.

This orientation produced a moral framework for clinical medicine and research ethics. The framework is based on a disease-centered medical model of health, in which individuals are assumed to be rational decision-makers who can make informed decisions about their lives. As necessary and legitimate this view is in medical ethics, it is problematic for a discipline that has increasingly extended its remit to wider societal phenomena. In the article, I focus on lifestyle-related diseases that dominate current bioethical discussions. When it comes to population health, these diseases are of great significance; and they correlate with the social determinants of health. The problem with the moral framework of medical ethics is that it lacks the tools for recognizing socioeconomic inequality as a source of poor population health; ignores why some people are at more risk than others; and promotes high-tech medical solutions instead of social and environmental ones.

The significant link to responsibility is that individualistic bioethics and the political shift towards the responsabilization of the individual are based on similar assumptions: individuals are autonomous and can control their lives. Therefore, they can be held accountable for their health conditions, and should be the primary targets of interventions.

Not all bioethics is individualistic, and there are many bioethicists who are committed to social accounts and aim to widen the moral framework. The growing field of public health ethics is contributing to the need to acknowledge the bigger picture. However, bioethics lacks, as a discipline and as a discourse, the ability to see individuals in their cultural, social, and economic contexts.

Therefore, the social accounts have yet to reach the status of being the starting point of the discussion; instead they are treated as less important side questions. Autonomy-based bioethics can produce answers that take into account the fact that individuals are not, after all, completely rational and autonomous. However, this approach still lacks the ability to tackle the related political and institutional questions. I conclude the paper by suggesting that bioethicists should take the social determinants of health more seriously. This would benefit the discipline both academically and societally.

ARTICLE II

Ahola-Launonen, J: “Humanity and Social Responsibility, Solidarity, and Social Rights”

The second article is ultimately a defense of rights-based accounts of primary goods. Theoretically, it studies the debate between liberalism and communitarianism and argues that in both camps there are supporters of social rights. Both social liberals and liberal communitarians share this commitment.

In “European” bioethics, there is a prevalent tendency to propose *solidarity* as an answer to the “American” individualistic autonomy-centered bioethics and its problems. Looking at the current healthcare structure revisions taking place throughout Europe, the “European” bioethicists proffer solidarity as a fundamental value to guide these reforms.

In these discussions, “American bioethics” is considered equivalent to “American justice and individual rights approach”. The latter is almost always described by referring to John Rawls’ theory of justice as fairness. The problem is that “American bioethics” is not the same as “justice as fairness”.

The proponents of solidarity wish to keep their distance from communitarianism inasmuch as they recognize the potentially oppressive nature of community values. They do, however, prescribe to a communitarian-like nostalgia for the “good old times” of genuine social cohesion without acknowledging that those were times of greater social inequality, paternalism in medicine, and class systems. Furthermore, solidarity brings to the fore an inner tension between the Christian-democratic view of asymmetric charity, and the social-democratic view of symmetric social rights.

I argue that the symmetric view is a better way to support citizens’ equal standing and self-respect. This is why “American justice and rights” view should not be totally disregarded: social goods should be entitlements and

social rights should be equally shared. We need democracy, pluralism, and equality to support the ones in disadvantaged positions.

Drawing on the debate between communitarians and liberals, I point out that the objectives of liberal communitarians and liberal egalitarians are quite similar. I argue that the proponents of solidarity who aspire to create a compromise view between the two have no good normative grounds for making the distinction between them in the first place. This is because both doctrines share the fundamental belief that strong redistributive institutions are essential to feasible welfare schemes. Communitarians root for redistribution because they believe that wide gaps between socioeconomic groups decrease people's sense of belonging; and prevents them from having an intersubjective understanding of a shared fate. Liberal egalitarians support redistribution because they are convinced that everyone deserves equal opportunities and rights; and believe that the socioeconomic positions people are born into should not determine their eventual societal positions.

Thus, what needs to be strengthened is the understanding of how our societal positions are largely a function of institutional arrangements, and that extensive social distances are not beneficial for societies. Solidarity is, notwithstanding, the cultural and social infrastructure of justice, and it is needed for sustaining redistributive institutions, albeit not at the cost of social rights.

ARTICLE III

Ahola-Launonen, J: "If Solidarity is the Answer, what was the Question? "Thick" and "thin" Solidarity and Embedded Conceptions of Individual Responsibility"

The third article continues on the theme of solidarity and shows how, by combining solidarity with individual responsibility, the proponents of solidarity end up with very similar problems as luck egalitarians do. I have expanded on the theoretical background of my criticism in the thesis introduction by showing how ambiguous notions of responsibility lead the discussion to untoward directions.

In the article, I carry out a detailed analysis of the normative and conceptual roles that solidarity is supposed to play. This is interesting, because the concept is offered as a solution to the deficiencies in both the "American bioethics" and the "American justice" views, yet the problems in the two are very different. I demonstrate that what the solidarity theorists really seem to be after is a social understanding of human beings and their actions, not a "theory of solidarity" to be applied. This "thin" concept of

solidarity seems to offer a mutual motivation to tackle the all-encompassing individualism in the “four principles approach”, or “Georgetown mantra”.

All the “thicker” notions of solidarity come with problems. I concentrate on the views that link solidarity with reciprocity and responsibility. It has been suggested that due to decreasing resources and increasing healthcare costs, individuals should demonstrate their solidarity with others by taking responsibility for their lifestyles. Solidarity requires that individuals are active contributors, not passive receivers, and the state should primarily focus on taking care of those in need through no fault of their own. Furthermore, it is asked whether those with unhealthy lifestyles can demand solidarity from those with healthy ones.

This combination, however, leads to a paradox. The reason for bringing in solidarity in the first place was to lessen the effects of the extensive individualism that neglects social contexts, but combining solidarity with responsibility leads to the very same: individuals are treated as autonomous agents who freely manage their own lifestyles and exercise choice to promote – or not to promote – their own health.

I conclude by agreeing that individual’s sense of solidarity and responsibilities are important, and indeed, necessary in societies based on reciprocal relations and coeration. However, policy-oriented accounts of solidarity seem obsessed with the individual. When the scope of the discussions includes welfare structures and the revision of these schemes, relying on solidarity seems to lead the discussions to questionable directions. Combining solidarity with individual responsibility has the potential to generate an even greater moralistic turn in health discussions – a turn that would encourage people to judge their fellow citizens based on how costly they would be to the system due to their lack of solidarity.

ARTICLE IV

Ahola-Launonen, J: “Social Responsibility and Healthcare in Finland - The Luck Egalitarian Challenge to Scandinavian Welfare Ideals”

In the final article, I examine the “popular” and “nuanced” notions of responsibility in the context of Finnish healthcare literature and discussions. I use a critical analysis of luck egalitarianism, extended further in the introduction of this thesis, to clarify the political theories behind the Finnish healthcare system.

I review the evolution of the Finnish healthcare model and its underlying ideologies. I show how social rights are seen to have both instrumental and intrinsic value. Although the Finnish system is sometimes praised for its

near-perfect incorporation of the ideals of equality, universality, and solidarity, it does have its problems. Access to care is hindered by structural inequalities that produce health differences among different socioeconomic groups. Studies show that the Finnish system scores high on efficiency and affordability, but low on justice.

Reducing inequalities and providing healthcare services for all, especially for those worst off, has traditionally been on the agenda of the Finnish healthcare reforms. However, as the political trend of “the responsabilization of the individual” increasingly informs healthcare revisions elsewhere in Europe, one is bound to wonder whether Finland, too, might be heading into this direction.

There are some signs that politicians and the general public wish to shift the economic burden of lifestyle-related, or “self-inflicted”, diseases to the individuals themselves. It has been argued that society cannot bear the costs of detrimental lifestyle choices; and moralistic language is used, for instance, in discussions on the obese. They are blamed for their alleged laziness and lack of self-discipline; and it is contended that money used to treat their “self-inflicted” diseases is money away from others who would be more deserving.

The medical profession does not encourage this, at least not directly. Finnish physicians regard obesity, and other conditions like it, as a complex phenomenon, more as a coping mechanism than a choice. Professionals do not officially use the term “self-inflicted”; and they hold that people should be treated equally regardless of the history of their health status.

The political discussion, however, shows signs of a different kind of thinking. It bears a close resemblance to the attempts to introduce luck egalitarian ideas to healthcare provision. On the one hand, healthcare is seen as a social right, but, on the other hand, there is a political wish to hold individuals responsible for their lifestyle-related conditions. I show in the article that when luck egalitarian ideas are applied, either responsibility is taken too strongly at its face value, ignoring the necessary theoretical specifications of the concept; or the multitude of relevant environmental factors rules out considerations of responsibility altogether.

I conclude by arguing that when healthcare systems are reformed, decision-makers should not give in to the temptation of using simplistic and moralistic concepts of health, lifestyle, reciprocity, and contribution. Providing healthcare is one of the primary functions of welfare states and should therefore be organized according to the original values of equity, universality, and taking care of those in need.

REFERENCES

- Albertsen, Andreas (2015a). "Tough luck and tough choices: Applying luck egalitarianism to oral health". *Journal of Medicine and Philosophy* 40, 342–362.
- Albertsen, Andreas (2015b). "Luck egalitarianism, social determinants and public health initiatives". *Public Health Ethics* 8(1), 42–49.
- Albertsen, Andreas (2016a). "Drinking in the last chance saloon: Luck egalitarianism, alcohol consumption, and the organ transplant waiting list". *Medicine, Health Care and Philosophy* 19, 325–338.
- Albertsen, Andreas and Carl Knight (2015). "A framework for luck egalitarianism in health and healthcare". *Journal of Medical Ethics* 41, 165–169.
- Anderson, Elizabeth (1999). "What is the point of equality?" *Ethics* 109(2), 287–337.
- Aristotle: *The Nicomachean Ethics*. Translated with an Introduction by David Ross, Revised by J. L. Ackrill and J. O. Urmson (1998). Oxford University Press.
- Arneson, Richard J. (1997). "Egalitarianism and the undeserving poor". *The Journal of Political Philosophy* 5(4), 327–350.
- Arneson, Richard (1989): "Equality and equal opportunity for welfare". *Philosophical Studies* 56(1), 77–93.
- Arneson, Richard (1999). "Equality of opportunity for welfare defended and recanted". *Journal of Political Philosophy* 7(4), 488–97.
- Arneson, Richard J. (2000a). "Luck egalitarianism and prioritarianism". *Ethics*, 110(2), 339–349.
- Arneson, Richard (2000b). "Egalitarian justice versus the right to privacy". *Social Philosophy and Policy* 17, 91–119.
- Arneson, Richard (2004). "Luck egalitarianism interpreted and defended". *Philosophical Topics* 32, 1–20;
- Arneson, Richard J. (2011). "Luck egalitarianism—A primer". In Carl Knight & Zofia Stemplowska (eds.), *Responsibility and Distributive Justice*. Oxford University Press, 24–50.
- Barry, Nicholas (2006). "Defending luck egalitarianism". *Journal of Applied Philosophy*, 23(1), 89–107.
- Barry, Nicholas (2008). "Reassessing luck egalitarianism." *The Journal of Politics* 70(1), 136–50.
- Beauchamp, Tom L. & James F. Childress (1983). *Principles Of Biomedical Ethics*. New York: Oxford University Press.
- Blake, Michael, and Mathias Risse. 2008. "Two models of equality and responsibility". *Canadian Journal of Philosophy* 38(2), 165–199.
- Boorse, Christopher (1975). "On the distinction between disease and illness". *Philosophy and Public Affairs* 5(1), 49–68.

- Brown, Alexander (2005a). "If we value individual responsibility, which policies should we favour?" *Journal of Applied Philosophy* 22(1), 23–44.
- Brown, Alexander (2005b). "Luck egalitarianism and democratic equality". *Ethical Perspectives* 12(3), 293–339.
- Brown, Rebecca (2013). "Moral responsibility for (un)healthy behaviour". *Journal of Medical Ethics* 39, 695–698.
- Caplan, Arthur L. (1994). "Ethics of casting the first stone: Personal responsibility, rationing, and transplants". *Alcoholism, Clinical and Experimental Research* 18(2), 219–221.
- Cappelen, Alexander W., Ole Frithjof Norheim (2005). "Responsibility in health care: A liberal egalitarian approach." *Journal of Medical Ethics* 31, 476–80.
- Cappelen, Alexander W., Ole Frithjof Norheim (2006). "Responsibility, fairness and rationing in health care". *Health Policy* 76, 312–319.
- Casal, Paula (2007). "Why sufficiency is not enough". *Ethics* 117, 296–326.
- Cavallero, Eric (2011). "Health, luck and moral fallacies of the second best". *Journal of Ethics* 15(4), 387–403.
- Cohen, Gerald A. (1989). "On the currency of egalitarian justice". *Ethics* 99(4), 906–944.
- Cohen, Gerald A. (2001). *If You're an Egalitarian, How Come You're So Rich?* Cambridge, MA: Harvard University Press.
- Cohen, Gerald A. (2003). "Facts and principles". *Philosophy & Public Affairs* 31(3), 211–45.
- Cohen, Gerald A. (2004). "Expensive tastes ride again". In J. Burley (ed), *Dworkin and His Critics: With Replies by Dworkin*. Oxford: Blackwell, 3–29.
- Cohen, Gerald A. (2008). *Rescuing Justice and Equality*. Harvard University Press.
- Daniels, Norman (1985). *Just Health Care*. Cambridge: Cambridge University Press.
- Daniels, Norman (2008). *Just Health. Meeting Health Needs Fairly*. Cambridge: Cambridge University Press.
- Daniels, Norman (2011). "Individual and social responsibility for health". In Carl Knight & Zofia Stemplowska (eds.), *Responsibility and Distributive Justice*. Oxford: Oxford University Press, 266–86.
- Dennet, Daniel (1984). *Elbow Room: The Varieties of Free Will Worth Wanting*. Cambridge, MA: MIT Press.
- Dworkin, Ronald (1981a). "What is equality? Part 2: Equality of resources". *Philosophy & Public Affairs* 10(4), 283–345.
- Dworkin, Ronald (1981b). "What is equality? Part 1: Equality of welfare". *Philosophy & Public Affairs* 10(3), 185–246.
- Dworkin, Ronald (2000). *Sovereign Virtue: The Theory and Practice of Equality*. Harvard University Press, Cambridge, Mass.
- Dworkin, Ronald (2002). "Sovereign Virtue revisited". *Ethics* 113(1), 106–143.

- Farrelly, Colin (2007). "Justice in ideal theory": A refutation. *Political Studies* 55, 844–864.
- Fischer, John Martin (1982). "Responsibility and control". *The Journal of Philosophy* 79(1), 22–40.
- Fischer, John Martin and Ravizza, Mark (1993). *Perspectives on Moral Responsibility*. Ithaca and London: Cornell University Press.
- Fischer, John Martin and Ravizza, Mark (1998). *Responsibility and Control: A Theory of Moral Responsibility*. Cambridge: Cambridge University Press.
- Fischer, John Martin (1999). "Recent work on moral Responsibility". *Ethics* 110(1), 93–139.
- Fleurbaey, Marc (1995). "Equal opportunity or equal social outcome". *Economics and Philosophy* 11(1), 25–55.
- Fleurbaey, Marc (2001). "Egalitarian opportunities". *Law and Philosophy* 20, 499–530.
- Frankfurt, Harry G (1971). "Freedom of the will and the concept of person". *The Journal of Philosophy*, 68(1), 5–20.
- Frankfurt, Harry G. (1969). "Alternate possibilities and moral responsibility". *The Journal of Philosophy* 66(23), 829–839.
- Freeman, Samuel (2007). "Rawls and luck egalitarianism". In Samuel Freeman (ed.), *Justice and the Social Contract*. New York: Oxford University Press, 111–142.
- Guttman N, Ressler W (2001). "On being responsible: Ethical issues in appeals to personal responsibility in health campaigns". *Journal of Health Communication* 6(2), 117–36.
- Guttman N, Salmon CT (2004). "Guilt, fear, stigma and knowledge gaps: Ethical issues in public health communication interventions". *Bioethics* 18(6), 531–52.
- Hamlin, Alan & Stemplowska Zofia (2012). "Theory, ideal theory and the theory of ideals". *Political Studies Review* 10, 48–62.
- Hurley, Susan (2003). *Justice, Luck, and Knowledge*. Cambridge, MA: Harvard University Press.
- Kant, Immanuel (1998[1785]). *Groundwork of the Metaphysics of Morals*. Cambridge: Cambridge University Press.
- Kaufman, Alexander (2004). "Choice, responsibility and equality". *Political Studies* 52, 819–836.
- Knight, Carl (2009). *Luck egalitarianism. Equality, Responsibility, and Justice*. Edinburgh: Edinburgh University Press.
- Knight, Carl (2013a). "Luck egalitarianism". *Philosophy Compass* 8(10), 924–934.
- Knight, Carl (2013b). "Egalitarian justice and expected value". *Ethical Theory and Moral Practice* 16, 1061–1073.
- Knight, Carl (2015). "Abandoning the abandonment objection: Luck egalitarian arguments for public insurance". *Res Publica* 21, 119–135.

- Kymlicka, Will (2002). *Contemporary Political Philosophy*. Oxford: Oxford University Press.
- Lawford-Smith Holly (2010). "Ideal theory—A reply to Valentini". *The Journal of Political Philosophy* 18(3), 357–368.
- Lawford-Smith, Holly (2013). "Understanding political feasibility". *The Journal of Political Philosophy* 21(3), 243–259.
- Lippert-Rasmussen, Kasper (2001). "Egalitarianism, option luck, and responsibility". *Ethics* 111(3), 548–79.
- Miller, David (1998). "Justice and equality". In Andrew Mason (ed.), *Ideals of Equality*. Oxford: Blackwell, 21–36.
- Mason, Andrew (2006). *Leveling the Playing Field: the Idea of Equal Opportunity and its Place in Egalitarian Thought*. Oxford: Oxford University Press.
- Minkler, Meredith (1999). "Personal responsibility for health? A review of the arguments and the evidence at century's end". *Health Education & Behavior* 26(1), 121–40.
- Mouk, Yascha (2017). *The Age of Responsibility. Luck, Choice, and the Welfare State*. Cambridge, MA: Harvard University Press.
- Mullainathan, Sendhil & Eldar Shafir (2013). *Scarcity: Why Having too Little Means so Much*. New York: Times Books.
- Nagel, Thomas (1979). *Mortal Questions*. Cambridge: Cambridge University Press.
- Nielsen, Lasse (2013). "Taking health needs seriously: against a luck egalitarian approach to justice in health". *Medicine Health Care and Philosophy* 16(3), 407–416.
- Nielsen, Morten Ebbe Juul & Martin Marchman Andersen (2014). "Should we hold the obese responsible?" *Cambridge Quarterly of Healthcare Ethics* 23, 443–451.
- Andersen, Martin Marchman & Morten Ebbe Juul Nielsen (2016). "Personal responsibility and lifestyle diseases". *Journal of Medicine and Philosophy* 41, 480–499.
- Nozick, Robert (1974). *Anarchy, State and Utopia*. New York: Basic.
- Popay Jennie (2008). "Should disadvantaged people be paid to take care of their health? No". *British Medical Journal* 337(7662), 141.
- Rawls, John (1982). "Social unity and primary goods". In Amartya Sen and Bernard Williams (eds.), *Utilitarianism and Beyond*. Cambridge: Cambridge University Press, 159–186.
- Rawls, John (1985): "Justice as fairness: political not metaphysical". *Philosophy & Public Affairs* 14(3), 223–251.
- Rawls, John (1988). "The priority of right and ideas of the good". *Philosophy & Public Affairs* 17(4), 251–276.
- Rawls, John (1999[1971]): *A Theory of Justice*. Cambridge, MA: The Belknap Press of Harvard University Press.

- Rawls, John (2005[1993]): *Political Liberalism*. New York: Columbia University Press.
- Ripstein, Arthur (1994). "Equality, luck, and responsibility". *Philosophy & Public Affairs* 23(1), 3–23.
- Roemer, John E. (1993). "A pragmatic theory of responsibility for the egalitarian planner." *Philosophy & Public Affairs* 22(2), 146–166.
- Roemer, John E. (1998). *Equality of Opportunity*. Cambridge: Harvard University Press.
- Scanlon, Thomas M. (1986). "The significance of choice." *The Tanner Lectures on Human Values* 7, 149–216.
- Scanlon, Thomas (1998). *What We Owe to Each Other*. Cambridge, MA: The Belknap Press of Harvard University Press.
- Scheffler, Samuel (1992). "Responsibility, reactive attitudes, and liberalism in philosophy and politics". *Philosophy & Public Affairs* 21(4), 299–323.
- Scheffler, Samuel (2001). *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought*. New York: Oxford University Press.
- Scheffler, Samuel (2003). "What is egalitarianism?" *Philosophy & Public Affairs* 31(1), 5–39.
- Scheffler, Samuel (2005). "Choice, circumstance and the value of equality". *Politics, Philosophy & Economics* 4(5), 5–28.
- Segall, Shlomi. (2010a). *Health, Luck, and Justice*. Princeton, NJ: Princeton University Press.
- Segall, Shlomi (2011). "Luck prioritarian justice in health". In Carl Knight and Zofia Stemplowska (eds), *Responsibility and Distributive Justice*. Oxford: Oxford University Press, 246–265.
- Segall, Shlomi (2015). "What's so egalitarian about luck egalitarianism?" *Ratio (new series)* XXVIII, 349–368.
- Sen, Amartya (2010). *The Idea of Justice*. Cambridge, MA: The Belknap Press of Harvard University Press.
- Smilansky, Saul (1997). "Egalitarian justice and the importance of the free will problem". *Philosophia* 25, 153–61.
- Stemplowska, Zofia (2008). "What's ideal about ideal theory". *Social Theory and Practice* 34(3), 319–340.
- Strawson, Galen (1986). *Freedom and Belief*. Oxford: Clarendon Press.
- Strawson, Galen (1994). "The impossibility of moral responsibility". *Philosophical Studies* 75(1/2), 5–24.
- Strawson, Peter (1962). "Freedom and resentment". *Proceedings of the British Academy* 48, 1–25. Reprinted in John Martin Fischer & Mark Ravizza (eds) (1993). *Perspectives on Moral Responsibility*. Ithaca and London: Cornell University Press, 45–66.
- Tan, Kok-Chor (2012). *Justice, Institutions, and Luck*. Oxford: Oxford University Press

- Temkin, Larry (2011). "Justice, equality, fairness, desert, rights, free will, responsibility, and luck". In Carl Knight and Zofia Stemplowska (eds), *Responsibility and Distributive Justice*. Oxford: Oxford University Press, 51–76.
- Vallentyne, Peter (2002). "Brute luck, option luck, and equality of initial opportunities". *Ethics* 112(3), 529–557.
- Vansteenkiste, S., Devooght, K. and Schokkaert, E. (2014). "Beyond individual responsibility for lifestyle: Granting a fresh and fair start to the regretful". *Public Health Ethics* 7(1), 67–77.
- Van Parijs Philippe (1991). "Why surfers should be fed: The liberal case for an unconditional basic income". *Philosophy & Public Affairs* 20(2), 101–131.
- Voigt, Kristin (2007). "The harshness objection: Is luck egalitarianism too harsh on the victims of option luck?" *Ethical Theory and Moral Practice* 10(4), 389–407.
- Voigt, Kristin (2013). "Appeals to individual responsibility for health - Reconsidering the luck egalitarian perspective". *Cambridge Quarterly of Healthcare Ethics* 22(2), 146–158.
- Watson, Gary (1987). "Free action and free will". *Mind* 96(382), 145–72.
- Wikler, Daniel (2002). "Personal and social responsibility for health". *Ethics & International Affairs* 16(2), 47–55.
- Wilkinson, Richard G, Marmot, Michael, World Health Organization. Regional Office for Europe, WHO Centre for Urban Health (Europe) & International Centre for Health and Society. (1998). *Social Determinants of Health: the Solid Facts*. Edited by Richard Wilkinson and Michael Marmot. Copenhagen: WHO Regional Office for Europe.
- Williams, Bernard & Thomas Nagel (1976). "Moral luck". *Proceedings of the Aristotelian Society, Supplementary Volumes* 50, 115–135+137–151.
- Williams, Bernard (1981). *Moral Luck*. Cambridge: Cambridge University Press.
- Wolff, Jonathan & Avner de Shalit (2008). *Disadvantage*. Oxford: Oxford University Press.
- Wolff, Jonathan (1998). "Fairness, respect, and the egalitarian ethos". *Philosophy & Public Affairs* 27(2), 97–122.
- Wolff, Jonathan (2010). "Fairness, respect and the egalitarian *ethos* revisited". *Journal of Ethics* 14(3–4), 335–350.

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