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One egalitarian theory of distributive justice is John Roemer’s equality of opportunity, according to which differences in people’s levels of goods reflect differences in autonomous effort but not differences in luck. Susan Hurley objects to Roemer’s policy on the grounds that it can successfully neutralize luck only if it is assumed that people would exert the same amount of effort in counterfactual situations, but the truth of such an assumption is indeterminate. I argue that, since luck cannot be fully separated from responsible choice on Hurley’s reason-responsiveness conception of responsibility, Roemer’s approach faces an even more devastating objection which states that differences in autonomous effort between equally “lucky” people is itself a matter of luck. In the end, I show that the only way equality of opportunity can provide a basis for egalitarianism, and thereby avoid Hurley’s and my objections, is by implementing widespread equal distribution within a society.

To begin this paper, let us envisage Arthur, the C.E.O. of a multi-billion dollar oil company who has inherited his prestigious job title from his father, the former C.E.O. Arthur enjoys a happier-than-normal life; we can assume that much of the credit goes to his enormous income. Although Arthur works hard and spends long hours at the office, it is clear that the high goods position attached to his job is partially tied to his being born into a particular family. Because the family to which one is born is a circumstance beyond any individual’s control, we might say that the goods position for Arthur is in part a matter of luck.

Gerald Cohen has argued that egalitarians should seek to eliminate advantages for people that are due to luck but leave alone advantages that are due to responsible choice.¹ Those sympathetic to Cohen’s proposal assign luck-neutralization as the primary aim of a theory of distributive justice. In this light, luck plays a currency role: people should keep the goods for which they are responsible, but those goods the acquisition is due to luck should be redistributed (we can understand goods here as resources, welfare, life-

satisfaction, or some other measure favored by an egalitarian). The egalitarian will therefore advocate a redistribution that takes away some of the goods from Arthur and gives them to someone who is not so lucky.

In the wake of Cohen’s contributions, John Roemer argues that equalizing opportunities for achievement is the best approach to successfully neutralizing luck. Under the theory of *equality of opportunity*, differences in goods positions only reflect differences in autonomous effort, while outcomes that are due to luck are “taken out of the equation.” Thus, people who exercise equal responsibility will share equal goods positions. Roemer proposes an egalitarian pattern of redistribution that purports to achieve this result.

Susan Hurley, in *Justice, Luck, and Knowledge*, considers whether the aim to neutralize luck provides a basis for equal distribution, as egalitarians claim. She argues that even if luck neutralization tells us what to distribute (i.e. provides a currency role), it cannot tell us how to distribute (i.e. provides a patterning role), thus concluding that equality of opportunity fails to provide a basis for egalitarian justice. Her objection centers on the claim that, under Roemer’s framework, luck neutralization is achieved only if it is assumed that people would display the same degree of autonomous effort under counterfactual circumstances (what she calls *counterfactual responsibility*). And according to Hurley, whether this assumption is true or not is indeterminate. What people would do if they commanded different luck levels is unknowable. Therefore,

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4 Hurley promotes a thin conception of luck, where luck is understood as that which is not a matter of responsibility. Cf. Hurley, ch. 4.
because Roemer’s proposal faces what Hurley calls the indeterminacy problem, it cannot be assumed that the equal opportunity theory successfully neutralizes luck.

In this paper I will argue that Roemer cannot solve the indeterminacy problem, nor can it solve a more devastating problem, to which I will refer as the intra-type luck problem. I propose a stronger version of equal opportunity, one that in effect neutralizes responsibility as well as luck. This version, which I call strong equality of opportunity, solves the problems facing Roemer’s weaker version. In order to make my case, I will proceed as follows: I first lay the groundwork for Roemer’s theory. Thereafter, I present Hurley’s objection, which rests on her conception of responsibility as responsiveness to reason in certain circumstances. Finally once we appreciate the severity of Hurley’s objection, I present my argument for strong equality of opportunity.

As it stands, people within each society vary with respect to their goods position. It is also evident that one’s level of goods is determined by a combination of two factors: one’s responsible choices—responsibility—and circumstances beyond one’s control—luck. For example, Arthur’s relatively high goods position is partly the result of responsibility (he decides to work long hours), but it is also partly the result of luck (his placement as C.E.O. is directly tied to familial connections).

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5 In the spirit of Ronald Dworkin’s distinction (“What is Equality? Part 2: Equality of Resources,” Philosophy and Public Affairs, 10 [1981] 185-246), luck can be understood two ways. First, one has (good or bad) brute luck when a certain outcome follow from an even that is beyond one’s control (e.g. psychopathologies due to a bad upbringing). Secondly, one has (good or bad) option luck when a certain outcome follows from an even that is beyond one’s control, but the genesis of the even is brought on by the individual’s responsible choice (e.g. whether or not one plays the lottery is matter of choice, but whether or not one wins is beyond one’s control). In this paper, I (as well as Roemer and Hurley) use ‘luck’ in the former sense exclusively.
In keeping with traditional luck-neutralizing egalitarianism, Roemer demands that goods that are not due to luck be redistributed, while goods that are due to responsibility should be left alone:

“[S]ociety must provide a “level playing field,” and individuals should face the consequences of their own choices; those who do well are entitled to the fruits of their success, and those who fare poorly cannot ask for rectification.”

Roemer thinks this conception of a just society is the correct one, and equality of opportunity is best suited to level the playing field:

“I say that equality of opportunity has been achieved among a group of people if society indemnifies persons in the group against bad consequences due to circumstances and brute luck, but does not indemnify them against the consequences of their autonomous choices. Thus an equal-opportunity policy must equalize outcomes in so far as they are the consequences of causes beyond a person’s control, but allow differential outcomes in so far as they result from autonomous choice.”

The question still remains how society should distribute goods so as to satisfy equality of opportunity. Under Roemer’s proposal, society generates a list of luck-related factors that can positively or negatively affect one’s overall level of a particular kind of good, such as health or income. For example, a hypothetical society (call it HS) might decide that one’s income level is partially a function of one’s level of education, natural talent, and attractiveness. The values of these factors in each individual are a matter of circumstances beyond one’s control.

Suppose that as things stand in HS, a highly educated, naturally talented, attractive individual earns a substantially higher annual salary than a poorly educated, untalented, unattractive individual. Based on this society’s list of luck factors that influence income level, it is clear that such a gap in salary is in part due to luck. The next

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6 Roemer (1995), p. 3  
step, then, is to separate individuals into groups, where members of each group share similar values of the relevant set of luck factors. Roemer call each group a type. To proceed with our example, HS would place all educated, talented, and attractive agents into one type (type 1) and all uneducated, untalented, and unattractive agents into a different type (type 2). Thus, all income-influencing luck factors have been neutralized within each group. Since circumstances beyond one’s control have been “taken out of the equation,” any difference in income within each type must, by hypothesis, be due solely to responsibility. For instance, if Arthur and Beth both belong to type 1, yet Arthur earns more money than Beth, it can only be a result of the fact that Arthur exerts more autonomous effort than Beth. Luck has no influence over the differing goods positions between Arthur and Beth.

We have not yet fully neutralized luck, for it is also the case that Christine and Doug are members of type 2, and though Christine earns more money than Doug (due to Christine’s heightened amount of effort over Doug) Arthur and Beth each earn more than Christine and Doug. That Arthur and Beth have higher goods positions than Christine and Doug reflects the advantageous luck level of members in type 1 over the disadvantageous luck level of members in type 2. Roemer’s egalitarian project would be to equalize the opportunities for all members of HS to achieve their desired income. However, it is clear that as it stands Christine and Doug are prevented from reaching goods positions comparable to that of Arthur and Beth solely in virtue of the fact that Christine and Doug fall into type 2.

Luck-neutralizing egalitarians demand that goods positions differ only to the extent that those differences are due to differences in responsibility. Therefore, equal
opportunity recommends that income levels be equalized between types for all those who have exercised a comparable degree of responsibility in regards to producing whatever (material) goods or services their respective jobs require.\(^8\) For example, agents whose effort levels correspond to the median degree of effort within their type (i.e. fifty percent of the members with the type exercise more effort than the agent) ought to receive the same amount of goods as those in other types whose effort levels correspond to the median degree in their own type. We can suppose that Arthur and Christine each work harder than eighty percent of the member in their respective types, and that both Beth and Doug each work harder than only twenty percent of the members in their respective types. Equality of Opportunity recommends that Arthur and Christine receive an equal amount of goods, and that Beth and Doug receive an equal amount of goods. Agents should be compensated equally between types to the extent that they stray from the median level of effort to a comparable degree in their own respective types.

We have now seen how equality of opportunity purports to “level the playing field.” Types are individuated by a set of luck values, and once agents are assigned to their appropriate type, any difference in goods positions within types reflect differences in autonomous effort. Moreover, agents who stray comparably from the median effort level in their type should receive equal goods positions. As an objection, Hurley argues that Roemer’s policy does not provide a basis for an egalitarian pattern of redistribution. Specifically, she contends that correlating comparable levels of effort across types with equal goods positions does not guarantee that luck gets fully neutralized. Before we are

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\(^8\) Roemer (1995), p. 6
able to grasp the potential severity of Hurley’s objection we must first understand how she views responsibility.

Hurley endorses a *reason-responsiveness conception of responsibility*, which claims that an agent S is responsible for action X only if S’s dispositional property to respond to reason explains her decision to do X. Moral Agents operate on reason-responsive mechanisms such that S is blamable for X if S would have done otherwise under counterfactual circumstances where there are compelling reasons not to do X.⁹ For example, Smith is responsible for stealing a car if he operates on a reason-responsive mechanism that would cause him not to steal under alternative circumstances where there are compelling reasons not to steal (such as the possible world in which a police officer is standing next to the car).

Although agents are evaluated as being responsible for their actions based on their operative reason-responsive mechanism, which is a dispositional property to make choices in certain circumstances, we should note that the degree to which an agent responds to reason is determined by circumstances beyond her control. Factors such as social class, genetic traits, familial upbringing, past experiences, etc., serves as a causal basis for the choices that S makes in life (such as whether to work hard or to steal cars). So, though S is responsible for the choices she makes under her reason-responsive mechanism (and moreover the outcome of her choices), she is not responsible for the causes of her choices.

We will now explore why Hurley thinks Roemer’s equality of opportunity does not neutralize luck—thus failing to provide the basis for egalitarian distribution—on the

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⁹ Hurley, p. 31-32, 39-41.
presupposition that the conception of responsibility is a reason-responsive one. Recall that in our hypothetical society HS, Arthur (a hard worker) and Beth (a slacker) belong to type 1. Christine (an equally hard worker as Arthur) and Doug (an equally lax worker as Beth) belong to type 2. As things stand Arthur is better off than Beth, who is better off than Christine, who is better off than Doug.²⁰ Equality of opportunity asks how HS ought to redistribute income so that the resulting similarities and differences in goods positions between the four citizens are due to responsible choice and not luck. Hurley suggests that Roemer’s framework would call for a judgment like the following:

“[Arthur] and [Christine] are responsible for the same goods position and [Beth] and [Doug] are responsible for the same goods position, where the first position is better than the second. That is, it would not be a matter of luck for [Arthur] and [Christine] to be equally well off and for [Beth] and [Doug] to be equally well off, such that [Arthur] and [Christine] are better off than [Beth] and [Doug].”¹¹

Is such a judgment justified? Whereas Christine is worse off than Arthur as things stand, their goods position would equalize after implementing Roemer’s policy. The argument that such an equalizing redistribution would neutralize luck seems to run as follows:

1) The difference in goods positions between Arthur and Christine, as things stand, is due entirely to luck.

2) Therefore, it would not be a matter of luck if Arthur and Christine were equally well off.

But, this line of reasoning is an instance of the egalitarian fallacy. From the claim that the difference between A and B’s goods positions is a matter of luck, it does not follow logically that equalizing A and B’s positions would not be a matter of luck.¹² In order to avoid the fallacy, a further premise is required, namely:

¹⁰ To clarify, to say that A is better off than B is just to say that A holds a higher goods position than B.
¹¹ Hurley, p. 186
¹² Hurley, p. 152
3) Arthur and Christine would display the same amount of autonomous effort if they both belonged to the same type.

If this counterfactual judgment were true, then surely making Arthur and Christine equally well off would satisfy the luck-neutralizer’s project. But if it were false (i.e. one would exert more effort than the other), then it would be lucky that they receive the same amount of goods. Hurley contends that the truth of the third added premise, to which I will refer as the counterfactual responsibility premise (CRP hereafter), is indeterminate. Therefore, it is quite possible that equalizing Arthur and Christine’s goods positions would fail to neutralize luck.

In order to see that equal opportunity reaches this undesirable conclusion, we must understand why Roemer’s luck-neutralizing pattern even requires a judgment of counterfactual responsibility. Recall that Christine, as a member of type 2, is an uneducated, untalented, unattractive agent. In accordance with Hurley’s conception of responsibility, these luck values are, quite plausibly, among (but do not exhaust) the pool of factors that causally determine the reason-responsive mechanisms on which she operates. Thus, that she has type 2 luck values contributes to the realization of Christine’s disposition to respond to reason in various circumstances (for example, her being, say, uneducated partially explains her autonomous choice to work hard).

In an attempt to avoid committing the egalitarian fallacy, let us suppose that Christine and Arthur belong to the same type, type 1. We are forced to imagine what choices Christine would make if she were endowed instead with type 1, and not type 2, luck values (i.e. educated, talented, attractive). But according to Hurley’s conception of responsibility, a different set of luck values (among which partially determine reason-responsiveness) would lead to a different sort of reason-responsive mechanism. Whereas
it might be that Christine’s actually being *uneducated* partially gives rise to her decision
to work hard, *we she educated* earlier in life, she may have chosen to work even harder,
or less, than she actually does. In the counterfactual situation where Christine belongs to
type 1, if Christine works harder than she and Arthur actually work, then equality of
opportunity should recommend that Christine receives a *higher* goods position than
Arthur. However, as it is presented, Roemer’s proposal demands that Christine and
Arthur receive *equal* amounts of goods, in which case Christine would be *unlucky* to be
as well off as Arthur.

Equality of opportunity therefore must include CRP to its argument for luck neutralizing egalitarianism. For, if it does not, Roemerian redistributive patterns that are intended to neutralize luck could create newer differences (or similarities) that are due to luck. But counterfactual responsibility is indeterminate. Why is this? Judgments of counterfactual responsibility must not be assessed under agents’ actual choosing behaviors, for in counterfactual situations, agents operate on different reason-responsive mechanisms. We can determine counterfactual responsibility only if we know what agents would choose to do if they were operating on different reason-responsive mechanisms that the ones on which they actually operate. Is it the case that Christine would work harder, less, or the same as she actually does if she belonged to type 1? To this quandary, the answer is unknowable. Roemer’s approach therefore faces the *indeterminacy problem*, a problem which undermines his egalitarian project.

Having seen why CRP is necessary, and also why judgments of counterfactual responsibility are indeterminate, we now understand the severity of Hurley’s objection. In what follows I propose a modified version of equal opportunity that can answer the
indeterminacy problem of counterfactual responsibility (and hence avoid committing the egalitarian fallacy). Based on my proposal, we can then conclude that equality of opportunity does provide a basis for egalitarianism. However, before I give my argument, we must first recognize the full implications of adopting a reason-responsive conception of responsibility.

By hypothesis, differences in goods positions within types reflect differences in autonomous effort. If we agree that the degree of autonomous effort that one exerts is a consequence of one’s reason-responsive mechanism, and that that mechanism is causally determined by luck-related factors, then it is evident that differences in autonomous effort (and hence goods positions) within types are in part matters of luck. To elaborate, recall that HS decided that education, talent and attractiveness exhaust the list of luck-related factors that influence income. Arthur and Beth, as members of the same type, share these three luck values. Because they diverge in autonomous effort, it must be the case that they operate on different reason-responsive mechanisms (Arthur chooses to work hard and Beth chooses to slack off). Since reason-responsiveness is causally determined by luck, it follows that Arthur and Beth hold different values for some further luck-related factors. Although education, talent and attractiveness might in part influence reason-responsiveness, this list is not exhaustive (for if these factors alone determined reason-responsiveness, then Arthur and Beth would display the same degree of autonomous effort—they would both choose to work equally hard).

As an example, HS might think that the sort of friends one had as a child (surely a circumstance beyond one’s control) has no influence on how much income one earns later in life. However, it could be that this factor does influence reason-responsiveness
later on. As a youth, Arthur’s friends may have all been overachievers; consequently the effects of peer pressure may have led him to respond to reason at a high degree later in life. Beth’s friends, on the other hand, might have been slackers, in which case she herself chose to be a slacker in adulthood. The point is that additional luck factors (beyond those factors that currently individuate types in HS) causally explain why members of the same type choose to exercise the varying amounts of effort that they do.

In so far as ‘friends during childhood’ is a luck-related factor that influences reason-responsiveness, I contend that these reason-responsive-determining luck factors indirectly influence income level. Hurley’s argument against equal opportunity, which rests on her conception of responsibility, is focused on the indeterminacy problem—the chief worry is that luck cannot be neutralized between types. I suggest that on a reason-responsive view, equality of opportunity faces a more immediate and more devastating problem, namely that luck cannot be neutralized within types. I call this the intra-type luck problem: differences in autonomous effort (and furthermore goods positions) within types are a matter of luck.

This problem is the result of a fundamental conflict between Roemer’s project and how Hurley conceives responsible choice. Roemer proposes a way of giving people that for which they are responsible but not what is due to luck. In doing so, he attempts to separate luck from responsibility. In contrast, Hurley holds that luck and responsibility cannot be fully separated. Roemer’s equality of opportunity cannot achieve luck-neutralizing egalitarianism under the reason-responsiveness conception of responsibility,

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13 I am not claiming that ‘friends growing up’ is a reason-responsiveness determinant. I simply use it as an example of a factor that a society might decide plays this causal role yet is beyond one’s control.
for it is impossible to give people that for which they are responsible with also giving them that which is a matter of luck.

In order to solve the intra-type luck problem (wherein we would attempt to neutralize the luck associated with Arthur’s operating on a more favorable reason-responsive mechanism than Beth), I propose strong equality of opportunity:

(SEO) A “level playing field” is one where individuated types specify, not only luck values that influence goods positions, but all of the luck values that causally determine reason responsiveness.

Suppose that HS determines that ‘friends during childhood’ is among the factors that determine reason-responsiveness. Roemer’s policy will fully neutralize luck only if agents within each type share the same values for this factor. So, Arthur must belong to a type whose members all had overachievers for friends as youths; Beth now belongs to a different type whose members had slackers for friends. Because SEO assigns Arthur and Beth to different types, it is no longer a worry that Arthur’s higher level of effort over Beth reflects circumstances beyond Arthur’s (or Beth’s) control.

There are undoubtedly a vastly large number of luck factors that a society would decide determines individuals’ choosing behaviors (‘friends during childhood’ would be the tip of the iceberg). Assigning individuals to their appropriate types would be a difficult task. But as far I can see, SEO is alone capable of solving the intra-type luck problem. Weaker versions of equality of opportunity will lead to differences in autonomous effort within types that reflect differences in luck levels.

What are the consequences of implementing SEO? For each type, every agent within that type will hold the same values for those factors that causally determine reason-responsiveness. If follows that each agent within a type will hold drastically similar dispositional properties to respond to reason; everyone will display similar
degrees of autonomous effort. That is, each agent will lie at the median level of effort among her type. And this is true for all types; no agent will stray from the median in any type. In so far as equality of opportunity distributes the same level of goods to agents within types that maintain similar effort levels, every agent within each type will, according to SEO, receive an equal amount of goods. Equality of opportunity also demands that goods be equalized across types for all those who exercise comparable degrees of autonomous effort. Again according to SEO, since all agents from all types will exercise the same degree of autonomous effort (i.e. the amount that corresponds to the median level), everyone in the society at large will receive an equal amount of goods. Therefore, the consequence of SEO is an egalitarian distributive pattern (in the strictest sense).

Now that we have a firm grasp of SEO and its bearing on redistributive measures, we can assess whether it answers Hurley’s own objection to equality of opportunity. Does SEO solve the indeterminacy problem? If it does, then it must be knowable what agents would choose to do under counterfactual situations. Arthur and Christine actually display similar degrees of autonomous effort, and so SEO distributes to them an equal amount of goods. If it is not a matter of luck that Arthur and Christine share a similar goods position, then it must be counterfactually true that they would display similar effort if they belonged to the same type. Because, under SEO, the luck values that causally determine responsible choice are among those factors that individuate types, it is determinate as to what choosing behavior Christine would display were she a member of Arthur’s type. She would respond to reason to the same degree as Arthur and all other members in that type, for this particular degree of reason responsiveness is itself a direct
consequence of the luck factors that individuate the type. We can make accurate judgments of counterfactual responsibility under SEO. It cannot be due to luck that agents of different types who exercise comparable degrees of effort receive similar goods positions. SEO therefore avoids committing the egalitarian fallacy and thus solves the indeterminacy problem.

To recap the ideas of the foregoing discussion, the equal opportunity project is to separate luck from responsibility. Under Hurley’s conception of responsibility, luck and responsibility are not fully separable from each other. I have shown that SEO can successfully neutralize luck, but it should be clear by now that the cost of doing so is to also neutralize responsibility itself. Perhaps Roemer would be discontent with these results, for he thinks that “those who do well are entitled to the fruits of their success, and those who fare poorly cannot ask for rectification.”\textsuperscript{15} Roemer’s weaker version of equality of opportunity allows for differences in goods positions to the extent that they reflect differences in responsible choice. But implementing his own policy would reward people for their lucky dispositions to make wise choices and punish people for their unlucky dispositions to make poor decisions. SEO neutralizes the luck associated with having good or bad reason-responsive mechanisms, but it prevents those who are successful to reap the rewards.

In conclusion, we have seen that Roemer’s theory of equality of opportunity faces damaging problems when presented in conformity to a reason-responsiveness conception of responsibility. It faces the indeterminacy problem for counterfactual responsibility, as well as the intra-type luck problem for neutralizing luck within types. I have argued that

\textsuperscript{15} Roemer (1995), p. 3
the only alternative proposal that can circumvent these problems is strong equality of opportunity. However, under SEO once everyone is on a “level playing field,” we have neutralized, not only luck, but responsibility as well. Agents in each type exercise the same degree of autonomous effort; therefore all agents within and between each type receive the same amount of goods. Hence, the upshot of implementing SEO is that luck neutralization does provide a basis for egalitarianism. The drawback is that no one is responsible for one’s actions, for everything is due to luck. I believe that Roemer’s framework, when coupled with Hurley’s conception of responsibility, lends great insight into the true implications of the luck-neutralizer’s project. For those who are dissatisfied with the outcome, they are advised to rethink the merits of championing an egalitarian theory of distributive justice.