

Chapter 10

Responsibility, freedom and social justice

10.1 Introduction

The goal of the first chapters was primarily to analyze the distributive *implications* of holding individuals partly responsible for their own fate. The difference between liberal and utilitarian reward, and the conflicts between reward principles and the compensation principle, could be presented independently of how one decided to draw the boundary between responsibility and circumstances and of how one wanted to justify the role of responsibility in social justice.

This chapter addresses these protracted issues, not because it is logically indispensable to do so in any treatise on responsibility-sensitive egalitarianism, but because they are indeed pressing questions and the way they are answered strongly determines how appealing responsibility-sensitive egalitarianism can be for various sorts of egalitarians. This chapter is especially written for two kinds of egalitarians. First, there are the skeptics who doubt that responsibility should be given so much importance, and who believe that egalitarianism is primarily about a basic sort of social equality and a certain kind of social relations among citizens. Their concern should be taken seriously, and will find substantial support here. However, one must disagree with the contention that egalitarianism is not about distribution and is primarily about social relations. It is not hard to see that even the quality of social relations can ultimately be described as a distribution of a certain good among citizens.¹ Being treated as an equal or being subordinated, being respected or humiliated, being listened to or ignored, being welcomed or ostracized, being loved or hated, all of these are things that happen to individuals, they are not just holistic features of the social compact. Egalitarianism is not just about distributing material resources, but it is definitely and solely about distributing goods, including the goods that go with social relations. Such goods are not as simple to create and transfer

¹This thesis is eloquently defended by Barclay (2007).

as material goods, but they ultimately affect individuals and the analysis of social situations should always be couched in terms of distributions of individual situations. It will be explained in this chapter how social relations can be incorporated into the analytical apparatus proposed in this book.² If we grant this point, it remains to see what role the concept of responsibility can be given in ethical evaluations. One may be rightly afraid that responsibility could serve to justify inequalities of indefinite extent and this chapter will address this worry.

This chapter is also written for a second kind of egalitarians, namely, the convinced who find it unquestionable that equality can only be about opportunities. In this book they have seen that there were different ways of unraveling the concept of opportunities in the design of distributive policies, connected to different reward principles and different articulations of reward and compensation. The idea that “people should bear the consequences of their choices” is not as simple as it seems. If they take this point, an important purpose of the book will have already been achieved. In addition, this chapter will develop the argument that the most attractive justification of responsibility in the context of the normative evaluation of social situations refers to the promotion of freedom and autonomy and, because of this orientation, requires a very cautious reward scheme. A comprehensive egalitarian theory of justice is, definitely, not just about equalizing opportunities, but also about providing adequate opportunities and putting opportunities in their proper place in the general distribution of goods among citizens.

The chapter is structured as follows. Section 10.2 examines how to draw the line between responsibility and circumstances and rejects the popular thesis that individuals should be held responsible for what lies in their control. In particular, the idea that social evaluation should import its definition of the responsibility sphere from the theory of moral responsibility is criticized as leading the theories of justice into a metaphysical dead end. But the alternative approach which assigns responsibility to individuals for their preferences is also found to be wanting, Dworkin’s arguments in its favor appearing particularly insufficient.

Sections 10.3 and 10.4 then introduce two arguments in favor of the preference approach. The first argument (Section 10.3) is that freedom and autonomy are important values which make it important to let individuals choose and direct their lives and have their preferences satisfied. This makes responsibility derivative to the fact of individuals exercising their freedom. The second ar-

²The analysis of this book has been very limited about this issue because we have focused on simple frameworks in which resources and welfare is all that counts in the description of individual situations. Many authors – in particular Young (1990), Anderson (1999), Phillips (1999), Scheffler (2003), Armstrong (2006) – have criticized the liberal egalitarian literature for neglecting social relations and picturing social life as a simple matter of individual circumstances, resources, and choice. Here this choice of focus on resources and welfare was not meant to suggest that social relations are less important than private consumption, because evidence to the contrary is manifest in everyday life. But there was already quite a mouthful to be said on the issue of resource distribution, and the available concepts of economic analysis are more easily applied to this issue than to social relations. This is unfortunate and future research should urgently invest more in the latter topic.

gument (Section 10.4), inspired by Rawls (1982), is that it is inappropriate to compare different individuals' levels of satisfaction over their lives when their judgments are based on different conceptions of a good life. This also implies a certain kind of preference liability because it means that one should not try to compensate the influence of individual conceptions of the good life over satisfaction.

Sections 10.5 and 10.6 explore the implications of such considerations for the definition of the responsibility sphere (Section 10.5) and for the choice of a reward principle (Section 10.6). The latter section warns against uncompromising applications of the liberal and utilitarian reward principles. Some moderate version of the liberal reward principle is however defended, especially with respect to preference liability.

Sections 10.7 and 10.8 outline a theory of equality which takes account of these various points, and is tentatively dubbed "equality of autonomy." Section 10.7 shows how the Egalitarian-Equivalence family of criteria fits rather well into the approach proposed here, because it gives priority to the compensation principle while holding individuals responsible for their satisfaction levels. Additional considerations about freedom and the reward scheme make it possible to be more precise about how to select a particular member of the Egalitarian-Equivalence family. Section 10.8 summarizes the main features of the "equal autonomy" approach and compares it to the main theories of responsibility-sensitive egalitarianism. It also examines how the evaluation of social relations can be accommodated in this approach.

10.2 The responsibility cut

What should individuals be held responsible for? There are two main answers to this question in the egalitarian literature. One is that individuals should be held responsible only for what lies within their control. The other is that individuals should be held responsible for their preferences and the choices that follow from them.³ I will argue here that the former approach leads theories of justice into a metaphysical dead end, while the latter has been inadequately defended by Dworkin.

Some preliminary remarks will help characterize these two approaches and show how they avoid basic objections. First, for both approaches, it makes sense to assign responsibility for choices only when individuals are put in equal conditions of choice. When an individual has less opportunities than another, he cannot be held fully responsible for his choice insofar as his choice is more constrained and is thereby influenced by his relative lack of opportunities. In practice it is often impossible to offer exactly the same opportunities or opportunities of the same relevant quality to all, so there will always be individuals with less favorable conditions. This is especially problematic for the control

³As already mentioned earlier, the first view has been defended by Arneson, Cohen and Roemer, while the second view can be traced to Rawls, Dworkin and Van Parijs.

approach to responsibility. For this approach, the only way to bypass this difficulty is to find out basic responsibility characteristics such that individuals have full and equal access to the same span of such characteristics, while inequalities of opportunities are fully depicted as differences in circumstances. Roemer's CDF measure of responsibility can be viewed as one pragmatic way, among others, to do this, because it identifies the percentile in the distribution of one's circumstance class as the responsibility characteristic which individuals fully and equally control. For the preference approach, the solution is simpler and consists in holding individuals responsible for their preferences only, and not directly for the choices that follow from them, as we have done in Chapters 4 and 5. In those chapters, individuals had irreducibly different budget sets due to their different skills, and were not held directly responsible for their choice of labor. Responsibility for preferences was nonetheless a powerful guide for the evaluation of redistributive policies.

A second point, relating to the control conception of responsibility, is that individuals may be unequally endowed with choice-making abilities, so that it is important to factor in these parameters when assessing their degree of control. For instance, an individual cannot be said to be in full control of his saving choices if he does not master the computation of compound interest. Therefore, this must be reckoned with when his situation is compared to that of others with better competence at intertemporal management. In other words, the notion of control that is relevant here is a demanding notion of *genuine* control. On the other hand, the notion of control covers more than competent and clear-minded choice, because there are cases of absent-minded choice where one can still consider that the individual was in full control (of his absent-mindedness).

Similar considerations apply to the preference conception of responsibility. Bad choice-making competence may make actual choices fail to adequately reflect individual preferences. Absent-minded choice, however, also typically fails to reflect preferences so that there may be a divide on this point between the control and the preference views.⁴ A related point about the preference approach to responsibility is that, just as control must be genuine control, preferences must be genuine preferences. This is meant to exclude immediate preferences, impulses and cravings that do not correspond to the deeper inclinations of the individual. This criterion of authenticity, perhaps, also excludes adaptive preferences when they can be described as the result of some kind of conditioning process. Adaptive preferences are often invoked as an objection against the preference approach to responsibility, because one may think of situations where the individual really comes to identify with his adaptive preferences. Consider for instance the woman who comes to identify with the social role that is traditionally assigned to her gender and in particular develops inclinations for spending

⁴One way to reconcile them is by describing absent-minded choice as reflecting higher-order preferences about the time and resources devoted to making decisions of the first order. Specifically, if the individual has preferences that lead him not to devote much attention to certain decisions, then these decisions, even if they fail to reflect his preferences over the matter, still reflect his preferences over life in a broader way, when these decisions are examined not only for what they are but also for how they are made.

substantial time caring for her relatives.⁵ As a consequence she invests less in her career and in other kinds of personal accomplishments. Insofar as she identifies strongly with this kind of preferences, it seems that the preference approach will attribute her full responsibility in this case. As a consequence this approach may appear dangerously prone to condoning social customs that distort opportunities, in comparison with the control approach which is more sensitive to the formation of preferences. But one sees that it all depends on how one defines authentic preferences. If the social conditioning that instills preferences of this kind is unmasked and shown to render such preferences inauthentic – if this woman can, even only counterfactually, put herself in a different mind-set and imagine what she would have liked to do in a more gender-equal society – it seems possible to make the preference approach at least partly immune to this objection.

There are additional arguments suggesting that the gap between the two views is narrower than it seems. First, the preference approach is often related to a broader approach, for which people should be held responsible for any kind of characteristics – not just preferences – or deeds which they endorse and identify with.⁶ Endorsing is not controlling, but is connected to the idea of control in a counterfactual way. Endorsing some of one's characteristics means that if one were in control, one would choose them as they are, at least in some relevant context. Therefore, there is a sense in which this approach is closely connected to a notion of control.

Symmetrically, think of how to define a notion of genuine choice fitting the control approach. This essentially amounts to elaborating a doctrine on the vexed issue of free will. As it is well known, this issue opposes the compatibilists, who think that free will can exist in a deterministic world, to the incompatibilists, among whom the hard determinists completely deny the existence of free will whereas others (called "libertarians," without any connection to political philosophy) think that a non causally determined free will exists. If one adopts a compatibilist notion of free will for the egalitarian theory of justice,⁷ one comes very close to a preference approach to responsibility, because

⁵Sen (1985, p. 21) famously introduced a similar example which came to be referred to as the "tamed housewife."

⁶Lake (2001), for instance, opposes the "affirmation" approach to the "control" approach of responsibility. Mason (2006) similarly refers to "responsiveness to reason".

⁷It is worth noting that the notion of genuine choice that is needed for a theory of justice based on the control approach to responsibility will serve a specific purpose, namely, delineating the personal characteristics that will not be compensated in redistributive policies of any sort. This need not be the same as the notion that would serve to attribute moral praise or blame, for instance, unless one wants to apportion the distribution of well-being to the distribution of moral status. It is possible, in particular, to adopt a compatibilist notion of free will for social policies and an incompatibilist notion for moral evaluation. One would then say that, in some cases, individuals can legitimately live with the bad consequences of their choices even though, at some deeper level, they may not be blamed for them. The opposite possibility – an incompatibilist approach in social justice, a compatibilist approach in morality – cannot be excluded either. One would then say that, in some cases, individuals are morally blamable for their choices but should not endure any social loss because at a deeper level they are not in control.

genuine control is then typically defined in terms of choices reflecting authentic preferences or asserting one's personality and responsiveness to reasons.⁸ The control approach can then come very close to the preference approach.

There remains, however, an irreducible difference because the control approach, even in its compatibilist construal, assigns responsibility only for things that have been chosen in a certain array of options, or are retained although other options would be available. In contrast, the preference approach is happy to hold an individual responsible for her authentic preferences even if these preferences have not been chosen in any sense and cannot be changed costlessly. These two approaches can therefore yield very different conclusions in cases when individuals suffer disadvantages due to preferences which are deemed authentic by the preference approach but which are not under actual control. In the example of the woman who likes the social role of a carer, one can think of cases in which such preferences are authentic even though they are the product of external influences. Another example features a man who is educated in an ascetic religion imposing a miserable way of life. His preferences may be perfectly authentic, if he comes to embrace this religion in full conscience, but he cannot be said to have been in control of his poor achievements, because of the influence of his education.⁹

After these lengthy preliminaries, let us turn to an assessment of the control approach. It is popular and appears closer to a certain commonsense theory of moral responsibility. Its attraction comes from the charitable ring that it has when it objects to letting individuals suffer disadvantages which they have not brought upon themselves. This good feature, however, also makes this approach hostage to the free-will problem. How do we define genuine choice and how do we know when a particular choice is genuine?

The defenders of the control approach, facing this difficulty, simply defer either to intuition and ordinary morality, or to the specialized debate on free will.¹⁰ The most comfortable attitude, for them, consists in saying that whatever is the correct theory of free will and moral responsibility should be used as an ingredient in the control-based theory of responsibility-sensitive egalitarianism, and that all practical difficulties in observing and measuring the relevant data

⁸ Arneson (2003) cites Dworkin's theory as a compatibilist approach to moral responsibility. Recent compatibilist accounts of free will can be found in Wallace (1994), Fischer and Ravizza (1998).

⁹ Considering a similar example, Scanlon (1986, p. 117) develops arguments similar to Dworkin's: "the idea that these [religious] burdens are grounds for such compensation (a form of bad luck) is incompatible with regarding them as matters of belief and conviction which one values and adheres to because one thinks them right." Interestingly, Roemer (1998, p. 20) sides with Scanlon on this kind of example, even though he otherwise defends the control approach. He would only consider the situation unfair if the man's beliefs were "due to circumstances which made penury seem unavoidable." Other kinds of causal factors (e.g., family tradition) are not apparently problematic for him.

¹⁰ Cohen (1989, p. 934) famously writes that "we may indeed be up to our necks in the free will problem, but that is just tough luck. It is not a reason for not following the argument where it goes." Roemer (1998), in contrast, considers that every society can make a political decision about what constitutes a circumstance. Ramsay (2004) notes that this contradicts the theory that people should only be held responsible for what *really* lies within their control.

should be tackled so as to best approximate the desired just state of affairs. The comfort of this attitude is fragile, for three reasons.

First, practical difficulties can be overwhelming here. The practical difficulty of ascertaining the presence of free will may ultimately make it almost necessary to equalize outcomes rather than opportunities, if one considers that there is a greater injustice in holding an individual liable for a disadvantage that he does not control than in compensating an individual for a disadvantage that is under his control. This practical consideration is compounded by semi-theoretical issues having to do with the prevailing culture. Some form of hard determinism has gained considerable intellectual ground in modern culture.¹¹ Therefore, whenever a causal explanation is provided for a particular individual disadvantage, it is, in this cultural environment, hard to defend the idea that the situation is fair and that no correction needs to be made. Observing that determining the degree of each individual's responsibility is impossible not only for state agencies, but also for close relatives and even for the individuals themselves, Arneson (1997a) offers a compelling rebuttal of the project of distinguishing the undeserving from the deserving among the poor, and urges us "to forgo the attempt to make the treatment of individuals responsive to desert a major consideration in social welfare policy directed toward poverty relief." (p. 350) But denying any substantive role to responsibility in policy issues may appear to renege on the initial motivation that launched the luck egalitarian movement.¹²

The second reason is related to the previous one, insofar as the scientific approach that rules over social sciences is a token of the general determinist culture. We have seen in Section 3.4 that the control approach to responsibility does not fit well in the models of rational choice that are common in economics, since these models describe individual decisions as a mechanical optimization exercise with a given objective (preferences, utility function) and a given set of options (budget set). It is transparent in this kind of modelling that "genuine choice" is an elusive notion. By looking at Roemer's models, for instance, one sees that individual responsibility, as assessed by the CDF measure, is ultimately determined by fixed preference parameters, so that the individuals are in fact held responsible for such parameters and not for any kind of genuine choice (unless one assumes that these parameters themselves have been genuinely chosen outside the model). This cannot be otherwise, because by construction such models are deterministic – what has been done in this book is of course not different.¹³ When translating a control-based theory of justice into economic models that are essential tools in the analysis of public policy, one therefore

¹¹ See, e.g., Scanlon (1988), Scheffler (1992). According to Greene and Cohen (2004), the development of neurosciences, by unveiling the mechanics of the mind, will increasingly challenge the naive libertarian beliefs of "folk psychology" and will spread hard determinism.

¹² As Phillips (2006, p. 19) writes, "it is difficult to expand equality of opportunity in ways that satisfactorily address the constraining effects of social circumstance, gender socialisation, cultural convictions and so on, without undermining the idea of people as responsible agents."

¹³ Determinism in this sense encompasses random processes. Introducing random error terms in the decisions, as in the discrete choice models, would not change the outlook of the problem, since random errors do not represent genuine choice any better than fixed parameters.

faces a dilemma. Either the notion of free will prevailing in the theory of justice is libertarian, in which case it is impossible to introduce it in the models, or it is compatibilist, in which case it will be hard to swallow because the models will describe such “genuine” choice as a mechanical procedure determined by given desires and constraints and, in particular, influenced by public policy.

The third reason is that metaphysics is given a dangerous role here. The purists say that there simply is a true theory of moral responsibility, and that its dependence on metaphysical issues makes its discovery and application difficult but should not deter us from exploring its ramifications. This attitude, however, undermines the whole project of constructing a theory of justice. Just as it is problematic for a theory of social justice to rely on a special view of the good life, it is questionable to make it depend so dramatically on a metaphysical issue like free will. The justice of social arrangements should be assessed in a way that is not only compatible with the variety of moral conceptions that prevail in society, but also with the variety of metaphysical conceptions that similarly coexist and will remain with us for a long time. It should be possible for compatibilists and incompatibilists to live together and recognize their society as just, in a similar fashion as for theists and atheists.

A more pessimistic view on this issue is that the metaphysics of responsibility is so intimately connected to our conceptions of the good life and of the nature of human life, that it might be as illusory to seek a consensual theory of justice as to seek a consensual view of the good life.¹⁴ The hard determinists and the believers in free will might never be able to agree on how to view one’s personal action in the world and, relatedly, on how to allocate blame, praise and taxpayers’ money. It is probably reasonable indeed to abandon overambitious hopes of neutrality. Such considerations, however, should not bar us from seeking consensual principles of justice that could, even if some disagreements remain over other principles, usefully shape the basic institutions of society. One goal of this chapter is to seek elements of a theory of responsibility which, even if – and because – they do not resolve all of the controversial issues, can be consensual and useful for applications.

In addition, one can argue that it is also a matter of justice to recognize metaphysical disagreements as reasonable disagreements and to adopt social institutions which do not offend certain views. As a consequence, it would be not only politically hopeless, but even unfair and disrespectful, to set up institutions which would openly implement a theory of justice based on a particular notion of free will and responsibility. In other words, there is an internal contradiction in theories of justice which adhere to the principle of equal respect for human beings and propose to rely on notions which, no matter how they are defined, ultimately insult the deep views of those who disagree with the particular definition that is adopted.

Should this criticism lead us to adopt the preference approach right away? This approach, insofar as it is similar to a compatibilist theory of genuine choice, is vulnerable to the same hard determinist objections. How can we let individ-

¹⁴This pessimistic view is suggested by Scheffler (1992) and Arneson (2008).

uals suffer disadvantages due to preferences which may be authentic in some sense but are nonetheless largely the product of social circumstances?

Dworkin's (2000, pp. 287–298) defense of the preference approach against this control-oriented and incompatibilist threat does not appear very successful.¹⁵ Dworkin appeals to the fact that when people endorse their preferences and would not take a pill to change them in order to be more easily satisfied, it would be “bizarre” for them to consider their preferences a piece of bad luck. But this endorsement approach seems to expand responsibility too much. Are we relieved from fighting the disadvantages that women endure whenever they would refuse to take a pill in order to change their sex? One can endorse one's particular characteristic and be fully satisfied to have it, while consistently regretting that some disadvantages stick to it.¹⁶ As argued in Cohen (1989), one can identify with one's expensive tastes and nonetheless regret that they are “expensive” in the prevailing conditions. A second argument Dworkin uses is that our ordinary morality ascribes responsibility for people's preferences. But ordinary morality is not a reliable guide to complex issues, and the task of normative theories is certainly not to blindly condone the mood of the times. Moreover, one could probably argue that ordinary morality leans toward the control approach – in its incompatibilist brand – rather than the preference approach.¹⁷

All in all, the foundations of the concept of responsibility used by luck-egalitarians turn out to be fragile. The control approach goes into a practical and metaphysical dead end, while the preference approach avoids this problem at the cost of appearing somewhat counterintuitive and possibly harsh toward some badly-off individuals because it expands the responsibility sphere too much.

10.3 Responsibility or freedom

The conclusion that emerges from the above is that egalitarians would be better off abandoning or at least putting aside the concept of responsibility as they use it, i.e., as a *moral justification* for disadvantages and inequalities suffered by some members of society. Barry (2005) eloquently warns against the moralistic and conservative abuses of the concept of responsibility that serve to justify welfare reforms which hurt the worst-off fraction of the population.¹⁸ Nonetheless, he still believes in an ideal theory of moral responsibility and equality of opportunities. But, as we have seen, any version of such a theory is vulnerable

¹⁵ See in particular the detailed critical analyses in Matravers (2002a,b).

¹⁶ This reveals a limitation of the envy test, as noted in Clayton and Williams (1999). Even if there is no envy, it may be that the set of options is less favorable to some preferences. We will see how to address this problem below.

¹⁷ Greene and Cohen (2004) describe “folk psychology” as involving a libertarian – hence incompatibilist – conception of free will, and argue that it underlies common moral intuitions about responsibility.

¹⁸ See also Callinicos (2000), Armstrong (2006). The main target of these three authors is New Labour. Arneson (1997a) criticizes the conservative attacks on welfare in America.

to the same kind of accusation of involving easy excuses for inequalities¹⁹ or of offending certain conceptions of life prevailing in the society. Egalitarians must look in a different direction in order to define fairness in a way that could ultimately become consensual. In this section it is proposed to take freedom as a fundamental value for a different justification of responsibility. An additional justification is introduced in the next section.

One way of describing the divide here is to oppose conceptions which seek a pre-institutional notion of responsibility on which to ground inequalities, to conceptions for which responsibility is the consequence or the expression of, not the rationale for, the assignment of roles and liabilities in institutions of social interactions and redistribution.²⁰ According to the latter view, responsibility is not something which justifies disadvantages, but something which is assumed by individuals when they accept liabilities, and which is justified by independent fairness principles.

The preference conception to responsibility may pertain to the “institutional” approach or to the “pre-institutional” approach depending on how it is elaborated and defended. When Rawls (1982) argues that autonomous moral agents must, by definition, assume responsibility for their goals in life, and that desires are not in themselves reasons for redistribution, one can understand this, as advocated by Scheffler (2003), as a description of basic fairness principles of social interaction, from which a certain assignment of liabilities follow. But one can also interpret it as related to a pre-institutional notion of responsibility as endorsement and identity, as in Dworkin’s theory.

The institutional approach is not, in contrast with the pre-institutional approach, vulnerable to incompatibilist scruples. When independent fairness principles of interaction justify certain assignments of liabilities, it does not matter whether this ends up making some individuals suffer disadvantages for which they are not in control, because the reason for this assignment has an independent justification. But this line of defense critically depends on the strength of the fairness principles which ground the assignment. The weakness of the institutional approach is that it is often presented without a precise description of the principles which may play such a foundational role. For instance, Rawls’ theory, in Scheffler’s (2003) interpretation, defines fair shares not in terms of compensation for unchosen disadvantages, but in terms of “a distributive scheme that makes it possible for free and equal citizens to pursue their diverse conceptions of the good within a framework that embodies an ideal of reciprocity and mutual respect” (p. 28). Such principles of free and equal citizenship, neutrality with respect to conceptions of the good, reciprocity and mutual respect may appear too basic and too vague to justify any particular allocation of resources and responsibilities. One could defend the claim that, from Nozick’s libertarian

¹⁹Moreover, many authors such as Anderson (1999), Gomberg (2007), Phillips (1999), Scheffler (2005) accuse luck egalitarianism of excessive moralizing as well. Eyal (2007) illustrates this moralistic tendency by arguing that agents should suffer disadvantages caused by their responsible deeds only when these are morally bad, while disadvantages generated by good actions should be compensated.

²⁰See, e.g., Ripstein (1999), Fingarette (2004).

utopia to radical welfare egalitarianism, most modern theories of justice respect such principles. Certainly, one needs to be more specific in order to be able to determine specific assignments of responsibility.

Two particular principles justifying responsibility assignments will be defended here. The first one, which is the topic of this section, is a basic principle of freedom and autonomy: Individuals must have and exercise freedom. More precisely, the ideal of freedom implies that people must enjoy certain basic liberties and a basic autonomy, and, beyond that, practice the activity of choice as much as desired and possible. What is proposed here is, therefore, a two-tier formula. First, the principle of freedom acts as a constraint in order to make sure that a minimum level of autonomy is attained by individuals, with a minimum variety and quality of options offered to them, and with a minimum level of decision-making competence. Second, beyond this constraint it is considered to be a matter of preference whether one should have a larger menu or not, and whether additional training and counseling should be offered in order to enhance competence. In this understanding, the activity of choice is no more mysterious and metaphysical than other ordinary activities like writing, and for all such activities there may be degrees in the quality with which the activity is practiced and in how it reflects the agent's true goals.

Because freedom must be extensive and not just residual, one sees that this line of thought is bound to entail a large scope for responsibility in just social arrangements. At the same time, recognizing the importance of freedom does not require making egalitarian justice a matter of freedom or opportunities only. As argued in Arneson (1998, 1999a), it would be pointless to promote and equalize opportunities if a better distribution of achievements could be obtained otherwise (possibly counting among achievements a suitable dimension of freedom). The fact that freedom is important does not mean that it is all that counts, and it is especially clear that this is not all that counts for most people's subjective preferences. As a consequence, we will be able to argue in Section 10.5 that, in contrast with standard luck egalitarianism, the principle of freedom does not force us to accept inequalities of any kind or size. In this way, this approach removes one of the main worries of the critiques of luck egalitarianism.

Another advantage of making assignments of liabilities rely on freedom rather than (a pre-institutional notion of) responsibility is that it replaces the backward-looking, punitive and moralizing justification of disadvantages that is pervasive in luck egalitarianism with a forward-looking,²¹ enhancing and non-moralistic approach. The idea that individuals can be left in their predicament when they are faulty totally disappears from the picture and is replaced with the objective of providing enough scope for free choice to individuals with all kinds of goals.

Dropping the notion of "fault" is not just meant to cater to the charitable feelings of egalitarian do-gooders. The basic principles which govern the organization of society, in particular its system of redistribution and social assistance,

²¹Goodin (1998) insists on the opposition between backward-looking and forward-looking conceptions of responsibility.

do not only serve the arithmetic purpose of achieving a better distribution of advantages, but also the symbolic purpose of expressing mutual feelings of solidarity and respect.²² An equal opportunity society in which individuals can sometimes suffer serious disadvantages without raising any concern from their fellow citizens, who look upon them with some contempt and with full confidence that those feckless losers are “faulty,” seems to look more like a variant of the Brave New World than like an egalitarian utopia. In contrast, a society in which the relevant question is not “Are you responsible for what happened to you?” but “Does this correspond to your choice of a life?” would normally exhale a much more pleasant and solidaristic atmosphere. In this way, one sees that fairness principles are not just a matter of distribution but can also contribute, in a similar way as public goods, to enhancing the quality of social relations and thereby the well-being of all.

Consider the example of the “serial squanderer,” which is often taken by luck egalitarians as the proof that one cannot deny moral responsibility some role in the allocation of resources. This person repeatedly wastes the help extended to him. Surely, the luck egalitarians say, at some point he must be held responsible and denied further help on this ground. From the perspective of freedom, the treatment of such a case is nonetheless very different. The relevant question is then: Is this kind of life a good option for his preferences, and does repeated help best enhance life in this perspective? It may be that some forms of help are inefficient, as suggested by the mere repetition of similar events. Certainly, being abandoned to a life of pure destitution is not a good option to offer people, and neither is a life of luxury at taxpayers’ expense. A simple repetition of a moderate level of help could be good, actually, for preferences enjoying a life of leisure and dependency on public help. Such preferences are rare in societies which give value to reciprocity and educate their children away from such preferences. But it may be unavoidable that a tiny proportion of the population develops such preferences, even in such societies. Affluent societies can afford accommodating such preferences,²³ even if this lifestyle is shocking for some of their members who would rather not subsidize it. But this is not different from public health insurance covering abortion costs. As a matter of fact, there are (not necessarily affluent) societies in which certain kinds of beggars are accepted and even revered. From the perspective of such cultures, the condemnation of dependency in luck egalitarians’ writings seems culturally and morally idiosyncratic, and therefore somewhat illiberal.

Let us further explore the implications of the freedom perspective. First, there is a close link between freedom and preference satisfaction, which connects the freedom principle to efficiency concerns. Recent theoretical work on freedom of choice has emphasized the distinction between objective measures of freedom (such as counting the options) and subjective valuations of options and sets. Controversies have developed about whether freedom should be understood in

²² As argued by Wolff (1998, p. 104), “there is more to a society of equals than a just scheme of distribution of material goods. There may also be goods that depend on the attitude people have toward each other.”

²³ See Shiffrin (2004).

a purely objective way or whether the value of freedom for those who enjoy it contributes to determining the quantity of freedom.²⁴ Such distinctions and controversies, however, are of little relevance to the normative question of what follows from the desire to promote people's freedom. In this normative kind of questioning, it is clear that one should enhance freedom only when it has value, and that promising to give people what they want should normally follow from the idea of giving them freedom. Since we have already raised the issue of pointless opportunities, let us focus here on the latter point.

In normal conditions the activity of choice provides people with what they want. There may, however, be practical impediments to this activity, in which case preference satisfaction is still in line with the principle of freedom because the latter implies that it is better when people get what they *would* choose if the obstacles to free choice were removed. For instance, when individuals are caught in a prisoner's dilemma which prevents them from reaching an outcome which is more desirable for all of them, it would enhance their freedom if a communication and commitment device was offered to them which made this option accessible. In this perspective, one sees that the Pareto principle, which has occupied an important place in the analysis of this book, can be derived from an ideal of freedom, not just from a concern for efficiency.²⁵

By imposing a basic list of liberties which cannot be waived, we however admit a potential conflict between certain concrete forms of freedom (not subordinating oneself to another's will, being able to participate in social interactions and collective decisions) and people's possible desires to live lives of submission and destitution. But this can be described as a conflict between different kinds of freedom. Imposing the basic list amounts to curtailing a general freedom to live all kinds of lives in order to promote certain kinds of lives in which particular forms of freedom are enjoyed throughout.

Another important implication of the principle of freedom is that individuals must be adequately prepared and equipped in order to exercise their freedom in a skillful way. Freedom is not just a matter of having many and good options, it is also a matter of how competent the moral agent is. A just society therefore has the duty to train the population and provide it with relevant information

²⁴ See, e.g., Carter (1999), Sen (1990, 1992), Arneson (1998).

²⁵ When preference satisfaction and freedom appear to clash, one can typically reframe the problem in terms of whether one should go with the choice that is actually made under imperfect conditions or with the hypothetical choice that would be made under better conditions. The prisoner's dilemma provides this kind of example. One description of the example is that the inefficient outcome of a prisoner's dilemma game is the true result of individual freedom, whereas the efficient outcome which could be obtained by forcing agents to cooperate would be better for preference satisfaction but less good in terms of freedom. But this description is less convincing than the previous one because, if offered the choice, the players would opt for the efficient outcome. It is the lack of communication and commitment in the prisoner's dilemma which impairs their freedom, not the other way around. Another kind of example is when the cost of screening the options or defining one's preferences makes it better for the decision-maker not to be offered too much choice. In this case preference satisfaction goes for obtaining the best of all possible options without having to carry out much choosing work. Again, this would be the result of free choice if the agent could not only choose among the options but also choose the process by which he obtains the final option.

so that the exercise of freedom can be more than whimsical picking and can develop into an artful way of life.²⁶

10.4 Preference liability versus welfarism

In view of the close link between freedom and preference satisfaction, one might wonder in what ways this approach differs from a standard welfarist view which gives substantial freedom (and thereby responsibility) to people in order to promote their well-being, without any independent and non-instrumental concern for freedom or responsibility. If one makes abstraction of the requirement of a basic level of freedom and autonomy that is imposed independently of people's preferences for freedom, and focuses on the second stage of the principle of freedom, what is proposed here is not opposed to welfarism but can be described as a development of welfarism toward a more precise and concrete view. Welfarism is a comfortable doctrine in part because it is so abstract that it commits its advocates to very little. But it should be possible to develop a concrete and detailed version of it which explains the way in which freedom implies assigning liabilities to people for their choices. Once we decide to grant individuals certain freedoms and the ensuing liabilities, what does this imply for redistribution and the organization of social duties? Even a welfarist theory should, at some point, try to answer this kind of question.

But welfarism, if understood as seeking to promote *subjective* well-being and compare it across individuals, is not a viable approach, even when one disregards the usual objections to it that are based on pre-institutional notions of responsibility (such as the "expensive tastes" and the "adaptive preferences" objections). This observation will provide us with a second reason, in addition to the freedom principle, for assigning a certain liability to individuals.

There are two main varieties of welfarism which must be distinguished and discussed separately here. A first variety, which finds its inspiration in Bentham's utilitarianism, seeks to promote subjective feelings of happiness. This view is not appealing simply because happiness is not the only thing that matters in life for most people, even though it does matter a lot for many of them, and it is quite astonishing that such a reductionist conception of human goals can have had such a hold on the history of thought.²⁷ One can retain happiness as a valuable functioning – in Sen's (1992) terminology – among others, but

²⁶This has deep consequences about the issue of the formation of conceptions of the good life, an important area in which freedom has to operate as much as possible. Certain liberal views of the subject consider that individuals should be left alone as far as their conceptions of the good life are concerned. But the assumption that individuals are magically self-equipped to handle these delicate matters is just as unrealistic as Hobbes' assumption that men simply sprung up from earth like mushrooms. In fact, the members of society need substantial help in order to go about forming and revising their views about morality and the good life. Turning a blind eye to how families, religious authorities and TV channels operate the basic and less basic training work in this field is ignoring one of the most important tasks of social institutions, and one can doubt that the institutions listed above generally perform this task in a satisfactory way.

²⁷A recent and entertaining defense of this conception can be found in Layard (2005).

there is no reason to believe that it is the only valuable functioning, especially if one wants to cater to people's preferences over their lives. A more interesting variety of welfarism seeks to promote a more intellectual notion of satisfaction, i.e., to make people's lives go as they wish in a deep sense. This approach is quite attractive, but it has one drawback. In order to make use of this notion of welfare in the context of distributive justice, one must be able to evaluate the success of lives with some common measure which transcends the different views and goals which different individuals may adopt. This is a chimeric idea, as Rawls (1971, 1982) has forcefully argued. Even if one devised a sensible measure of this kind, it would be outrageous to seek to apply it in order to decide who is better off or worse off in society. If Ann considers that, given her conception of life, her life is much better than Bob's, it would be insulting to tell her that in terms of some overall measure of success her achievements are lower. In contrast, there would be nothing problematic about telling her that she is worse off according to some measure of resources or opportunities.

This argument must be distinguished from the questionable idea that an index of satisfaction cannot sensibly be constructed. Economists have long been wary of interpersonal comparisons of welfare, but their preventions were sometimes inspired by an extreme kind of behaviorism. As regards happiness as a feeling, it is clear that a measure is perfectly conceivable, and neurosciences are likely to provide a good biological index of happiness in the near future. As far as satisfaction – as a judgment rather than a feeling – is concerned, things are more complex. But after all people are able to say if they are more or less “satisfied” with their life, and in spite of all the problems with comparing such utterances, one might be able to use a sophisticated variant of this kind of data for the construction of an index. No matter how the index is built, the argument that is made here is against *using* any index of that sort for evaluative purposes. This is because different views of the good life are incommensurable and cannot be overwritten by an overarching index. The diversity of views of the good life precludes any reference to a shared higher-order ordering. Such an ordering would enable us to say that, given a certain objective situation, an individual in this situation would have greater well-being with a certain conception of the good life than with another conception. This is incompatible with the idea that conceptions of the good life are ultimate criteria in and of themselves, and that they are not interchangeable ingredients in a higher-order utility function to be maximized.

We end up with the idea that we should not try, for the sake of social justice, to compare people's situations in terms of a comparable index of satisfaction. This implies that individuals will have to be held responsible for their level of satisfaction. Indeed, consider two individuals who have the same ordinal preferences over the various dimensions of life²⁸ and have lives that they consider to

²⁸In fact not all dimensions of life are relevant for distributive justice. One should restrict attention to personal situations and ignore features of the environment that do not directly affect the individual. In the previous chapters we have always been dealing with self-centered preferences for this reason, ignoring people's preferences over the state of the rest of the world. The boundary between personal and non personal dimensions is hard to delineate but this

be equally valuable. They may nonetheless have different levels of satisfaction (e.g., one may be more ambitious than the other), but comparing their lives in terms of personal satisfaction would contradict their common judgment that their lives are equally good. If no better judgment is available, we should concur with them that their lives are equally good, and ignore the difference in satisfaction, since comparing the levels of satisfaction naively does not correspond to a better judgment over their lives but to mingling inconsistent ambitions.²⁹ Now, ignoring the satisfaction levels in this way amounts to holding individuals responsible for them.

As this explanation makes clear, ignoring satisfaction levels does not mean that individual preferences should be disregarded altogether, but simply that the non purely ordinal part of "utility functions," i.e., the personal indexes which measure satisfaction according to people's own views, should be left in the responsibility sphere. We therefore obtain an additional channel, besides freedom, by which responsibility gets an important place in the definition of fairness. Moreover, disregarding a characteristic is the hallmark of liberal reward, so that we not only have a responsibility assignment here, but also the adoption of a precise reward principle with respect to it. Barring the use of an overall index of well-being will actually make it impossible to use the principle of utilitarian reward in connection with any kind of responsibility assignment in this context, since utilitarian reward requires a summable index of well-being.

In summary, responsibility being abandoned as a pre-institutional notion that would serve to justify advantages and disadvantages, it can still be an important part of a theory of justice, as an assignment of liabilities induced by two basic principles. One principle is that levels of satisfaction, as distinct from ordinal preference orderings, should be disregarded in the evaluation of social situations, which means that individuals should be held responsible (in the sense of liberal reward) for their "utility functions." The other principle is that people should be given substantial freedom over the conduct of their lives.

10.5 The responsibility sphere

The sphere of responsibility induced by these two principles can be described quite precisely: It will coincide with individual preferences and utility functions. Responsibility for one's utility function has already been explained, so that we can focus here on preferences. When people make choices, even if we want to

issue will not be explored further here.

²⁹One could object to this reasoning by suggesting to take satisfaction as a functioning among others. But this is a very special functioning. For a given utility function, once all other dimensions of life are given, the satisfaction level is determined. This is not a functioning that can be changed independently of the others. Relatedly, this is not a functioning over which one can have preferences. To be satisfied with one's life is not a dimension of one's life along other independent dimensions. Only metapreferences can sensibly rank lives *cum* preferences and satisfaction. We ignore metapreferences here, since relying on such preferences in order to rank people's situations would directly violate a basic principle of neutrality over conceptions of the good life.

respect their choices we cannot hold them directly responsible for their choices when their menus differ, because, as explained above, their choices are then unequally constrained. Respecting their freedom of choice is expressed by holding them responsible for their preferences and only for their preferences (at least directly). Their preferences define how they would choose in different menus, and this what we want to respect if freedom of choice is to have any sense.

Are we falling back to the preference approach to responsibility? A key issue for the pre-institutional approach to responsibility for preferences is the authenticity of preferences. A serious difficulty in this respect is that "preferences are necessarily in large part imprinted in persons from their environment,"³⁰ as noted by Roemer (1996, p. 271) who concludes that authentic preferences can never be identified. This problem appears in a quite different light in the perspective of freedom. Providing people with freedom does imply respecting people's true preferences rather than cravings and whimsical fancies, and relying on the best information that is available if their information is imperfect, but it does not involve seeking ideal preferences that would be formed in an unrealistic ideal process of formation. Therefore, people will be held responsible for preferences which are in general close to their immediate preferences, so that, in many cases, their actual choices will be considered worthy of respect.

In particular, the fact that preferences are socially conditioned is not, in itself, a problem at all for this approach because the principle of freedom is about freedom for actual people, not for ideal people who would be formed in a very different way. Nonetheless, certain kinds of conditioning do raise a concern, not because they involve causal influence as such, but because they involve a direct violation of freedom, or because they operate to the service of others' unfair advantages. An obvious example of the former kind is engineered conditioning, when certain illegitimate authorities inculcate certain preferences in people's minds in order to serve a precise purpose. Whether this purpose is good or bad does not necessarily matter in this case, because the main problem lies in the illegitimacy of the process itself. Such illegitimacy can be traced to the principle of freedom itself, which forbids exerting certain kinds of influence over fellow citizens.³¹ Similarly, one can easily condemn social norms which attribute an inferior symbolic status to certain citizens (e.g., women) and tend to shape individual preferences so as to make the targeted people accept and even seek inferior social roles.

More diffuse kinds of conditioning can be problematic in indirect ways. For instance, a society in which women are more attracted toward professions of care than men, because, for instance, they observe more women of the previous generation in these professions, does not raise a concern if professions of care are not disadvantaged and are not less prestigious than other professions. But if such professions are disadvantaged, then this social conditioning is problematic

³⁰Phillips (2004) and Gomberg (2007) also emphasize that individual preferences are always strongly influenced by the social context.

³¹It is considered perfectly appropriate for parents and teachers to try to inculcate children with preferences for a life embodying certain moral values. Even then, not all forms of influence are acceptable.

because it operates to the unfair advantage of men. What is problematic is not the conditioning process in itself, if one considers – which is debatable – that there is nothing intrinsically wrong with mimetism, provided it is accompanied by proper education enabling individuals to think about the reasons involved. The practical conclusion in this case, then, should not be that there is something wrong about these preferences, or about the way in which they are formed. What is problematic in this case is the unfair advantage that attaches to certain jobs.

This point deserves some explanation. It is connected to the general meaning of holding people responsible for their preferences. In the literature it is often implicitly assumed that responsibility for one's preferences implies a liability to bear the direct (market) costs of the induced choices. This triggers feminist criticisms since, in this perspective, holding women responsible for their preferences for less well paid activities – when such preferences are not the result of sexist conditioning – implies that one can accept the ensuing gender inequalities. But we have seen in the previous chapters, in particular Chapters 4 and 5 dealing with consumption-leisure choices, that responsibility for preferences does not imply that any kind of budget set is acceptable, since, for instance, the optimal policy might seek to maximize either the minimal income or the working poor's income. In the perspective of freedom, especially, it is important to provide people with valuable menus of options. Mason (2006, p. 175) takes the example of a committed pacifist who lives in a region where most of the jobs are in the weapons industry. According to Dworkin's conception of responsibility, insofar as this pacifist endorses his own views he should be held responsible for the resulting lack of career opportunities. Mason concurs with Cohen (2004) in noting that the more reflectively an individual adheres to his own preferences, the more costly it would be for him to adjust his preferences to the environment, so that endorsing one's preferences in this sort of case seems to provide a reason against responsibility, not in favor of it. The freedom-based perspective that is proposed here suggests yet another conclusion: What is problematic in the situation is not that the pacifist cannot easily change his preferences, but simply that he faces a bad menu according to his own preferences.

A similar reasoning applies to gender issues. In a patriarchal society, sexist norms push women toward subordinate activities and condone wage inequalities between men and women, even for equivalent jobs. Let us assume away any such phenomenon, which is obviously undesirable, and focus on a non sexist society. In such a society, it may nonetheless happen that women are attracted by less lucrative activities. Is it acceptable to hold them responsible for it? Even when women are not influenced by oppressive norms, the fact that they develop preferences which push them toward less rewarding activities can be considered problematic in the approach that is developed here, if we find a way to describe the menu they face as less valuable for themselves than it is for men's typical preferences. Can we find such a way, when we posit, as we do here, that preferences over the good life are incommensurable? Such incommensurability prevents us from comparing satisfaction levels, but not from comparing the value of menus. The egalitarian-equivalent approach, in particular, provides a simple

way of doing this, and this will be explained in Section 10.7.

10.6 Ex-post inequalities matter

When the sphere of responsibility is defined – in our case, preferences and utility functions – it remains to examine how the compensation and reward principles can be applied in the design of redistributive policies. The compensation principle remains unscathed by the above discussion about replacing a pre-institutional notion of responsibility with a freedom-based notion. But its justification is now a little more specific. The point of compensation is no longer to neutralize the influence of factors for which individuals are not responsible, because with the freedom perspective we have abandoned the view of life as a kind of competition in which the playing field must be levelled. Compensation remains desirable simply in order to achieve equality wherever this is not hampered by freedom and responsibility considerations. Therefore, adopting the freedom perspective does not question the idea that one should seek to reduce inequalities between individuals with identical utility functions. Such individuals would normally make the same choices and obtain the same utility when offered the same menu of options, and should indeed ideally end up with situations that they judge equivalent according to their own preferences. When this is not possible, this equality condition is simply replaced with a priority requisite in favor of the worse-off, as we have seen in detail in the previous chapters (e.g., Chapter 3). These equality and priority versions of the requirement are familiar expressions of the compensation principle, in the case when individuals are held responsible for their preferences and utility functions only.

Recalling that we actually want to apply the liberal reward principle to utility functions, i.e., to disregard them and focus only on the ordinal part of people's preferences, we can reformulate this requirement in a way that refers only to preferences: *Individuals with the same ordinal preferences should end up with situations that they judge equivalent according to their own preferences.* This implies an extension of the previous requirement, since it is now applied not only to people with the same utility functions, but also to people with identical preferences, whether or not their utility functions are the same. This particular formulation of the compensation principle incorporates the liberal reward principle applied to utility functions, since it implies in particular that two individual with identical preferences but different utility functions should ideally end up with equivalent options, even if this provides them with unequal levels of satisfaction – which occurs, for instance, if one of them is more ambitious than the other in terms of absolute or relative success.

Let us now turn to the reward principle. Beyond the case of utility functions, for which liberal reward is warranted, the question of reward is less simple. When freedom, rather than a pre-institutional notion of responsibility, is the basis for the assignment of liabilities, both the principle of liberal reward and the principle of utilitarian reward lose part of their attraction. Their common drawback, in this perspective, is that they consider inequalities to be permissible

without limitation whenever they can be attributed to responsibility characteristics. Under liberal reward, laissez-faire is fine when individuals are responsible, independently of the technology which determines the rate of reward to effort. If this rate is very high, inequalities can be staggering. Under utilitarian reward, a greater sum of well-being always constitutes a social improvement when individuals are responsible, even if inequalities are tremendously increased in order to bring about the increase in the total.

This is not satisfactory when the motivation for the assignment of liabilities is to provide people with freedom, because freedom is valuable when the menu of options is itself valuable, not just when it has many items. When social arrangements permit more inequalities, the menu of options offered to individuals may perhaps contain more diverse options as a result, but it also contains more options of bad quality, and this is likely to trump the diversity consideration. Even the high options are then tainted by the fact that they involve social relations of smaller range and of lower quality. Being granted the additional option of living in incomparably better conditions than the others is not a real addition to one's freedom because this option actually has low (or even negative) value.

One can associate the standard luck-egalitarian approach with a kind of "forfeiture" view³² according to which it is enough to give people access to good options, and if they fail to seize the opportunities and end up in dire straits no one can complain. Luck egalitarians have no principled objection to a society in which, on a background of equal opportunities, some end up in poverty or as the slaves of others. They would say that such a society can be just as egalitarian as another society in which *ex post* inequalities are much smaller and which guarantees to all equal status and participation in social life. From the perspective of freedom this view is not acceptable. A free life is better when it involves access to a diversity of good options, rather than to a mix of good and bad options, and a free society is one in which members are sufficiently equal so that they do not enter into relations of domination and subordination.

In order to defend this view of a free society, one must give an account of how to evaluate the array of options offered to people. On what basis can we reject certain bad options such as "destroying one's health without being offered help and advice," or "submitting oneself to the arbitrary will of another person?" It seems to me that the most promising account will combine some kind of perfectionism at a basic level with the respect of individual preferences at a higher level. This is what the two-tier principle of freedom introduced in Section 10.3 was meant to encapsulate. Perfectionism (or, simply, objectivism) intervenes here because there are certain basic freedoms which cannot be optional and which should be imposed on individuals whether they like them or not, because otherwise we are no longer dealing with a society of free and au-

³²Cf. Scanlon (1988), Voorhoeve (2005, 2007). Although Scanlon rejects the forfeiture view, he does end up defending a view which is not very different and allows individuals to suffer serious disadvantages when it is considered that enough has been done in order to put them in good conditions of choice. The quality of the options themselves, as distinguished from the conditions in which choice is made, is largely ignored in his view.

onomous agents. This is similar to Rawls' first principle of equal basic liberties, or Anderson's unconditional notion of democratic equality. Arneson's "objective list" approach to the measurement of well-being and Nussbaum's list of basic capabilities have similar implications.³³ The precise list of basic liberties is certainly a matter of controversy and I will not try to draw such a list here. Some would like to limit the list to basic human rights, while one should probably extend it to certain socioeconomic conditions. In particular, a guarantee of being offered a subsistence level of resources, and even more, i.e., a level of resources and a form of help enabling one to come back to an autonomous life³⁴ if one wishes so, seems warranted. A perfectionist list of liberties is also needed in order to prevent practices satisfying the anti-social preferences of those (who may be a majority of the population) who like dominant positions and are too ready to abuse others while in such positions.³⁵ Beyond what is required in the basic list, one can let people's preferences decide whether a menu of options is valuable or not. As we have seen with the example of gender inequalities (and will be explained in greater detail in the next section), different preferences may value the same set of options in different ways, and one should try not only to offer options which are valuable to people, but, out of egalitarian concern, to offer sets which are similarly valuable for the prevailing preferences in the population.

It may be that, for certain options, most preferences consider them to be bad and unacceptable, in which case it is not difficult to decide that they are not worth including in the package. The articulation between the basic list of freedoms and the preference-catering menu will be more or less smooth depending on the consensus, among prevailing preferences, on the exclusion of certain bad options. If everybody agrees that there is no value in putting "being a slave," or even "having a slave," in the menu, this will be excluded whether or not this is part of the basic list.

What does this imply for the reward principle? We have already seen that the utilitarian principle is in fact excluded by the fact that interpersonal comparisons of well-being are rejected and that it is impervious to *ex post* inequalities. One could amend the utilitarian principle in order to incorporate a concern for *ex post* inequalities, by introducing some inequality aversion about the distribution of well-being in circumstance classes. But the rejection of interpersonal comparisons of subjective well-being closes this alley as well.

The liberal reward principle, which is by force adopted with respect to levels of satisfaction, as we have seen, can still serve as a useful reference as far as

³³See Rawls (1971), Anderson (1999), Arneson (2000b), Nussbaum (1993).

³⁴The concept of self-reliance, as (mis)used in conservative parlance, is deceptive because, if one thinks a little about it, no one in a modern society is self-reliant. Even the super-rich would be totally lost without the workers who provide them with everything they need. The "autonomous life" referred to in the text is simply a life in which one's dependency on others involves exchanges rather than gifts. Another usual mistake is to believe that having a job is enough to be autonomous.

³⁵The readers of reports on workplace relations, such as Ehrenreich (2001), should think that even the respect of basic forms of freedom and respect require extensive socioeconomic safeguards.

free choices are concerned, because it makes sense to try and interfere as little as possible with choice activities. But intervention is necessary when basic autonomy is at stake. Let us illustrate this point with the core example of income redistribution, which was the topic of Chapters 4 and 5. An important condition of liberal reward in those chapters was *Laissez-Faire for Uniform Skills*, which said that laissez-faire is the best policy when all individuals have the same level of skill. The laissez-faire, in fact, offers some bad options, because individuals who do not work enough may end up below the subsistence level.³⁶ From the perspective of freedom, what is the point of offering individuals the possibility to starve in idleness? It appears hard to defend the view that the presence of such options in the menu is warranted for the extension of freedom. In this perspective, on the contrary, it is arguable that no option below subsistence should be on the menu. What does this imply for the definition of a good menu? It is unlikely that freedom would be enhanced by forcing individuals to work some minimal amount of time (thereby obtaining earnings above subsistence), and therefore the best option is to guarantee a decent minimum income to all, independently of their work, in all the contexts where this is technically possible (if productivity is too low, this requirement is impossible to satisfy). At any rate, the requirement of *Laissez-Faire for Uniform Skills* should be dropped.

This does not mean that liberal reward, in this example, should be confined to ignoring the levels of satisfaction. In Sections 4.8 and 5.3, Zero Egalitarian-Equivalence was characterized with the help of a liberal reward condition saying that individuals who do not work should not be differentially treated as a function of their preferences (even if one could perfectly observe such preferences), and that they should all obtain the same income support. This condition remains quite attractive in the perspective of freedom, since it would be strange to seek to discriminate among such agents on the basis of their preferences. If we could give all agents the same set of options in terms of income and labor, those who do not work would automatically have the same disposable income, independently of their preferences. Since, as shown in Chapters 4 and 5, Zero Egalitarian-Equivalence is the criterion that is singled-out by the compensation principle and the above requirement of no-discrimination among non-working individuals, it appears that, from the perspective of freedom that is defended here, this is a better criterion than Min Egalitarian-Equivalence or Wage Egalitarian-Equivalence which satisfy *Laissez-Faire for Uniform Skills* (not to mention Conditional Equality, which is even more in the realm of liberal reward). The fact that, as we have seen in Section 5.4, this criterion ultimately advocates maximizing the minimum income, when applied in the context of income taxation with incentive constraints, is moreover very well in line with the concern that a good menu should not offer levels of income that are too low.

In conclusion, the approach to responsibility suggested here makes it possible and even desirable to retain the principle of liberal reward, insofar as minimal intervention about personal choices is an appealing ideal, but does so under

³⁶This is the famous problem of surfers that worried Rawls (1974, 1988) from the opposite standpoint and led him to propose adding leisure to the index of primary goods in order to defend a laissez-faire attitude with respect to these people.

substantial limitations out of concern for the quality of options and the induced *ex post* inequalities.

The thesis that *ex post* inequalities matter and that egalitarians should be concerned not only with equality of opportunities but also with the egalitarian content of the opportunities themselves is compelling when one takes freedom as the leading principle for the definition of the scope of responsibility in social justice. But one can argue that even luck-egalitarians who rely on a pre-institutional notion of responsibility should be concerned, to some extent, with *ex post* inequalities.³⁷ Indeed, there is no reason why responsibility should trump any concern for the satisfaction of basic needs or for the absence of domination and oppression in society. It seems very easy to defend the principle that, no matter what, individuals who fall below a threshold should be offered help, and that certain inequalities of status and power should be banned. Human rights and the status of citizen, in particular, should not be for sale on the equal opportunity market. In other words, there are certain basic equalities that cannot be rendered contingent by the operation of personal responsibility.

10.7 Egalitarian-equivalence

So much for basic principles. Now let us see how this approach relates to the material provided in the previous chapters, in the elaboration of concrete criteria for social evaluation. We have already seen in the previous section that the compensation principle, understood as seeking to *give equivalent situations to individuals with identical preferences*, appears vindicated.

We have also seen that the liberal reward principle can be extended to preferences in general, i.e., turning into the principle that transfers should be as insensitive to changes in preferences as possible, under the constraint that the options offered on the menu are satisfactory. This precludes full *laissez-faire* policies even when individuals differ only in their preferences, because *laissez-faire* generally leaves it possible to end up below the subsistence threshold. And one may want to put more than a subsistence requirement in the constraint, because what really matters is not simply that people do not starve, but that they keep the means for a fruitful participation in social life. Moreover, in addition to requirements on resources, one may think of a requirement about the kind of relations and contracts in which people may engage, as it has been already explained in the previous section. But, under these acceptability constraints, the liberal reward principle remains appealing because it minimizes intervention

³⁷This argument is developed in Fleurbaey (2001) and Dowding (2008). Several authors have argued in favor of an unconditional subsistence minimum, and also in favor of an unconditional ban on excessive inequalities entailing dominance relations between people. See, e.g., Anderson (1999), Phillips (1999), Armstrong (2006), Mason (2006). Jacobs (2004) incorporates a concern for “stakes fairness” within a conception of equal opportunities, rejecting winner-take-all situations. Gomberg (2007) argues that, even when opportunities are equal, it is fallacious to attribute inequalities to individual responsibility because they are always primarily due to social mechanisms.

and is therefore maximally neutral.³⁸

In view of the analysis of the previous chapters, this combination of compensation and liberal reward should logically lead us to adopt a certain Egalitarian-Equivalence criterion, because such a criterion evaluates social arrangements on the basis of individual ordinal and non-comparable preferences over personal situations, which corresponds to liberal reward for utilities, but otherwise gives priority to the compensation principle. A new complication that appeared in this chapter is that the Egalitarian-Equivalence criterion would operate only under the constraint that individuals are given sufficient freedom, which involves a sufficient array and quality of choice – the options must be sufficiently good in terms of resources and of social relations – and a sufficient competence at making choices. We have already seen how this constraint could actually help select a particular member of the Egalitarian-Equivalence family, such as Zero Egalitarian-Equivalence in the simple setting of Chapters 4 and 5.

An issue which may be raised at this point is that an Egalitarian-Equivalence criterion simply records indifference curves and not the activity of choice itself, so that one may be afraid that such a criterion is a poor embodiment of the principle of freedom. Recall that the principle of freedom works as a two-tier formula such that, beyond a basic level of autonomy, it is considered to be a matter of preference whether one should have a larger menu or not, and whether additional training and counseling should be offered in order to enhance competence. The Egalitarian-Equivalence criterion operates at the second stage in order to respect people's preferences on these dimensions. Relying on preferences here is still compatible with the principle of freedom, by seeking to provide living conditions, including the scope of choice-making activities, which reflect what people would choose if they could. This implies of course that a detailed description of social arrangements and personal activities is incorporated into the application of the criterion so that individual preferences over these dimensions can find their expression in this way. We are getting quite far from the simple models studied in the previous chapters, but there does not seem to be any serious conceptual obstacle to refining the theory in this direction.

Let us briefly imagine what an extended theory would look like. The requirement of basic freedom and autonomy requires institutions to provide individuals with basic human rights, with training and information, and with a budget set that does not require a minimum amount of work, that always offers resources above the subsistence level (without forcing to consume them), and that does not offer certain kinds of subordination contracts. Beyond that, in order to compare individual situations with the Egalitarian-Equivalence approach, a set of reference situations has to be defined, which will serve to compute an equivalent situation for every individual. Reference situations in this set must be easily comparable to each other and this is obtained by requiring that they dominate one another, in one or several dimensions, while being identical in

³⁸One could also argue that minimizing intervention may be good in terms of efficiency, but this is not guaranteed, since minimizing distortions does not necessarily lead to greater efficiency, unless they are all removed. Since we exclude *laissez-faire* policies, distortions will typically remain in every acceptable menu of options.

the remaining dimensions. To illustrate, suppose that there are seven dimensions: consumption, work, health, social relations, happiness, education, and choice.³⁹ The latter represents the quantity of discretion that the individual enjoys in organizing her life. One example of a set of reference situations, which extends Zero Egalitarian-Equivalence, consists in fixing the last six dimensions at a certain level: zero work, good health, good social relations, moderately high level of happiness, college education, and the level of choice enjoyed by a typical middle class person nowadays. The members of the set then differ only in the consumption dimension. In order to evaluate an individual situation, one then tries to determine the level of consumption that this individual would consider equivalent to her current situation if the six other dimensions were put at the reference level. This is but an example. A more realistic set of reference situations could make the education and choice dimensions vary alongside the consumption dimension so as to represent a more realistic set of situations. In real life, low levels of income typically go with low levels of education and little scope for choice in one's life. It would be easier to determine equivalent situations in the reference set, for all individuals, if the reference set contained more realistic situations. Whether or not some other dimensions vary with consumption in the reference set, once equivalent situations are computed for every type of individual in society, one can then give priority to those with the worst equivalent situations.

When some individuals fall below the threshold of basic freedom and opportunity, they should normally receive priority over those who are above the threshold. It is not clear how to compare and prioritize the situations of the subpopulation of individuals who are below the threshold. Some perfectionist criterion is probably needed in this respect, since perfectionist considerations also determine the threshold level itself.

For individuals above the threshold, the concern for freedom is captured in this approach in two ways. First, the dimension of choice can be taken as one dimension of quality of life among others, as illustrated in the above example of a reference set. Second, the approach respects individual preferences and therefore seeks to provide individuals with the combination of life dimensions that they desire. On the other hand, this approach does not fetishize choice and opportunities, and puts the satisfaction of preferences above the provision of opportunities, except when the basic level of freedom and autonomy is at stake.

As explained, the Egalitarian-Equivalence approach can easily incorporate the quality of social relations as a dimension of life. The fact that consumption or income is suggested as a possible metric for the comparison of equivalent individual situations is not meant to suggest that money is trivially commensurable to any kind of social relation. Imagine an individual involved in a wonderful love relation. There might be no amount of money that he would accept in order to fall back to a relation of lesser quality. If the reference situation is of this more ordinary kind, then his equivalent income is infinite. This does not

³⁹I should insist that this is just a simple illustration. Chapters 5–7 have already examined additional complex issues having to do with time and uncertainty.

imply, however, that lovers should be taxed more than loners, first because this is not an incentive-compatible policy and also because money transfers are not the most efficient response to inequalities in social relations. There are better adapted responses to such inequalities, such as the promotion of activities which foster social relations.

One common objection to this treatment of social relations is that certain kinds of relations are private issues which should be left out of social justice concerns. It seems a little odd, the objection goes, to compare happy or unhappy lovers to others at the bar of justice. This objection simply builds on the bourgeois tradition of seeing the family as a private entity. In reality, all social relations are *social*. The fact that great liberty should be left to individuals in the management of certain personal relations (as opposed to economic contracts, for which more regulation is generally accepted) is simply explained by the importance of feelings and spontaneity in such relations, not by the mistaken idea that being lucky or unlucky in such things does not make you really better off or worse off than others for a criterion of social justice.⁴⁰

These various considerations go against the view that social justice can be completely defined as variations around the themes of social relations, social status, or citizenship. It is important to give basic rights of citizenship their due place, and it is correct to say that they should be protected even against the free play of personal choice and responsibility, but from such a line of reasoning one only gets basic kinds of social equality, not a full-fledged theory of equality. Equality in resources and in all the functionings and freedoms that matter to people cannot be totally subsumed under the umbrella of equal and democratic citizenship. One must avoid the two opposite pitfalls of neglecting either the basic right to social equality or the comprehensive array of dimensions that make life valuable to people. While the luck egalitarian literature can be suspected of being trapped in the former, many of its critiques seem lured by the latter.⁴¹

A noteworthy feature of the Egalitarian-Equivalence criterion is that it provides a way out of the indexing dilemma which is commonly thought to plague theories of justice. According to the received wisdom on the topic, an index of individual well-being which summarizes multiple dimensions of life (such as resources or functionings) must be either an index of satisfaction if it espouses individual preferences, or a uniform index that is independent of individual preferences. In the former case, one supposedly falls into welfarism, which is embraced by some authors but abhorred by others. In the latter case, one ends

⁴⁰Nussbaum (1993) and Baker et al. (2005), for instance, put love in the dimensions of life that serve for the evaluation of individual situations.

⁴¹That includes Fleurbaey (1995b), who proposed to focus on "primary functionings" and to neglect the rest, which was supposed to belong to a private sphere of responsibility. The idea of implementing a notion of responsibility by disregarding a private sphere is correct in the sense that one always ultimately does so. For instance, the Zero Egalitarian-Equivalent criterion of Chapters 4 and 5 disregards the precise consumption-labor bundle consumed by individuals, which is a private matter, and only focuses on a certain equivalent income. But defining a theory of justice in terms of neglect of a private sphere is not very helpful when it comes to determining what the private sphere consists of. The risk is to leave too much in it and to obtain a theory focusing on a basic kind of social equality.

up with a perfectionist approach which imposes a special view of the good life on all individuals. The Egalitarian-Equivalence criterion shows that the first horn of the dilemma actually divides into two possibilities. An interpersonally comparable index of satisfaction, suitable for a welfarist approach, is indeed one way of respecting individual preferences over personal situations. But there is another possibility, exemplified by the concept of egalitarian-equivalence, which consists in using an index constructed with ordinal non-comparable preferences. This is neither welfarist nor perfectionist. It is not welfarist because it does not rely on interpersonally comparable information about satisfaction. It is obviously not perfectionist since it faithfully obeys people's preferences.⁴²

Let us come back to gender issues and illustrate, as promised in Section 10.5, how an Egalitarian-Equivalence criterion can avoid sanctifying disadvantages following from women's orientation toward less lucrative jobs.⁴³ The Zero Egalitarian-Equivalence criterion is a relevant example here. Let us see how it ranks the situations of people with different job preferences. Suppose that all activities are equally accessible to everyone, and that different people take up different activities only because of their specific preferences. Consider Ann and Bob, who have the same consumption-leisure preferences over their most preferred activity, their second most preferred activity, and so on. But they rank activities in a different way, and this leads Ann to choose an activity with a lower wage than Bob's. If we ask each of them for the "counterfactual amount of transfer which, combined with a null wage rate, would make them as happy as in the current situation,"⁴⁴ necessarily Bob gives a greater answer than Ann, because he is happy to choose an activity with greater pay than Ann's. Therefore we see that, even if individuals are held responsible for their preferences, it is possible to say that the menu of activities and wages offered by the market is less advantageous for one kind of preferences than for another, and that Ann is worse off than Bob because of her preferences for less well paid activities. We took the Zero Egalitarian-Equivalence criterion as an example in order to fix ideas, but most other Egalitarian-Equivalence criteria (in particular the Wage and Min Egalitarian-Equivalence criteria) would have similarly concluded that Ann is worse-off than Bob. In conclusion, all individuals face the same menu in this situation, but this menu is deemed less favorable by the Egalitarian-Equivalence criterion for those who prefer the less well-paid activities. What is problematic here is not women's preferences as such, provided they are formed in an acceptable way. What is problematic is the differential value of the menu for people with different preferences, and the best policy response in this case must operate at the level of the menu itself.⁴⁵ One can even say that, absent sexist norms directed at women, the fact that women develop certain preferences

⁴² More on this issue can be found in Fleurbaey (2007a,b).

⁴³ Among such activities one may include parental leaves which reduce earnings and pension rights.

⁴⁴ Cf. Section 5.2.

⁴⁵ This does not imply that all post-tax wages will be equal in all activities. Incentive constraints will typically obstruct full equality, but one can seek to maximize the value of the worst-off's situation under such constraints.

more than men is not relevant in itself. What is unfair is simply the fact that people with certain preferences face a less valuable menu. The men who would like to take a parental leave to raise their children are no less unfairly treated than women with the same preferences.⁴⁶

10.8 Equality of autonomy

If we sought a simple label for the conception of justice that tentatively emerges from the above analysis, we could propose “equality of autonomy.” The word “autonomy” is chosen here instead of “freedom” or “opportunity,” because it is more likely to convey two important features of this conception. First, autonomy is, more transparently, something that depends not only on the quality of the menu but also on the quality of the agent. In luck egalitarianism, in contrast, the quality of the agent is not something that needs to be promoted *per se*, but is only a matter of compensation when it makes some options less accessible to some individuals than to others. Second, autonomy can be easily understood as something that has to be maintained, not something that can be legitimately forfeited. This is in direct contrast with the notion of opportunity which, by definition, can be forfeited without raising any concern. In particular, the basic list of liberties and what has been said in Chapter 7 about fresh starts fit quite well into the frame of equality of autonomy.

A risk with this label is that it suggests that autonomy defines a metric of interpersonal comparison that trumps individual preferences in all circumstances, which is definitely not the case, since, beyond the basic list of liberties, the extent of freedom that should be granted to people is supposed to depend on their own preferences over the kind of menu they would like to have. This should be understood as respecting autonomy in a comprehensive sense, *i.e.*, respecting people’s views also about the appropriate extent of the activity of choice in their life. Moreover, the egalitarian-equivalent approach serves to evaluate people’s actual situation, *i.e.*, their achievements, even if a full description of their situation contains the array of options from which they choose and the way in which they exercise the activity of choice. Equalizing autonomy is not equalizing opportunities. It is an outcome-oriented view, in which exercising choice and enjoying liberties are no more than important features of individual lives, among other achievements.

Autonomy, or freedom, has been discussed here in terms of individual choice for personal matters, but an important aspect of freedom is the possibility to take part in collective choices. There is therefore a democratic component of the theory which is a direct extension of the idea that individuals should exercise their freedom in all affairs relevant to them. This component concerns not only the political sphere but all social entities in which collective decisions have to be made, including the family and the firm. This question will not be developed

⁴⁶Phillips (2004) argues that we should focus on inequalities across social groups and genders. In view of the individual diversity of preferences, focusing on group and gender inequalities should probably be viewed as useful only in a second-best approach.

further here, as it is essentially orthogonal to the issue of responsibility and would require lengthy developments.⁴⁷

Equality of autonomy differs from resource egalitarian and luck egalitarian theories by giving a more prominent role to the notion of freedom and a derivative role only to responsibility. In this way it may appear to be closer to Rawls' theory of justice and to Sen's theory of capabilities than to other theories. Recall how one can read Rawls' theory as defining fair shares in terms of "a distributive scheme that makes it possible for free and equal citizens to pursue their diverse conceptions of the good within a framework that embodies an ideal of reciprocity and mutual respect" (Scheffler 2003, p. 28). Equality of autonomy also puts a good deal of weight on the notion of free and equal citizens, but appears to demand more than simply making it possible for them to pursue their goals in a context of reciprocity and respect. The principle of freedom requires institutions to help citizens attain a good level of competence, and to shape the options in a way that preserves their autonomy and preserves equality in social relations. We have seen, for instance, how this can translate into seeking to provide a high minimum income and to bar subordination contracts. In contrast, Rawls is willing to put starvation for the surfers on the menu, and is not very demanding about social relations in "private" associations.

The proximity with Sen's theory is more apparent but requires scrutiny. Sen defends equality of capabilities primarily in terms of freedom rather than responsibility, which suggests a similar orientation as the idea of equal autonomy. However, he does not seem to argue for any serious difference between capability sets and opportunity sets.⁴⁸ It is indeed possible to understand the word "freedom" in a way that is congruent with the notion of genuine choice prevailing in luck egalitarianism: when Sen proposes to define egalitarian justice in terms of capabilities rather than functionings, he explains that what is really important is not the actual level of achievement but the *access to* functionings. This notion of access may involve a pre-institutional notion of responsibility and be vulnerable to incompatibilist worries. For instance, Sen opposes fasting to starving as an illustration of the priority of access over achievement. In such an example, one may be worried that the fasting individual is actually influenced in a way that makes satisfactory nutrition genuinely out of reach for him. In contrast, the notion of freedom as it is used in the theory of equal autonomy refers to the ordinary activity of choice – the scope of which is defined by institutions – and to the chooser's education and information, as well as to the quality of the menu. In this approach one no longer asks whether the fasting individual has genuine nutritional opportunities. It is still worth asking whether the fasting individual is endowed with sufficient resources, proper social surroundings, education and information, but not whether these elements provide genuine op-

⁴⁷For an exploration into this problem, see Brighthouse and Fleurbaey (2005). In particular, it is shown there that the potential divergence between democratic decisions and just decisions is remedied by defining the fair shares of power in line with what justice requires, so that the exercise of collective autonomy spontaneously converges toward the just outcome.

⁴⁸See in particular the exchange between Sen (1993) and Cohen (1993), and further developments on responsibility in Sen (1992, 1999).

portunities in a deep sense. To that extent the theory of equal autonomy is less demanding than an opportunity theory. In counterpart it becomes essential for the theory of equal autonomy to wonder whether endangering one's health without any concern on behalf of social institutions is a valuable life option to put on the menu. The policy conclusion that is likely to come out of this approach is that, while one should not forcefully feed people (out of respect for basic autonomy), the fasting individuals should be offered assistance of some kind if they endanger their health and autonomy. In contrast, the capability approach might be understood as implying that fasting to death is perfectly fine provided genuine opportunities are available.

The variant of Sen's theory which is defined in terms of "refined functionings," namely, functionings associated with the capability sets from which they are chosen, is more appealing because it makes it possible to record individual achievements and the way in which individuals value these achievements together with the other possibilities. Sen argues that refined functionings and capabilities are equivalent, on the ground that the chosen functionings are part of the capability set. This argument, however, ignores the clear informational difference between saying that "Jones has access to food" (a capability information) and saying that "Jones has access to food but fasts" (a refined functioning information). The capability approach will consider that Jones is well off, even though he may be close to dying, whereas the refined functioning approach permits a more comprehensive evaluation.⁴⁹

Sen has not proposed a specific way to compare individual situations, beyond the general reference to the notion of capabilities or refined functionings. The egalitarian-equivalent approach proposed here can be seen as a concrete proposal for this purpose,⁵⁰ which enables us to take account of individual preferences over the various dimensions of functionings, including the activity of choice in their life.

The theory of equal autonomy shares features with other theories. It holds individuals responsible for their preferences, like Dworkin's theory of equality of resources (but rejects the *ex ante* approach epitomized in the hypothetical insurance and perhaps considers a wider set of life dimensions as the object of preferences). It advocates a high minimum income, like Van Parijs (but is not focused only on resources and is more demanding on social relations). It is an outcome-oriented approach, like Arneson's responsibility-catering prioritarianism, and the way in which individual situations are measured and compared might not be very different from possible applications of Arneson's objective-list definition of welfare (but it shuns all pre-institutional notions of responsibility and desert). It incorporates a concern for social relations as in Anderson's and

⁴⁹More on this issue can be found in Fleurbaey (2006c).

⁵⁰Sen (1985, 1992) has, however, made an interesting concrete suggestion of a partial ordering, in the form of the "intersection" approach which ranks an individual situation above another when it dominates it for all possible preference orderings, e.g., when it dominates in all dimensions. This method is unfortunately incompatible with the Pareto principle, as noted in Brun and Tungodden (2004). The egalitarian-equivalence approach satisfies the Pareto principle and is not an instance of the intersection approach.

Scheffler's approaches (but retains a distributive framework and an important place for the allocation of resources).⁵¹

10.9 Conclusion

In summary, the basic tenets of the proposed theory of equal autonomy are:

1. A basic freedom requirement: Individuals should be guaranteed not only equal status but also a basic bundle of freedoms and the basic means of autonomy, including guaranteed subsistence, training, and protection from subordination.
2. Priority to the worst-off via Egalitarian-Equivalence (for individuals above the basic freedom threshold), which implies the following features:
 - (a) Compensation: Among individuals with identical preferences over the dimensions of life, priority is given to the worst-off as determined by these preferences.
 - (b) Utility and preference liability: Utility (subjective satisfaction levels understood as individual judgments of life success) is full individual responsibility in the liberal sense – not happiness, which is one dimension of life – and liberal reward is also applied to preferences insofar as it is compatible with the compensation principle.
 - (c) Respect of individual preferences over the dimensions of life, including the level of discretion and choice, and the quality of social relations.

The theory of equality of autonomy which has been articulated in this chapter remains vague on certain points, in particular the basic list of liberties which individuals should not be permitted to waive, and the definition of the set of reference situations that serves in the computation of the Egalitarian-Equivalence criterion. Working out these details, for which several reasonable options are likely to emerge, would require a richer analytical framework than the simple models that have been used in this book. In particular, it is important to think more about social relations than is usually the case in economic models. This is left for another occasion.

Even if the notion of moral responsibility which is the cornerstone of luck egalitarianism has been rejected here as ill-suited for the construction of a theory of distributive justice, we have seen that the concepts developed in this book are still useful in order to think about a notion of responsibility which plays a derivative role with respect to a more basic notion of freedom. This is because these concepts are really about liabilities, i.e., the fact of holding people responsible for certain characteristics, no matter how this assignment of

⁵¹See Dworkin (2000), Van Parijs (1995), Arneson (1999a,b, 2000a,b), Anderson (1999), Scheffler (2003, 2005).

responsibility is justified. In particular, the Egalitarian-Equivalence criterion appears as a promising concept for the comparison of situations across individuals with heterogenous and incommensurable views about the dimensions of life. This concept avoids the pitfalls usually thought to be associated with the construction of indexes of individual situations, and it also avoids the serious flaws of Dworkin's hypothetical insurance. It incorporates a good balance of compensation and liberal reward, and respects individual preferences.

This book was organized around two goals. The primary goal was to propose an analytical set-up for the analysis of the distributive implications of holding individuals partly responsible for their situation. This goal has essentially occupied the first nine chapters and would be accomplished if this book helped to clarify some debates about responsibility-sensitive egalitarianism. The last chapter served the secondary goal of making a particular contribution to the substance of the debate on "equality of what?" It is hoped that, even if the reader does not agree with the theory of equal autonomy put forth at the end, she will still find the concepts articulated in this book of some use for her own reflection on these difficult topics.