

Review article:

The Resources of Liberal Equality

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IN a series of papers written over the past couple of decades, Ronald Dworkin has articulated and defended a distinctive conception of egalitarian political morality. These papers are collected in his book *Sovereign Virtue*, in which Dworkin extends some of the ideas of liberal equality and responds to some of his critics.¹

The book is divided into two parts, which deal with the theory and practice of equality respectively. The first, theoretical, part comprises Dworkin's papers on welfare and resource egalitarianism, and his discussions of how conceptions of liberty, democracy, and community can be integrated into his egalitarian ideal. A shortened version of his Tanner Lecture² provides a defence of liberal equality that appeals to his controversial challenge model of ethics. Part One is concluded by an

¹ *Sovereign Virtue: The Theory and Practice of Equality* (Cambridge Mass.: Harvard University Press, 2000). Bracketed references within the text are to this work.

² 'Foundations of Liberal Equality,' in Grethe Peterson (ed) *The Tanner Lectures on Human Values*, vol. 11 (Salt Lake City: University of Utah Press, 1990), pp. 3–119.

interesting new essay in which Dworkin responds to two seemingly powerful critiques of equality of resources advanced, respectively, by G.A. Cohen and Amartya Sen.

As he explains in introducing the book, Dworkin pitches himself against two notable liberals: Berlin and Rawls. In contrast to Berlin, he develops a conception of different political values that are complementary rather than competitive. Unlike Berlin's insistence that protection of liberty is in conflict with the pursuit of social justice, Dworkin seeks to reconcile liberty with equality. We can understand liberty in the flat (or neutral) sense of not being prevented by others from doing what one wants, or in the normative sense of being free from constraint in certain important dimensions of one's life. Any adequate conception of liberty must be normative and advocate the protection of legal rights to freedom of conscience, association, expression, and special protection of freedom from persecution, discrimination, or repression. Dworkin's argument is that the ideals which motivate equality of resources – that the distribution of resources should be sensitive to differences in ambition but not to differences in circumstances – support the enforcement of these familiar liberal civil rights. Thus, Dworkin argues that, when understood correctly, liberty and equality are to be seen as two parts of the same political ideal. Any account of equality, for example, which would bring it into competition with an attractive conception of liberty, would be a defective account (120–62).

In contrast to Rawls, Dworkin offers a comprehensive, rather than a political, conception of liberal equality. The difference between these conceptions turns on whether controversial claims about the good life figure in the defence of liberal political principles. Political liberalism takes the view that, for the sake of social unity marked by consensus on principles of justice and their justification, a conception of justice should refrain from appealing to these disputed claims.³ Ethical liberalism, which deems social unity to be a less weighty *political desideratum*, claims that liberal political principles are best defended on the basis of a general account of values and the good life. In *Sovereign Virtue* Dworkin summarises his account of ethics – the challenge model –

³ See J. Rawls, *Political Liberalism* (New York: Columbia University Press, 1993).

according to which a good life is one that responds appropriately to the challenge that individuals ought to face. In this account, justice operates as a parameter rather than a limitation on the quality of individuals' lives. An unjustly large share of resources is not, therefore, unjustly *beneficial* to me, because it means that I face a wrong (unjust) challenge. The success of my life can be diminished by being set an inappropriate challenge, just as it might be worsened if I respond to an appropriate challenge with the wrong choices (ch. 6).

It should be stressed that Dworkin now resists the claim that liberal equality rests on the soundness of the challenge model (241). While he believes that the model supports his economic and political ideals, he suggests that these ideals can be defended on the basis of the less controversial ethical view articulated in his forthcoming Dewey Lectures, *Justice for Hedgehogs*.

In the second part of *Sovereign Virtue*, Dworkin discusses the application of liberal equality to many of the pressing social, economic, and political issues of our time. These include: the appropriate extent and distribution of publicly financed health care; the justice of different welfare policies; the justice and effectiveness of positive discrimination; how the development of genetic technology ought to change our attitude to health care provision and might affect our views about responsibility; whether a democracy can legitimately limit or regulate free speech or the financing of election campaign expenditure; and whether equal protection should be interpreted as countenancing or condemning laws that prohibit gay sex or physician-assisted suicide. Some of these chapters that concern the practice of equality extend and, sometimes, amend Dworkin's earlier published theoretical reflection. For instance, his discussion of welfare offers further remarks about the justice of hypothetical insurance in dealing with compensation to the unemployed and sick, and extends the idea to argue for a progressive inheritance tax.⁴ In other chapters, Dworkin's focus is on US Supreme Court

⁴ See pp. 331–49. The defence of a progressive inheritance tax appears to be a revision of equality of resources. In his earlier discussion (reprinted as chapter 2), Dworkin adopts the envy test as a test for equality in the distribution of impersonal resources and a hypothetical insurance scheme to mitigate inequalities in personal resources. His use of hypothetical insurance for inheritance constitutes an extension of the scope of the device to regulate, rather than eliminate, particular

decisions and the accuracy of various judges' interpretations of the US Constitution (chs 12 and 14).

Sovereign Virtue is the product of two decades of reflection on justice by one of the world's most gifted philosophers. No one understands and combines ideas from political, legal, and moral philosophy better than Dworkin. Given the breadth and depth of its analysis, in order to do justice to any of the book, the remainder of this review article examines merely one aspect of Dworkin's view: his defence of the exclusive focus on resources in egalitarian interpersonal comparison against G.A. Cohen's powerful critique which, until now, has gone largely unanswered.⁵

Equality of resources and the envy test

Dworkin's positive account of economic justice, equality of resources, begins with the so-called envy test for establishing equality in the distribution of impersonal resources, such as wealth, land, occupation, and material goods. The envy test is satisfied if no one prefers anyone else's bundle of impersonal resources to her own.⁶ The attractions of the envy test within a liberal conception of equality are evident. The first virtue of the test is that it satisfies the widely held egalitarian view that an individual is disadvantaged compared to others if she enjoys less wealth than others because of the circumstances in which she lives (e.g. living in an area with less fertile land than others enjoy), rather than because of her ambitions. If Ann and Beth both hold the same goals but Ann faces a more propitious material environment in which to pursue

causes of inequality in the distribution of impersonal resources. In addition, in his early presentation of the view Dworkin seems to consider compensation for personal resource deficits determined by hypothetical insurance to be the minimum which justice demands (104–6). Now he seems content to argue that matching the results of the hypothetical insurance scheme is all that justice demands (341–45).

⁵ Though see M. Clayton and A. Williams, 'Egalitarian Justice and Interpersonal Comparison,' in *European Journal of Political Research*, 35 (1999) pp. 445–64, esp. 448–53.

⁶ The envy test is a necessary condition of equality in the distribution of impersonal resources. Dworkin notes that certain kinds of arbitrariness that are compatible with satisfaction of the test are, nevertheless, contrary to the demands of justice, and must therefore be avoided. See pp. 67–8.

them, then both would prefer to be in her position. The envy test highlights these kinds of inequality as unjust.⁷

Second, the envy test's reliance on preferences in establishing whether inequality exists satisfies the liberal concern that egalitarian justice must be sensitive to the diverse goals pursued by different individuals. Some individuals will want to pursue a life of service to others and abandon any concern for personal monetary advantage, while others will make the opposite choice. Such heterogeneity of ambition is accommodated by the envy test. A distribution in which an individual who pursues a service oriented occupation that in the competitive market yields low income is not, according to the envy test, disadvantaged compared to someone who pursues an alternative occupation for high income. *If* the former does not prefer the latter's bundle of wealth and occupation (83–5). Given the liberal norm that the government should not prescribe any particular conception of the good life for individuals, a conception of equality that is sensitive to individuals' different ambitions is commendable.

Dworkin is, of course, aware that other conceptions of equality aspire to ambition sensitivity. He considers at length equality of welfare, which, he believes, is sensitive in the wrong way. A number of problems beset that conception, not least the problem of expensive tastes (48–59). In his early discussion of the problem, Dworkin cites the case of Louis who has developed particular tastes, which make it the case that more impersonal resources are required to ensure that he acquires the same amount of welfare – understood in terms of either enjoyment or preference-satisfaction – as others. Equality of welfare is committed to financing Louis's tastes at the expense of reducing everyone else's level of welfare. Intuitively, while an egalitarian would not condemn Louis for having cultivated his tastes, neither would she require others to finance them: Louis must accept that the price to be paid for having such tastes is a lower level of welfare. This response is supported by the envy test. That test is satisfied if no one prefers anyone else's bundle of impersonal resources, but this is compatible with inequality of welfare between Louis and others.

⁷ Though widely held, this view is not universally endorsed by those who describe themselves as egalitarians. See, for example, E. Anderson, 'What Is the Point of Equality?' *Ethics*, 109 (1999), pp. 287–337.

In short, the envy test is able to explain the conviction that differences in circumstances warrant egalitarian compensation, while differences in what individuals have that are attributable to their ambitions do not (89).

Hypothetical insurance and luck

Before discussing Cohen's critique of equality of resources and Dworkin's response to it, we should note how liberal equality deals with inequalities in personal resources, that is, the presence or absence of mental or physical impairments or inequalities of wealth-producing talents. Here, Dworkin abandons the envy test in favour of a hypothetical insurance scheme. The personally disadvantaged receive compensation equivalent to the average pay-out that individuals would insure for if they were well informed and faced a competitive market with equal impersonal resources, but in ignorance of the particular likelihood of themselves suffering an impairment or the consequence of a wealth-creating talent deficit (e.g. unemployment). He believes the scheme is a suitable substitute for the envy test given, in particular, the non-transferable nature of personal resources (80). The question it addresses is, given this fact, how much compensation in terms of impersonal resource should an individual receive in virtue of his less than equal bundle of personal resources (79–83, 92–109, 311–19, 331–50, 436–7)?⁸

In explaining the justice of hypothetical insurance for compensating for shortfalls in personal resources, Dworkin draws a distinction which, I believe, has come to obscure some of the merits of resource egalitarianism. The distinction between brute and option luck rests on the question of whether the work of luck on one's fate is unavoidable or avoidable. If an individual enters a lottery his future is influenced by the luck of the draw, but since that is avoidable, the luck in question is

⁸ Here I am merely presenting Dworkin's view rather than assessing its merits. One might, for example, reject Dworkin's hypothetical insurance scheme for dealing with inequalities of personal resource and argue that equality demands satisfaction of the envy test applied to bundles of personal and impersonal resources taken together, or applied to insurance packages which cover for shortfalls of both personal and impersonal resources. But I shall not pursue these matters here.

option luck. In contrast, the fortune of a person with a congenital impairment is influenced by luck that she couldn't have avoided; she is beset by brute bad luck (73–7). For our purposes, Dworkin's employment of the distinction to explain the attraction of hypothetical insurance can be summarised as follows. We ask two well-informed individuals, who have an equal chance of contracting a debilitating condition later in life, whether or not (and how much) they would use their equal share of impersonal resources to insure against the possibility of having the condition. If both develop the condition, but only one had insured, many would claim that justice requires that the uninsured should receive no compensation. While each had equal access to insurance only one took it, and though luck affected the fortunes of each, the comparative consequences of that bad luck were avoidable. The general principle might be that individuals should bear the consequences of their bad option luck but not the consequences of bad brute luck (77f). Such a principle, which allows individuals' fortunes to be affected by their different attitudes towards risk, seems to cohere with the liberal egalitarian's desire for the distribution of resources to be ambition sensitive.

Cohen's critique

The distinction between option and brute luck seems to propose a different conception of egalitarian justice to the one captured in Dworkin's emphasis on equality of resources, rather than equality of welfare. The proposal is defended by G.A. Cohen who argues that egalitarians should abandon the claim that only resource deficits should receive compensation on grounds of egalitarian justice. Instead, they should, first, embrace a conception of advantage that includes both resource and welfare components. But, second, they should insist that disadvantage so construed warrants egalitarian compensation only if it is caused by factors for which the individual cannot be held responsible (causes attributable to brute bad luck); individuals who suffer disadvantage due to their choice or deliberate gambles are not entitled to compensation from the point of view of egalitarian justice.⁹ Cohen

⁹ G. A. Cohen, 'On the Currency of Egalitarian Justice,' *Ethics*, 99 (1989), pp. 906–44, esp. pp. 916–41.

argues that the choice/luck distinction differs from that between resource and welfare. To the extent that the latter has plausibility this is because it tracks the former. Nevertheless, they are different distinctions and sometimes offer divergent prescriptions; when they do, it is the choice/luck distinction that remains true to egalitarian convictions.¹⁰

In examining the debate, let us distinguish between two objections to equality of resources, which I shall call the *metric* and *responsibility* objections respectively. The metric objection claims that Dworkin's elimination of welfare information from egalitarian interpersonal comparison is implausible. A welfare deficit can, in certain circumstances, be grounds for egalitarian compensation. We have reviewed Dworkin's objection that welfare egalitarianism would unjustly pander to individuals who have cultivated expensive tastes. Cohen agrees that those who have freely chosen to form expensive tastes are not entitled to compensation that will bring them up to the level of welfare others enjoy. Nevertheless, some who are beset by unchosen expensive tastes – see his case of Paul who has the involuntary expensive taste for photography to Fred's cheaper taste for fishing¹¹ – should be so compensated. Accordingly, equality requires compensation for certain, though not all, welfare deficits. Dworkin's mistake is to assume that, because equality is insensitive to certain welfare deficits (e.g. Louis's), it should disregard welfare completely. Cohen and others argue that the problem of expensive tastes can be accommodated by a revised principle of *equal access* to welfare and does not require the elimination of welfare as part of the metric of egalitarian comparison.¹²

Cohen also provides positive reasons for including welfare within the metric of equality, even if it is not the exclusive indicator of advantage. He cites the case of the doubly unfortunate person who, through paralysis, suffers a resource deficit in his legs, and who also suffers pain from moving his arms (though, despite the cost, we suppose that the pain doesn't make moving them more difficult). Cohen claims that

¹⁰Ibid., pp. 921–24, 927–34.

¹¹Ibid., p. 923.

¹²Ibid., pp. 907, 916–17. See also R. Arneson, 'Equality and Equal Opportunity for Welfare,' *Philosophical Studies*, 56 (1989), pp. 77–93; 'Liberalism, Distributive Subjectivism, and Equal Opportunity for Welfare,' *Philosophy & Public Affairs*, 19 (1990), pp. 158–94, esp. pp. 183–85.

equality requires compensation for both resource and welfare shortfalls. Equality of resources, he argues, cannot justify compensation for the lack of welfare without thereby collapsing the distinction between welfare and resource. Retaining the distinctiveness of the resource metric comes at the price of discrediting it as a metric of equality.¹³

The responsibility objection requires little elaboration. It claims that Dworkin's allegiance to equality of resources is officially blind to considerations of responsibility for one's disadvantage in determining the justice of egalitarian compensation. Cohen argues that the intuitive egalitarian response to Louis is to deny him compensation for his loss of welfare on developing expensive tastes. But this reaction is plausible in virtue of Louis's responsibility for being in the predicament of having less welfare than others have. In contrast, Dworkin's explanation for refusing Louis's claim is that he is no worse off in terms of resources than others, which is an explanation that makes no reference to the issue of choice conferring responsibility on the person for the outcome of his choice. Furthermore, Cohen claims that Dworkin's conception fails to cohere with the view that, while Louis should receive no compensation for his welfare deficit, an individual with *involuntary* expensive tastes, such as Paul, should be compensated on the ground that he cannot be held responsible for his disadvantage.¹⁴

For Cohen, then, establishing whether an unjust inequality exists requires assessment of (a) the levels of resource and welfare enjoyed by different individuals and (b) the extent to which these levels are attributable to individuals' choices (for which they can be held

¹³ 'On the Currency of Egalitarian Justice,' pp. 917–21.

¹⁴ *Ibid.*, pp. 921–24. Note, however, the case of Jude (58–9) who initially can, with fewer resources, achieve the same amount of welfare that others enjoy, but then voluntarily develops tastes which, though more expensive than those he previously had, remain no more expensive than those of others. To the extent that access to welfare forms part of the metric of equality, Jude should not receive as many resources as others. See R. Arneson, 'Liberalism, Distributive Subjectivism, and Equal Opportunity for Welfare,' pp. 183–85; G. A. Cohen, 'On the Currency of Egalitarian Justice,' p. 925. Dworkin's point in raising the case of Jude is to doubt the importance of voluntariness as a legitimate determinant of the validity of one's claim for resources. For sympathetic discussion of Dworkin's view see M. Clayton & A. Williams, 'Egalitarian Justice and Interpersonal Comparison,' pp. 448–50.

responsible) or luck (for which they cannot). Equality of resources is an impoverished conception of equality because it attends only to the resources individuals enjoy to the exclusion of relevant considerations of welfare and responsibility. Equality of welfare is similarly impoverished, for it fails to acknowledge the relevance of resource and responsibility in egalitarian justice.¹⁵ Equal access to advantage is superior to both because it describes a conception of equality that responds to the concerns about responsibility and the metric.

Dworkin's reply

Chapter Seven of *Sovereign Virtue* offers a detailed reply to Cohen's critique (285–99). The character of that reply is as follows. A conception of equality that set itself against the claim that individuals are responsible for the consequences of their choices would indeed be an inadequate conception of equality. Nevertheless, when theorised correctly, personal responsibility supports, rather than condemns, the exclusive focus on resource within egalitarian interpersonal comparison.¹⁶

As background to the reply Dworkin draws a distinction between causal and consequential responsibility. The question of consequential responsibility asks under what conditions is it just for individuals to 'bear the disadvantages of misfortunes of their own situations themselves' (287), and under what conditions is it just that others compensate them for these costs? The issue of causal responsibility requires an itemisation of the kind of factors that cause an individual to be disadvantaged. Recall Cohen's view that, because he suffers a welfare loss in virtue of choosing to develop expensive tastes, justice permits others not to compensate Louis for his disadvantage. However, since Paul's loss is caused by his involuntary expensive taste, he is entitled to compensation. Putting the claim in Dworkin's language we would say that, because Louis is causally responsible for his tastes, he is consequentially responsible for the disadvantages that follow from them;

¹⁵Ibid., pp. 916–18.

¹⁶See also the introduction where Dworkin offers his resource egalitarianism as a third way between 'the old rigidities of right and left' which seeks to 'achieve a unified account of equality and responsibility that respects both' (7).

because Paul bears no causal responsibility for his tastes, others are consequentially responsible, that is, bound on grounds of egalitarian justice to ensure that he is compensated for the disadvantage he might suffer because of them.

Dworkin's first reply to Cohen is that equal access to welfare collapses into equality of welfare. Equal access to welfare makes an individual's consequential responsibility for diminished welfare, depend upon his causal responsibility for his tastes. But no one is causally responsible for his tastes. To be sure, it might be the case that, while Paul found himself beset by expensive tastes, Louis chose to cultivate his. Nevertheless, on further inspection, we must find that Louis thought it appropriate to cultivate these tastes because of some unchosen higher order conviction (289). No one is causally responsible for her tastes all the way down. Hence, if consequential responsibility turns on causal responsibility, as Cohen believes, no one can be held consequentially responsible for the welfare deficits she suffers in virtue of expensive tastes. Equal access to welfare, therefore, collapses into equality of welfare.

Let us put the issue of the plausibility of this initial reply to Cohen to one side, for Dworkin's second, and fundamental, reply is that causal responsibility for one's tastes is irrelevant for consequential responsibility. Justice requires individuals to bear the welfare burdens they suffer in virtue of their expensive tastes, whether or not these tastes are voluntarily chosen or the product of brute luck. This point, he claims, 'tracks ordinary people's ethical experience' (289–90). We take consequential responsibility for our tastes when and because they are informed by our convictions about how we should lead our lives. Given a match between a person's tastes and his convictions about what a successful life would be;

[i]t would strike us as bizarre for [him] to say that he should be pitied, or compensated by his fellow citizens, because he had the bad luck to have decided that he should help his friends in need, or that Mozart is more intriguing than hip-hop.... (290).

Dworkin is suggesting an endorsement test of individual consequential responsibility. If one endorses one's tastes on the basis of one's ethical

convictions (and in the right way¹⁷), then one ought to bear the costs of these tastes. He argues that the test is satisfied in the overwhelming majority of instances of expensive tastes, though he accepts that there may be certain cases in which it is not; he cites the case of a person who finds drinking tap water unbearable in comparison to bottled water, even when he accepts that there is no sound reason for the taste and would rather be rid of it (288). In such exceptional cases, the disavowal of the taste makes it just, in principle, to compensate the individual for the burdens he suffers in virtue of it. Instead of forming part of the description of what a successful life would be for him, these tastes now act as impediments to the pursuit of his goals and projects (291). The ambition sensitivity of equality of resources, then, is consistent with regarding certain tastes one has as part of the circumstances that disable one from pursuing the lifestyle one thinks appropriate.

A direct response to the metric objection

In reply to Cohen, Dworkin's strategy is to offer a characterisation of how individuals are responsible for their convictions so as to defend an exclusive focus on resources within egalitarian interpersonal comparison. However, there is, I believe, an interpretation of his position which brackets the complex issue of the conditions of individual responsibility and defends an exclusively resourcist metric on its own merits as a standard for egalitarian interpersonal comparison. Here, I shall outline that defence by drawing on certain further remarks Dworkin makes in response to Cohen's critique.

Recall Dworkin's observation that an individual like Paul, who is committed to photography, despite the expense in obtaining pleasure from it, would find it bizarre to be compensated for having his expensive ambition. Dworkin explains that, even if the commitment were not freely chosen, it would be 'bizarre for him to call the commitment *bad luck*' (291, emphasis added). The fact that an expensive taste is unchosen may be sufficient for it to be treated as a product of brute luck,

¹⁷The ambition sensitivity of equality of resources requires an appropriate formation of one's ethical convictions. For Dworkin's remarks about what that involves, see his principle of authenticity (158–61) and his remarks on ethical integrity (270–74).

but it doesn't follow that this brute luck is bad as opposed to good or neutral; it is perfectly intelligible, for example, for me to say: 'What good brute luck it is that I am incapable of forming a desire for beer rather than champagne'.

We saw above that Dworkin employs an endorsement condition of responsibility to eliminate welfare as a concern of equality. We can reformulate and amend that condition to serve as an indicator of whether or not an individual suffers a comparative disadvantage. The claim would be that, from the point of view of justice, an individual can plausibly claim that she is less advantaged than another in virtue of having a physical impairment or taste only if she would prefer to have the other's physical resources or taste. Those who are, as Dworkin calls them, 'buzz addicts' or 'tick addicts' – those who value welfare *simpliciter* and endorse the tastes they have only so far as they promote rather than impede their welfare (291–3) – may well envy another's tastes.¹⁸ Nevertheless, Dworkin is surely right to claim that many, perhaps most, of us do not value welfare *simpliciter*. Some value friendship even when it causes mental anguish rather than a buzz, or despite the friendship causing fewer of their important personal ambitions overall to be satisfied. And again, while some value welfare, they value it conditionally: when it is generated from certain sources or from the pursuit of particular activities, like the understanding of a piece of jazz (293). For such individuals, even if they could achieve more welfare from fishing, since they value jazz, or welfare *from jazz*, they would not, all things considered, prefer to have the fisher's preferences.

Theorising equality as the elimination of envy, implies that the jazz fan, who would not want Fred's taste for fishing, is not disadvantaged compared to Fred. Dworkin's insight is to insist upon a test for identifying inequality that addresses each person in the first person.

¹⁸This establishes that one of Cohen's criticisms – that resource egalitarianism is blind to all forms of bad luck involving welfare – rests on a misunderstanding. Buzz and tick addicts can always ground their claims within a resourcist framework by pointing out that preferences are, for them, resources which can be used to achieve welfare which is what they fundamentally care about. Even though providing access to welfare in itself is not a concern of equality of resources, the envy test permits those who value welfare to voice their demands. See also note 21.

From each individual's point of view the test 'allows us to cite, as disadvantages and handicaps, only what we treat in the same way in our own ethical life' (294). Because the jazz fan does not value welfare *simpliciter*, as opposed to welfare from jazz, he cannot in good faith claim that he is disadvantaged compared to Fred who enjoys welfare at a higher level. For he would then be proposing a metric for interpersonal comparison that he rejects as a guide in his own ethical life. Let us call this requirement of an adequate standard of interpersonal comparison *the first person test*.

It is worth noting two salient features of the test. First, in framing the test we must be careful to highlight the description that most accurately describes the individual's own ethical values. For consider Cohen's claim that Paul, who has a taste for photography, but also values welfare, can legitimately claim that he is less advantaged than Fred because, given the conditions, Fred can convert his tastes into welfare more cheaply than he can. The first person test is designed to rule out compensation in these kinds of case but, on one description, the first person test can be met. For example, Paul can, in good faith, claim that acquiring welfare is an ambition of his which he fulfils to a lesser degree than Fred. His claim seems, in short, to satisfy the requirement that the standard for egalitarian comparison he proposes (welfare) must match his view of what is of value in his own life (welfare). But this rests on an incomplete description of what he wants for his own life, which is welfare *from photography*. When that fuller description is provided, it is plain that Paul can no longer propose a metric that itemises only welfare *simpliciter*.¹⁹

Second, it is important to note that the test has a *comparative* dimension. Consider now a different possible basis on which Paul might claim additional resources which seems to satisfy the requirement that a proposed standard for interpersonal comparison should be congruent with the proposer's ethical convictions. Suppose Paul were to claim that he is disadvantaged in virtue of being surrounded by philistines who fail

¹⁹Dworkin also offers a reply to Cohen's contention that Paul can complain that he had the bad luck to live in a society in which photography is expensive because of the choices of other people. The reply is that other individuals' preferences should not be regarded as resources but, rather, as 'among the facts that fix what it is fair or unfair for me to do or to have' (298).

to appreciate the merits of photography. He cites the consequent lack of demand for photography as the cause of its expense that, in turn, explains his lack of welfare. In claiming compensation on the grounds that his low level of welfare is attributable to this unchosen cause, Paul appears not to violate the requirement that the terms in which one articulates one's claims for egalitarian compensation should match one's own ethical convictions. For plainly he might also believe that his life goes worse in virtue of living in this philistine environment.

However, we should interpret Dworkin's first person test comparatively. The metric of egalitarian justice in question is essentially comparative in the sense that it provides a means for judging whether one person is disadvantaged relative to another. A natural first person test to accompany such a metric would require congruence between the basis of that proposed comparison for the purposes of egalitarian justice and the basis on which individuals compare the success of their own lives with the lives of others. So, for example, if Paul regards his life as no less successful than Fred's life of fishing, then he cannot in good faith propose a metric for interpersonal comparison that would treat himself as disadvantaged compared to Fred. The (good faith) complaint of Paul, that his is disadvantaged by the philistinism of his neighbours meets a non-comparative variant of the first person test, but fails its comparative variant. I can satisfy the non-comparative first person test by saying that I am disadvantaged in virtue of not being able to run a sub-three minute mile, but that is no ground for saying that I am disadvantaged compared to others because, since they are similarly unable, I cannot regard my life as less successful than theirs.

The (comparative) first person test has considerable intuitive force. Consider David and Michael who enjoy the same set of personal and impersonal circumstances and who, initially, have the same ambition in life, to play football. Subsequently, Michael has what he regards as the brute good fortune of acquiring the discerning taste for cricket that happens to be more expensive to satisfy. As a result of pursuing his new taste for cricket his welfare declines. However, given that Michael welcomes the change, despite his loss of welfare, and, furthermore, now believes his life to be more successful than David's, it is surely implausible to claim that his change can ground a claim for more resources than David. Cases of this kind strike at the heart of welfare egalitarianism, which is implausibly committed to compensating

Michael for what he regards as his brute *good* luck. They also illustrate the intuitive appeal of the first person test that is central to equality of resources.

The test also accords with the liberal norm that, ideally, political principles and their justification should be capable of endorsement by individuals who hold different and possibly inconsistent comprehensive convictions. The first person test requires individuals to assess whether they are disadvantaged compared to others in the light of their own distinctive comprehensive convictions. It is, therefore, capable of wider public acceptance as a test of equality compared to metrics that require individuals to express their claims for social funds on the basis of lacking particular goods, e.g. welfare, even when they do not value these goods. This liberal ideal may be what Dworkin has in mind when he says that equality of resources is congruent with the:

Basic presupposition of partnership democracy, which insists that citizens be able to see themselves as joint authors of collective decisions (295).

Dworkin suggests, only to reject, a case for rejecting the first person test that appeals to the alleged discontinuity between ethics and political morality: the notion that political debates should be conducted in terms that disregard the considerations that guide individuals in their non-political lives. If that view of political morality were sound it would be open for a welfare egalitarian to argue that even though an individual doesn't value welfare in his own life, that need not make it inappropriate for us, as political agents, to adopt welfare as our metric for interpersonal comparison. Dworkin's response is that his liberalism is drawn from an account of personal ethics and is, therefore, antagonistic to the discontinuity strategy (294–6).

However, it is also noteworthy that the first person test for inequality can be theorised as part of a discontinuous political conception. The aim of such a conception is to obtain public acceptance of its principles by refusing to appeal to controversial ethical convictions in defending them and their methods of implementation. Nevertheless, there are two ways in which such agreement can be generated with regard to egalitarian interpersonal comparison. The first is to describe a 'special made-for-politics morality' which insists on the importance of citizens obtaining certain goods, even when having such goods are regarded by some

individuals as impediments to the pursuit of their ethical lives (294–5). The second strategy is to fashion a standard of interpersonal comparison that accommodates the different convictions of different individuals, by permitting each to express her claims for compensation by citing a lack of items that *she* regards as helpful in the realisation of her own ambitions. This accommodation strategy is wary of metrics that list a number of goods on the basis of which different lives can be compared, because any list will include goods whose value is questioned by some. The envy test, in contrast, does not prescribe any list of this kind. If anything, by allowing individuals to bring their own convictions to the egalitarian table, it is better suited to the ideals that animate discontinuous political morality than the made-for-politics metric.

Moreover, it is not obvious that equality of resources simply ‘flows from the rest of our convictions’ (294). If an atheist were to give full effect to his ethical convictions in politics, it is arguable that he would offer in kind compensation to believers to school them out of their belief or, perhaps more plausibly, advocate the use of extra public funds to discourage the children of the devout from adopting their parents’ belief. In other words, if an individual were to take her ethics into the political domain the metric she would favour might well be one that determined the terms in which others phrase their requests for compensation, as well as the terms in which she would phrase her own.

Dworkin might respond that the best account of ethics does not have this feature. The challenge model treats endorsement of one’s ethical lifestyle to be necessary for one’s life to be a success. On this basis he might claim that it is self-defeating forcibly to prevent individuals from pursuing a lifestyle that is unworthy of pursuit when his adherence to it remains constant. Thus, while liberal equality appeals to a particular account of the good life, it is, in operation, tolerant (216–18, 267–74, 277–80).

However, even if successful, Dworkin’s argument shows only that it is self-defeating to force an individual to pursue projects and goals he deems worthless. But the issue before us is somewhat different. The question is: in judging whether he has a valid claim for egalitarian compensation, is an individual permitted to cite as a disadvantage a feature of his circumstances that he regrets having, when the sound conception of ethics denies that he has reason to regret it? A negative answer to the question, which prescribes a particular metric of

comparison informed by a sound ethical conception, seems consistent with the liberal critique of coercive paternalism.

There is more to be said about this issue.²⁰ However, we can conclude that while it is not obvious that the first person test, or equality of resources more generally, is supported by granting sound ethical convictions free reign in politics, neither does it depend upon doing so. For Dworkin's ideal of individuals being 'joint authors of collective decisions' invokes a different defence of liberal equality: a defence reminiscent of Rawls's conception of well-ordered social co-operation between free and equal persons, which is animated by the ideal of full (political) autonomy.²¹ Such ideals mandate a standard for interpersonal comparison that accommodates individuals' own perspectives on their lives in a way that metrics other than equality of resources fail to do.

Responsibility

As I have presented it, Dworkin's response to Cohen is an appeal to powerful liberal concerns in favour of a conception of equality as the elimination of envy: given the different ethical convictions of individuals, equality obtains only if no one wishes to have what anyone else has. It is a direct response to the metric objection advanced by Cohen. The exclusive focus on resources is motivated by the claim that

²⁰I have not discussed a different argument that Dworkin offers to the effect that the challenge model supports resource egalitarianism. The argument begins with the observation that justice is a parameter on the success of one's life, rather than a limitation. Many conceptions of political morality, he claims, define people's well-being independently of what justice demands, and then proceed to determine a just share of resources by reference to a fair share of satisfaction of different individuals' interests. If justice is a parameter on the good life then these conceptions are ones that cannot be squared with ethics. Whether or not the possession of a particular level of resource enhances one's life depends on whether it is a just share. Thus, we require an account of just distribution that is defined independently of considerations of well-being (263–67, 276–80). If that argument succeeds then Dworkin's claim that equality of resources is supported by the best account of ethics may well be sound. For criticism of Dworkin's argument see R. Arneson 'Cracked Foundations of Liberal Equality,' forthcoming in J. Burley (ed.) *Dworkin and His Critics* (Oxford: Blackwell).

²¹See Rawls, *Political Liberalism*, pp. 66–8.

egalitarian justice seeks to equalise the fortunes of different individuals, where a person's fortune is evaluated comparatively from her own point of view. Consequently, it is counter-intuitive to claim that I am less advantaged than another because he has something I lack but which I don't value (either derivatively or underderivatively).²² This response is an explanation of why neither Louis nor Paul, both of whom score lower in welfare terms than others, is disadvantaged compared to others.

My interpretation of equality of resources offers reasons for the view that Louis and Paul do not suffer disadvantage which can be presented independently of any claim about causal or consequential responsibility. First, as Dworkin notes, the bizarreness of claiming compensation for the tastes one endorses is independent of whether those tastes are cultivated by oneself, discovered, or the product of luck.

Second, depending on how it is read, the question of consequential responsibility need not arise. In making this qualified claim we must remind ourselves of the question consequential responsibility addresses and not two interpretations of it. The question is:

[w]hen and how far is it right that individuals bear the disadvantages or misfortunes of their own situations themselves, and when is it right, on the contrary, that others – the other members of the community in which they live, for example – relieve them from or mitigate the consequences of the disadvantages (287)?

The distinction between two interpretations of this question relates to whether the references to 'disadvantage' and 'misfortune' are interpreted in a comparative or non-comparative sense. The comparative reading treats an individual as disadvantaged if and only if other individuals enjoy more advantage than she does. On the non-comparative reading, an individual is disadvantaged if and only if there is a different possible

²²It is important to emphasise that the envy test can apply to things that individuals value underderivatively, because Cohen misinterprets the language of resources in this regard. Cohen's doubly unfortunate person is a problem for equality of resources only if resources are understood in terms of the capacities to do certain things. Cohen is right in thinking that living without pain, irrespective of whether the pain makes doing anything more difficult, is a good for most individuals. However, if the envy test is applied more generally to what others have which an individual regards as beneficial then the problem disappears (296–97).

world in which she enjoys more advantage than she presently enjoys. An individual who has the brute bad luck to live in an environment in which her tastes are more expensive to satisfy because of the scarcity of fine wine, for example, suffers non-comparative misfortune, for we can stipulate a possible world in which her tastes are less expensive to fulfil.

In using the notion of consequential responsibility to discredit welfarist conceptions, Dworkin might be thinking of non-comparative misfortune. Equality of resources does not consider it unfair that individuals' lives are affected by certain kinds of luck, such as living in an environment that is uncongenial to the pursuit of one's ambitions (69, 298): it is brute bad luck in the non-comparative sense that I cannot run a sub-three minute mile, just as it is that the pursuit of my ambitions is made harder in a variety of ways by my neighbours not sharing my ambitions. The issue of consequential responsibility arises in many cases of non-comparative misfortune and, in involuntary expensive taste cases, is often rightly resolved by viewing individuals as (consequentially) responsible for their tastes.

Nevertheless, the cases that exercise egalitarians are ones of *comparative* misfortune in which one individual is disadvantaged relative to another. But an assessment of the situations of Louis and Paul from the perspective of the first person test for disadvantage shows that neither suffers a comparative disadvantage: each would prefer to retain his expensive tastes with lower welfare rather than exchange them for cheaper tastes that would produce higher welfare. The issue of consequential responsibility for comparative disadvantage – of who should bear the comparative misfortune of an individual's situation – is, therefore, irrelevant in cases involving expensive tastes; the holders of expensive tastes cannot plausibly be thought to suffer a comparative disadvantage, the responsibility for which would be at issue.

A possible reply is to argue that the idea of consequential responsibility retains a place in egalitarian justice once we distinguish between disadvantage *in one way* and disadvantage *all things considered*. Paul may not be disadvantaged all things considered by his relative lack of welfare because he endorses his expensive taste for photography. He is nevertheless disadvantaged in one way because he suffers a loss of welfare, which matters to him. So perhaps Dworkin's notion of consequential responsibility addresses the conditions under

which individuals ought to bear the burden of a loss of welfare when this is a comparative disadvantage in only one respect.

Responding to this argument we should note that some with expensive tastes attach no weight at all to welfare. Thus, they may not regard themselves as worse off than others in any respect. For these individuals the issue of consequential responsibility, even when put in revised terms, does not arise. In cases of expensive tastes, the issue of consequential responsibility for comparative disadvantage gets going only if welfare matters in some way for egalitarian interpersonal comparison. But, if I understand it correctly, Dworkin's powerful argument is that welfare comparisons are fundamentally irrelevant for egalitarian justice.

This does not mean that the issue of responsibility plays no role within egalitarian justice. One might, for example, consider cases in which there exists a genuine inequality as specified by equality of resources. Perhaps after a period of time an individual comes to reject his earlier convictions on the basis of which he chose not to work hard for material reward. As a result, he now envies other individuals' bundles of income and career. This may be a genuine instance of inequality according to equality of resources. However, despite the inequality, an egalitarian might be sceptical about whether this regretful individual should receive compensation for his disadvantage. That scepticism may be reasonable in virtue of the thought that his convictions were not the product of ignorance, poverty, or prejudice and, therefore, he should take consequential responsibility for his conduct.²³ So, egalitarians might wish to retain the view that inequality that is attributable to conduct for which individuals can be held responsible is not unjust. However, we need not broach this issue to

²³This way of including considerations of individual responsibility within egalitarian justice matches Dworkin's concern with consequential justice which, he argues, can be theorised independently of considerations of causal responsibility. For related discussion, see T.M. Scanlon, *What We Owe to Each Other* (Cambridge Mass.: Harvard University Press, 1998), ch. 6.

establish that welfare comparisons play no fundamental role in egalitarian justice.²⁴

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