Justice and Responsibility for Self

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INTRODUCTION

Contemporary deontological liberal theories of justice—such as those of Rawls, Dworkin, Cohen, and Roemer—typically claim that no one deserves to be advantaged or disadvantaged as a result of brute luck or morally irrelevant factors such as the opportunities for acculturation, training and education and the distribution of natural talents. And thus, on this view, the key task of a government committed to deontological, liberal justice is to redress the effects of brute luck on the distribution of goods. The central aim of this paper is to call this "brute luck claim" into question. I do this by contesting the two most common arguments for it.[1]

THE ARGUMENT AGAINST RESPONSIBILITY

What Are We Responsible For?

The first argument for the brute luck claim—which I will call the argument against responsibility—holds that we cannot be said to deserve any goods as a result of factors, such as natural and social contingencies, for which we are not responsible. Since we have little or no responsibility for our abilities, the training we have received or our place in the social process of production, we cannot be said to deserve or be entitled to goods or income that we receive as the result of these various characteristics.[2]

What can we be said to be responsible for? Some defenders of the brute luck claim, such as Ronald Dworkin, do argue that we are responsible for our effort and ambition. On this view, we are entitled to goods when they result from our willingness to work long and / or hard. But, while this is a seemingly plausible claim, it is hard to see how the argument against responsibility is compatible with it. For, as John Rawls pointed out in *A Theory of Justice*, even our willingness to work hard can be seen to be the result of our natural talents and our early life experiences.

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[1] The brute luck claim might also be contested in other, related, ways. For example, does it really make sense to call the advantages and disadvantages we receive from the efforts of our parents to give us a good education "brute luck?" Well, we don't choose our parents and thus it is probably right to say that some of us are lucky and others lucky in this regard. But, from another point of view, what we receive from our parents is not a matter of luck at all but, rather, the result of their very hard work. It seems odd that deontological liberals find it so easy to deny that anything "morally relevant" follows from this hard work, or from the partly natural and partly social attachments that leads parents to care for their children. This denial is tied to the deontological rejection of the notion that we can be said to have some moral claims based on our acceptance of the moral responsibility to work and care for others, which is one of the main subjects of this paper.

[2] The notion of "desert" is often thought to fit somehow with that of "responsibility." But I will talk rather indiscriminately about "desert" and "entitlement" in this paper. I try to show just how these three notions fit together in some detail in another paper entitled "Desert, Entitlement and Justice."

Moreover, the argument against responsibility can be extended even further, so as to call into question the various ends we pursue and indeed our view of the good life as a whole. Some deontological liberal theorists of justice have said that when we evaluate what people are entitled to, we must take into account the various ways in which people's view of themselves and their own good limits their ability to earn high incomes. Thus, to borrow (and slightly modify) an example from G. A. Cohen, a woman who believes that she should not work in any capacity other than in the home and who is extremely deferential to her husband is likely to have relatively few economic resources at her command. Such a woman's view of her place in life, then, serves as a barrier to her economic well being. Some deontological liberals, such as Cohen, argue this view should be condemned precisely on these grounds. And they claim that women who, through no fault of their own, hold these views and receive lower incomes as a result, are entitled to some compensation.

The argument against responsibility fits rather strangely with the Kantian understanding of human beings that is typically held by deontological liberals. On this Kantian view, the self stands apart from its ends. The self is, in essence, a matter of will. It is our capacity to choose our ends. The Kantian view holds that there is a great distance between the self and its ends. Indeed, some critics of this view, such as Michael Sandel, have held that it entirely undermines the notion of choice. For a pure, unadulterated will, devoid of any particular final ends, could not be said to make anything but an ungrounded, or radical, choice about how to proceed in life.[3] Such a view of the self is highly controversial. But this Kantian view fits well with deontological liberalism. For the Kantian model of the self abstracts from any particular conception of the human good. And this is precisely what deontological liberals need in order to establish political principles that are neutral between different view of the good.

So some deontological liberals, such as Rawls, still hold that, for political purposes, the Kantian model of the self and its ends is useful. Yet, at the same time, deontological liberals accept a view of human responsibility that seems to be a diametrically opposed to the Kantian notion. The Kantian view of the self suggests that we have perfect freedom to choose our own ends. But the argument against responsibility denies that we human beings have any responsibility for choosing our ends. Rather, it sees us as unable to transcend the limits of our natural talents and early childhood experience.

The Kantian view of the self and the argument against responsibility, then, seem to be at cross purposes. One gives us a picture of a pristine and hollow will. The other supposes that we can never escape the muck and mire of our bodies and experiences. As a matter of philosophical psychology, there is a tremendous tension between these two views. But it is not hard to see that these two visions can be brought together to serve the same political and moral purposes. Like the Kantian view of the self, the argument against responsibility ultimately serves to justify political and moral philosophies that abstract from and are neutral to the particular ends and ways of life of real men and women.

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[3] In response to such criticisms, Rawls and other deontological liberals have beat a hasty retreat. Rawls now denies that his account of the nature of political philosophy rests on any particular philosophical conception of the self. Yet he still insists that the Kantian model is appropriate for the purposes of constructing a political philosophy of liberalism, where by a political philosophy Rawls means a view that is meant to serve the political purpose of binding together a liberal regime. Such a view is, on Rawls's new view, thought to be independent of, and to stand above, any and all political and moral conceptions.

The Kantian notion of the self, when reconstructed in the form of a device such as Rawls's original position, insures our political and moral principles will be abstract. Principles in the original position can make no reference to the actual ends of the members of a particular political community. Instead, they focus on the only ends pristine, empty selves can be supposed to hold, which are what Rawls calls the primary goods.

The argument against responsibility starts from an entirely different place. But by telling us that real men and women cannot hope to transcend their beginnings, the argument against responsibility also leads us to put aside the particular ends of real human. The argument against responsibility looks at human beings as the playthings of the Gods, who cannot avoid being pulled here or their by what, from the lofty heights, can only seem to the contingencies of human life. Our talents and abilities, our ends and ambitions are so little under our control that, from a moral point of view—from the standpoint of pristine, Kantian selves—it makes no moral sense to attend to them. Indeed, the very contingency that characterize particular human lives seem like an affront to pure Kantian selves. And that is why morality demands that we be fair to these pure selves, that we compensate them for the ravages of fate and contingency. What people deserve or are entitled to is only what they, as Kantian selves can justly demand. For someone to claim more or less, because of the effects of natural and political and social contingencies, is thus to allow morally irrelevant factors to enter the balance scales of pure justice.

Thus the Kantian view and the argument against responsibility both lead us to seek and accept abstract political and moral principles. And they both conclude that we are not responsible for our choices, let alone for the natural and political and social context in which we make those choices. To say that the Kantian will can only make a radical, ungrounded choices is not really in conflict with the notion that we cannot choose because we lack the power to transcend the circumstances that define us. For, only radical choices are possible on the Kantian view. And it is hard to understand radical choices as choices at all. The two views can thus be reconciled as Kant once reconciled similar views. We can suppose that the Kantian part of our soul is responsible, not for choosing all our final ends but, rather, only for choosing to act justly or not. Our other final ends are not chosen at all, but are the product of natural and political and social contingency.. Taken together, then, both views deny that we have the power to choose our final ends. And thus both views undermine our responsibility for our own lives.

The argument against responsibility, then, is very much implicated in the deontological account of both human choice and political and moral philosophy. I will argue, however, that it is deeply mistaken. For, on the one hand, it threatens the liberal case for liberty. And, on the other, it fundamentally misunderstands the nature of human responsibility.

Freedom and the Argument against responsibility

Once we distinguish between people and their various attributes, including their natural talents, character, and developed skills and abilities, in this way, there seems to be nothing left to distinguish one person from another. That, of course, is precisely the result Rawls intends for the original position. And it may be appropriate for a situation, such as Rawls's original position, in which we formal principles of justice are chosen. But it makes little sense for liberals, who value freedom above all else, to adopt principles of justice that call on us to treat actual people as if

they were these abstract selves. For such a view threatens the case for freedom in at least two ways.

First, it is hard to see why we should be concerned about whether Kantian abstract selves or people wholly shaped by their environment have the freedom to choose their own path in life. Abstract selves have no grounds or good reason to make any choice. And they have no deep commitments to any particular way of life. Why is liberty important for such people? And why should such people care whether they or someone else is benefiting from the brute way in which natural talents are distributed? By the same token, why should people who have no capacity to transcend what nature and early childhood have given them need freedom? Only, it would seem, for instrumental reasons, that is, in order to satisfy whatever desires they happen to have. And, as many critics of Rawls have pointed out, instrumental reasons can never justify the absolute priority of liberty In his work of the last ten years, Rawls insists that each person needs freedom in order to choose a determinate conception of the good. But, as we have seen, there is no way to make sense of this kind of choice in deontological terms.

Second, if we are going to accept abstract political and moral principles that abstract from all ends, and be dismissive of the actual ends of human beings, why should we be reluctant to interfere with these ends when they conflict with our abstract principles? I suggested above that the argument against responsibility has lead some deontological liberals to the conclusion that people with limited ambitions should be seen as damaged in an important way. But if we can be that so confident of our judgments about the kinds of ambitions people would have if they had been brought up properly, why should we be reluctant to re-educate those who were not brought up well? Why should we not re-education all those who hold, for example, politically incorrect attitudes about the place of women in the world? After all, it hardly seems efficient or fair to tax ambitious and enterprising men to compensate women who have low incomes because of their lack of ambition. It makes more sense to force such women to develop the right ambitions. For doing so will both raise their incomes and generate a greater social surplus which might be used to compensate those who have been hampered by brute luck in other ways that are more difficult to overcome, say, in their meager supply of natural talents.[4] Thus, it might be incumbent on a government dominated by deontological liberalism to insist that all women, not only enter the workforce, but seek the highest paying jobs available to them.

Of course, in response to these first two arguments, many deontological liberals will remind us that they give pride of place to liberty. It is true that many of Rawls's followers do agree in giving lexical priority to something like the Rawls's first principle of justice. But, if we are going to take the project of compensating for brute luck as seriously as contemporary deontological liberals would have us do, then it is hard to see why we should allow liberty to stand in our way. Does it make much sense to develop this elaborate account of the grounds of equality, if we are going to then turn around and say, in effect, "don't take it too seriously." For, make no mistake, to give priority of liberty is to reject or severely limit the project of compensating for brute luck. It is the priority of liberty that stands in they way the re-education project I mentioned in the last paragraph. It is the priority of liberty that secures the family from too much government meddling and this, we shall see, makes it difficult for us to compensate for

[4] Please be sure to recognize that I am being facetious. However, Dick Armey and the other Republicans in Congress who defend similar ideas are not very funny at all about them.

all disadvantages. And it is the same priority of liberty that prohibits us from forcing the naturally talented to do socially useful work rather than enticing them to this work with high incomes. To take liberty seriously, then, is to call the brute luck claim very much into doubt. We should applaud deontological liberals who do put liberty first. But we should also wonder about the consistency of the views.

Rejecting the Argument against responsibility

My first charge against the argument against responsibility, then, is that, taken seriously, it undermines the liberal case for freedom. My second charge runs deeper. For, as I have already suggested, the argument against responsibility rests on an inadequate account of the self and of responsibility.

A number of theorists, such as Nozick and Walzer, have rejected what I have called the argument against responsibility on more or less these grounds. But their arguments are not entirely convincing way. These critics point out that the mere fact that we are not responsible for our capacity to produce, does not, by itself, undermine the claim that we are responsible for what we produce. And thus they hold that we can be said to deserve or be entitled to the income and goods that result from our activities as producers

This is a plausible claim, as far as it goes. It does much to undermine the argument against responsibility. But, at least for those of us who reject libertarianism, it threatens to do too much. By holding that we are responsible for what we produce, this argument might be taken to suggest that we are entirely responsible for the income and wealth we receive in the market and thus that we should not be taxed for the purposes of redistributing this income and wealth. Strictly speaking, the argument presented by Nozick and Walzer has no such implications. To say that we have some responsibility for what we produce need not lead us to claim that we have all the responsibility. But, to avoid this conclusion, we do need to have a more nuanced view of the nature of our responsibility for our productive capacities. And we need a more nuanced view for another reason as well. For all its faults, there is something immediately plausible about the argument against responsibility. Morris Raphael Cohen famously said that "There is no such thing as a self-made man. And anyone who thinks he is self-made is no credit to his maker." The argument against responsibility does, correctly, see that the circumstances and contingencies of life do have a lot to say about who and what we are and do. A plausible account of responsibility for what our productive capacities and what we produce must somehow make room for this important moral observation.

The theory of justice, then, needs some general account of the nature of our responsibility for our productive capacities that avoid two extreme views: that we have no responsibility at all or that we are entirely responsible for what we can produce or earn on market. The dilemma faced by theories of justice is, of course, analogous to that which afflicts theories of punishment. Here, too, there are two extreme views. The one holds that we have some ultimate responsibility for our choice to obey or break the law. This Kantian (or Augustinian perspective) holds that there is some mysterious core of a person that makes the fundamental choice between good and evil. To punish those who break just laws, then, is a fitting response to the choice to do evil. The other view, like the argument against responsibility, denies that anyone is ever, really,

responsible for the crimes they commit. This views leads to the notion that punishment should be replaced by rehabilitation.[5]

Responsibility: A Pragmatic View

The proper view of responsibility, I believe, is a pragmatic one. This is perhaps easiest to see with regard to the punishment of those who break just laws. We can and should be held responsible for the evil that we do. But this responsibility is not a matter of our ultimate control over our soul or self. It is the misfortune of some people to be, through no fault of their own, more or less evil people. But we do not need to hold people ultimately responsible for the evil they do in order to punish them. We punish people for what they do, not for why they do what they do. We punish them because they are bad people who are responsible for their actions. But we do not punish them because they are responsible for being bad people.

It is precisely because we hold this pragmatic view of punishment that we punish people for some, but not all of the bad they do. We hold people responsible for those actions that result from the workings of their beliefs and desires in normal circumstances. But we don't hold people responsible when other factors account for their actions. We do not lock up people who try and fail to do good because of their physical limitations. Nor should we lock people who, because of mental deficiencies, cannot recognize the wrongfulness of what the do. We only hold people responsible for actions that might be influenced by our holding them responsible. And that is to say that we hold people responsible in large part because that is the only way to encourage certain kinds of actions and discourage others.

That we hold lawbreakers responsible for what they do—and what we hold them responsible for—is the result not of a metaphysical doctrine but of practical necessity. There is no clear, bright metaphysical line between what is under our own control and what is not. No matter how hard we search, we will never find that core of freedom, that pure, pristine will. We will always be able to explain why the circumstances of a person's life lead him or her to choose the wrong path in life. Yet the absence of what I have called ultimate responsibility for our actions does not undermine our moral practice of punishing those who break moral and legal rules. Punishment is a practical and moral necessity precisely because it plays an important role in encouraging people to live as they should. And this encouragement is not all—or even primarily—by utilitarian means. I am not defending the utilitarian idea that the main purpose of

[5] When it comes to punishment, the Kantian argument and the argument against responsibility do lead to opposite conclusions. Yet, as I have argued, when deployed by theorists of justice, these two arguments both tend to undermine responsibility. Now we can see, however, that this is true only for deontological liberals who are also egalitarians. Deontological liberals who take a more libertarian view, such as Nozick, are inclined to use the Kantian notion of responsibility in order to defend the notion that we are fully responsible for our productive capacities. It is fascinating that this Kantian idea can be used in these two ways. That it is more used in the theory of punishment in defense of a hard nosed retributivism, but can be used in different ways in the theory of distributive justice is curious. I can only gesture to an explanation here: when it comes to fundamental questions of the criminal law, an abstract moral theory, one that is neutral to different conceptions of the good, is entirely plausible. Murder is wrong, on almost any view of the good. But such an abstract view of morality is, ultimately, not plausible when it comes to questions of justice. And that is why the effort to develop such an abstract view leads, not to an agreed conception of justice, but to the antinomian views of egalitarian and libertarian deontological liberals. Such antinomies are just what a good Kantian would expect to result from the misapplication of abstraction in political and moral philosophy.

punishment is deterrence. For some people that is all it is. For most of us, however, the punishment of law breakers helps us to recognize and form the internal moral barriers that stop us from even considering unlawful and immoral acts. Rather than being predicated on our ultimate responsibility for our actions, the practice of punishment helps create human beings who can be practically responsible for what they do.

There is, of course, much more that can be said about what I have called a pragmatic account of the justification of punishment. Let me put the various complications aside, however, so that I can return to the question of distributive justice and our responsibility for our productive capacities, Here, too, I would insist that holding people responsible for their productive capacities—and thus rewarding them not just for their ambition and effort but for their talents and abilities—is a pragmatic response to the human situation. Our social practice of holding people responsible for certain of their characteristics and actions rather than others does not rest on any metaphysical grounds. We do not hold people responsible for their productive capacity because we hold some metaphysical view about people that enables us to draw a fine line between what we are and are not responsible for. Rather, we hold people responsible for their characteristics and actions on pragmatic grounds, that is, when doing so serves the good of each individual and the community as a whole. And we have very good reasons to hold people responsible for their talents and abilities as well as their ambition and effort, even when we can plausibly argue that they have no ultimate responsibility for these things. For the most important reason we hold people responsible for most of what is that this is the only way to create people who can take responsibility for their own lives. And taking responsibility for our own lives is central to living a good life, especially in a polity and society that leaves so much up to the individual.

To succeed in a modern polity and society—and perhaps in almost any other one as well—we must be willing to accept take charge of our own lives. That means being responsible not just for our efforts but for our capacity to produce. It is only by learning to take responsibility for ourselves that we can we develop the fortitude and self-confidence to overcome the difficulties that everyone finds in life. And it is only by taking responsibility for ourselves in this way, that we become able to modify, compensate for and, at times, transcend some of the limits of our natural talents, early upbringing and training. And

Taking responsibility for ourselves is thus necessary if we are to take care of ourselves. But, even more importantly, it is necessary if we are to take care of our families. For family life often demands harsh sacrifices of our own interests. Deontological liberalism proposes a kind of universal benevolence as an alternative to both self-concern and concern for our families. But universal benevolence, even when directed by the moral rules of deontological liberalism, is no substitute for individual and familiar responsibility. It is, on the one hand, too lacking in knowledge of the particular needs of particular people. And, on the other hand, it is likely to be too lacking in the interest and regard that we have for our selves and our families.

Our capacity to take responsibility for our own lives does, of course reflect some important—perhaps even metaphysical—facts about people and political and social life. If we had no capacity to compensate for limited abilities by hard work or by a wise choice of career or role; if we could not overcome rigidities in our personality by reflection and even therapy; if there were no opportunities for people who lack capital and skills to get them; then it would make no sense to hold people responsible for their productive capacities. But we do have these

abilities and opportunities. And we are best primed to take advantage of them if are held responsible for the consequences of what we do with them.

What exactly should we be held responsible for? And what limits should we place on this responsibility? I am inclined to say that there is no fixed answer to this question, good for each and every political community. A great deal depends upon the ideals and character of a political community. Self-reliance is, I have suggested, important everywhere. But in some times and places, it becomes even more central to the self-image of men and women. It is, of course, strikingly important in contemporary America, however much our political and social institutions and practices undercut or undermine our self-reliance. In such a case, it is probably important for us to reduce the gap between ideals and reality, either by working to modify our self-image or by changing our practices so as to more closely fit our ideals. For the gap between ideal and reality is not just self-deceptive, but likely to skew our understanding of the political and social life around us.

It is terribly important for us to have a clear-eyed view of the realities of our political and social life, if only to adequately balance individual and communal provision. In a form of political and social life in which economic success is so dependent upon both years of training and the efforts of many other people, and in which geographic, familial and social mobility is common, it is not only crazy but cruel to insist that we should be entirely responsible for our economic well-being. We must, I have argued, hold people responsible for overcoming the disadvantages and limitations they have faced. But some burdens are too hard to overcome. And, the failures of adults should not be allowed to destroy the opportunities for children. Moreover, while I have argued that we must hold people responsible for themselves in order to make them capable of accepting that responsibility, it should also be evident that people who must deal with more than they can bear often are lead to avoid every responsibility. To insist that people overcome every disadvantage by themselves is likely to leave us with too many broken men, women and families. And this will, over time, undermine the very ideal of responsibility itself.

So where to draw the line between individual and communal responsibility will change from one place to another. And, in any one place, there will be room for controversy and debate. Still, it is not hard to sketch a plausible, though rough, answer for our own political community. It seems to me that we have good reason to try to minimize some, though not all, the effects of political and social contingencies on the life chances of individuals. In particular, we have a collective responsibility to confront the burdens of those who grow up in conditions of severe unemployment and familial and educational breakdown. We also have a responsibility to help people to deal with some of the worst natural afflictions, such as illness. As I will suggest in more detail in the second part of the paper, we also have good reason to try to reduce the influence of social class on the life chances of people. But, we need not make every effort to equalize life chances. For we can only do this by undermining the determination of people to care for themselves and their families.

THE INTUITIVE ARGUMENT

The second defense of the brute luck claims holds that compelling arguments for what Rawls's calls fair equality of opportunity—that is, for eliminating the effects of social

contingencies on the distribution of income and goods—can be extended to cover natural contingencies such as talents and abilities. This is sometimes called the "intuitive argument" for Rawls's difference principle. It rests on the notion that fair equality of opportunity is justified because it is morally arbitrary for social contingencies, such as the wealth, occupation or achievements of parents, to influence the position of children. The intuitive argument for the difference principles extends this argument from political and social to natural contingencies. It hold that the fact that natural talents enable some people to earn higher incomes or gain better positions than others is also morally arbitrary and thus open to question.

Rejecting the Intuitive Argument

One response to this intuitive argument—found in the work of philosophers as different as Robert Nozick and Michael Sandel—is to suggest that the mere fact that our income is determined by morally arbitrary factors, such as the distribution of natural talents, cannot, by itself, lead us to conclude that we should try to minimize the role these factors play in the distribution of goods and income. What is at issue for the kind of procedural theory of justice commonly defended by contemporary deontological liberals is the appropriate background conditions under which market relationships should work. Thus we need some positive argument for one or another theory of what are just background conditions. Simply to say that the location of natural talents or of social advantages is morally arbitrary does not give us such an argument. For, we need some reason to object to a morally arbitrary result. The mere fact that income is determined by morally arbitrary factors does not seem to be enough. After all, lots of things happen that are morally arbitrary. It would seem that we need an argument to correct these results in a particular way. We can't simply presume that equality should be the rule if there are no morally non-arbitrary factors that lead away from equality.

This is a powerful critique of the intuitive argument. But, for two reasons, it is not sufficient by itself. First, this rejection of the intuitive argument smacks too much of mere burden shifting. And it is by no means obvious that this argumentative ploy is successful here. For there may be a more or less good reason to call morally arbitrary results into question when they lead to great political and economic inequalities. Anyone who has rejected the libertarians myths of the state of nature and natural property rights recognizes that distributive procedures and / or outcomes are open to moral examination. [6] And one does not have to accept the fundamentally egalitarian premises of liberal political and moral thought to believe that it is inequality, and not equality, that requires some defense. After all, Plato and Aristotle can plausibly be said to agree that, absent a good argument for inequality, no one can be said to deserve or be entitled to more of some good than another. Thus, to the (very large) extent that social and natural contingencies effect the distribution of income, the defenders of inequality have their work cut out for them. They will have to show us why these factors justify political, social and economic inequality. Or, at the very least, they will have to show us why we should not worry about minimizing the effects of these contingencies on inequality. I obviously cannot launch a full defense of any or all

[6] And what else should we call claims that are lacking in a sound defense besides myths? For as Robert Nozick himself recognizes in *Anarchy, State and Utopia*, no one has ever provided a sound defense of the kinds of absolute property rights defended in that work.

of the various kinds of political, social and economic inequality to be found in contemporary polities and societies. In the next section of this paper, however, I will say something about why we should reject the idea of eliminating the effects of all such contingencies on inequality.

Second, for those of us who do believe that something like fair equality of opportunity is morally desirable, the intuitive argument strikes a chord. For we believe that there is something gfwrong when income and wealth is largely determined not by the efforts and achievements of individuals, but by the inheritance of money and political and social advantage.[7] Now this belief, when unsupported by good reasons—reasons that go beyond pointing out the morally arbitrary character of the distribution of social advantages—does not amount to much. But there are good reasons to defend fair equality of opportunity—at least on some accounts of what this notion means—beyond the mere objection to the effect of brute luck on the distribution of income and wealth. Thus, if we want to reject the intuitive argument, we have to, at the very least, sketch the plausible arguments for minimizing the role of political and social contingencies on income and wealth. And then we have to show why these same arguments do not lead to the conclusion that the effects of natural talents on the distribution of income and wealth should also be minimized. This is the issue to which I will turn in a moment.

The Impossibility of Eliminating the Effects of Contingency

Before considering some of the plausible arguments for fair equality of opportunity of some kind let me return to the previous question. I would like to suggest some reasons why we should reject the general idea of eliminating the effects of political and social contingency on our political, social and economic situation. For, make no mistake about it, contemporary deontological liberals do seem to regard all natural as well as political and social contingencies as somehow suspect. And they hold that a central task of government is to provide remedies for the various disabilities or disadvantages that afflict the lives of many people. Deontological liberals hold, in essence, that we cannot wait for the next world, where God will compensate us for the injustices of this world. Rather, we must take it upon ourselves to do God's work for him, now, in this world. The theological underpinnings of this effort is not entirely clear. No doubt many deontological liberals are atheists. Or perhaps, with Woody Allen, they fear that God is an underachiever.[8] Whatever theology they accept, however, in their stolid and restrained way, deontological liberals aim to bring about the messianic age, in which no injustice goes without correction.

Given the heritage of the deontological critique of the effects of contingency on the distribution of goods, it is hard to find it at least somewhat attractive. In reality, however, the

[7] Thus another good response to the intuitive argument is simply to call equality of opportunity itself into question. That is to say, the intuitive argument presupposes that a good case can be made for fair equality of opportunity. But it does not make such a case. Moreover, as Brian Barry has pointed out, Rawls does not show us why the parties in the original position would opt for the fair equality of opportunity. I shall argue, however, that there are good reasons for supporting fair equality of opportunity more or less defined in a Rawlsian way. But I will suggest that the most compelling argument for reducing the effects of political and social contingencies on the distribution of income not easily be extended to natural talents.

[8] Thus they agree with Allen, too, in holding that "There is no question there is an unseen world. The only question is how far it is uptown and how late it is open."

ideal of eliminating or compensating for the effects of natural, let alone political and social, contingencies is, for a number of reasons, utterly crazy.

To begin with, there is simply no way to compensate people for all of the contingent events that, in one way or another, burden or disadvantage them,. This is true for many reasons. So long as the family remains intact, some of the most profound inequalities of opportunity will be impossible to eliminate. But no one who takes the bond between parents and children seriously envisages raising children entirely in common. For the costs to human well being of such a policy are so great that no moral argument for equality of opportunity can override them. That is, we all accept that many (and, we hope, most) children being raised by loving parents is more important than the inequalities that flow from the different circumstances and skills of these parents.

Thus we choose, and with good reason, not to do anything about the effects on the family on inequality of opportunity. But there are many other sources of inequality of opportunity that we can do nothing about. How can we measure the impact, let alone compensate, a child for the early death of his parents or of his siblings? How can we measure the benefits we receive from loving grandparents? What compensation shall we make for a child's illnesses or his physical limitations or his lack of such lucrative talents as singing songs or telling jokes? Can we do anything to compensate for the way in which our physical appearance changes the odds of our living a good life? Shall we try to factor out the effects of inspiring teachers or principals who run extraordinarily effective schools? And what shall we do about those odd connections and mis-connections that open or close doors for us? To carry out the program of deontological liberals, to adjust for all of these contingencies, we would need to find someone to do the job of what Kurt Vonnegut once called the universal handicapper. But, only God seems to have the requisite qualifications.

Defenders of the deontological liberalism will, of course, acknowledge that we cannot attain their lofty goals. But, they say, why should we not go as far as possible in compensating people for their handicaps and disadvantages?

One answer, of course, is that prudence counsels us to do nothing when we have no idea of the likely consequences of our actions. It is, of course, too much to hope that the various natural and political and social contingencies will more or less cancel out in the lives of most people. We know of too many people afflicted by a multiple of disabilities. But, on the other hand, there are many cases in which the burdens or advantages of some contingency are not at all apparent. The claim that the sons and daughters of the very rich do not always turn out to live happy lives has, after all, far more empirical support than the claim that grapes we cannot reach are sour.

Another difficulty with the deontological program is that it fails to take the barriers of polity and community seriously. To adopt the deontological program, we would have to try to insure that everyone in the world—from Tokyo to Timbuktu—has the same life chances. This, however is lunacy, and not just because the only political will that we could (barely) imagine carrying out such a program would be tyrannical in nature. More importantly, the deontological perspective ignores the way in which opportunities to engage in different sorts of work or recreation have an extraordinarily different meaning for the members of different polities and societies. Only by entirely abstracting from the particular ends of particular people could it make

sense to suppose that a 15 year old in Springfield, Massachusetts and a 15 year old in rural Nigeria should have the same opportunity to become, say, a professor of philosophy at Harvard. It hardly makes sense to think that attaining this, or any other a position, really is an ideal way of life for anyone, anywhere.[9]

Still another reason for not carrying out the program of eliminating or compensating for the effect of natural and social contingencies is that the costs to the individual and common good of doing so are too great. This, I have argued, is the case with regard to the family. But there are likely to be other costs of trying to carry the deontological program as well.

One such cost is that the deontological program is likely to blind us to the most pressing problems of the men and women with whom we live. Those things that are easiest to handicap are by no means the most important. It is not apparent that either natural talents or the income and wealth of our parents plays the overwhelming role in determining our own income and wealth. They are, no doubt, important. But in the language of the sociologists who have explored these issues for many years, a great deal of the variance in income and wealth remains unexplained by these variables. Nor are the outcomes that deontological liberals focus on—income and wealth—obviously central to a good human life. Indeed, the overwhelming focus on inequalities of income and wealth among deontological liberals betrays their extraordinarily narrow view of the contents of a good life. If we want to eliminate the sources of misery in human lives and the barriers to participation in our common life, then we should focus not on every possible contingency that might effect our lives, but, rather, on those goods that are especially central to the lives of human beings in a particular time and place. For us, that especially means, a safe and crime-free environment; health care and basic education; and the kind of nurturing yet demanding parents that make for a good start in life. And, rather than devote ourselves to insuring that everyone has equal odds to go to the top or bottom of the income scale, we should insure that everyone has a chance to do honest and engaging work, to create a family and raise children; and to share in the common culture and political life of their time.

A final cost of the deontological program of universal handicapping is that it is likely to undermine those qualities of character and worldview that enable men and women to grapple with the very real contingencies of their lives. If deontological moral philosophy—or Oprah Winfrey and her clones—ever convince people that they are not and cannot be responsible for how they deal with their fate, then the odds of people living a good life will vanish to zero. The history of the West contains a variety of secular and religious views as to how men and women should deal with fate. There is the Aristotelian attempt to minimize the effect of chance on our lives and the Machiavellian attempt to master fate. There is the one Jewish notion—found both in the prophets and the repertoire of Jewish mothers—that bad luck is God's way of punishing us for our sins. And there is the other Jewish notion that the injustices of in this world will be made good in the next world. And then there is Job's view, that an understanding of God's ways is beyond us. Many of the debates in the history of Western political thought revolve around these five views of how we should respond to the vagaries of we what alternately call contingency or fate or the will of God. I have my own ideas about which of these four views is

[9] Nor do we have any way of equalizing the opportunities of these two young people to attain such a position.

most compelling as, no doubt, do you. And there is probably something to be said for all of them, at least under some circumstances. But there is nothing to be said for the notion that we should expect compensation for each and every injury or disadvantage we face. To think that someone will—or, even more, should—pick us up when we fall down is to give up any responsibility for playing, as well as we can, with the cards we have been dealt. And, whatever their differences, the five views of how we should deal with luck, both good and bad, all insist that, rather than seek compensation, we must take responsibility for reacting in appropriate ways to things over which we have little or no control. It is that sense of responsibility for self that is threatened by the deontological liberal notion that people should demand compensation for all their disadvantages and handicaps.

The Case for Fair Equality of Opportunity

I have tried to make a strong case against the general claim that the effects of all natural and political and social contingencies on income and wealth should be eliminated. But, I do believe that there are good reasons to support what Rawls's calls fair equality of opportunity. That is, I do think we have good reason to dramatically reduce the influence of social class on life chances. Let me briefly mention three of these reasons. While I do so, however, I will also show why these reasons do not also support the claim that we should reduce the impact of the inequalities of natural talent and ability on life chances.

One good argument for fair equality of opportunity is that it is necessary for the basic political equality the should characterize a democratic regime. Democratic regimes can legitimately distribute power unequally. But what they cannot legitimately do is make it significantly harder for some groups of people to gain positions of leadership and power.[10] Nor, if they value sound political decision making, should they do this. For fair equality of opportunity benefits the political community by allowing all of those with the natural talents important to political life to develop and exercise those talents. Moreover, fair equality of opportunity allows the ideas and reactions of all citizens to influence those who make laws, regulation and judicial decisions. And it insures that there will be no important groups in the political community who sullenly and quietly wait for an opportunity to revolt.

These arguments for fair equality of opportunity in political life are, I believe, quite compelling. But note that they in no way carry over to the case of natural talents. Fair equality of opportunity in politics is, I have suggested, desirable in large part because it enables people with certain natural talents to contribute to political life in ways that would otherwise not be open to them. We want those people with the natural capacity to win friends and influence people (in the right way and to the rights ends) to have the opportunity to attain positions of power and influence in our polity and society. It would be inconsistent with that purpose to then insist that no one deserves more political power than someone else in virtue of his natural talents or developed capacities and abilities.

[10] I try to make a detailed argument for this claim in chapter ten of a manuscript entitled *Reason, the Good and Rights*.

Fair equality of opportunity contributes to economic life in much the same way that in contributes to political life. Fair equality of opportunity avoids the tragic waste of talents that arises when smart and enterprising people are blocked from training, education and employment because their parents lack income or social standing. But this argument, too, cannot be used to justify limiting the rewards received by the naturally talented. Nor can we argue that fair equality opportunity is justified for its own sake in the economic sphere as it is in the political sphere. In a democratic regime, every member of the community must have the opportunity to take an active part in the common life. In many times and places, including our own, this will require some degree of fair equality of opportunity to take part in economic life. But the case for fair equality of opportunity in politics is much stronger than in economics. And that is not just true because we live in a democracy, in which political equality of opportunity is a fundamental right. It is also true because, whether as a means or as an end it itself, participation in political life is much more central to the human good than participation in economic life. Barriers to equal opportunity in politics can make it hard for us to protect our other fundamental rights. Barriers to equal opportunity in economics will merely cost us some income and wealth.

Finally, some degree of fair equality of opportunity is necessary if responsibility for ourselves is to be maintained. I argued in part I of this paper that we must balance individual and communal responsibility. To insist that people rely on themselves when the burdens they face are too great is destructive of individuality and community. Self-responsibility is undermined not only when we ask too little of people, but when we ask too much.

This last argument for fair equality of opportunity is one of the most important ones. But, here too, it does not carry over into an argument for minimizing the impact of natural talents on the distribution of income and wealth. Indeed, the more equality of opportunity, the less it makes sense for us to try to eliminate the effects of natural talents on the distribution of income and wealth. The greater the equality in early life circumstances and educational and training opportunities, the more we can enhance whatever natural talents we have. The greater the diversity of ends and ways of life in a political community, the more likely we are to find that we can take advantage of some of our natural talents. The greater the opportunities we have to overcome the limits of our natural talents and early family background, the more reason other people have to hold us responsible for what we do. The greater the public provision of health services, including opportunities for psychological therapy, and the more open a polity and society is to personal reflection, the more capable we are of overcoming the personal rigidities that are the product of very early life. But, to take advantage of all these opportunities, we must be determined to modify or overcome the limits of our natural talents, early socialization and education and training. That determination, however, will only be imbued in people who are expected by others and themselves to take responsibility for themselves all the way down. Thus, the existence of fair equality of opportunity actually undercuts the equation between social background and natural talents in the intuitive argument. The greater the equality of opportunity, the more justified a political community is in insisting that people be responsible for what they make of themselves.

Thus rather than making a general claim that all morally arbitrary factors that influence the distribution of income should be eliminated, the most powerful arguments for equality of opportunity make particular arguments about why certain kinds of contingencies should be eliminated. Contrary to Rawls's intuitive argument, however, the most plausible grounds for

reducing the effects of social contingencies on the distribution of income can not also give a reason to reduce the effects of natural talents on the distribution of income.

CONCLUSION

Thus the two deontological liberal arguments for the brute luck claim fail. A sound account of responsibility for our productive capacities would lead us to be wary of any political program that tries to compensate for each and every kind of brute luck. And the intuitive argument for Rawls's difference principle fails once we look closely at the most plausible arguments for fair equality of opportunity.

Should we conclude, then, that once a reasonable degree of fair equality of opportunity is attained, people deserve or are entitled to any rewards their natural talents and abilities enable them to secure? That would take the argument of this paper too far. To say that we should not try to entirely eliminate the effects of natural talents on the distribution of income is not to say that we should ignore these effects entirely. And, to my mind, there are sometimes good reasons to do reduce the impact on natural talents on the distribution of income, particularly when these natural talents enable men and women to gain enormous incomes and wealth in a way that is entirely unrelated to the good of the rest of the political community. Indeed, Rawls's difference principle should properly be seen as an attempt to regulate, rather than eliminate, the effects of natural talents on income and wealth. Rawls, it seems to me, is looking for moral principles that could tell us the just terms of trade between the more and less talented. Whether and when it is appropriate to try to look for such principles is, however, another story, for another time.