



# The Age of Responsibility: On the Role of Choice, Luck and Personal Responsibility in Contemporary Politics and Philosophy

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The Age of Responsibility:  
On the Role of Choice, Luck and Personal Responsibility in  
Contemporary Politics and Philosophy

A dissertation presented

by

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to

The Department of Government

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Abstract

The Age of Responsibility:

On the Role of Choice, Luck and Personal Responsibility in Contemporary Politics  
and Philosophy

The value of “personal responsibility” increasingly stands at the center of contemporary discussions about distributive justice and the welfare state. While deep disagreements about who is responsible for which acts and outcomes persist, a wide range of thinkers accepts the normative premise that an individual’s claim to assistance from the collectivity should depend, in part, on whether or not they have acted “responsibly” in the past.

Drawing on the recent history of moral and political philosophy, the social sciences, and political rhetoric, I argue that the current consensus around what I call the “responsibility framework” is a new phenomenon. In the postwar era, a conception of responsibility-as-duty emphasized each individual’s obligation to contribute to the community. Today, by contrast, the newer conception of responsibility-as-accountability emphasizes each individual’s obligation, insofar as they are capable of doing so, to provide for their own material needs without outside assistance.

This changing conception of responsibility has, in turn, led to a significant—and normatively troubling—transformation of key political institutions. In

particular, the welfare state, once conceived as a responsibility-buffering institution that was to provide a social safety net even to those citizens who have made mistakes in their lives, has been transformed into a responsibility-tracking institution, which denies citizens benefits if they are themselves “responsible” for being in a state of need.

Among left-wing politicians and egalitarian philosophers, the most common reaction to these normative shortcomings has been to accept the punitive interpretation of responsibility outlined in the responsibility framework, yet insist that the threshold for ascribing responsibility to most individuals is extremely high—thus making responsibility largely inapplicable to everyday moral and political life. However, this “no-responsibility view” ultimately overstates both the philosophical reasons to apply a high bar to ascriptions of responsibility and the political feasibility of convincing people to abstain from holding their fellow citizens responsible for their actions.

Instead of dismissing the punitive, pre-institutional account of responsibility altogether, I therefore argue that we should construct a positive, institutional account of responsibility. Drawing on T. M. Scanlon’s work about the significance of choice, I give an account of the important self-regarding, other-regarding and societal reasons why we need to give responsibility a real role in our moral and political world. Building on these reasons, I sketch an institutional account of responsibility that helps to empower people to gain mastery over their own lives, and draw out this account’s implications for the design of political institutions, including the welfare state.

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To Ala.



## Chapter 1: The Age of Responsibility

Personal responsibility is a central value of our time. In politics, it takes on a special prominence in the speeches of Republicans, who invoke responsibility to argue that the state should play a strictly limited role in providing welfare for its citizens. But it is nearly as pervasive in the speeches of Democrats, who increasingly justify state interventions in the economy by the need to protect those who have acted responsibly from the vagaries of the market. Insofar as he has advocated for redistributive policies, for example, Barack Obama has justified them in a roundabout manner, by the need to do right by those Americans who “work hard and play by the rules.”<sup>1</sup> Meanwhile, he has frequently used his bully pulpit to exhort a whole range of audiences—from the nation’s schoolchildren he addressed via

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<sup>1</sup> Barack Obama intoned this theme particularly clearly at the 2012 State of the Union address:

Let’s never forget: Millions of Americans who work hard and play by the rules every day deserve a government and a financial system that do the same. It’s time to apply the same rules from top to bottom. No bailouts, no handouts, and no copouts. An America built to last insists on responsibility from everybody.

Barack Obama: “Remarks by the President in the State of the Union Address,” *The White House* website, 01/24/2012, available at: <http://www.whitehouse.gov/the-press-office/2012/01/24/remarks-president-state-union-address>, last accessed on 10/17/2014.

video on their first day of school back in 2009<sup>2</sup> to the graduating seniors of historically black Morehouse College<sup>3</sup>—to live up to their responsibility.

The wide appeal of personal responsibility doesn't just make it a prominent slogan for politicians seeking office; to a striking extent, most political philosophers, while disagreeing about the exact nature and meaning of responsibility, are similarly univocal in affirming its importance. Indeed, while responsibility has long been a dominant theme in libertarian and conservative political thought, even egalitarians from Ronald Dworkin to G. A. Cohen eventually made it a central tenet of their thinking.<sup>4</sup>

Mentions of responsibility have not always been as frequent, or as uncontroversial, as they are now. Throughout much of the postwar era, philosophers, sociologists, and even many politicians thought that a focus on the personal responsibility of individuals was, at best, a distraction. In their minds, it was larger structural and normative questions that really mattered. What kind of distribution of economic

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<sup>2</sup> Barack Obama: "Remarks by the President in a National Address to America's Schoolchildren," *The White House* website, 09/08/2009, available at: [http://www.whitehouse.gov/the\\_press\\_office/Remarks-by-the-President-in-a-National-Address-to-Americas-Schoolchildren](http://www.whitehouse.gov/the_press_office/Remarks-by-the-President-in-a-National-Address-to-Americas-Schoolchildren), last accessed on 10/17/2014.

<sup>3</sup> Barack Obama: "Remarks by the President at Morehouse College Commencement Ceremony," *The White House* website, available at: [http://www.whitehouse.gov/the\\_press\\_office/Remarks-by-the-President-in-a-National-Address-to-Americas-Schoolchildren](http://www.whitehouse.gov/the_press_office/Remarks-by-the-President-in-a-National-Address-to-Americas-Schoolchildren), last accessed on 10/18/2014.

<sup>4</sup> See for example Ronald Dworkin: *Sovereign Virtue: Equality in Theory and Practice*, Cambridge: Harvard University Press, 2000 and G. A. Cohen: "On the Currency of Egalitarian Justice," *Ethics* 99, 1989, pp. 906–944.

resources should we aim for? What influence do a mother's class, race, and geographic location have on the prospects of her children? And what duties do we have toward the destitute, irrespective of what may be the reason for their misfortune?<sup>5</sup> Insofar as they talked about responsibility at all, they usually meant (as I shall argue in Chapter 2) not the responsibility that each person has to be self-sufficient—but rather the responsibility we all have to help our fellow citizens.

The shift from an emphasis on structural, society-level considerations to an emphasis on the individual and his or her responsibilities first became apparent to a mass audience thanks to the conservative revolution of the early 1980s (though its intellectual roots had been growing for years). This renewed focus on personal responsibility was, for example, the implicit theme of one of Ronald Reagan's most famous lines: "We must reject the idea that every [time] a law's broken, society is guilty rather than the lawbreaker. It is time to restore the American precept that each individual is accountable for his actions."<sup>6</sup> Indeed, for many of its most enthusiastic followers, the "Reagan Revolution" consisted precisely in the conjunction, as the stock phrase goes, of "free enterprise and personal responsibility."

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<sup>5</sup> For a more detailed account of this shift of emphasis in both philosophy and the social sciences, see my account of the recent intellectual history of responsibility in Chapter 2.

<sup>6</sup> Quoted in Vanessa Barker: *The Politics of Imprisonment: How the Democratic Process Shapes the Way America Punishes Offenders*, New York City: Oxford University Press, 66.

Realizing how resonant their emphasis on responsibility was with the wider public, right-wing politicians started to use their buzzword to attack the welfare state. Then something unexpected happened: the leaders of the center-left quickly followed along their footsteps.<sup>7</sup> When U.S. politicians on both sides of the aisle conspired to “end welfare as we know it” in the 1990s, the very name of the act which brought about the most fundamental overhaul of the American system for social provision in half a century invoked their new favorite moniker: it was called the “*Personal Responsibility and Work Opportunity Reconciliation Act*.”<sup>8</sup> In Europe, politicians like Tony Blair and Gerhard Schröder quickly followed suit, justifying their own welfare reforms in strikingly similar language.<sup>9</sup>

Historians and sociologists have struggled to characterize our political moment. According to various interpreters, we live in a “risk society,”<sup>10</sup> in the “age of globalization,”<sup>11</sup> suffer from “turbo-capitalism,”<sup>12</sup> “casino capitalism,”<sup>13</sup> or

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<sup>7</sup> For a succinct history of some of these changes, see for example David Harvey: *A Brief History of Neoliberalism*, Oxford: Oxford University Press, 2005.

<sup>8</sup> For a much more detailed treatment of responsibility and the welfare state, see Chapter 3 on “The Welfare State in the Age of Responsibility.”

<sup>9</sup> See for example Tony Blair: “Speech on welfare reform,” 06/10/2002, re-printed in: John Baldock, Nick Manning & Sarah Vickerstaff [Eds.]: *Social Policy*, 3<sup>rd</sup> Edition, New York City: Oxford University Press, 2007, 702 and Gerhard Schröder: “Neujahrsansprache von Bundeskanzler Gerhard Schröder zum Jahreswechsel 2002/2003, 12/31/2002, available at: [http://www.zeit.de/politik/schroeder\\_neujahr](http://www.zeit.de/politik/schroeder_neujahr); last accessed: 04/28/2013.

<sup>10</sup> Ulrich Beck: *Risikogesellschaft: Auf dem Weg in eine andere Moderne*, Frankfurt a. M.: Suhrkamp Verlag, 1986.

widespread “financialization,”<sup>14</sup> or have entered a “new Gilded Age.”<sup>15</sup> Each of these descriptions draws attention to important aspects of our time. But, on my view, all of them neglect another, just as important, feature of recent social and political changes. Over the last thirty years, the notion of personal responsibility has become central both to our moral and political discourse,<sup>16</sup> and to our actual public policies. It is no exaggeration to say that we now live in an “age of responsibility.”

The ambition of this dissertation is to understand the age of responsibility; to criticize it; and to start building the intellectual foundations that will help us to overcome it.

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<sup>11</sup> See for example Saskia Sassen: *Losing Control? Sovereignty in an Age of Globalization*, New York: Columbia University Press, 1996, William K. Tabb: *Economic Governance in the Age of Globalization*, New York: Columbia University Press, 2004 and Samir Amin: *Capitalism in the Age of Globalization*, New York: St. Martin's Press, 1998.

<sup>12</sup> See Edward Luttwak: *Turbo-Capitalism: Winners and Losers in the Global Economy*, New York: HarperCollins, 2000 and Fritz Reheis: *Entschleunigung – Abschied vom Turbokapitalismus*, München: Goldmann, 2009.

<sup>13</sup> Hans-Werner Sinn: *Kasino-Kapitalismus – Wie es zur Finanzkrise kam, und was jetzt zu tun ist*, Ullstein, Berlin: 2010.

<sup>14</sup> Greta R. Krippner: *Capitalizing on Crisis – The Political Origins of the Rise of Finance*, Cambridge (MA): Harvard University Press, 2011.

<sup>15</sup> See for example Larry M. Bartels: *Unequal Democracy: The Political Economy of the New Gilded Age*, New York: Russell Sage Foundation, 2008 and David B. Grusky and Tamar Kricheli-Katz (Eds.): *The New Gilded Age: The Critical Inequality Debates of Our Time*, Stanford: Stanford University Press, 2012.

<sup>16</sup> See for example the essays on the rhetoric that accompanied adoption of welfare reform in Keith M. Kilty & Elizabeth A. Segal (Eds.): *The Promise of Welfare Reform: Political Rhetoric and the Reality of Poverty in the Twenty-First Century*, Binghamton: The Haworth Press, 2006.

## **I      The Concept of Responsibility in Contemporary Politics**

The ubiquity of talk about responsibility hides as much as it reveals. As is the case with other ubiquitous political watchwords, from freedom to democracy, the meaning of responsibility has remained amorphous even as its uses have multiplied. So what do philosophers, politicians, and ordinary voters actually have in mind when they invoke responsibility? More specifically, who is held to be responsible for an action or outcome in the age of responsibility, and what actually follows from such ascriptions of responsibility? To answer this question, I focus on contemporary political discourse in this section; contemporary debates in political philosophy in the next section; and a standard left-wing response to the prevailing discourse on responsibility in the following section. Together, I argue in the final section of this introductory chapter, these three discourses add up to what I call the “responsibility framework”: a standard repertoire of thinking about responsibility, which allows for variation, but centers around a common theme.

As popular a buzzword as responsibility is liable to be invoked in a lot of different—at times even in mutually inconsistent—contexts. But despite its amorphousness, it is possible to give a rough account of the basic set of assumptions and beliefs that the constant reference to responsibility invokes. In the postwar years, there used to be a broad societal consensus that many of the duties the state owes to its citizens

are largely independent of the choices those citizens have made. If somebody is starving in the street, the state has a duty to help him or her—even if it should be true that they wouldn't have been in need of the state's assistance had they not whittled away their money in some frivolous manner.<sup>17</sup> Today, by contrast, more and more welfare commitments are conditional on good, or “responsible,” behavior.<sup>18</sup> While opinion polls show that most voters are still happy to help those of their fellow citizens who are destitute for reasons beyond their own control, for example due to a physical disability they have had since birth, a growing number of voters and politicians (as well as the actual institutional arrangements they have put in place) deny that similar duties should also extend to people who have acted “irresponsibly.”

The goals which both moderate Republicans and moderate Democrats professed to pursue in passing the “Personal Responsibility and Work Opportunity Reconciliation Act” bear witness to the power which this way of thinking about responsibility now exerts. On their view, the existing entitlement system provided assistance indiscriminately, to the deserving and the undeserving alike. To change this, they agreed on a host of tough reforms. In the new “workfare” system, cash

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<sup>17</sup> For the classic statements of this view of the welfare state, consult T. H. Marshall: “Citizenship and Social Class,” 1949, re-printed in T. H. Marshall: *Citizenship and Social Class and Other Essays*, Cambridge: Cambridge University Press, 1950, and Richard Morris Titmuss: *Commitment to Welfare*, London: Allen and Unwin, 1976.

<sup>18</sup> On the growing conditionality of welfare benefits, see for example Jochen Clasen & Daniel Clegg: “Levels and levers of conditionality: measuring change within welfare states,” in Jochen Clasen & Nico A. Siegel [Eds.]: *Investigating Welfare State Change: The “Dependent Variable Problem” in Comparative Politics*, Cheltenham: Edward Elgar Publishing Limited, 2007. Compare also the extensive account in Chapter 3.

benefits for most recipients would be dependent on a demonstrated willingness to work.<sup>19</sup> By imposing strict lifetime limits on the receipt of benefits, people who had a long-term pattern of needing assistance were given the strongest possible incentive to look after themselves.<sup>20</sup> And by further shifting funds for poverty alleviation to the Earned Income Tax Credit, only the diligent would benefit from public largesse.<sup>21</sup> All of these measures were explicitly designed to reward those people whom the lawmakers considered “responsible,” and to punish those others they considered “irresponsible.” As Bill Clinton declared when he signed the legislation into law, the new welfare regime “demands [more] personal responsibility.” It has, he contended, driving the same point home yet again, the purpose of promoting the “fundamental values of work, responsibility, and family.”<sup>22</sup>

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<sup>19</sup> For an early overview of workfare policies, both across states in the U.S. and in Canada and the U.K., see Jamie Peck: *Workfare states*, New York: The Guilford Press, 2001.

<sup>20</sup> See Jeffrey Grogger & Lynn A. Karoly: *Welfare Reform – Effects of a Decade of Change*, Washington, DC: Rand Corporation, 2005, esp. 52-55.

<sup>21</sup> The Earned Income Tax Credit (EITC) was first introduced in 1975. Its most significant expansion came a few years before the 1996 welfare reform, when its role was boosted by the 1993 budget bill. For a helpful short historical account of the EITC’s development, see: V. Joseph Hotz & John Karl Scholz: “The Earned Income Tax Credit,” in: Robert A. Moffit (Ed): *Means-Tested Transfer Programs in the United States*, Washington DC: National Bureau of Economic Research, 2003, 141-197.

<sup>22</sup> As Clinton declared:

Today, I have signed into law H.R. 3734, the “Personal Responsibility and Work Opportunity Reconciliation Act of 1996.” While far from perfect, this legislation provides an historic opportunity to end welfare as we know it and transform our broken welfare system by promoting the fundamental values of work, responsibility, and family. This Act honors my basic principles of real welfare reform. It requires work of welfare recipients, limits the time they can stay on welfare, and provides child care and health care to help them make the move from welfare to work. It demands personal



Talk of responsibility isn't just a striking feature of contemporary political speeches, then; as I argue in Chapter 3, popular notion of who has failed, or lived up to, their personal responsibilities increasingly determines who receives public assistance and who is left to fend for themselves.

Welfare reform did not just bring about a radical overhaul of public assistance programs in the United States; it also crystallized a strong bipartisan consensus around the idea that a citizen's claim to assistance is fatally undermined if he or she is found to be responsible for that bad outcome. But this begs a prior question: in contemporary political discourse, under what circumstances is a citizen presumed responsible for such bad outcomes?

As I show in Section IV there is less general agreement about this question: in particular, significant parts of the left, having conceded that the state's duties towards those who have brought their suffering upon themselves are limited, have reasserted the need for welfare by arguing that most of the poor or destitute are not responsible for their lot. But this objection notwithstanding, mainstream politicians as well as many ordinary voters tend to assume that people are responsible for an outcome if only some choice or attribute of theirs has helped to bring it about—even though all kinds of factors outside their control may also have contributed to that

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responsibility, and puts in place tough child support enforcement measures. It promotes family and protects children.  
Bill Clinton: "Remarks on Welfare Reform Legislation and an Exchange With Reporters," 07/31/1996, re-printed in: William J. Clinton: *Public Papers of the Presidents of the United States - Administration of William J. Clinton - 1996*, Washington, DC: U.S. Government Printing Office, 1995, 1997, 1328

result. Thus, an entrepreneur is thought to be fully responsible for earning millions of dollars if his skill and hard work has contributed to his company's success. Similarly, a poor person is thought to be fully responsible for being destitute if the fact that he dropped out of high school helps to explain why he lost his job.

In fact, the assumption that there is a direct and uncontroversial link between an agent's being responsible for a particular act and an agent's being responsible for an outcome to which that act was one of multiple contributing factors is so common that attempts to call it in question tend to be highly unpopular. Take, for example, what turned out to be perhaps the most controversial line of Barack Obama's reelection campaign:

If you were successful, somebody along the line gave you some help. There was a great teacher somewhere in your life. Somebody helped to create this unbelievable American system that we have that allowed you to thrive. Somebody invested in roads and bridges. If you've got a business—you didn't build that. Somebody else made that happen.<sup>23</sup>

The reason why these remarks proved so controversial<sup>24</sup> has a lot to do with their implicit challenge to widely endorsed notions of individual responsibility: in emphasizing that entrepreneurs are not solely responsible for their own success, Obama was complicating the direct link between individual action and ultimate

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<sup>23</sup> Barack Obama: "Remarks by the President at a Campaign Event in Roanoke, Virginia," *The White House, Office of the Press Secretary*, 07/13/2012. (Available at: <http://www.whitehouse.gov/the-press-office/2012/07/13/remarks-president-campaign-event-roanoke-virginia>; accessed on 07/29/2013).

<sup>24</sup> According to CNN, for example, attacks on this remark were a "cornerstone of [that] year's Republican National Convention." See CNN Wire Staff: "'You didn't build that:' A theme out of context," available at: <http://www.cnn.com/2012/08/31/politics/fact-check-built-this>; accessed on 07/29/2013.

outcomes to an extent that many voters are not willing to entertain. But this goes against one of the fundamental assumptions of our political moment: Barring exceptional circumstances, we are supposedly responsible for how well we are doing. And so the welfare state should, of course, be limited to helping that minority of our fellow citizens who finds themselves in need due to just such exceptional circumstances.

Taken together, these answers start to add up to an inchoate, implicit and imperfect—but, for all of that, logically unified—framework. In mainstream political discourse, citizens are held responsible for an outcome if only some act or attribute of theirs actively contributed to it. Once responsibility for the outcome has been ascribed to them in this manner, this has a direct influence on the degree to which they can count on society's assistance: if they themselves are to blame for being in a state of need, they forego much of the moral entitlement to the collectivity's assistance which they might otherwise have enjoyed. As I will argue in the following sections, political philosophers, though they are much more circumspect about the circumstances in which we can ascribe true moral responsibility for actions or outcomes to citizens, share the basic contours of this framework to a surprising extent.

## **II The Concept of Responsibility in Contemporary Political Philosophy**

The turn towards responsibility has been just as marked in academia, and especially in political theory, as it has been among the general public. As I shall argue in Chapter 2, an earlier generation of philosophers had a largely ahistorical approach to justice that made questions of individual responsibility peripheral to mainstream debate. Many egalitarians, for example, used to be committed to a particular distribution a society should seek to achieve, irrespective of the choices that individual citizens had made. Today, by contrast, most Anglo-American philosophers, in determining what just entitlements we have, give great importance to the way in which our present entitlements have been influenced by actions for which we are responsible. Indeed, even most far-left philosophers now emphasize the importance of choice.

So-called “luck egalitarians,” for example, believe that even significant material differences that are a direct result of differential choices are perfectly just; an unequal pattern of distribution in the present can therefore be fully justified by our past actions.<sup>25</sup> As G. A. Cohen has put the point, by recognizing the “centrality of choice,” this increasingly influential tradition “has, in effect, performed for egalitarianism the considerable service of incorporating within it the most powerful idea in the arsenal of the anti-egalitarian right: the idea of choice and

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<sup>25</sup> For some of the classic formulations of luck egalitarianism, see Dworkin, *Sovereign Virtue*, Richard J. Arneson: “Equality and Equal Opportunity for Welfare,” *Philosophical Studies* 56, 1989, pp. 77–93, reprinted in Louis Pojman & Robert Westmoreland (Eds.): *Equality: Selected Readings*, Oxford: Oxford University Press, 1997, pp. 229–241, and Cohen, “Currency of Egalitarian Justice.”

responsibility.”<sup>26</sup> As a result, the key *normative* assumption of the age of responsibility is now widely shared even among left-leaning political philosophers: insofar as somebody has less, even much less, because of their own choices, this inequality is justified—there can be no claim of justice for the state to come to the rescue of a poor person who has brought his poverty upon himself.

But while political philosophers have elevated the concept of responsibility to a position of unprecedented importance, they realize that the question of whether or not we are responsible for particular outcomes is far more complicated than public discourse usually assumes. Over the last decades, as the relevance of choice to questions of distribution has become widely accepted, philosophers have therefore proposed ever more subtle and demanding accounts of the kinds of choices that could potentially justify material inequalities.

Ronald Dworkin made an important early contribution to this debate by distinguishing between “option luck” and “brute luck.” According to Dworkin, there is a big difference between good or bad luck in situations which we consciously choose to enter and good or bad luck in situations to which we are exposed for reasons beyond our control:

Option luck is a matter of how deliberate and calculated gambles turn out—whether someone gains or loses through accepting an isolated risk he or she should have anticipated and might have declined. Brute luck is a matter of how risks fall out that are not in that sense deliberate gambles. If I buy a stock on the exchange that rises,

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<sup>26</sup> G. A. Cohen, “Currency of Egalitarian Justice,” 933.

then my option luck is good. If I am hit by a falling meteorite whose course could not have been predicted, then my bad luck is brute.<sup>27</sup>

A basic element of Dworkin's position, as well as of the wider luck egalitarian project it helped to inspire, is that we should be compensated for the differential effects of brute luck, but not for the differential effects of option luck. In other words, we are responsible for outcomes that come downstream from deliberate choices we make (including choices to be exposed to particular risks), but not for outcomes that befall us without our doing.

Dworkin's distinction has proved extremely influential. But it is difficult to apply to real life cases, for both conceptual and empirical reasons.<sup>28</sup> The empirical difficulties are straightforward. To know whether a citizen is responsible for being in need of collective assistance on Dworkin's conceptual scheme, we would have to be able to answer such hypothetical questions as whether they might now be employed if they hadn't taken particular bad decisions. Would they have a job if they had worked hard enough to graduate high school, for example, or would the bad quality of the schools in the neighborhood in which they grew up, coupled with the paucity of available jobs in their area, have doomed them to poverty in any case?<sup>29</sup> Clearly, for

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<sup>27</sup> Ronald Dworkin: "What is Equality? Part 1: Equality of Welfare," *Philosophy & Public Affairs*, Vol. 10/3, 1981; re-printed in: Ronald Dworkin: *Sovereign Virtue - The Theory and Practice of Equality*, Cambridge (MA): Harvard University Press, 200, 73.

<sup>28</sup> For some of the most powerful critiques, see Elizabeth Anderson: "What is the Point of Equality," *Ethics* 109, 1999, 287-337, Jonathan Wolff: "Fairness, Respect, and the Egalitarian Ethos," *Philosophy & Public Affairs*, 27, 1998, 97-122 and Samuel Scheffler: "Choice, Circumstance, and the value of equality," *Politics, Philosophy, Economics*, 4(1), 2005, 5-28.

a real-world state bureaucracy to answer such intricate hypothetical questions about millions of citizens would—even if we were willing to tolerate the associated normative costs, including the requisite invasion of privacy—be all but impossible.<sup>30</sup>

What's more, even if all the requisite empirical evidence were miraculously available to us, the conceptual difficulties might turn out to be just as real. Take an example. If I develop some rare disease, this seems to be a matter of bad brute luck: after all, I did not ask to be exposed to this biological danger. But from another point of view, it might be considered an instance of bad option luck: after all, I could have taken out a comprehensive insurance against the material costs of developing cancer. What, though, if the disease from which I suffer is so rare that it would have been very cumbersome for me even to find out about it? Or if insurance coverage for this kind of expense had only recently been introduced, and remained unknown to most citizens? In any real life case, these kinds of questions would make it very difficult, on conceptual as well as empirical grounds, to determine where exactly the boundary between brute and option luck should be drawn.

That's not the end of it. For more recent research by philosophers like Kasper Lippert-Rasmussen and Peter Vallentyne has put pressure on the normative significance of Dworkin's distinction between brute and option luck, and thereby

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<sup>29</sup> See the more extensive discussion of this topic in Chapter 6, below.

<sup>30</sup> I discuss the empirical and normative difficulties involved in any attempt for welfare bureaucracies to determine the degree of an applicant's responsibility for their need in much greater detail in sections IV and V of Chapter 3, below.

made ascriptions of responsibility even more challenging. On this view, the fact that one person who suffers from a rare disease has purchased extensive insurance, while the other has not, is not sufficient normative justification of the resulting material differences. After all, it may be that the person who purchased insurance was a lot wealthier to start off with, so that his decision to purchase insurance did not conflict with his other life goals in a comparably significant fashion. Thus, Dworkin may have been wrong to hold that the mere fact that we have made a particular decision which caused a particular outcome would be enough for us to have full responsibility for the end result. On the contrary, the degree to which our differential choices can justify differential distributional outcomes depends on how similar our original choice sets were.<sup>31</sup>

Normatively, these arguments are convincing. Empirically, they present even greater difficulties. For if the prospect of figuring out whether a particular outcome was a result of brute or option luck was daunting, the prospect of having to figure out the relative value of the bundle of choices available to different actors in society is close to hopeless. Indeed, what would be required to determine the extent of a person's responsibility for an outcome now includes not only a close-to-perfect account of their talents, financial circumstances, and knowledge about the world—but also the same set of facts about all of their fellow citizens. (When I discuss the welfare state in Chapter 3, I will engage more closely with the real-world difficulties,

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<sup>31</sup> For two of the most interesting articles in this vein, see Kasper Lippert-Rasmussen: "Egalitarianism, Option Luck, and Responsibility," *Ethics* Vol. 111/3, 2001, 548-579 and Peter Vallentyne: "Brute Luck, Option Luck, and Equality of Initial Opportunities," *Ethics* Vol. 112/3, 2002, 529-557.



and normative costs, presented by any attempt to figure out, even at a very rough level, whether or not a destitute person is himself responsible for needing society's assistance.)

To what degree these kinds of objections about the real world should also make us skeptical of the increasingly central role that considerations about responsibility play in "ideal theory" is beyond the scope of my dissertation.<sup>32</sup> Clearly, on some accounts of the purposes of political philosophy, the fact that the optimal rules of social regulation would never be able to facilitate such fine discriminations between the responsibility of different agents in our non-ideal circumstances need not diminish the importance that fact-insensitive principles of justice accord to choice and responsibility.<sup>33</sup> Indeed, my particular takeaway could be endorsed even by those theorists who hold such a view of the purposes of political philosophy, and even by those who have been key players in the push towards making questions about choice and responsibility central to ideal theory: In societies as they exist today, any hope of determining the extent of an agent's responsibility for their

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<sup>32</sup> On the concept of ideal theory, and its difference from "non-ideal theory," see for example A. John Simmons: "Ideal and Nonideal Theory," *Philosophy & Public Affairs* 38/1, 2010, 5-36, and Laura Valentini: "Ideal vs. Non-Ideal Theory: A Conceptual Map," *Philosophy Compass*, Vol. 7/9, 2012, 654-664.

<sup>33</sup> For an account of the purpose of political philosophy that distinguishes sharply between principles of justice which are valid regardless of their feasibility and "mere" optimal rules of social regulation, see G. A. Cohen: "Rescuing Justice From... The Facts," in Cohen: *Rescuing Justice & Equality*, Cambridge: Harvard University Press, 2008, 229-274 as well as the earlier G. A. Cohen: "Facts and Principles," *Philosophy & Public Affairs*, Vol. 31 (3), 211-245. For a different formulation of a similar set of views, compare also David Estlund: *Utopophobia – Political Philosophy Beyond the Feasible*, Princeton: Princeton University Press, 2013.

material well-being in the kind of fine-grained detail required by authors such as Dworkin, Lippert-Rasmussen, and others, would be illusory.

In short, any account of responsibility subtle enough to be plausible from a normative point of view is likely to be all the more unfeasible from a practical point of view. Since, in reality, the subtle account of responsibility favored by most philosophers makes relative ascriptions of responsibility very difficult, if not altogether impossible, it should hardly come as a surprise that the concept of responsibility that tends to win out in real political debate is rather simplistic. From the point of view of non-ideal theory, we should give up on the illusion that we could ever integrate an extremely subtle notion of responsibility into political practice. For now, there is only one alternative to shying away from invoking responsibility in making distributive decisions: to give importance to the crude concept of responsibility which even most of those philosophers who are, in principle, sympathetic to responsibility rightfully reject.

### **III The No-Responsibility View**

The new centrality of responsibility in philosophical thought has led to a somewhat paradoxical situation. A lot of philosophers now agree that ascriptions of responsibility are *normatively* highly significant: whether or not an agent is responsible for having less than his co-citizens, or even for being in real need of

assistance, determines the degree to which they can justly claim redress. At the same time, they are much less sanguine about the circumstances in which responsibility is *ascriptively* appropriate: even comparatively simple distinctions, like those between brute and option luck, are impossibly difficult to draw in practice, making it very difficult for us to arrive at principled answers about the deservingness of needy individuals in real-life cases.

Especially when coupled with a passion for ameliorating the fate of the poor and a widespread concern for the breathtaking growth of material inequality over the last decades, this has made one radical response to the age of responsibility very appealing. It consists in accepting the normative dimension of prevalent thinking about responsibility, but denying its ascriptive basis. In other words, instead of taking issue with the notion that a citizen's being responsible for finding himself in need provides us with good reason to deny him our assistance, as an older brand of egalitarians might have done, nowadays thinkers on the left arrive at a rather similar conclusion by a very different argumentative route: they deny that the poor could possibly be responsible, in the requisite sense, in the first place.

Over the past decades, variations on this stance, which I shall call the "no-responsibility view," have become influential in ethics, political theory, and even the philosophy of law. Advocates of the "no-responsibility" view believe that virtually all talk of responsibility is a red herring. But the reason is not that they think it wrong to reward or punish fellow citizens in response to an action for which they are truly

responsible. It is, rather, that they believe that (nearly) all of the actions for which we are supposedly responsible are actually beyond our control.<sup>34</sup>

On this view, most of our actions are determined by outside factors, from luck to genetics. Once we realize the extent of these outside influences, we should conclude that we are responsible for far fewer actions than we tend to assume. (Indeed, on the most extreme versions of this view, what actions we “decide” to undertake depends solely on causal processes inside our own heads, leaving us responsible for none of our own actions at all.) But if we aren’t responsible for our own actions, then, advocates of the “no-responsibility view” conclude, it is surely wrong to punish us for acting as we did.<sup>35</sup>

The political manifestations of the “no-responsibility” view are perfectly familiar. Indeed, they are, in one way or another, present at most times when politicians try to resist a further erosion of the welfare state. To return to the resonant phrase of which Barack Obama is so fond, the people who are in need of our help are

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<sup>34</sup> For a variety of different philosophical arguments for determinism, incompatibilism, and its relation to the question of responsibility for actions that are beyond our control, see for example Peter Van Inwagen: *An Essay on Free Will*, Oxford: Clarendon Press, 1983, John Martin Fischer: *The Metaphysics of Free Will*, Oxford: Blackwell, 1994, Derk Pereboom: *Living Without Free Will*, Cambridge: Cambridge University Press, 2001 and Robert Kane: *The Significance of Free Will*, Oxford: Oxford University Press, 1996.

<sup>35</sup> In the context of distributive justice, G. A. Cohen, among others, has argued that the truth of determinism would make any deviation from strict equality unjustifiable, and therefore potentially lead luck egalitarianism to collapse into strict egalitarianism. For Cohen’s view of the relation between the free will problem and distributive justice, see for example Cohen, “Currency,” 934. Cf. also Arneson, “Equality and Equal Opportunity For Welfare.”

invariably described as those who “work hard and play by the rules”—that is to say, as people who have lived up to their personal responsibility, and nevertheless ended up in a state of need.<sup>36</sup> In ethics, much the same logic has been followed to its inevitable conclusion in an increasingly radical manner. Over the past decades, moral philosophers have debated the possibility of “bad moral luck.” They remarked upon the curious fact that many factors that are clearly outside our control influence our moral standing in important ways: We blame the drunk driver who kills a child more than the equally drunk driver who, for reasons beyond his own control, makes it home safe. We blame Jim, who stole an unattended laptop, more than John, who would have done the same if only he too had come across such easy pickings. And we blame Jenny, who was shuffled from one foster home to the next, for neglecting her child even though Jane, who had morally upstanding parents and grew up to be a caring mother, would have acted in the same way if she had had such a tough upbringing.<sup>37</sup>

Reflecting on the phenomenon of moral luck, philosophers began to ask themselves whether all of this could possibly make sense. Could it be fair that factors that are plainly outside of our control—such as the outcome of our actions, the

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<sup>36</sup> Obama, “State of the Union Address.”

<sup>37</sup> For the classic pair of texts on moral luck, see Bernard Williams: “Moral Luck,” *Proceedings of the Aristotelian Society, Supplementary Volumes* Vol. 50, 115-135 and Thomas Nagel: “Moral Luck,” *Proceedings of the Aristotelian Society, Supplementary Volumes* Vol. 50, 137-151. For the most interesting recent intervention in the debate, see T. M. Scanlon, *Moral Dimensions: Permissibility, Meaning, Blame*, Cambridge: Harvard University Press, 2009, esp. 122-216. For an extensive discussion of moral luck, and the threat it purportedly poses to moral responsibility, see Chapter 4.

circumstances in which we are placed, and even the constitutive influences that determine who we turn out to be—should affect our moral standing in such a radical way? Many responded in the negative. Once we realize to what degree our actions are influenced by factors beyond our control, they argue, our ordinary practices of praise and blame become untenable. To ensure that we are never praised or blamed on account of “outcome,” “circumstantial” or “constitutive” luck, our moral practices stand in need of radical revision—or should be abandoned altogether.<sup>38</sup>

In this way, the dominant philosophical response to the age of responsibility has been not to deny the normative importance of responsibility, but rather to emphasize just how difficult it is to ascribe true responsibility for actions or outcomes to particular individuals. This has been mirrored in the wider political discourse. Since the value of personal responsibility seems unassailable, the left has focused its energies on re-describing the recipients of benefits as people who are in no way at fault for the situation in which they find themselves. The debate about what the state owes to its citizens, which should at its core be a normative question about the rightful role of equality and solidarity in capitalist democracy, now primarily revolves around increasingly complex empirical-conceptual debates about who bears responsibility for what.

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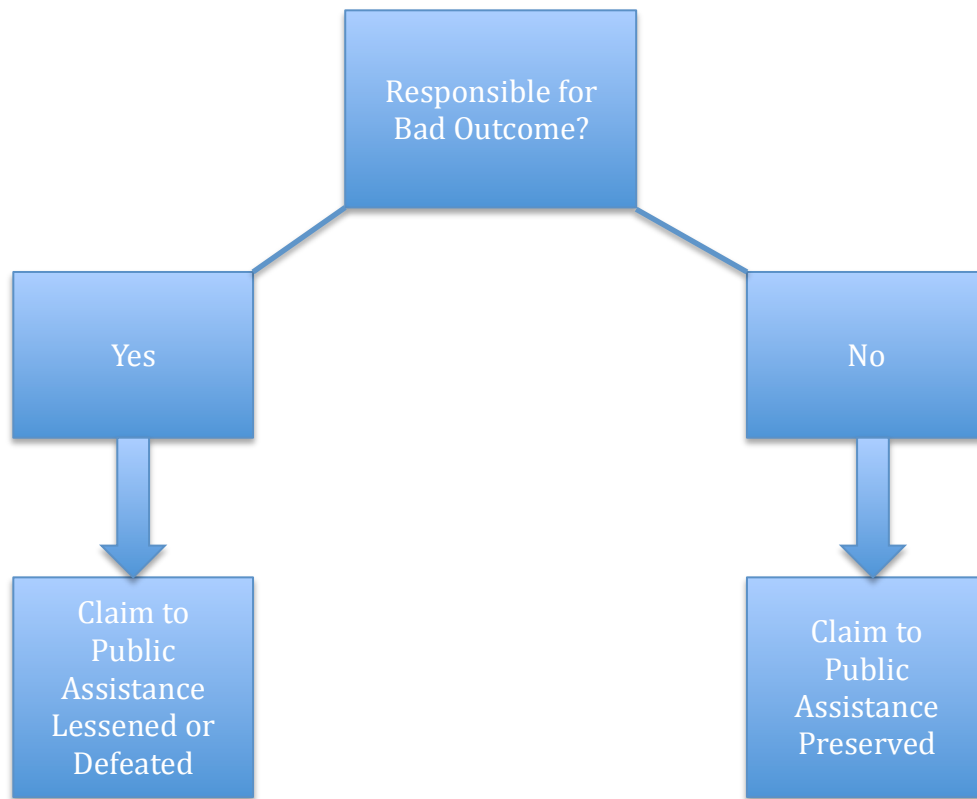
<sup>38</sup> For a particularly radical account of the challenge of moral luck, see Michael Zimmermann: “Luck and Moral Responsibility,” *Ethics* Vol. 97, 1987, 374–386. Compare also the recent attempt by Michael Otsuka to argue that, while “brute moral luck” cannot influence an agent’s moral standing, it is acceptable for forms of “option moral luck” to do so: Michael Otsuka: “Moral Luck: Optional, Not Brute,” *Philosophical Perspectives*, Vol. 23/1, 373-388.

#### **IV Responsibility Framework - Summary**

Taken together, these ways of thinking about responsibility crystallize into what I propose to call a “responsibility framework.” This responsibility framework has two key features that help us to understand the contours of political thinking in the age of responsibility:

1. If somebody is thought to be responsible for a bad outcome, his or her responsibility for that outcome lessens the extent to which they have a just claim to public assistance.
2. In public debate, the question of whether or not somebody is deserving of public assistance thus primarily turns on the question of whether or not they can rightfully be considered responsible for finding themselves in a situation of need.

The responsibility framework can therefore be represented in a simple manner:



**Figure 1.1.: The Responsibility Framework**

As I shall argue throughout the dissertation, however, the responsibility framework which characterizes our current political and philosophical moment is problematic in at least three ways:

1. The “responsibility framework” makes our treatment of other agents highly sensitive to the question of whether or not we believe them to be responsible for a particular outcome. As a result, we tend to underestimate the reasons we have to help people who have supposedly acted irresponsibly. (More specifically, we underestimate both the normative obligations we have towards them *and* the degree to which helping them might be in the public interest due to considerations of efficiency, public health, and so on.)



2. The “responsibility framework” tempts us to import the question of responsibility into contexts where it is, in truth, normatively irrelevant. We thus end up framing debates that should turn on completely different considerations in the ever-same language of responsibility. This impoverishes our political vocabulary by pushing important values that are not easily expressed by an appeal to responsibility—such as the desire to live in a society of equals—out of view.
3. Finally, the normative commitments that make up the “responsibility framework” tempt anybody who cares about the fate of the poor to operate with an overly demanding conception of what is required for an agent to be responsible for a particular action or outcome. As a result, we tend to downplay, to deny, and even actively to diminish the degree of agency which underprivileged members of our society do, or could, exercise—a stance that, while undoubtedly well-intentioned, ultimately serves to belittle and disempower them.

My dissertation is not just a critique of the age of responsibility, however—it is also a plea for us to reclaim the political space we have ceded to talk of responsibility. If I am right, then our current focus on a very particular notion of responsibility has disastrous consequences for the kinds of relations in which we stand to our fellow citizens, and the kinds of policies we can envisage. That’s why it is high time for us to remember what answers we might give to the most pressing moral and political questions of our time if we recover the values that our focus on a particular, rather

punitive, notion of personal responsibility has pushed to the side. The way to overcome the age of responsibility, I suggest, is to embrace a positive notion of responsibility.

## **V The Argumentative Road Ahead**

As is evident, this dissertation stands at an unusual methodological intersection. It contains elements of intellectual history, social theory, and normative political philosophy. My purposes render this mix necessary. But it is all the more important to emphasize what I *do not* seek to accomplish. Though I will at times discuss some abstract debates in ethics, as well as some arguments in political philosophy that are meant to establish what justice—not practicality or feasibility—demands, I mean to make a contribution neither to moral philosophy nor to “ideal theory.” On the contrary, my intention is to intervene in a specific, historically bounded political debate.

By drawing our attention to the centrality of a particular concept in our political imaginary, and emphasizing the normatively worrisome consequences that our focus on this concept has had in political reality, I hope to make it possible for us to reconceive of the political options available to us. The crux of my argument, then, need not be at odds with the views of theorists, like the luck egalitarians, who hold

that an ideal society—one that has fewer practical and empirical constraints than does ours—would accord a central role to responsibility; it need only be at odds with people who misapply normative arguments about responsibility that may or may not hold in ideal theory in order to justify the central role that responsibility plays in our actually existing, and evidently non-ideal, societies.

In this introductory chapter, I have already highlighted three potential dangers of our normative assumptions in the age of responsibility. First, the language of responsibility obscures how much we owe to people even if they are responsible for their own need. Second, it tempts us into complicated and ultimately futile discussions about whether or not certain persons, or socio-economic groups, really are responsible for their own fate. As a result, it colonizes more and more political space until virtually all debates, from welfare policy all the way to gay rights, are cast in terms of questions about responsibility—while other important political values, like solidarity and the desire to live in a community of equals, are allowed to fall fallow. And third, it implausibly denies that even our less privileged fellow citizens are capable of true agency or self-determination—and overlooks how important a role a constructive notion of responsibility can play in allowing all of us to find meaning in our lives.

In the following chapters, I hope to put some historical, empirical, and normative flesh on my characterization of the age of responsibility. For this purpose, I first turn to the roots of the age of responsibility. By providing a preliminary history of our

thinking about responsibility in Chapter 2, I both hope to show more clearly in what precise ways our political moment is unique, and to explain in greater detail how what I call the “responsibility framework” features in our political thinking. Next, in Chapter 3, I turn to the development of North American and Western European welfare states. By examining recent reform efforts, I show that that the language of responsibility has had a real impact on public policy: while features of the welfare state that are perceived as “responsibility-tracking” have largely remained intact, many features that are perceived as “responsibility-buffering” have been abolished. This, I argue, is deeply troubling from a normative point of view. Next, in Chapter 4, I examine in greater detail the most common reaction to the age of responsibility. The “no-responsibility view” accepts the punitive interpretation of responsibility outlined in the responsibility framework, yet contests that it is extremely demanding to ascribe responsibility to their action to most individuals. However, I argue that it ultimately overstates both the philosophical reasons to apply a high bar to ascriptions of responsibility and the political feasibility of convincing people to abstain from holding their fellow citizens responsible for their actions.

After this diagnostic part, I argue for a very different affirmative response to the age of responsibility. In Chapter 5, I try to show why a positive notion of responsibility is so important. Drawing on T. M. Scanlon’s work about the significance of choice, I give an account of the important self-regarding, other-regarding and societal reasons why we need to give responsibility a real role in our moral and political universe. This line of thought leads me to propose an “institutional” account of

responsibility, which uses the notion of responsibility to delineate a fair societal division of labor rather than tracking some mythical pre-institutional notion of “true” responsibility, in Chapter 6. Reconceived in this institutional manner, I argue, responsibility can be empowering rather than punitive.

## Chapter 2:                   The Origins of the Age of Responsibility

To argue that we live in the “age of responsibility” is, in one important sense, misleading. For it implies that earlier ages did not talk about responsibility, or admitted talk of responsibility to fewer realms, or had a more restricted conception of what responsibility entails. I do not wish to make any of these claims: The welfare state has been shaped by moral distinctions between the “deserving poor” and the “work-shy” since its very inception.<sup>39</sup> Similarly, in many political epochs, and especially at the height of the Cold War, public rhetoric revolved around responsibility in important ways: as one of John F. Kennedy’s most famous quotes reminds us, this was a time in which it was possible for politicians to rouse audiences to rapturous applause by demanding that Americans “ask not what your country can do for you; ask what you can do for your country.”<sup>40</sup>

What I wish to argue, then, is subtler than some blanket claim about the unprecedented importance of responsibility. On my view, the most widely used conception of responsibility has been radically *transformed* over the past decades.

Whereas, in an earlier age, talk of responsibility primarily evoked the individual’s

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<sup>39</sup> For a recent account of the early history of moral discourse about the “deserving” and “underserving” poor in the shaping of the American welfare state, see Chapter 1 of Michael B. Katz: *The Undeserving Poor: America’s Enduring Confrontation With Poverty*, 2<sup>nd</sup> Ed., New York: Oxford University Press, 2013.

<sup>40</sup> For a good account of the speech’s meaning and wider context, see Thurston Clarke: *Ask Not – The Inauguration of John F. Kennedy and the Speech that Changed America*, New York: Henry Holt, 2004. The passage is reproduced at p. xvi and is also available online at <http://www.youtube.com/watch?v=3s6U8GActdQ> (last accessed 08/11/2013).

duty to help others, it now primarily invokes his or her responsibility to take care of himself—and to suffer the consequences if he fails to do so. In the terminology I propose to use throughout this chapter, we have moved from a world in which the conception of “responsibility-as-duty” predominated to one in which a new conception of “responsibility-as-accountability” has taken center-stage. It is the predominance of this transformed conception of responsibility, rather than the prominence of responsibility as such, that is characteristic of both the responsibility framework discussed in Chapter 1 and the age of responsibility as a whole.

This transformation is particularly visible in the field of popular political rhetoric. Nowadays, when politicians promise their followers that they believe in “individual” or “personal” responsibility, they do not mean that each of us has a duty to make life better for others, or even to make sacrifices for our nation. What they mean is that we must, in most ways, strive to be self-sufficient—and that the extent to which we have lived up to this responsibility will determine how willing the collectivity will be to help us in an hour of need. This conditionality of the state’s concerns for its citizens stands at the core of the notion of “responsibility-as-accountability.”

But while this change to what we take responsibility to entail has been particularly striking in the context of political rhetoric, this isn’t just a story of the wider population failing to follow the intellectual consensus established among specialists

(as Samuel Scheffler, among others, has argued).<sup>41</sup> Nor is it a story about a broad consensus about responsibility giving way to a cacophony of voices in a so-called “age of fracture” (as Daniel Rodgers, among others, has maintained.)<sup>42</sup> On the contrary, the intellectual roots of this transformation go surprisingly deep. As a result of this transformation, we are approaching something like a new consensus.

A comprehensive account of the intellectual history of the concept of responsibility over the past half-century, and the many ways in which this concept is anchored in a wider change of intellectual and academic climate, would require a whole dissertation in its own right. So, in lieu of a full intellectual history, I wish to accomplish a rather more modest task in this chapter: to show how *some* of the roots of the centrality of the new paradigm of “responsibility-as-accountability” lie in a changing intellectual consensus in a number of important academic disciplines, including philosophy and the social sciences. In the following pages, I therefore trace the shift from responsibility-as-duty to responsibility-as-accountability in the sphere of popular political rhetoric (Section I); and then investigate the roots of this transition in changing discourses about responsibility in political and moral philosophy (Section II) as well as sociology, criminology and the social sciences at large (Section III). Finally, in the conclusion, I briefly outline how the recent intellectual history of the term of responsibility can help us understand the role it now plays in politics, philosophy, and ordinary moral thought.

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<sup>41</sup> Samuel Scheffler: “Responsibility, Reactive Attitudes, and Liberalism in Philosophy and Politics,” *Philosophy & Public Affairs*, Vol. 21/4, 1992.

<sup>42</sup> Daniel T Rodgers, *Age of Fracture*, Cambridge: Harvard University Press, 2011.



## I Political Rhetoric

During the Cold War, mainstream political rhetoric across the West focused on freedom: this was the cherished value that, so politicians in North America and Western Europe assured their peoples, hung in the balance in the grand clash between the “free world” and the Soviet bloc. But if the incessant invocation of freedom was, in some ways, directed at a world audience—a way of currying favor not only with the people languishing behind the Iron Curtain, but also with the populations of countries whose ultimate allegiance between East and West had not yet been definitively settled—it was also designed for home consumption. Leaders were perennially preparing their own citizens for the necessity of sacrifice, immediate or lurking in an uncertain future. And so the high language of freedom to which they resorted had a distinctly moralistic hue: it was social rather than individual; in a way, it recalled Niccolò Machiavelli’s warning—sounded in a time when a very different set of self-governing republics was faced with a very different kind of autocratic threat—that liberty could only be preserved if the citizens of free states lived up to their collective responsibilities.<sup>43</sup>

This feature of public rhetoric was particularly marked in American political discourse. As Daniel T. Rodgers emphasizes in his close analysis of the Presidential

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<sup>43</sup> See Niccolò Machiavelli: *Discourses on the First Ten Books of Titus Livy*, esp. Book I, Chs. XVI-XXI.

rhetoric of the Cold War era in the *Age of Fracture*, there was a very close connection between the language of freedom and the notion that each citizen had substantive responsibilities towards others and the state.

In the generation after 1945, the assumptions that saturated the public talk of presidents were the terms of the Cold War. In language and setting, a sense of historically clashing structures dominated the presidential style. Urgency and obligation were its hallmarks. The Cold War political style clothed the events of the moment in high seriousness; it bound them into a drama of global struggle; it drew leaders and nations into tight and urgent relationships. [...] Freedom was at the center of Cold War political rhetoric, but within these urgent contexts, freedom was inescapably social and public. That was what John Kennedy meant in urging the nation “to seize the burden and the glory of freedom.” That was what Barry Goldwater’s speechwriters meant in 1964 in ringing their changes on the word: “Freedom! Freedom—made orderly . . . Freedom—balanced so that liberty, lacking order, will not become the license of the mob and of the jungle.” To act freely within these terms was to act not alone but within a larger fabric of relationships, purposes, obligations, and responsibilities.<sup>44</sup>

It is striking that—notwithstanding Isaiah Berlin’s famous distinction between the “positive liberty” supposedly central to communism and the “negative liberty” supposedly central to the self-conception of liberal states<sup>45</sup>—for much of the Cold War era, in the West as well as in the East, the language of freedom revolved as much around burden as it did around the lack of interference with the actions of an individual.

Freedom and responsibility remained closely linked. But just as the concept of freedom invoked by American Presidents had a particular hue, so, correspondingly, did the concept of responsibility. They were talking not about the kind of personal responsibility so prominent in today’s speeches, but rather about a kind of

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<sup>44</sup> Rodgers, *Age of Fracture*, 16.

<sup>45</sup> Isaiah Berlin: “Two Concepts of Liberty,” in: Isaiah Berlin: *Four Essays on Liberty*, Oxford: Oxford University Press, 1969.

responsibility that now seems impossibly demanding: the responsibility to contribute to the well-being of the whole. In other words, they were holding panegyrics on a conception of “responsibility-as-duty,” which emphasized our responsibility to help others and contribute to a larger whole, rather than on a conception of “responsibility-as-accountability,” which limits our duties to providing for ourselves.

On Rodgers’ telling, this understanding of responsibility remained prominent even in the early 1980s. “If there was a key word in Thatcher’s public speech,” he writes, “it was ‘responsibility.’ She quoted not the radical Tom Paine but Rudyard Kipling, poet laureate of striving, burden-bearing, imperial England. ‘What I am working for is a free and responsible society,’ Thatcher urged.”<sup>46</sup> Similarly, the speeches of Ronald Reagan at first continued to draw on the standard repertoire—standard not only in the utterances of other public figures, but also in Reagan’s own speeches over two decades of public service—about each American’s duty towards the collectivity: “Freedom,” Reagan warned in the accustomed style, “is never more than one generation away from extinction.”<sup>47</sup>

But as Reagan’s Presidency set out to define its own rhetorical style, the occasions when he spoke about the “responsibilities of freedom [...] grew rapidly fewer.”<sup>48</sup>

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<sup>46</sup> Rodgers, *Age of Fracture*, 29.

<sup>47</sup> Quoted in: *ibid*, 22.

<sup>48</sup> *Ibid*, 23.

Over the following years, duty, obligation, and danger gradually bled out of Reagan's speeches; in its place arrived individual freedom, opportunity, and the promise of the future. The more important the occasion, the more Reagan invoked the language of dreams: as he put the point in the address to Congress that announced his radical tax and budget proposals, the launch of the Columbia space shuttle had "started us dreaming again;" dreaming is "what makes us, as Americans, different;" indeed, even the American republic itself "is a dream."<sup>49</sup> The contrast to the language of duty that had once been so prominent could hardly have been starker: "[a]bdicating the high presidential style," Rodgers summarizes, Reagan "let mountains of responsibility roll off his and his listeners' shoulders."<sup>50</sup> As in so many other realms, Reagan's rhetorical model was widely copied: learning from his success, Bill Clinton and George W. Bush, too, preferred to talk in the hopeful tones of dreams and aspirations rather than the admonishing registers of duty and danger.

Since Rodgers is primarily interested in the demise of an older consensus, he portrays the shift that began with Reagan as a shift away from responsibility *tout court*. But this is an oversimplification. For the word "responsibility" continued to be highly prominent in the speeches of the post-Reagan era.

Rodgers is right, for example, that, in its original form, Margaret Thatcher's denial that there is such a thing as society—which has often been quoted in a slightly

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<sup>49</sup> Ibid., 29-30.

<sup>50</sup> Ibid., *Age of Fracture*, 34.

altered context—combined an exhortation for each of us to take responsibility for ourselves with an implicit demand that we also take responsibility for others:

There is no such thing as society. There is a living tapestry of men and women and people and the beauty of that tapestry and the quality of our lives will depend upon how much each of us is prepared to take responsibility for ourselves and each of us is prepared to turn round and help by our own efforts those who are unfortunate.<sup>51</sup>

In some ways, Thatcher's successors at the helm of the British Conservative Party seem to have taken a less trident stance. In particular, they have rejected her infamous denial that there is such a thing as society, instead emphasizing the need for what they call a "Big Society."<sup>52</sup> But at the same time, the centrality of the notion of responsibility-as-accountability, as well as its punitive hue, have only become more explicit in their own justifications for cuts to the welfare state. David Cameron, for example, wrote in the pages of *The Guardian* "that many of today's big issues come down to questions of responsibility. In the past, politicians have shied away from these questions, for fear of seeming judgmental. But we're never going to create a stronger, fairer society unless we address them."<sup>53</sup> George Osborne, Britain's Chancellor, duly drove the concrete implications for welfare policy home in a speech to the Conservative party conference:

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<sup>51</sup> For the quotation and a helpful discussion, see David Seawright: *The British Conservative Party and One Nation Politics*, London: Continuum Press, 2010, 36.

<sup>52</sup> For an illuminating set of articles on the contemporary British debate about the "big society," see Armine Ishkanian & Simon Szreter (Eds.): *The Big Society Debate – A New Agenda for Social Welfare?*, Cheltenham: Edward Elgar Publishing Limited, 2012.

<sup>53</sup> David Cameron: "Return to responsibility," *The Guardian* website, 02/27/2010. (Available at: <http://www.guardian.co.uk/commentisfree/2010/feb/27/david-cameron-personal-responsibilityd>; accessed on 05/12/2013).

Where is the fairness, we ask, for the shift-worker, leaving home in the dark hours of the early morning, who looks up at the closed blinds of their next door neighbour sleeping off a life on benefits? ... We modern Conservatives represent all those who aspire, all who work, save and hope, all who feel a responsibility to put in, not just take out.<sup>54</sup>

If talk of responsibility has been a central rhetorical feature of the right-wing justification for cuts to the welfare state, it has, since the late 1980s and early 1990s, also become increasingly central to the rhetorical strategy of center-left politicians. Giving up their traditional preference for structural explanations, they too have begun to focus on the individual and his or her responsibilities. A recognition that the modern left needed to adopt the rhetoric of responsibility for itself was, for example, a crucial component of New Labour's "Third Way," a point Tony Blair did not tire of emphasizing:

In welfare, for too long, the right had let social division and chronic unemployment grow; the left argued for rights but were weak on responsibilities. We believe passionately in giving people the chance to get off benefit and into work. We have done it for 1¼ million. But there are hundreds of thousands more who could work, given the chance. It's right for them, for the country, for society. But with the chance, comes a responsibility on the individual—to take the chance, to make something of their lives and use their ability and potential to the full.<sup>55</sup>

This is hardly an exclusively Anglo-Saxon story. The invocation of various linguistic equivalents of responsibility has played an increasingly central role in the political discourse of most countries on the European continent as well. German and

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<sup>54</sup> George Osborne: "Speech to the 2012 Conservative Party conference," re-printed in: "George Osborne's speech to the Conservative conference: full text," New Statesmen website 10/08/2014 (available at <http://www.newstatesman.com/blogs/politics/2012/10/george-osbornes-speech-conservative-conference-full-text>; accessed on 04/25/2013)

<sup>55</sup> Tony Blair: "Speech on welfare reform," 06/10/2002, re-printed in: John Baldock, Nick Manning & Sarah Vickerstaff [Eds.]: *Social Policy*, 3<sup>rd</sup> Edition, New York City: Oxford University Press, 2007, 702.

Austrian politicians now habitually talk of “Eigenverantwortung,”<sup>56</sup> the French debate “responsabilité individuelle,”<sup>57</sup> Italians “responsabilità individuale,”<sup>58</sup> and Poles the need for “odpowiedzialność osobista.”<sup>59</sup>

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<sup>56</sup> See for example Bernd Meier: *Freiheit und Eigenverantwortung: empirische Befunde und ordnungspolitische Grundlagen der sozialen Marktwirtschaft*, Köln: Deutscher Instituts-Verlag, 2004; Jürgen Kaschube: *Eigenverantwortung – eine neue berufliche Leistung: Chance oder Bedrohung für Organisationen?* Göttingen: Vandenhoeck & Ruprecht, 2006; and Sofia Davilla: *Die Eigenverantwortung im SGB III und SGB II – Obliegenheiten und Sanktionen zur Beendigung von Arbeitslosigkeit und Hilfsbedürftigkeit*, Frankfurt a. M.: Peter Lang, 2011.

<sup>57</sup> See Jean-Fabien Spitz: *Abolir le hasard? Responsabilité individuelle et justice sociale*, Paris: Vrin, 2008; as well as the French contributions to a collection of conference papers, Conseil de l’Europe: *La responsabilité: du principe aux pratiques*, Strasbourg: Editions du Conseil de l’Europe, 2011.

<sup>58</sup> See for example the collected conversations with leading Italian thinkers in Massimo Cacciari: *Sulla Responsabilità Individuale*, Venezia: Servitium, 2002 and Wilfried Prewo: *Oltre lo stato assistenziale: Autonomia personale, responsabilità individuale e vera solidarietà*, Rubettino, 2005.

<sup>59</sup> To adduce but one example of how strikingly similar the use of these various terms is in context, consider Gerhard Schröder’s traditional New Year’s Speech on 31 December 2002, the day before the comprehensive welfare state reform known as the “Agenda 2010” took effect:

We will only be able to maintain our wealth, our social security, our good schools, streets and hospitals—which are the envy of so many peoples—if we remember our strengths and together find the courage to embark on fundamental changes. So far as the labor market and our old age insurance is concerned, we have already made a start to this. With these measures, we are weatherizing our welfare state against the storms of globalization. In doing this, we will, in every respect, need to increase responsibility: More personal responsibility for ourselves and more common responsibility for the opportunities of our children—not in the least through a strengthening of our families. In terms of social policy this means: Everybody has the same opportunities. But it also means that everybody has the duty to seize their opportunities. Anybody who abuses solidarity is putting our social cooperation in danger.

Gerhard Schröder: “Neujahrsansprache von Bundeskanzler Gerhard Schröder zum Jahreswechsel 2002/2003, 12/31/2002, available at:

[http://www.zeit.de/politik/schroeder\\_neujahr](http://www.zeit.de/politik/schroeder_neujahr); last accessed: 04/28/2013. (My translation.)

What has really happened in our public discourse, then, is not a move away from responsibility as such, but rather a change in the meaning of that term. Whereas responsibility had once appealed to a citizen's concern for others, it now primarily referred to his obligation to look after himself. The "r-word" had once been linked to international politics and the "world-historical" struggles of the Cold War; now, it predominates in the realm of domestic politics, and especially the debate about welfare reform. Its basic tenet is clear: Each citizen has an obligation to look after himself. Though he can expect the collectivity to help him if he ends up in need for reasons beyond his control, such as an accident or an inborn disability, this form of public solidarity is tied to stringent conditions. Whoever fails to live up to their responsibility by acting irresponsibly forfeits his claim to receive assistance. As Clinton put the point in his first Inaugural Address, "we must do what America does best: offer more opportunity to all and demand responsibility from all. It is time to break the bad habit of expecting something for nothing, from our government or from each other."<sup>60</sup>

The shift from a notion of responsibility-as-duty to a notion of responsibility-as-accountability first became apparent to a larger audience in the 1980s through the public speeches of Ronald Reagan and Margaret Thatcher. But, beyond the attention of the general public, the intellectual roots for this transition had long been building.

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<sup>60</sup> Bill Clinton: First Inaugural Address, re-printed in: William J. Clinton: *Public Papers of the Presidents of the United States – Administration of William J. Clinton – 1994*, Washington, DC: U.S. Government Printing Office, 1995, 2.



While a complete history of the intellectual underpinnings of this change is beyond the scope of this dissertation, two sets of debates are particularly important for understanding how the transition to responsibility-as-accountability was possible: political and moral philosophy, which I discuss in the next section; and sociology, criminology as well as the social sciences at large, which I discuss in the following section.

## **II Philosophy**

The shift from responsibility-as-duty to responsibility-as-accountability can only be understood in light of preceding developments in political and moral philosophy. In the postwar era, Anglo-American philosophy was dominated by two creeds: most political philosophers were consequentialists rather than contractualists (as is the case today); and, insofar as they were egalitarians, they defended particular patterns of distribution, rather than assigning a central justificatory role to the personalized causal history that brought about the present-day distribution (as they now do).<sup>61</sup>

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<sup>61</sup> See for example Peter Singer: "Western ethics from the beginning of the 20<sup>th</sup> century," *Encyclopedia Britannica*, available at <http://www.britannica.com/EBchecked/topic/194023/ethics/252555/Western-ethics-from-the-beginning-of-the-20th-century#>; last accessed on 07/26/2014.

For those reasons, I argue, both of these creeds were highly hospitable to a notion of responsibility-as-duty. Utilitarianism emphasized each person's obligation to improve the well-being of all others, largely irrespective of such questions as how those others may have acted in the past, or whether they are close enough in time or space to participate in the same scheme of social cooperation as us. Similarly, an egalitarianism that hopes to instantiate a particular pattern of distribution naturally lends itself to an emphasis on structural features of the economy and our redistributive institutions, rather than on the specific actions or omissions that have led particular individuals to become needful of public assistance. In both respects, the prevailing philosophical beliefs of the era thus led to an understanding of our responsibilities as being other-directed.

The beliefs that gradually started to predominate in moral and political philosophy in the late 20<sup>th</sup> and early 21<sup>st</sup> century are very different in those respects. Indeed, while contractualists from John Rawls to T. M. Scanlon have largely rejected pre-institutional notions (like "desert"), I argue that the institutional equivalents they have endorsed (like "legitimate expectations") still go a long way in reconceptualizing responsibility as a form of accountability: compared to a utilitarian point of view, contractualists assign a much greater role to an individual's past actions in determining how they should be treated in the present. The same point holds true even more forcefully with regard to the evolution of egalitarian beliefs over the past half-century: while strict egalitarians cared about creating a society in which the material holdings of all members would not vary too greatly at

any one time, so-called “luck egalitarians” have re-conceptualized equality as being highly sensitive to the past choices individuals have made. On their view, holding citizens accountable for bad choices they might have made is not merely advantageous for reasons of economic efficiency; on the contrary, it constitutes the very core of egalitarian justice.

## II.1 Consequentialism versus Contractualism

Half a century ago, utilitarianism was the dominant paradigm in analytical philosophy. Many political philosophers working in the United States and Great Britain were card-carrying utilitarians. And while others were critical of utilitarianism, they lacked a systematic alternative that could rival its unified approach to most moral and political problems.<sup>62</sup> Indeed, the erstwhile dominance of utilitarianism is as evident in the writings of its detractors as it is in those of its proponents. In what is probably the most influential book of political philosophy of the second half of the twentieth century, *A Theory of Justice*, John Rawls was most concerned with opposing utilitarianism, not libertarianism or Marxism. As he put

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<sup>62</sup> As Peter Singer puts the point:

When philosophers again began to take an interest in normative ethics in the 1960s, no theory could rival utilitarianism as a plausible and systematic basis for moral judgments in all circumstances. Yet, many philosophers found themselves unable to accept utilitarianism. ... [H]ence the enthusiastic welcome accorded to Rawls’s *A Theory of Justice* when it appeared in 1971. ... In the decade following its appearance, *A Theory of Justice* was subjected to unprecedented scrutiny by moral philosophers throughout the world. (Ibid.)

the point, his guiding “aim [was] to work out a theory of justice that represents an alternative to utilitarian thought [...]”<sup>63</sup>

Utilitarianism’s one-time dominance matters because it went hand in hand with a very particular reading of responsibility—one more amenable to “responsibility-as-duty” than to “responsibility-as-accountability.” In ordinary moral thought, our responsibility towards others is limited in two important ways. First, we draw a distinction between acts and omissions. Whereas we have a strong duty not to harm others through our own actions, our duty to come to others’ rescue is much weaker: an act that results in another’s suffering is much worse than an omission that has the same result. Second, we make a lot of space for “special relationships”: in our mind, the duties we have toward family members, friends, neighbors, and even mere fellow citizens exceed those we owe to distant or unknown strangers. Consequentialism poses a serious challenge to each of these traditional limits—and thereby radically expands the scope of our moral duties.

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<sup>63</sup> John Rawls: *A Theory of Justice*, Revised Edition, Cambridge (MA): Harvard University Press, 1999, 20. Even as late as 1982, when the unparalleled success of *A Theory of Justice* had put utilitarianism on the defensive, leading non-utilitarian philosophers like Bernard Williams and Amartya Sen still considered its appeal strong enough to give a collection of high-profile essays the title *Utilitarianism and Beyond* (Amartya Sen & Bernard Williams [Eds.]: *Utilitarianism and Beyond*, Cambridge: Cambridge University Press, 1982.) As T. M. Scanlon noted in the opening sentences of his own contribution to this volume, though utilitarianism was no longer “the view which most people hold,” even then it still occupied “a central place in the moral philosophy of our time.” (T. M. Scanlon: “Contractualism and Utilitarianism,” in *ibid.*, 103.)

As Jeremy Bentham put the point in giving the classic formulation of utilitarianism, the “principle of utility”

approves or disapproves of every action whatsoever according to the tendency it appears to have to augment or diminish the happiness of the party whose interest is in question: or, what is the same thing in other words, to promote or to oppose that happiness.<sup>64</sup>

The principle of utility thus makes no room for the distinctions that are so prominent in common sense morality—neither for that between acts and omissions, nor even for the special status accorded to people with whom we stand in a special relationship. As Samuel Scheffler has rightly noted, “consequentialism treats the outcomes that one fails to prevent as no less important in determining the rightness or wrongness of one's actions than those that one directly brings about.”<sup>65</sup> Similarly, “whereas common-sense morality holds that one has distinctive responsibilities toward family members and others to whom one stands in certain special sorts of relationships, consequentialism maintains that the interests of all people, family members and strangers alike, count equally in determining what one ought to do.”<sup>66</sup> In both respects, consequentialism thus “greatly widens the scope of one's normative responsibility.”<sup>67</sup>

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<sup>64</sup> Jeremy Bentham: *An Introduction to the Principles of Morals and Legislation*, London: Athlone Press, 1789, Chapter 1, Section II.

<sup>65</sup> Samuel Scheffler: “Individual Responsibility in a Global Age,” in: *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought*, Oxford: Oxford University Press, 2002, 37.

<sup>66</sup> *Ibid.*, 38.

<sup>67</sup> *Ibid.*, 37.

All of this is right. But to conclude from these considerations that consequentialism is uniquely hospitable to responsibility, and that a move away from consequentialism might therefore dilute the role of responsibility, would be a mistake. For while consequentialism may maximize “responsibility-as-duty” by giving an extremely demanding rendering of our moral obligations toward others, it is also uniquely inhospitable to “responsibility-as-accountability.” It’s not just that, on a utilitarian account, I have no special duty to be self-sufficient. (After all, if my neighbor can just as easily provide for me, then he is just as morally responsible for my well-being as I myself am.) It’s also that, just as a distinction between acts and omissions, or between friends and strangers, does not flow logically from a consequentialist outlook, so too it is difficult to see why we should treat the good very differently from the bad, the meritorious different from the lazy, or those who have lived up to their responsibilities different from those who have not.

Indeed, just as important a hallmark of consequentialism as its widening of the scope of our responsibility for others is its thoroughgoing indifference towards the question of whose pain or pleasure the principle of utility is serving. From a consequentialist point of view, giving great pleasure to a responsible person who has done much for humankind has no greater priority than giving great pleasure to an irresponsible person who has persistently failed to live up to his most basic responsibilities to himself or others.<sup>68</sup> Thus, while consequentialists exhort us to do

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<sup>68</sup> Of course, it is possible for consequentialists to “argue back” towards the need to reward people for responsible behavior in order to establish incentives that serve the happiness of the community in the long-run. But such a maneuver is just as

a lot for other people, whether or not we in fact live up to those responsibilities does not have any obvious effect on how they should treat us in turn. Just as our responsibility for others is very expansive from the consequentialist perspective, so too is our responsibility-as-accountability—including especially the effect that our actions have on how others should treat us—strikingly limited.

Starting in the 1960s and '70s, consequentialism fell out of fashion.<sup>69</sup> Building on Rawls' critique of utilitarianism in *A Theory of Justice*, a new generation of political philosophers turned to deontological and contractualist considerations instead. On my view, this transformed our understanding of the nature of responsibility in three important ways. First, it constricted the degree of our responsibility for others by reestablishing some of common-sense morality's traditional limits on the scope of our moral concerns. Second, by offering an "institutional notion of desert," contractualist outlooks laid the ground for ways in which an agent's past actions might influence how the collectivity is supposed to treat them. And third, they once again made more room for reactive attitudes, including blame and a more muscular account of punishment, by giving renewed importance to an agent's moral standing. All in all, changes to the prevailing consensus in political philosophy thus weakened

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extraneous a part of consequentialism as are similar maneuvers to justify partiality towards those with whom we stand in special relationships or the necessity for a distinction between acts and omissions.

<sup>69</sup> By 1988, when Scanlon, himself an erstwhile utilitarian, was writing his own critique of utilitarianism, he could remark that utilitarianism "is not the view which most people hold; certainly there are very few who would claim to be act utilitarians." (Scanlon, "Contractualism and Utilitarianism," 103).

the role of responsibility-as-duty even as they helped to foster a conception of responsibility-as-accountability to fill the vacuum.

The first of these developments follows easily from what we have said so far. Contractualism is motivated, in good part, by our presumed desire to participate in a “fair scheme of social cooperation.”<sup>70</sup> This limits the scope of our responsibility for others in at least two ways. One way in which it does so is that our duties towards fellow participants in this scheme of social cooperation are much more intense than they are towards those people—most of them further afield and some of them a good deal more needy—who do not get to participate in our scheme. In many contexts, the “circumstances of justice” are thus limited to the nation state. As Rawls argued in *Law of Peoples*, our duties towards the global poor are much more restrictive than most utilitarians would have us believe.<sup>71</sup>

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<sup>70</sup> For a use of this specific phrase, as well as a concise summary of the broader ambition, see for example John Rawls: *Justice as Fairness. A Restatement*, Cambridge (MA): Harvard University Press, 2001, 50 - 52.

<sup>71</sup> John Rawls: *The Law of Peoples: with “The Idea of Public Reason Revisited*, Cambridge: Harvard University Press, 2001. In this context, John Rawls’ discussion of “Distributive Justice among Peoples” is particularly interesting. Drawing a contrast between a society that chooses to prioritize productivity, and another that prioritizes leisure, he emphasizes that any resulting material inequality does not stand in need of redress. This severely limits the duties of distributive justice that people in rich countries have towards those in poor countries. (Note that many commentators have interpreted this as a departure from Rawls’ domestic theory. However, in light of the muscular role for *institutional* notions of desert I discuss below, the parallel is just as striking; similar to doctors within a society, nations within a just international order have a legitimate expectation—a kind of desert based in the norms of international institutions—to keeping the fruits of their labor.)



Another way in which contractualism limits our responsibility for others is by suggesting that even the extent of our duty towards people who do participate in our own scheme of social cooperation is comparatively limited. Utilitarians hold that we should always act to increase the happiness of others; if, by giving away yet another dollar, I can increase the overall balance of happiness over pain, it is my moral duty to do so. Contractualists take a more moderate view about the “demandingness” of our moral duties:<sup>72</sup> the overall scheme of social co-operation should be designed in a fair way, which—even accounting for the relatively demanding interpretation of this requirement in Rawls’ “difference principle”—is far less radical a social ideal.

What is more, each citizen’s duty consists primarily in respecting and promoting just rules, a requirement that falls well short of the inveterate sacrifice for which the utility principle seems to call. As Rawls puts the point in discussing the “duties of justice,” we have a duty “to comply with and to do our share in just institutions when they exist and apply to us.”<sup>73</sup> We also have a duty to “assist in the establishment of just arrangements when they do not exist,” though Rawls immediately goes on to emphasize that this is only the case “when this can be done

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<sup>72</sup> For a critique of the extreme demandingness of utilitarianism, as well as of other contemporary strands of moral philosophy, see for example: Bernard Williams: *Ethics and the Limits of Philosophy*, London: Fontana Press, 1985, Samuel Scheffler: *The Rejection of Consequentialism – A Philosophical Investigation of the Considerations Underlying Rival Moral Conceptions*, Revised Ed., Oxford: Clarendon Press: 1994 and Susan Wolf: “Moral Saints,” *The Journal of Philosophy*, Vol, 79/8, 1982, 419-439.

<sup>73</sup> Rawls, *Theory of Justice*, Revised Ed., 293.

with little cost to ourselves.”<sup>74</sup> In short, whether we live in just societies or are still aspiring to establish a just order, our duties are notably circumscribed. Whereas, on a utilitarian account, I might be required to give up most of my wealth to support the poor, on a contractualist account I have but to support just institutions.

That the prevailing consensus in political philosophy shifted from consequentialism to contractualism thus contributed to undermining the conception of “responsibility-as-duty”: from a contractualist point of view, both the extent and the scope of our responsibility toward others is much more restricted than utilitarians had assumed. Not only is the share of humanity to which I owe full political duties restricted, but so are the sacrifices I have to make to improve their position. This much is relatively uncontroversial. But I would also like to argue that, *pace* the standard story about contractualism, this shift did not reduce the role of responsibility in our moral and political imaginary; on the contrary, it helped to replace the older conception of “responsibility-as-duty” with the newer one of “responsibility-as-accountability.”

Part of the reason—and this is the second noteworthy characteristic of the shift towards contractualism—is that a contractualist outlook increases the degree to which our moral attitude towards a particular individual depends on how that individual has acted. In particular, whether or not somebody can claim the public’s

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<sup>74</sup> Ibid., 293-4.

assistance now depends on his own previous behavior to a much greater degree than it did from a purely consequentialist point of view.

This may be surprising, since some observers have worried that the most widely-held approaches to political philosophy, including not only utilitarianism, Nozickian libertarianism, and Sandelian communitarianism but also (and perhaps especially) contractualist liberalism, have failed to be influential on a wider public precisely because they lack a pre-institutional notion of desert.<sup>75</sup> After all, they point out, contractualists have rejected the idea that polities should pay special heed to notions such as moral worth or merit.<sup>76</sup> On Rawls' view, for example, "it is incorrect that individuals with greater natural endowments and the superior character that has made their development possible have a right to a cooperative scheme that enables them to obtain even further benefits in ways that do not contribute to the advantage of others."<sup>77</sup> Does this not imply that the degree to which contractualist liberalism can invoke an agent's past actions in determining how to treat them is severely restricted?

Not really. For while it is true that none of these theoretical approaches endorse a *pre*-institutional notion of desert—and while that fact may indeed be one of the many causes for the ongoing disconnect between public opinion and the prevailing

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<sup>75</sup> Scheffler, "Responsibility, Reactive Attitudes, and Liberalism."

<sup>76</sup> For more on this rejection, see also my discussion of Robert Nozick and his influence on egalitarian thought below.

<sup>77</sup> Rawls, *Theory of Justice*, Revised Ed., 89.

consensus within political philosophy—there is a big difference between having a “merely” institutional notion of desert and not having any notion of desert at all. Indeed, even as Rawls rejects pre-institutional desert, he outlines how political institutions can give rise to “legitimate expectations” that do give the talented and hard-working title to better treatment: “given a just system of cooperation as a framework of public rules, and the expectations set up by it, those who, with the prospect of improving their condition, have done what the system announces it will reward are entitled to have their expectations met.”<sup>78</sup> It is my contention that this institutional notion of desert, and other forms of institutional praise and blame that are central to the contractualist project, afford a much more muscular—and a rather more punitive—conception of responsibility than the contrast with pre-institutional notions of desert would seem to imply.

Indeed, compared to most forms of consequentialism, the institutional notions of desert that are common in contractualist liberalism still provide a surprisingly strong basis for changing the collectivity’s treatment of individuals in keeping with their contributions. As G. A. Cohen has objected, in a Rawlsian society people with rare talents might be able to “blackmail” others into granting them exorbitant wages, with no corresponding slide in the degree to which such a society might be considered just.<sup>79</sup> But this is only the most extreme version of the worry. So long as

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<sup>78</sup> Ibid., 88.

<sup>79</sup> See the chapter on the “Incentives Arguments,” and especially the section on “The Incentives Argument and Bad Faith,” in G. A. Cohen: *Rescuing Justice & Equality*, Cambridge (MA): Harvard University Press, 2009, 27-86, and esp. 63-64.

a society has reason to incentivize talented people to pursue particular careers, and so long as these talented people follow society's call—whether motivated by the contribution they'd make or by straightforward material interest—they end up “institutional-deserving” their greater rewards. (What is more, once society's need for people in such positions subsides, their expectations that they will receive this institutional form of desert may even make too rapid a reduction of their benefits illegitimate.) In short, while Rawls' rejection of pre-institutional desert may constitute a radical paradigm shift from the point of view of institutional design, its implication for the status of desert-like considerations in the daily life of a just society's citizens are actually quite limited: insofar as legitimate expectations have been raised, a citizen's first-personal sense that they deserve their advantages due to institutional desert need not be radically different from how they would feel under a regime that recognizes pre-institutional forms of desert.

There's another way in which his past actions may affect a person's standing in contractualism. As we shall see in greater detail in Chapter 3, the contractualist framework in principle allows its adherents to demand that the collectivity's concern for individual citizens be conditional on their willingness to live up to their responsibility towards the community: as theorists including Dennis Thompson, Amy Gutman, and Stuart White have argued, a citizen who fails to “do his bit” can cease to be a member of our fair scheme of social cooperation, and thereby forfeit

any claims to assistance.<sup>80</sup> In both respects, contractualism has therefore performed a kind of bait-and-switch: while its rejection of pre-institutional desert may seem to limit the degree to which we are held responsible for our own actions, its account of various forms of institutional desert, including that of “legitimate expectations,” is actually highly conformable with a reasonably strong form of “responsibility-as-accountability.”

To turn to the third notable feature of the shift towards a contractualist outlook, contractualist accounts of criminal punishment, too, are surprisingly muscular. For utilitarians, the justification of punishment was primarily, if not purely, as a deterrent. The only reason to prefer locking up the guilty rather than the innocent (or nobody at all) is because—indeed, on the most unflinching accounts, to the extent that—this helps to establish the incentives necessary to reduce crime.<sup>81</sup> Contractualists have rarely gone that far. Indeed, though John Rawls ruled out the possibility of pre-institutional desert, in the context of criminal justice his account of institutional desert once again turns out to be surprisingly strong.

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<sup>80</sup> See Amy Gutman & Dennis Thompson: *Democracy and Disagreement*, Cambridge (MA): Harvard University Press, 1996, 276 ff, and Stuart White: “Social Rights and Social Contract – Political Theory and the New Welfare Politics,” *British Journal of Political Science*, Vol. 30/3, 2000, 513 ff.

<sup>81</sup> See for example H. J. McCloskey: “A Note on Utilitarian Punishment,” *Mind*, Vol. 72, 1963, T. L. S. Sprigge: “A Utilitarian Reply to Dr. McCloskey,” *Inquiry* Vol. 8, 1965, 264-91, C. L. Ten: *Crime, Guilt, and Punishment*, Oxford: Oxford University Press, 1987 and Saul Smilansky: “Utilitarianism and the ‘Punishment’ of the Innocent: The General Problem,” *Analysis*, Vol. 50, 1990, 256-61.

For Rawls, there are two valid justifications for punishment. The first is simply the idea of law as “men’s security to one another,”<sup>82</sup> which is meant to solve the kinds of collective action problem that contractarians have worried about ever since Hobbes’ description of the State of Nature.<sup>83</sup> But the second is more surprising, for Rawls also states that “a propensity to [break the law] is a mark of bad character,” so that, in a just society, “legal punishment [should] only fall upon those who display these faults.”<sup>84</sup> It is true that Rawls resists any attempt to use pre-institutional metrics of desert to determine what a just punishment for a particular crime might be, merely insisting—in parallel to his thoughts about “legitimate expectations”—that any punishment has to conform to society’s pre-established rules. But, as Michael Sandel convincingly argued in *Liberalism and the Limits of Justice*, this cannot conceal the extent to which Rawls’ theory of punishment invokes a citizen’s attributes in its determination of how the collectivity should treat him or her.<sup>85</sup> Once again, then, the rejection of desert goes far less deep than is readily apparent. To focus only on the absence of pre-institutional desert serves to obscure the degree to which the move from consequentialism to contractualism has gone hand in hand with a parallel move from “responsibility-as-duty” to “responsibility-as-accountability.”

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<sup>82</sup> Rawls, *Theory of Justice*, Revised Ed., 211.

<sup>83</sup> Thomas Hobbes: *Leviathan*, esp. Chs. XIV-XXI.

<sup>84</sup> Rawls, *Theory of Justice*, Revised Ed., 277.

<sup>85</sup> Michael Sandel: *Liberalism and the Limits of Justice*, Cambridge: Cambridge University Press, 1982, 82 – 94, and especially 89 – 92.

## II.2 Old Versus New Egalitarianism

If utilitarianism was one hallmark of mainstream political philosophy in the 1950s and 1960s, egalitarianism was another. Of course, the same remains true now: a significant share of the most influential political philosophers active today still consider themselves egalitarians of one stripe or another. But what it means to be an egalitarian has radically changed over the last half-century. Advocates of older egalitarian conceptions debated the precise pattern of distribution for which society should aim; largely eschewed consideration of the historical factors that led to existing distributions; and tended to emphasize the structural forces shaping the economy. Now, there has been a radical shift of focus. A great many contemporary egalitarians, and especially the so-called “luck egalitarians,” do not believe that there is one, uniquely justifiable distributional pattern that society should seek to instantiate; they hold that the choices that individuals have made in the past can justify significant material inequalities in the present; and they therefore focus as much on the individual agent, his attributes, and his choices as they do on the structural forces that shape the wider economic context. As a result, while egalitarians once left little room for the kinds of considerations which the conception of “responsibility-as-accountability” emphasizes, they have now, rather ironically, become one of its drivers.

In *Anarchy, State and Utopia*, Robert Nozick famously took to task the two kinds of theories of distributive justice that, he argued, were most prevalent in his day. The



first type of theory he criticized were so-called “patterned” theories of justice, which required that wealth should be distributed in accordance with the distribution of certain traits, like merit or hard work, in the general population. On these kinds of conception, which make appeal to pre-institutional notions of desert, somebody who works twice as hard, or is twice as morally upstanding, or has twice as much talent, should also have twice as much wealth. The second, and most common, conception of distributive justice, especially among egalitarians, were “end-state” or “end-result” theories. These theories judged a society by the kind of structure its wealth distribution displayed at the present moment; thus, egalitarians, for example, would look at the current distribution of resources in a society and determine how just or unjust that society is by measuring how equally or unequally its resources are presently distributed.<sup>86</sup>

The problem with these theories, for Nozick, was two-fold. They completely disregarded how it is that a particular distribution had come into being in the first place; in particular, they gave no heed to whether it had resulted from force and coercion, on the one hand, or the free choices of individuals about what to do with the resources to which they had just entitlements, on the other hand. What’s more, it was impossible to maintain such a distribution without radically curtailing the liberty of citizens to associate with each other freely: even a perfectly equal society, Nozick argued, would quickly develop deep inequalities as its citizens did things like

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<sup>86</sup> Robert Nozick: *Anarchy, State and Utopia*, New York: Basic Books, 1974.

decide to pay a small portion of their wealth to see a star athlete.<sup>87</sup> (The same would be true for societies whose wealth distribution, at one point in time, perfectly mirrored the particular pre-institutional “pattern” of hard work, or talent, or moral merit that they were meant to mirror; over time, this patterned distribution, too, would be upset by the natural interaction of free individuals.). Nozick thus argued that

no end-state principle or distributional patterned principle of justice can be continuously realized without continuous interference with people’s lives. Any favored pattern would be transformed into one unflavored by the principle, by people choosing to act in various ways; for example, by people exchanging goods and services with other people, or giving things to other people, things the transferrers are entitled to under the favored distributional pattern.<sup>88</sup>

Since end-state theories were both unjust and unstable, Nozick concluded, any satisfactory theory needed to be “historical” instead.

Egalitarians were never tempted by the particular historical, non-patterned theory Nozick proposed. His grounding assumption that man’s material entitlements are both pre-political and inviolable never seemed plausible to most of them. Moreover, while Nozick did provide an account of “justice in acquisition” and “justice in

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<sup>87</sup> This is the famous Wilt Chamberlain example. Nozick assumes that we are starting with a just distribution,  $D_1$ . Then one million people separately decide to pay 25 cents for the privilege of seeing Chamberlain play. As a result, the new distribution,  $D_2$ , is highly unequal. Is this unjust? Nozick argues that it is not:

Each person *chose* to give twenty-five cents of their money to Chamberlain. They could have spent it on going to the movies, or on candy bars, or on copies of *Dissent* magazine, or on *Monthly Review*. But they all, at least one million of them, converged on giving it to Wilt Chamberlain in exchange for seeing him play basketball.

Nozick, *Anarchy, State and Utopia*, 161.

<sup>88</sup> *Ibid.*, 163.

transfer” he never provided an account of “rectificatory justice.” As a result, his theory seemed to lack relevance to the real world: even theorists who might have been attracted to his principles concerning the just acquisition and the just transfer of resources balked at drawing any substantive conclusions from a work that failed to tell them how to rectify the blatant injustices that had shaped the actual material distributions that were prevalent in their day.

But while Nozick’s substantive theory never attracted more than a small, if devoted, following, it is in hindsight easy to see that the rejection of his work among mainstream left-wing political philosophers in general, and egalitarians in particular, was rather less complete than would have been obvious at the time. His criticism of extant theories of distributive justice proved vastly influential in the end. Especially his criticism of “end-state” theories was widely taken to heart. Indeed, perhaps the most striking feature of post-Rawlsian egalitarian thought is precisely the extent to which it turned the kinds of historical considerations which Nozick had urged into the very motor of distributive justice.

Luck egalitarianism is the culmination of this change in outlook. I have already outlined some of its major tenets in Chapter 1, and will have occasion to engage with it in greater depth in the following chapters. Two aspects of it are particularly relevant in this context, however: first, the degree to which it incorporates Nozick’s central concerns, eschewing a focus on an end-state for a historical notion of distributive justice; and second, how this new focus puts an individual’s past choices

and actions at the center of attention, making the entitlements they hold—as well as the degree to which the collectivity has a duty to come to their rescue—dependent on their agential history to a degree unprecedented in egalitarian theory. All in all, I argue, luck egalitarianism’s incorporation of Nozick’s concerns has thereby made this strand of egalitarian thinking surprisingly consonant with the conception of “responsibility-as-accountability.”

While there is a complicated and ongoing debate about the best formulation of the luck egalitarian project, its core idea can be rendered in the simple thought that individuals should be compensated for material inequalities that are unchosen, but do not have a claim of justice for society to eliminate material inequalities that result directly from their own actions.<sup>89</sup> Under what circumstances a particular inequality should be considered chosen or unchosen remains controversial in the literature: Should we be held responsible for having expensive tastes?<sup>90</sup> Just how similar do our initial choice sets have to be for an inequality that results from a risky bet turned bad to count as chosen?<sup>91</sup> And so on. But it is nevertheless clear that, on all

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<sup>89</sup> Some of the classic texts that have founded what is now known as the luck egalitarian position include Ronald Dworkin: *Sovereign Virtue: Equality in Theory and Practice*, Cambridge: Harvard University Press, 2000; Richard J. Arneson, “Equality and Equal Opportunity for Welfare,” *Philosophical Studies* 56, 1989, pp. 77–93, reprinted in Louis Pojman & Robert Westmoreland (Eds.): *Equality: Selected Readings*, Oxford: Oxford University Press, 1997, pp. 229–241, and G. A. Cohen, “On the Currency of Egalitarian Justice,” *Ethics* 99, 1989, pp. 906–944.

<sup>90</sup> On the debate about expensive tastes, see especially Dworkin’s defense of the resourcist view in *Sovereign Virtue* as well as Cohen’s insistence that people should sometimes be compensated for unchosen expensive tastes in “Currency.”

versions of the theory, we have come very far from the world of strict egalitarianism, in which a society was considered more or less just in simple proportion to the degree to which everybody held the same material entitlements at a particular moment in time. For luck egalitarians, as for Nozick, the particular history by which a distribution has come about is highly relevant to assessing its moral status. A society that is highly unequal in material terms could yet be just if these inequalities reflect the free choices of individuals under the right kinds of circumstances. (Some theorists would even insist on calling such a society equal.) By the same token, a society that is extremely equal in material terms could yet be unjust if it failed to reflect the differential choices individuals have made along the way.

One of the interesting things about this way of construing egalitarianism is that people's past choices heavily influence the collectivity's obligations towards a particular individual. Whereas an earlier generation of philosophers—including even those who are not, strictly speaking, egalitarians—might have considered it society's duty to look after those in need, irrespective of the kinds of choices they might have made in their lives, no such stance can flow organically from the central tenet of luck egalitarianism. Insofar as an inequality, even one radical enough for a

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<sup>91</sup> For two recent attempts to grapple with this question, see Kasper Lippert-Rasmussen: "Egalitarianism, Option Luck, and Responsibility," *Ethics* Vol. 111(3), 2001, 548-579 and Peter Vallentyne: "Brute Luck, Option Luck, and Equality of Initial Opportunities," *Ethics* Vol. 112/3, 2002, 529-557.

citizen to be in urgent need of societal assistance, flows directly from a free choice he made under conditions of equality, society has no duty of justice to help him.<sup>92</sup>

The concept of “responsibility-as-accountability,” as I presented it, involves two key tenets: that individuals are responsible for taking care of themselves insofar as they are able to do so; and that any failure to live up to this duty will diminish the degree to which the collectivity will feel an obligation to come to their rescue. Though luck egalitarianism is cast in a very different language from the political consensus of our day, and has many implications that radically contrast with it, the extent to which it is conformable with “responsibility-as-accountability” is striking. Whereas an older generation of egalitarians would have denied that, before helping a fellow citizen in an hour of need, we should inquire about how he got to be so needy in the first place, luck egalitarians have grown comfortable with the way in which historic considerations affect individuals’ standing in the present. To that extent, the move from strict to luck egalitarianism—just like that other shift, from utilitarianism to contractualism—has made room for the notion of “responsibility-as-accountability” at the heart of contemporary political philosophy.

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<sup>92</sup> Some luck egalitarians have held that society may nevertheless want to help such people out of charity, or due to some kind of humanitarianism. But note that such positions are limited in two important ways. First, they depict assistance to the irresponsible poor as normatively motivated by something beyond justice—indeed, strictly speaking, as normatively *clashing* with the demands of justice. And second, it is therefore not an integral part of their theory—though their theory, like virtually any theory, may of course be tempered by extrinsic considerations, there is nothing about luck egalitarian ideals *itself* that points in this direction. (For a good discussion of the “harshness objection,” possible luck egalitarian strategies for countering it, and the limitations of such efforts, see Kristin Voigt: “The Harshness Objection: Is Luck Egalitarianism Too Harsh on the Victims of Option Luck?” *Ethical Theory and Moral Practice*, Vol. 10/4, 389-407.

There is an important caveat, of course. While luck egalitarians share one of the central features of “responsibility-as-accountability”—the view that, if an agent has acted irresponsibly in the past, this radically diminishes the degree to which we owe him assistance in the present—they are much more circumspect than mainstream political discourse about when to ascribe responsibility to agents for particular actions and / or outcomes. (Indeed, as I argue in Chapter 4, this is consonant with the standard left-wing response to the age of responsibility: instead of denying the normative premise of “responsibility-as-accountability,” most left-wingers have chosen to argue that the poor are not in fact responsible for their fate.) Seemingly, the political implications of their stance are therefore very different: by and large, they argue for helping the poor. But, as I shall argue when we turn to sociology, criminology, and the social sciences at large in the next section, there is something rather ironic about this. For even if the denial of ascriptions of responsibility has become increasingly important in the attempt of political philosophers to assure that their responsibility-sensitive normative framework continues to rend responsibility-insensitive political implications, in other academic fields the willingness to ascribe responsibility to agents for a variety of actions and outcomes has increased. Indeed, the most interesting developments in various domains of the social sciences over the last decades have consisted precisely in increasing the degree to which scholars have emphasized individual agency, as opposed to either structural or cultural determinants of individual action.

### **III: Sociology, Criminology, and the Social Sciences**

In the debate between structure and agency that was such a prominent feature of postwar social science, most sociologists used to plead the case of structure. In the United States, and perhaps even more so in the United Kingdom, sociological explanations that emphasized agency were widely shunned. The explanation for people's educational attainment, salary, criminal behavior, and so on, sociologists argued, was to be found primarily in the socio-economic conditions of their milieu. To talk about forms of responsibility-as-accountability in such a context would have seemed irrelevant at best, and a case of blaming the victim at worst. But this orthodoxy has slowly given way over the past decades. Today, most mainstream sociologists believe in a much more complicated interplay between structure and agency—and have thereby, in some cases unwittingly, made the world safe for responsibility.

To be sure, the prevailing consensus within sociology remains, to say the least, careful about invoking the choices of agents in justifying any lessening of the normative obligations we have towards them. Even so, the shift in outlook has been marked enough to make the kind of sociology and criminology practiced today, if not exactly sympathetic, then at least a lot more conformable with the prevailing mood of "responsibility-as-accountability" than might have been imagined a few decades ago. So, at any rate, I shall argue in the following pages by giving brief



surveys of changes in social policy (III.1), cultural sociology and the so-called “culture of poverty” (III.2), and criminology (III.3).

### III.1 Social Policy

In an influential article from 1999, Alan Deacon and Kirk Mann argued that sociology, especially insofar as it relates to social policy, had long been dominated by a “denial of agency.”<sup>93</sup> On that view, sociology had once been overly concerned “with the constraints on individual action.”<sup>94</sup> Especially with regard to the poor, sociologists stressed structural obstacles—such as “labour market discrimination, educational disadvantage, spatial segregation, class location, economic restructuring, unemployment, benefit traps and, at a more abstract level, the requirements of a patriarchal capitalist economy”<sup>95</sup>—to the exclusion of virtually everything else.

This denial of agency was no accident. Rather, it had surprisingly broad methodological roots. In part, these consisted in the unparalleled influence that Talcott Parson’s structural-functionalist approach—which explained empirical

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<sup>93</sup> Alan Deacon and Kirk Mann: “Agency, Modernity and Social Policy,” *Journal of Social Policy*, Vol. 28/3, 1999, 413-435. The phrase is drawn from the heading of a subsection surveying developments in postwar British sociology, at 414-418.

<sup>94</sup> *Ibid.*, 414.

<sup>95</sup> *Ibid.*, 414.

phenomena by reference to the macro-level outcomes to which they gave rise, and therefore left virtually no room for individual agency—held over American sociology for decades. But even those sociologists who rejected Parsons had methodological reasons of their own to be skeptical of agency and responsibility; most Marxists, for example, continued to believe in a form of historical materialism that made such considerations look epiphenomenal at best.<sup>96</sup> As a result, agency played little role in the work of a wide range both of Marxist and of empiricist approaches to sociology; in the field of public policy, for example, it spanned the work of such diverse scholars as Peter Taylor-Gooby,<sup>97</sup> Peter Townsend,<sup>98</sup> and Richard Titmuss.<sup>99</sup>

By the 1990s, however, sociology's denial of agency was rapidly waning. The influence of historical materialism had collapsed alongside the Soviet Union. Meanwhile, Parsons had fallen from grace in spectacular manner; whereas he had once occupied a grand suite of offices on the top floor of William James Hall, the

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<sup>96</sup> G. A. Cohen was one of few notable exceptions. See G. A. Cohen: *Karl Marx's Theory of History: A Defence*, Oxford: Oxford University Press, 1978

<sup>97</sup> See for example Hartley Dean and Peter Taylor-Gooby: *Dependency culture: The explosion of a myth*, New York: Harvester Wheatsheaf, 1992.

<sup>98</sup> For an early example of his conception of poverty, see Peter Townsend: "The Meaning of Poverty," *The British Journal of Sociology*, Vol. 13/2, 1962, 210-227. For a later piece that, in the specific context of the elderly, reiterates a deeply structural view of deprivation, see Peter Townsend: "The Structural Dependency of the Elderly: A Creation of Social Policy in the Twentieth Century," *Ageing and Society*, Vol. 1/1, 1981, 5-28.

<sup>99</sup> For an illuminating collection of his essays, particularly during the 1960s, see Richard M. Titmuss: *Commitment to Welfare*, London: George Allen and Unwin, 1968.

brutalist tower that houses many of Harvard University's social science departments, he spent the last years of his academic career relegated to a crammed corner office in the building's basement.<sup>100</sup>

In the wake of functionalism and Marxism, an extraordinary "revival of interest in human agency within both sociological and social policy debates"<sup>101</sup> took place. Even scholars who believed in the importance of structural explanation worked hard to reconfigure their account of structure in such a way as to allow space for real agency. In a highly influential 1992 contribution to the *American Journal of Sociology*, for example, William Sewell argued that "[t]he most fundamental problem is that structural or structuralist arguments tend to assume a far too rigid causal determinism in social life. [...] What tends to get lost in the language of structure is the efficacy of human action—or 'agency,' to use the currently favored term."<sup>102</sup> A primary task of his theory was therefore to transform the analysis of structure in such a way that it could "recognize the agency of social actors."<sup>103</sup>

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<sup>100</sup> For an account of how the prestige of structural explanation began to wane in part because of its association with Parsonian functionalism, see for example: Philip Smith: "The new American cultural sociology: an introduction," in: Philip Smith (Ed.): *The New American Cultural Sociology*, Cambridge: Cambridge University Press, 1998, 1-14.

<sup>101</sup> Deacon and Mann, "Agency," 413.

<sup>102</sup> William H. Sewell Jr.: "A Theory of Structure: Duality, Agency, and Transformation," *American Journal of Sociology*, Vol. 98/1, 3.

<sup>103</sup> Ibid.

In the 1990s, the revival of agency was particularly striking in the realm of social policy. The scholars who brought it about were dissimilar in many respects. Some, like Amitai Etzioni,<sup>104</sup> Frank Field,<sup>105</sup> Lawrence Mead,<sup>106</sup> and Charles Murray,<sup>107</sup> believed that it was necessary “to restructure welfare in ways which encourage and reward responsible behavior.”<sup>108</sup> Others, like Zygmunt Bauman,<sup>109</sup> Ulrich Beck,<sup>110</sup> and Anthony Giddens,<sup>111</sup> “regard[ed] such endeavours as both futile and dangerous.”<sup>112</sup> But while the two camps had their share of political disagreements, they were all part of the move towards granting a much greater role to agency in sociological analysis in such a way as to open up the space for ascriptions of moral responsibility. All in all, Deacon and Mann were right to diagnose a

striking resonance between the increasing attention paid to individual behaviour and personal character within normative debates about welfare and the concern of

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<sup>104</sup> See for example Amitai Etzioni: *The New Golden Rule*, London: Profile Books: 1997.

<sup>105</sup> See for example Frank Field: *Making Welfare Work*, London: Institute of Community Studies, 1995.

<sup>106</sup> See for example Lawrence Mead, *The New Politics of Poverty*, New York: Basic Books, 1992.

<sup>107</sup> See for example: Charles Murray: *Losing Ground*, New York: Basic Books, 1984.

<sup>108</sup> Deacon and Mann, “Agency,” 414.

<sup>109</sup> See for example Zygmunt Bauman: *Postmodernity and its Discontents*, New York: New York University Press, 1997.

<sup>110</sup> See for example Ulrich Beck: *Risikogesellschaft: Auf dem Weg in eine andere Moderne*, Frankfurt a. M.: Suhrkamp, 1986.

<sup>111</sup> See for example Anthony Giddens: *Beyond Left and Right*, Cambridge: Polity, 1994.

<sup>112</sup> Deacon and Mann, “Agency,” 414.

some sociologists with the ways in which individuals can retain the capacity to exercise choice and behave responsibly when confronted with the risks and uncertainties of contemporary social life.<sup>113</sup>

The new paradigm remained controversial. In particular, any attempt to invoke it to justify the sweeping welfare reforms that were taking place across North America and Western Europe were passionately resisted by many scholars. But the shift from structural towards agential explanation was nevertheless fundamental. Deliberately or not, it paved the intellectual way for an important political transformation: once agential explanations became more prominent, the conceptual groundwork for ascriptions of “responsibility-as-accountability” had been laid. It is not especially surprising that, in the event, those sociologists who were willing to be most explicit and uncompromising about the need for welfare reform to boost individual responsibility, even if they might have been in a minority at their faculty meetings, proved to be the most prominent and influential voices outside the academy.

### III.2 Cultural Sociology and the “Culture of Poverty”

The move towards agency and responsibility was especially marked in the work of sociologists who studied social policy. However, it was noticeable even in fields that lay much further afield from such straightforwardly political concerns. Indeed,

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<sup>113</sup> Ibid., 413-414.

another good example of the way in which an earlier denial of agency was eventually challenged across the board comes from the field of cultural sociology.

Earlier attempts to account for the influence of such slippery entities as culture, tradition, or the idea of a social role envisaged individuals who are deeply shaped by the system of symbols and meanings into which they were born. In the immediate postwar years, for example, Ralf Dahrendorf proposed the concept of the *homo sociologicus*, a kind of interpretative archrival of the *homo economicus* championed by some economists. Influenced by the role theory of Ralph Linton, Dahrendorf posited that sociological man, “the bearer of socially pre-formed roles, stands at the intersection between the individual and society. The individual *is* his social roles, but these social roles, in turn, are an immovable fact of society.”<sup>114</sup>

The assumption that the scope for individual agency was negligible in the face of the surrounding cultural context was also evident in the most political manifestations of postwar cultural sociology, such as the debate about the existence of a so-called “culture of poverty.” First introduced by Oscar Lewis, an anthropologist who was a student of the developing world, this approach suggested that certain subcultures shape the aspirations, character, and worldview of its bearers in such a way as to

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<sup>114</sup> Ralf Dahrendorf: *Homo Sociologicus*, VS Verlag für Sozialwissenschaften, 1964, 21 (my translation). Note that Dahrendorf allowed marginally more space for agency than Linton had done: since some role expectations are optional (“Kann-Erwartung”), rather than either mandatory (“Muss-Erwartung”) or normatively binding (“Soll-Erwartung”), the individual retains a rather limited degree of choice under certain circumstances.

render their escape from poverty unlikely.<sup>115</sup> Sociologists like Michael Harrington<sup>116</sup> and Daniel Patrick Moynihan quickly appropriated Lewis's ideas for an American context in an attempt to explain the persistence of extreme poverty in the inner cities. As the Moynihan Report, a government-funded study that had a considerable influence on social policy, suggested, ghetto culture was characterized by a pernicious rise in single-parent families: "At the heart of the deterioration of the fabric of Negro society is the deterioration of Negro family," Moynihan wrote.<sup>117</sup> But the origins of this phenomenon lay not in the choices of individuals, but rather in the weakening of African-American family structures due to slavery and Jim Crow; the cultural attitudes of the present were, in other words, to be explained by historical forces over which individual bearers of the culture had little control:

With the emancipation of the slaves, the Negro American family began to form in the United States on a widespread scale. But it did so in an atmosphere markedly different from that which has produced the white American family. The Negro was given liberty, but not equality. Life remained hazardous and marginal. Of the greatest importance, the Negro male, particularly in the South, became an object of intense hostility, an attitude unquestionably based in some measure of fear. [...] Keeping the Negro "in his place" can be translated as keeping the Negro male in his place: the female was not a threat to anyone. Unquestionably, these events worked against the emergence of a strong father figure.<sup>118</sup>

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<sup>115</sup> Oscar Lewis: *Five Families: Mexican Case Studies in the Culture of Poverty*, New York: Basic Books, 1959.

<sup>116</sup> Michael Harrington: *The Other America: Poverty in the United States*, New York: MacMillan, 1962.

<sup>117</sup> Daniel Patrick Moynihan: "The Negro Family: The Case for National Action," Office of Family Planning and Research, United States Department of Labor, 1965, Chapter II ("The Negro American Family").

<sup>118</sup> *Ibid.*, Chapter III.

Though the Moynihan Report proved to be one of the most influential sociological documents in 20<sup>th</sup> century American social policy, it was quickly rejected within academic sociology itself. Sociologists especially disliked the extent to which it seemed to shift the focus from structural determinants of poverty, like a poor educational system or insufficient economic opportunities, to the behavior and cultural patterns of the poor themselves. As William Ryan put the standard complaint in the title of a book that succeeded in coining a now-common phrase, the Moynihan Report was a case of *Blaming the Victim*.<sup>119</sup> A host of academic critics, many inspired by Talcott Parson's functionalism, thus refocused academic debate on structural issues. Any attempt to invoke culture in a political context became all-but taboo for a generation of American sociologists. In the vivid phrase of Philip Smith, cultural sociology was banished to "a dark exile at the margins of the profession."<sup>120</sup>

But, in a way, this backlash was deeply ironic. Not only was Moynihan, a Democrat who went on to be a four-term U.S. Senator for the state of New York, rather sympathetic to the plight of the poor. What's more, the charge of blaming the victim was based on a kind of category mistake. After all, according to the advocates of the culture of poverty, the poor did not "choose" their supposedly self-defeating behaviors; rather, they were born into a culture that, so the theory went, made them act as they did. On a closer reading, then, the cultural considerations that pervaded the Moynihan Report were no more hospitable to individual responsibility than

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<sup>119</sup> William Ryan: *Blaming the Victim*, Orbach and Chambers, 1971.

<sup>120</sup> Philip Smith: "The new American cultural sociology: an introduction," in: Smith: *New American Cultural Sociology*, 1.



were the structural explanations for poverty to which American sociologists turned in response.<sup>121</sup>

The prevailing consensus in the field of cultural sociology in the 1980s still held that “culture shapes action by supplying ultimate ends or values toward which action is directed.”<sup>122</sup> But the field itself had remained on the back foot ever since the widespread rejection of the role of cultural explanation in the Moynihan Report. Sociologists who wanted to revitalize culture as a viable analytical concept thus faced a double challenge. First, they needed to rid culture of its Moynihanian associations. Second, since earlier accounts of the role of culture had left individuals with hardly any agency at all, they could not satisfactorily account for change; cultural sociologists thus needed to show that culture could be a relevant analytical category in a field that—like the social sciences at large—was increasingly preoccupied with causality. To make culture safe *for* causal analysis and *from* the legacy of the Moynihan Report, a new concept of culture would need to make room for real individual agency.

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<sup>121</sup> Alas, this category mistake remains rather common within the social sciences, and especially sociology. For a helpful critique, see Sharon Hays: “Structure and Agency and the Sticky Problem of Culture,” *Sociological Theory*, Vol. 12/1, 1994, 57-72. (Compare also Sewell, “A Theory of Structure,” 3.)

<sup>122</sup> This is Ann Swidler’s attempt at summarizing the state of play in 1986. See Ann Swidler: “Culture in Action: Symbols and Strategies,” *American Sociological Review*, Vol. 51/2, 1986, 273.

One such attempt was made by Ann Swidler.<sup>123</sup> Writing in 1985, she argued that a “realistic cultural theory should lead us to expect not passive ‘cultural dopes’ [...] but rather the active, sometimes skilled users of culture whom we actually observe.”<sup>124</sup> In the place of the old view, Swidler thus proposed that we should think of culture as involving three steps:

First, [this proposed conception of culture] offers an image of culture as a “tool kit” of symbols, stories, rituals, and world-views, which people may use in varying configurations to solve different kinds of problems. Second, to analyze culture’s causal effects, it focuses on “strategies of action,” persistent ways of ordering action through time. Third, it sees culture’s causal significance not in defining ends of action, but in providing cultural components that are used to construct strategies of action.<sup>125</sup>

Swidler’s approach soon proved influential. Though extant definitions of culture differ in details, there is now something of a prevailing consensus about the kind of balance between structure and agency in the field of cultural sociology: Cultural factors provide the background against which individuals act. But they leave open a wide scope of possible choices and possibilities.<sup>126</sup> To invoke the tellingly rugged and individualistic metaphor that was already present in Swidler’s article, and remains ever-popular today, culture has been transformed from destiny to “tool kit.”

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<sup>123</sup> For a similar, and somewhat earlier, attempt to reconcile agency and culture in the context of political culture, see David J. Elkins and E. B. Simeon: “A Cause in Search of its Effect, or What does Political Culture Explain?” *Comparative Politics*, Vol. 11/2, 1979.

<sup>124</sup> Swidler, “Culture in Action,” 277

<sup>125</sup> *Ibid.*, 273.

<sup>126</sup> A good overview of the degree of debate, but also consensus, in the reshaped field of cultural sociology is given by the range of essays in Schmitt: *New American Cultural Sociology*.

In keeping with such attempts to make room for individual agency, the field of cultural sociology has also become a lot less hostile to notions of responsibility. While individuals may complain—indeed, under certain circumstances, complain rightfully—about the all-too-limited tool kit with which their upbringing and milieu has provided them, what they make of that toolkit is still attributable to their own agency; to invoke culture in explaining an action no longer entails the implicit claim that the individual cannot possibly be responsible for what they did. This suggests a rather ironic arc for the development of postwar cultural sociology. It was precisely the attempt to get away from a tradition that *supposedly* ascribed responsibility to actors for their cultural traits that led the field in the direction of a more individualistic notion of culture that *actually* does create the conceptual space in which such ascriptions of responsibility are viable.

### III.3 Criminology

For much of the postwar era, criminologists were primarily concerned with studying the root causes of crime. Focusing on structural considerations like poverty, poor education, and a lack of economic opportunity, they rarely considered the agential dimension of law-breaking. Criminals were, by and large, depicted not so much as individual agents who, presented with a particular choice set, decided to

turn to crime—but rather, at the collective level, as the inevitable correlates of the systematic attributes of a modern capitalist economy.<sup>127</sup>

These doubts about agency and responsibility were not restricted to the empirical study of crime. Moral philosophers, too, were highly hesitant about the possible justifications of punishment. This was famously the case in the work of post-structuralists like Michel Foucault, whose 1975 work, *Discipline and Punish*, seemed to suggest that prisons were more important as a locus for the exercise of sovereign authority than as a tool in the prevention of crime.<sup>128</sup> But it was also true among a surprising number of analytical philosophers. James Murphy, for example, argued that, when coupled with a Marxist view of society that saw crime as an inevitable outgrowth of the prevailing mode of production, a Kantian, retributivist notion of punishment made “the only morally defensible theory of punishment ... largely inapplicable in modern societies. The consequence: modern societies largely lack the right to punish.”<sup>129</sup>

Beginning in the early 1970s, this rejection of responsibility began to give way as the focus on the root causes and structural determinants of crime came under uncompromising, and caustic, attack in the work of James Q. Wilson. Writing in

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<sup>127</sup> One strand of this perspective, which still retains a comparatively high degree of vitality today, is the extensive literature on the “risk factors” that predispose people to crime.

<sup>128</sup> Michel Foucault: *Surveiller et punir. Naissance de la prison*, Paris: Gallimard, 1975.

<sup>129</sup> J. G. Murphy: “Marxism and Retribution,” *Philosophy and Public Affairs*, Vol. 2/3, 1973, 221.

*Thinking about Crime*, a collection of his essays that has turned into perhaps the most influential criminological tome of the late 20<sup>th</sup> century, Wilson insisted that to think about the root causes of crime is to focus on the wrong level of analysis.<sup>130</sup> One reason why criminologists should turn away from root causes is that they had, to date, been highly unsuccessful in identifying the actual causal effect of such factors as poverty or family structure at a societal level; Wilson believed that substantial progress on such questions would likely remain just as elusive in the future. But another reason was simply that the identification of such root causes, even if successful, would not lend itself to concrete policy prescriptions. On this view, true root causes of crime would, by definition, turn out to be so immovable that any policy intervention was unlikely to make a difference to them.

As a result of their misguided focus on the root causes of crime, Wilson argued, sociologists still lacked any real knowledge about how crime might be reduced. When they were called upon to advise government commissions, they thus found themselves in an uncomfortable predicament: though they were the preeminent academic experts on crime, they actually didn't have any scientifically grounded policy advice to impart. What they tended to do instead, Wilson argued, was to fill the scientific vacuum with their personal preferences—which so happened to consist in a well-meaning concern for the underdog that led them to deny the role of personal agency in crime altogether.

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<sup>130</sup> James Q. Wilson: *Thinking about Crime*, New York: Basic Books, 1975.

What was needed if sociologists were to overcome this lamentable state of affairs and to identify feasible policy prescriptions, Wilson concluded, was a renewed focus on personal agency. On this view, even if it were true that factors connected with individual agency had rather a small share in the grand tally of the ultimate causes of crime, their greater malleability would still make them the more promising loci of intervention for attempts to change the behavior of potential criminals. Drawing on the rational choice approach to crime championed by economists like Gary Becker,<sup>131</sup> Wilson thus suggested that we should think of criminals as rational agents who are capable of responding to incentives.<sup>132</sup> This implied two novel policy prescriptions. One was to increase prison sentences and step up policing, so that the expected costs of crime would increase. Another was to eliminate visual clues, such as broken windows, that give the impression that a particular neighborhood lacks order or is poorly policed—which, Wilson theorized, would give ordinary citizens as well as career criminals “permission” to act in destructive or illegal ways.<sup>133</sup> It was this agential perspective, then, which led Wilson to the two policy prescriptions which were central not only to his own work but also to the development of the American criminal system over the past decades: the ratcheting up of criminal sentences, and the “zero-tolerance” policing introduced by politicians like Rudolph

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<sup>131</sup> The key text here is Gary Becker: “Crime and punishment: An economic approach,” *Essays in the Economics of Crime and Punishment*, UMI, 1974, 1-54.

<sup>132</sup> For a defense of this kind of approach in the context of drug policy, see for example: James Q. Wilson: “Drugs and Crime,” *Crime and Justice* 13, 1990, 521-545.

<sup>133</sup> The most influential formulation of the “broken windows” theory came in the form of a much-read essay for *Atlantic Monthly*, which he co-authored with George Kelling. (James Q. Wilson & George L. Kelling: “Broken Windows,” *Atlantic Monthly* 249/3, 29-38.)

Giuliani (who was, quite explicitly, inspired by Wilson’s “broken windows” theory).<sup>134</sup>

One way of thinking about the development of criminal justice in the United States over the past decades is as a kind of Faustian bargain: ever-lower rates of crime have been purchased at ever-increasing rates of incarceration. Whatever one’s views about the relative merits and horrors of this development, it is clear that, at its origin, there stood a renewed willingness to focus on individual agency and hold criminals responsible for their actions. Indeed, the link between the move from the deep causes of crime to an approach focused on the search for possible policy interventions, on the one hand, and the revaluation of individual responsibility, on the other hand, became increasingly explicit in the work of Wilson and his allies over time. As he himself wrote in *The Moral Sense*, his ultimate aim had always been “to help people recover the confidence with which they once spoke about virtue and morality.”<sup>135</sup>

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<sup>134</sup> Indeed, during a 1988 press conference, Rudolph Giuliani spoke at length about the influence of Wilson’s research on his own political program:

We have made the “Broken Windows” theory an integral part of our law enforcement strategy. This theory says that the little things matter. [...] There’s a continuum of disorder. Obviously, murder and graffiti are two vastly different crimes. But they are part of the same continuum, and a climate that tolerates one is more likely to tolerate the other.

(Quoted in: Hope Corman & Naci Mocan: “Carrots, Sticks, and Broken Windows,” *Journal of Law and Economics*, Vol. 48/1, 2005, 237.)

<sup>135</sup> Wilson, *The Moral Sense*, New York: Simon & Schuster, 1993.

In this sense, the sociological study of crime moved in lockstep both with other approaches to criminology and with politics at large. At first, it was the center-right parties across North America and Western Europe that discovered crime as an electoral issue and ratcheted up their rhetoric against criminals. As we saw in Chapter 1, for example, Ronald Reagan insisted that “[w]e must reject the idea that every time a law’s broken, society is guilty rather than the lawbreaker. It is time to restore the American precept that each individual is accountable for his actions.”<sup>136</sup> Reagan’s line resonated. Before long, it had conquered the rhetoric of the center-left as well. While the Labour Party had, for decades, identified the elimination of poverty as the prime policy prescription to reduce crime, a combination of James Q. Wilson’s social-scientific and Ronald Reagan’s political challenge transformed the party’s approach by the time it was poised to take power in 1997. As Tony Blair promised in one of the signature lines of his first election campaign, New Labour would be both “tough on crime and tough on the causes of crime.”<sup>137</sup>

#### **IV Conclusion: Responsibility as Accountability**

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<sup>136</sup> Quoted in: Vanessa Barker: *The Politics of Imprisonment: How the Democratic Process Shapes the Way America Punishes Offenders*, New York City: Oxford University Press, 66.

<sup>137</sup> See Inderjeet Parmar: “New Labour and ‘law and order’,” in: David Coates & Peter Lawler (Eds.): *New Labour in power*, Manchester: Manchester University Press, 2000, 207-220. (The line is quoted on p. 207.)



To gain an understanding of the central role that “responsibility-as-accountability” plays in what I have called the “age of responsibility,” it is crucial to recognize that its roots are as broad as they are deep. As I have shown, an increasing concern with personal responsibility doesn’t just mark our public rhetoric; it is also in evidence in other realms, including philosophy and the social sciences. Rather than being owed to a disconnect between public opinion and academic philosophy, as Samuel Scheffler argued, or providing further evidence to the deep fracturing of the intellectual currents of our time, as Daniel Rodgers assumed, the prominence of personal responsibility can thus be explained, in part, by interesting continuities between the transformation of political rhetoric and the shifting consensus we have observed in philosophy and the social sciences. (This is not to make any claim about causality: much more research would be needed to determine whether this is a case of academic discourse influencing the policy world, the policy world driving academic discussion, or two largely disconnected discourses converging due to an independent set of factors.)

Two domains illustrate to what degree changes in the academic and policy worlds have overlapped in an especially striking way. In talking about poverty, the concern of both politicians and academics has shifted from an eradication of poverty *per se* to a more limited concern with the idea that those citizens who “work hard and play by the rules” should be adequately rewarded. And in the debate about the roots of poverty, the view that the cultural values and subsequent choices of the poor are

partially responsible for the “cycle of poverty” has moved from the fringes to the mainstream.

Barack Obama can attest to both transformations as a star witness. As has widely been noted, his first electoral campaign was remarkable for the degree to which he refused to play into the preordained terrain of American political discourse: while generations of Democratic politicians had taken the terms of the debate for granted, he was willing to challenge the electorate’s assumptions on such diverse issues as race and national security. (Correspondingly, his critics have argued that his tenure in office has been remarkable for the degree to which Obama, the President, has failed to live up to the promise of Obama, the Candidate.) But one arena in which his rhetoric rarely challenged the political mainstream in a significant manner even during the first electoral campaign was poverty.

In announcing the War on Poverty in 1964, Lyndon B. Johnson proposed to strike “at the causes, not just the consequences of poverty.”<sup>138</sup> Whatever the cause of poverty, Johnson promised in front of Congress,

our joint Federal-local effort must pursue poverty, pursue it wherever it exists—in city slums and small towns, in sharecropper shacks or in migrant worker camps, on Indian Reservations, among whites as well as Negroes, among the young as well as the aged, in the boom towns and in the depressed areas. Our aim is not only to relieve the symptom of poverty, but to cure it and, above all, to prevent it.<sup>139</sup>

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<sup>138</sup> *Public Papers of U.S. Presidents, Lyndon B. Johnson, 1963-1964*, Washington: G.P.O., 1965, 1, 375-380.

<sup>139</sup> Lyndon B. Johnson: “Annual Message to the Congress on the State of the Union,” 01/08/1964, available at the LBJ Library website:

By the time Obama was seeking high office, the war on poverty had turned into a more conditional affair: the promise to give all citizens the opportunity to escape poverty by their own efforts. Indeed, even at his most grandiose, when, in the announcement speech for his Presidential bid, he seemed to echo Johnson's war on poverty, Obama slipped in a telling qualifier:

Let's be the generation that ends poverty in America. Every single person *willing to work* should be able to get job training that leads to a job, and earn a living wage that can pay the bills, and afford child care so their kids have a safe place to go when they work."<sup>140</sup>

As Obama's rhetoric grew ever-more cautious over the course of his first term in office, the conditionality of his stance on poverty became even more explicit. As he put the point in his third State of the Union address, delivered in the middle of his re-election campaign, he now demanded an economy in which "everyone gets a fair shot, everyone does their fair share, and everyone plays by the same set of rules." "Millions of Americans who work hard and play by the rules every day deserve a government and a financial system that does the same. [...] An America built to last insists on responsibility from everybody."<sup>141</sup>

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<http://www.lbjlib.utexas.edu/johnson/archives.hom/speeches.hom/640108.asp>; accessed on 09/13/2013.

<sup>140</sup> "Illinois Sen. Barack Obama's Announcement Speech," *Washington Post* website, 02/10/2007, available at: <http://www.washingtonpost.com/wp-dyn/content/article/2007/02/10/AR2007021000879.html>; accessed on 09/12/2013 (my emphasis).

<sup>141</sup> Barack Obama: "Remarks by the President in State of the Union Address," The White House Office of the Press Secretary (Press Release), 01/24/2012, available at:

This is not to say that Obama cared less about the fight against poverty than did Johnson, nor even that his policy proposals were lacking by comparison. It is simply to point out that the nature of his egalitarianism had changed: whereas Johnson could talk about eradicating poverty in a general vein, Obama had to keep reassuring his audience that the people he was hoping to benefit were the ones who had played by the rules—the ones who hadn't failed to live up to their responsibility to look after themselves. In this respect, Obama reflected, in a rather interesting way, the changing academic consensus within political philosophy: like the new strands of egalitarianism, the normative principle that seems to underpin his rhetoric is that our obligations towards our fellow citizens are conditional on their good behavior, so that any statement about the injustice of our current wealth distribution has to be historical.

A similar point could be made concerning that old debate about the “culture of poverty.” The Moynihan Report, I have argued, portrayed culture as a root cause of poverty, but one that it lay outside the power of individual agency to change: the people who were born into such a culture were thought to be all but powerless to overcome it. In the wake of Moynihan, any mention of culture in the context of poverty came to be taboo: it was structural factors, sociologists insisted, that explained poverty. Only when a more agential turn took hold of the social sciences, and scholars like Ann Swidler reinvented culture as a “tool kit” to be appropriated

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<http://www.whitehouse.gov/the-press-office/2012/01/24/remarks-president-state-union-address>; accessed on 09/08/2013.

for individual use, was the conceptual space for individual responsibility reopened. Though sociologists themselves remained extremely hesitant about making any statements that might be read as an allotment of blame, the new outlook did, in principle, open up the possibility of holding people responsible for their culturally mediated values.

Barack Obama, in his own remarks about the subject, has seized upon this conceptual space to an astonishing extent. As early as June 2008, speaking to a congregation at a black church in Chicago, Obama the presidential candidate noted that “more than half of all black children live in single-parent households.” Lamenting that “[t]oo many fathers are M.I.A., too many fathers are AWOL, missing from too many lives and too many homes,” he called on them to “recognize that responsibility doesn’t just end at conception.”<sup>142</sup> He expanded on the same theme four years later, as the Commencement Speaker at Morehouse, a historically black college:

We know that too many young men in our community continue to make bad choices. And I have to say, growing up, I made quite a few myself. Sometimes I wrote off my own failings as just another example of the world trying to keep a black man down. I had a tendency sometimes to make excuses for me not doing the right thing. But one of the things that all of you have learned over the last four years is there’s no longer any room for excuses. [...]

Nobody cares how tough your upbringing was. Nobody cares if you suffered some discrimination. And moreover, you have to remember that whatever you’ve gone through, it pales in comparison to the hardships previous generations endured—

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<sup>142</sup> Julie Bosman: “Obama Calls For More Responsibility From Black Fathers,” *New York Times* 06/16/2008, available at: <http://www.nytimes.com/2008/06/16/us/politics/16obama.html?pagewanted=all> accessed on 09/08/2013.

and they overcame them. And if they overcame them, you can overcome them, too.<sup>143</sup>

In his speech at Morehouse, Obama wasn't denying that structural factors had as much of an impact on the life prospects of young black men as do their own choices. He acknowledges that such factors as a tough upbringing and discrimination create real handicaps. But in Obama's mind, this evidently does not diminish their personal responsibility. As he tells them, "[n]obody cares how tough your upbringing was." Endorsing a political discourse whose moral focus lies on individual agency even in the rare instances when structural disadvantages are acknowledged, he holds the graduating seniors at Morehouse responsible for their fate despite all hardships: in the world of "responsibility-as-accountability," each individual is responsible for overcoming his own hardships.

What's remarkable about the prevailing discourse in contemporary politics, the social sciences, and philosophy, then, isn't so much that there is a renewed emphasis on responsibility. Rather, it is the kind of interpretation of responsibility that is now standard. Our responsibility for others has been weakened: from the abolition of military service in many countries to an ever-more individualistic ethos, the citizens of contemporary societies have fewer and fewer duties to care for others in their own society. At the same time, the responsibility we have to be self-sufficient has greatly increased: whereas the welfare state was once understood as a safety net

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<sup>143</sup> Zeke J. Miller: "Obama Discusses Fatherhood Race, Fatherhood, Responsibility at Morehouse College (Transcript Included)," *Time* website, available at: <http://swampland.time.com/2013/05/19/obama-discusses-race-responsibility-at-morehouse-college/#ixzz2bcWNnAxU>; accessed on 09/09/2013.

that would catch the fall of both the unlucky and the frivolous, both the irresponsible and the irresponsible, it has now turned into a much-more selective social tool.

The need for us to look after ourselves is not just emphasized in the speeches of politicians. Increasingly, it also shapes some of our most important economic and political institutions. Indeed, it seems to me that, across much of North America and Western Europe, a series of welfare reforms has enhanced responsibility-tracking aspects of our welfare regimes, even as responsibility-buffering aspects have been severely weakened. The details of this shift are examined, from both an empirical and a normative perspective, in the next chapter.

But as we turn to examine the manifestations of the age of responsibility in such concrete arenas as the welfare state, it is important that we keep one thing in mind: The most important of these changes may have manifested themselves in the spheres of public policy and public rhetoric; but, as this chapter has tried to sketch, they also have serious intellectual roots. Our shift from “responsibility-as-duty” to “responsibility-as-accountability” isn’t just a story about Reaganite and Thatcherite speech writers managing to turn the wider public against the prevailing academic consensus by the use of clever or misleading tropes. On the contrary, the epistemological shift that has made a more individualistic notion of responsibility possible has been surprisingly broad: it spanned from the 4<sup>th</sup> of July speeches of

American Presidents all the way to the work of some of the most influential social scientists and political philosophers.



### **Chapter 3: The Welfare State in the Age of Responsibility**

In Chapter 1 of this dissertation, I suggested that the notion of individual responsibility has become much more central to our philosophy and our politics than it was as little as three decades ago. On this view, a whole range of distributive and allocative decisions are now held to depend on the extent to which we ascribe responsibility for particular actions or outcomes to agents. In light of the centrality of these considerations, it is no overstatement to conclude that we live in an “age of responsibility.”

In sketching a brief intellectual history of the developments that have contributed to these changes in Chapter 2, I gave a first indication of the breadth of this phenomenon. Its roots, I argued, do not only lie in some vague and general turn towards “neoliberal” attitudes about the market. Rather, this transformation has gone hand in hand with a host of interrelated transformations of both popular and academic thinking, including: a renewed emphasis on agential, as opposed to structural, explanations in the social science; and a move from consequentialist to contractarian commitments—as well as from a preference for ahistorical to a preference for historical conceptions of distributive justice—in political philosophy.

As a result of these transformations, the prevailing meaning of the word “responsibility” has radically changed. In the postwar era, mentions of responsibility were primarily designed to remind us what we owe to others, or to the state; it was,

I have argued, a form of “responsibility-as-duty.” Beginning in the 1970s, responsibility came to denote the obligation we have to take care of ourselves. The invocation of responsibility thus came to be associated with an implicit threat: if individuals are themselves responsible for being in need, the collectivity is no longer willing to help them. This new notion of “responsibility-as-accountability,” I demonstrated, is one of the dominating features of our contemporary political thinking.

In this chapter, I want to turn to that policy area in which the age of responsibility has arguably had the most important impact: the welfare state. The link between an emphasis on individual responsibility and a rejection of the welfare state has long been a prominent feature of political and electoral rhetoric. The rise to prominence of talk about “individual freedom and personal responsibility” attests to this point as much as does the fact that the most significant reform of the American welfare state in the last half-century, passed in 1996 with bipartisan support, was called the “*Personal Responsibility and Work Opportunity Act*.” But, in itself, the fact that welfare reform was usually justified, at least in part, with appeals to the language of responsibility is hardly proof that these kinds of appeals were anything more than convenient window-dressing. Indeed, while some scholars of comparative politics have argued that moral justifications for welfare reform have had a causal impact, others believe such questions to be largely epiphenomenal<sup>144</sup> So, while the

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<sup>144</sup> For attempts to show the influence of discourse on policy, see especially the burgeoning research on what Vivien Schmidt has called “discursive institutionalism” (V. A. Schmidt & Claudio M. Radaelli: “Policy Change and Discourse in Europe:

conjunction of welfare reform and responsibility rhetoric is certainly suggestive, and would more than justify a detailed study on the nature of the link between the two, for the purposes of this dissertation I want to remain agnostic about whether or not there is any causal effect. What I do want to accomplish is rather different. In the first half of this chapter, I seek to show that recent reforms have increased the extent to which North American and Western European welfare states reward people widely considered responsible, while punishing others who are widely held to have acted irresponsibly. On my view, the welfare state used to serve an important “responsibility-buffering function.” But in a whole range of areas—from pensions benefits to unemployment insurance—our welfare regimes have, of late, been transformed in such a way as to lessen or abolish their responsibility-buffering functions, and become “responsibility-tracking” instead.

This preliminary conclusion allows me, in the second part of the chapter, to evaluate these changes from a normative point of view. In particular, I examine two kinds of reasons for making the welfare state track responsibility: those based on reciprocity and those based on equality. While each of these values is indeed important, I argue that it is a mistake to suggest that they can justify the kinds of changes to the welfare

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Conceptual and Methodological Issues,” *West European Politics*, Vol. 27/2, 2004, 183-210; V. A. Schmidt: “Discursive Institutionalism: The Explanatory Power of Ideas and Discourse,” *Annual Review of Political Science*, Vol. 11, 2008, 303-326; and V. A. Schmidt: “Taking ideas and discourse seriously: explaining change through discursive institutionalism as the ‘fourth’ new institutionalism,” *European Political Science Review*, Vol. 2, 2010, 1-25.) See also the related literature on what Peter Hall and Rosemary Taylor, in a very helpful early literature review, have called “sociological institutionalism.” (Peter A. Hall & Rosemary C. R. Taylor: “Political Science and the Three New Institutionalisms,” *Political Studies*, Vol. 44/5, 1996, 936-957.)

state we have witnessed over the course of the last decades. Going a step further, I also show how recent changes to the welfare state have created a variety of serious normative harms—from an “explosion of responsibility” to a deepening of the “paradox of the welfare state.”

## I Of Irresistible Forces and Immovable Obstacles

Political scientists and economists first started to worry in earnest about a “crisis of the welfare state” in the 1980s and early 1990s.<sup>145</sup> They pointed to a whole host of dangers to the long-term viability of the welfare arrangements of contemporary North American and Western European democracies. The extremely rapid economic growth of the postwar era, they argued, was a thing of the past—an exceptional moment of economic success that wasn’t likely to be repeated for any sustained period of time. Especially since productivity gains are more difficult to achieve in a post-industrial service economy than they were in the essentially Fordist factories that still dominated the economic output of the 1950s and 1960s, there would simply be less of an economic surplus to go around in the future.<sup>146</sup>

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<sup>145</sup> For a general account of the shift in the literature, see Section I of Paul Pierson: “Irresistible forces, immovable objects: post-industrial welfare states confront permanent austerity,” *Journal of European Public Policy*, Vol. 5/4, 1998, at 540-551. See also Maurizio Ferrera: “The European Welfare State: Golden Achievements, Silver Prospects,” *West European Politics*, Vol. 31/1-2, 2008, 82-107.

<sup>146</sup> This point was first made significantly earlier by William J. Baumol: “The Macroeconomics of Unbalanced Growth,” *American Economic Review*, Vol. 52/3, 415-26, 1967. But it became increasingly salient during the 1990s. See for example

These problems were further compounded by the quickly rising costs of the welfare state.<sup>147</sup> Thanks to a mix of increased life expectancies and declining birth rates, what had once been a population pyramid had already transformed into a plum pear, and was now threatening to morph into a top-heavy ice-cream cone. If, in 1960, there had been 7.5 workers for every retiree, demographers now projected that there would be no more than 2.5 by 2040.<sup>148</sup> As a result, public pension commitments were quickly growing to unmanageable proportions.<sup>149</sup> At the same time, the higher concentration of older people in the population was increasing the costs of medical care, and a rise in unemployment was driving the cost of entitlement programs ever upward. To make things worse, economists increasingly

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Eileen Appelbaum & Ronald Schettkat: "The End of Full Employment? On Economic Development in Industrialized Countries," *Intereconomics* May/June 1994, 122-130, Gøsta Esping-Andersen: "After the golden age? Welfare state dilemmas in a global economy," in G. Esping-Andersen (Ed.): *Welfare States in Transition: National Adaptations in Global Economies*, London: Sage, 1996, 1-31; Robert Rowthorn & Ramana Ramaswamy: *Deindustrialization – Its Causes and Implications*, Washington D.C.: International Monetary Fund, 1997; and Torben Iversen & Anne Wren: "Equality, Employment and Budgetary Restraint: the Trilemma of the Service Economy," *World Politics*, Vol. 50/4, 1998, 507-46.

<sup>147</sup> See for example Rudolf Klein & Michael O'Higgins: "Defusing the crisis of the welfare state: a new interpretation," in Theodore J. Marmor and Jerry Mashaw (Eds.): *Social Security: Beyond the Rhetoric of Crisis*, Princeton: Princeton University Press, 1988; and Richard Rose & Phillip L. Davies: *Change Without Choice in Britain*, New Haven: Yale University Press, 1994.

<sup>148</sup> Peter Scherer: "The myth of the demographic imperative," in C. Eugene Steuerle & Masahiro Kawai (Eds.): *The New World Fiscal Order*, Washington, DC: Urban Institute Press, 1996, 61-83 (quoted in Pierson: "Irresistible Forces," 550).

<sup>149</sup> For the American case, for example, see Eugene Smolensky, Sheldon Danziger & Peter Gottschalk: "The declining significance of age in the United States," in John L. Palmer, Timothy Smeeding & Barbara Boyle Torrey (Eds.): *The Vulnerable*, Washington, DC: Urban Institute Press, 1988.

worried that all of these rising costs could, in turn, have a dampening effect on the kind of economic dynamism that had made generous welfare states affordable in the first place.<sup>150</sup> In short, radical change seemed all but inevitable.

But, in the event, the assault on social entitlements that so many commentators had predicted proved far less consequential than they thought possible. As Paul Pierson argued in a series of seminal articles in the mid-1990s, the forces conspiring to weaken the welfare state may have seemed “irresistible.” But, thanks in large part to the unwillingness of most electorates to countenance serious changes to existing welfare arrangements, they ultimately met “immovable objects.”<sup>151</sup> As a result,

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<sup>150</sup> For contemporary worries about the problem of potential vicious cycles through costly welfare arrangements that have a negative effect on growth and employment, thus raising welfare costs in turn, see for example Gøsta Esping-Andersen: “Welfare States Without Work: The Impasse of Labor Shedding and Familialism in Continental European Social Policy,” Estudio/Working Paper 1995 (available at [http://www.march.es/ceacs/publicaciones/working/archivos/1995\\_71.pdf](http://www.march.es/ceacs/publicaciones/working/archivos/1995_71.pdf); last accessed 02/24/2013) and Assar Lindbeck: “Hazardous Welfare State Dynamics,” *The American Economic Review* 85 (2), 1995, 9-15.

<sup>151</sup> See Paul Pierson: “Irresistible Forces.” Compare also Paul Pierson: “The New Politics of the Welfare State,” *World Politics*, Vol. 48/2, 1996, 143-179 and Paul Pierson: *Dismantling the Welfare State?*, Cambridge: Cambridge University Press, 1994. On Pierson’s view, the creation of new welfare programs imposes diffuse and largely invisible costs on the population at large, while providing concentrated and highly salient benefits to a particular subset of the population. This tends to make welfare programs popular, and in many cases helps to create a vocal constituency that has a strong incentive to lobby for the preservation of the benefit from which they profit. By contrast, any attempt to curtail existing welfare programs provides diffuse and largely invisible benefits to the population at large while imposing concentrated and highly salient costs for those groups who used to profit from them. This tends to make such measures highly unpopular, and often has the result of mobilizing opponents of reform. (Another pertinent fact cited by Pierson concerns the well-known psychological fact of loss aversion: since most people tend to give greater priority to avoiding losses than to realizing gains, politicians will fight an uphill battle in abolishing existing entitlements. For the classic formulation of

attempts to erode social protections have largely failed. Despite their rhetorical bluster, for example, the governments of Thatcher and Reagan only succeeded in somewhat slowing the growth of overall welfare expenditures. For all the resonance that the new insistence on personal responsibility seems to have had in the abstract, most concrete proposals for cuts to existing social programs turned out to be highly unpopular. All in all, Pierson concluded, the strains on the welfare state simply have not generated a “fundamental shift.”<sup>152</sup>

In response to Pierson, the recent scholarship has painted a slightly more nuanced picture of reforms to the welfare state. Jacob Hacker, for example, agrees that opponents of the welfare state have been surprisingly unsuccessful in outright abolishing existing programs of social provision through direct legislative action. But, he argues, an adequate assessment of recent changes has to pose the question of retrenchment in a much broader manner than Pierson has done.<sup>153</sup>

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“negativity bias” in prospect theory, see Daniel Kahneman & Amos Tversky: “Prospect Theory: An Analysis of Decisions under Risk,” *Econometrica*, Vol. 47, 1979. For early applications to politics, see for example Howard S. Bloom & H. Douglas Prices: “Voter Response to Short-Run Economic Conditions: The Asymmetric Effect of Prosperity and Recession,” *American Political Science Review*, Vol. 69, 1975 and Richard R. Lau: “Explanations for Negativity Effects in Political Behavior,” *American Journal of Political Science*, Vol. 29, 1985.)

<sup>152</sup> Pierson, “New Politics,” 173.

<sup>153</sup> See Jacob S. Hacker: “Privatizing Risk without Privatizing the Welfare State: The Hidden Politics of Social Policy Retrenchment in the United States,” *American Political Science Review*, Vol 98/2, 2004, 243-260; Jacob S. Hacker: “Policy drift: The hidden politics of US welfare state retrenchment,” in: Wolfgang Streeck & Kathleen Ann Thelen (Eds.): *Beyond Continuity: Institutional Change in Advanced Political Economies*, New York: Oxford University Press, 2005, 40-82; and Jacob S. Hacker:

First, it is not enough to look at the development of state-provided benefits to understand recent changes to the welfare state. That's because in some countries, like the United States, employers and other private actors have traditionally accounted for a large portion of spending on such benefits as retirement schemes or health insurance. A continuity in the levels of state expenditure on these items (the "welfare state") could therefore cloak a significant deterioration in overall levels of coverage (which Hacker calls the "welfare regime"). Second, it's important to look not only at straightforward retrenchment through overt legislative action, but also at a variety of political tactics that have allowed opponents of the welfare state to erode protections in subtler, less salient ways—for example through such mechanisms as "drift,"<sup>154</sup> "conversion,"<sup>155</sup> and "layering."<sup>156</sup>

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*The Great Risk Shift: The Economic Insecurity and the Decline of the American Dream*, New York: Oxford University Press, 2008.

<sup>154</sup> Drift consists of "changes in the operation or effect of policies that occur without significant changes in those policies' structure." Hacker points out that, to erode citizens' protection against social risks through drift, opponents of the welfare state need not resort to active pieces of legislation; it is enough for them to block any efforts at reform. Hacker, "Privatizing Risk," 246.

<sup>155</sup> As defined by Kathleen Thelen, conversion takes place when existing institutions are "redirected to new purposes, driving changes in the role they perform and/or the functions they serve." Thus, changes in the eligibility criteria that govern who can gain access to existing social programs—whether these changes happen through legislative action or lower-down bureaucratic adjustments—can significantly affect the nature of such programs. (Kathleen Thelen: "How Institutions Evolve: Insights from Comparative-Historical Analysis," in: J. Mahoney and Dietrich Rueschenmeyer [Eds.]: *Comparative Historical Analysis in the Social Sciences*, Cambridge: Cambridge University Press, 2003, 226.)

<sup>156</sup> Layering consists in the "creation of new policy without elimination of old." Precisely because it is often difficult to abolish preexisting benefits, one useful tactic



Once we pose the question about the recent development of Western European and especially North American welfare regimes in this broader manner, Hacker argued, we can recognize that they have undergone significant changes after all. In areas from public pension guarantees to the availability of private health benefits, the welfare state has, in important ways, been weakened. Overall, there has therefore been a clear erosion in the degree to which citizens of North American and Western European countries are protected against “major life risks: unemployment, death of a spouse, retirement, disability, childbirth, poverty.”<sup>157</sup>

The interplay between scholars, like Pierson, who have emphasized continuity and those, like Hacker, who have discovered change has considerably refined our understanding of the nature of contemporary welfare regimes. But it has also deprived us of any coherent story about the basic direction in which the welfare state is headed. It seems that, for now, we are left without a good understanding of the thrust of recent developments. This is why, in Sections II and III, I try to subsume the most important insights from both approaches into one coherent narrative.

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for changing the overall welfare regime is by putting new layers on top of existing policy structures. (Hacker, “Privatizing Risk,” 248; see also Eric Schickler: *Disjointed Pluralism: Institutional Innovation in the U.S. Congress*, Princeton: Princeton University Press, 2001.)

<sup>157</sup> Hacker, “Privatizing Risk,” 246.

On this view, welfare states have both responsibility-tracking and responsibility-buffering elements. Even under the intense fiscal and budgetary pressures of the past decades, the most important responsibility-tracking aspects of the welfare state have proved surprisingly resilient. For example, attempts to abolish welfare programs for parts of the population that are widely perceived as being in need of assistance even though they acted “responsibly”—such as the disabled—really have met “immovable obstacles.” But, even as responsibility-tracking features of our welfare states proved impervious to change, some of their most important responsibility-buffering aspects have been abolished or transformed in such a way as to become less responsibility-buffering. In particular, insofar as tactics like drift, conversion, and layering have been successful in effecting change, they have not led to indiscriminate cuts—but rather served to increase the centrality of responsibility in our welfare regimes.<sup>158</sup>

## **II Responsibility-Tracking and Responsibility-Buffering Institutions**

### **II.1 Ascriptions of Responsibility in the Public Imagination**

A lot is at stake in whether or not we ascribe responsibility for particular outcomes to agents. In part for that reason, any one definition of responsibility is unlikely to

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<sup>158</sup> For an explanation of how my focus on responsibility differs from approaches in the extant literature, such as Gøsta Esping-Andersen’s concept of “de-commodification,” the debate about means-testing, as well as discussions about the conditionality of welfare benefits, please consult Appendix I.

command general consensus. In fact, some of the most important philosophical and social scientific debates of the last half-century could be recast as debates about the circumstances in which it is, or is not, appropriate to ascribe responsibility for particular actions to people.<sup>159</sup>

This deep-rooted disagreement about the ascription of responsibility poses a serious methodological problem. How, despite the lack of consensus about the term's meaning, can we define responsibility in such a way as to allow us to gain a dispassionate perspective on empirical reality, and prepare the ground for a normative assessment?

On my view, the answer is to content ourselves, for the time being, with a rough account of popular notions about responsibility. After all, if it is true that some set of moral notions about whether or not people have acted “responsibly,” and therefore whether or not they are deserving of help, has shaped the current form of the welfare state, then it stands to reason that they won't have been derived from the most subtle theories proposed in the pages of philosophy journals; they must, on the contrary, have been accessible to ordinary voters and policy-makers. For the purpose of describing recent changes to the welfare state, it therefore makes sense

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<sup>159</sup> To name but one example of such a debate, many libertarian philosophers argue that most citizens of Western European and North American states are responsible for their success or failure in the market place. Many egalitarian philosophers, on the other hand, have emphasized that we are responsible neither for the talents we happen to have at our disposal, nor even for the amount of effort we exert in our working lives. For a much more detailed treatment of this debate, see Chapter 4 of this dissertation.

to base our investigation on popular notions of responsibility. (It is important to note, however, that my use of such notions of responsibility constitutes neither an uncritical faith in the coherence of these categories, nor an affirmation of their supposed normative significance).

With these disclaimers in mind, we have but to synthesize the description of popular notions of responsibility offered in Chapters 1 and 2 of this dissertation. As I argued there, popular ascriptions of responsibility-as-accountability tend to display two characteristics:

1. For an agent to have responsibility over some kind of event or socio-economic outcome, it is usually enough that they be thought responsible for one of the many causal factors that have contributed to that outcome.<sup>160</sup>

Thus, we believe that an entrepreneur is responsible for his actions—and, in

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<sup>160</sup> Take the imaginary example of Sam. Sam quit his job, in part because he resented being told what to do by his micromanaging boss. Unfortunately, the stock market crashed a few days after he quit his job, and he has found procuring new employment more difficult than he had anticipated. Now, the gap in his CV has grown sufficiently large for many employers to reject him out of hand. Is Sam responsible for needing society's assistance?

Philosophically speaking, this is a complicated question. Most (though not all) philosophers would accept that Sam is responsible for quitting his job, and therefore for an action that is causally connected to his being unemployed. However, it also seems clear that there are causes of his unemployment, such as the unexpected market crash, for which Sam is not responsible. The relative weight of these considerations depends on the particular account of the preconditions of responsibility one endorses. What's more, the application of any such account to real-world cases is complicated both by empirical challenges and by a certain degree of conceptual indeterminacy. But, for all of this theoretical complexity, the wider public often comes to determinations about responsibility rather more simply: Since Sam is responsible for quitting his job, and doing so is causally connected to his need for public assistance, he is said to be responsible for being in need. On the popular view, then, we are responsible for an outcome so long as we are responsible for one of its contributing factors.

- turn, for the outcome of becoming rich—in light of the fact that he chose to work hard, and has a lot of business acumen. Similarly, an unskilled person is responsible for being unemployed if they dropped out of high school, or don't have a sufficiently gung-ho work ethic.
2. In most public rhetoric about responsibility, the question of whether causal influence over an outcome can be attributed to an agent and the question of whether it is appropriate for us to alter our behavior toward that agent on the basis of that outcome are treated as though they were identical. Thus, in the context of the welfare state, the judgment that one of our fellow citizens is (causally) responsible for being in need already entails the assumptions that this fact frees us from any collective obligation to help him or her.

There is of course a certain amount of ambiguity—and, in some contexts, probably even a kind of inconsistency—in much of this.<sup>161</sup> Undoubtedly, popular views about responsibility are neither entirely monolithic, nor completely coherent. But that needn't be a problem. For our limited purposes, the rough sketch of popular views about responsibility offered in Chapters 1 and 2, and summarized above, suffices.

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<sup>161</sup> For example, there are complicated questions about just which of our actions or choices are popularly regarded as truly our own in the kind of way that licenses ascribing responsibility for them to us. Thus, we never chose to have a particular skin tone, or for that skin tone to be financially advantageous or disadvantageous in our society, and so it seems, to most people, unfair for somebody to be held responsible for the effects that this fact might have on their socio-economic standing. But we also never chose to have a particular talent, or for that talent to be financially profitable in our society—and yet we are supposedly responsible for possessing or lacking it.

## II.2 Why Are Welfare States Responsibility-Buffering?

Postindustrial capitalism is hardly perfectly meritocratic: a rich body of research shows that a broad variety of extrinsic factors like race, gender, class, national origin, immigration status, and even name can have a significant effect both on our employment and on our earnings prospects.<sup>162</sup> Similarly, there is clearly an element of sheer randomness to many economic outcomes: sometimes whether Stephen or Steven procure lucrative employment depends on no more than whose file happens to land higher up in a pile of applications. As a result of both of these kinds of processes, modern markets are, even on a rather simplistic view of what responsibility consists in, far from being perfectly responsibility-tracking.

But to acknowledge that markets aren't *perfectly* responsibility-tracking cannot be to deny that, in the postindustrial economies of North America and Western Europe, our choices and attributes clearly do have a significant impact on the resources,

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<sup>162</sup> For a helpful overview of recent literature on employment discrimination, as well as the methodological difficulties of measuring it, see Devah Prager: "The Use of Field Experiments for Studies of Employment Discrimination: Contributions, Critiques, and Directions for the Future," *The Annals of the American Academy of Political and Social Science*, Vol. 609/1, 104-133. Cf. also Barbara F. Reskin: "The Proximate Causes of Employment Discrimination," *Contemporary Sociology*, Vol. 29/2, 2000, 319-328; Jonathan C. Ziergert & Paul J. Hanges: "Employment Discrimination: The Role of Implicit Attitudes, Motivation, and a Climate for Racial Bias," *Journal of Applied Psychology*, Vol. 90/3, 2005, 553-562; Esther D. Rothblum, Pamela A. Brand, Carol T. Miller & Helen A. Oetjen: "The relationship between obesity, employment discrimination, and employment-related victimization," *Journal of Vocational Behavior*, Vol. 37/3, 1990, 251-266; Heather Stuart: "Mental illness and employment discrimination," *Current Opinion in Psychiatry*, Vol. 19/5, 2006, 522-526; as well as Marc Bendick Jr., Lauren E. Brown & Kennington Wall: "An Experimental Study of Employment Discrimination Against Older Workers," *Journal of Aging & Social Policy*, Vol. 10/4, 1999, 5-23.

services and opportunities we have at our disposal. Factors such as how talented we are, how hard we work, and what kind of career we decide to pursue do stand in a direct—if erratic, imperfect, and hardly monotonous—relationship to some of the most important socio-economic outcomes, from wealth and income levels all the way to life expectancy. What normative significance that fact should have is very much up for debate: as John Rawls famously argued, for example, it is far from clear why the fact that we so happen to have a particular marketable talent should morally entitle us to a greater share of the social product.<sup>163</sup> But nonetheless it need not be overly controversial that, in the limited sense outlined above, our market institutions are indeed responsibility-tracking: clearly, our choices and attributes are among the many factors that have a strong impact on our likely earnings.

But now, if it is clear that markets tend to track responsibility in important ways, it is also clear that many aspects of contemporary welfare states serve to buffer responsibility. This is, in part, because they are supposed to offer a “safety net” that gives citizens access to basic goods and services irrespective of their success on the market. If a citizen is unable to procure gainful employment, or cannot pay for medical care, the welfare state is supposed to ensure that they are nevertheless able to eat and see a doctor. Insofar as this citizen’s inability to procure these goods and services on the free market is a function of the market’s responsibility-tracking mechanisms, the institutional arrangements that provide such entitlements thus serve a responsibility-buffering function.

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<sup>163</sup> For his argument on the “natural lottery,” see John Rawls: *A Theory of Justice*, Cambridge: Harvard University Press, 1971, esp. 74-74 & 101-105.

What's more, welfare states can be responsibility-buffering even insofar as they go beyond offering basic goods and services. For example, universal child benefits accrue to wealthy as well as to needy citizens. Since their distribution criterion (to every citizen who has a child, irrespective of their talents or choices) is less responsibility-tracking than the distribution criterion that tends to prevail on the market (to every worker insofar as their attributes and choices make them productive), it too helps to buffer responsibility.

Crucially, though, the institutions of the welfare state can be set up to be more or less responsibility-tracking. As many welfare scholars have remarked, for example, key elements of the "Bismarckian welfare states" that hold sway in Germany and some other Western European countries allow a citizen's success on the market to have a much more direct influence on the entitlements they will enjoy than do comparable arrangements in "Beveridgean welfare states": to name but one example, state pensions in Bismarckian countries are more directly correlated with previous salaries than they are in Beveridgean countries.<sup>164</sup> To the extent that this is the case, Bismarckian welfare states do less to buffer responsibility than Beveridgean ones.

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<sup>164</sup> Yves Chassard & Odile Quintin: "Social protection in the European Community: Towards a convergence of policies," *International Social Security Review*, Vol. 45/1-2, 91-108. For the point on salaries, see p. 94.



This simple conceptual framework should allow us to think about the role of responsibility in our welfare regimes more systematically than we have done so far. In particular, it enables us to make dyadic comparisons of the degree to which two different welfare regimes serve to buffer responsibility—either across space, between different countries; or across time, looking at the same country both before and after a significant reform has been implemented. Applying this approach to the most important reforms to the welfare state over the past three decades, I argue, in the next section, that our welfare regimes have become much less responsibility-buffering than they used to be.<sup>165</sup>

### III How Our Welfare States Have Changed

#### III.1 Pensions

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<sup>165</sup> There have of course always been important cross-national differences in the degree to which welfare regimes are responsibility-tracking. And some of these differences clearly persist. But whether recent changes have reduced or deepened these differences, as well as the particular ways in which regimes have either converged or become more dissimilar, could provide an interesting test case to many of the predictions posited by Peter Hall and David Soskice, among others. Note that my contention that the *direction* of change has been the same across North America and Western Europe does not necessarily prejudge an answer to this question. This is because I did not say anything about the relative *rate* of change. On this view, the welfare regimes of the United States and Sweden, for example, could have become even more dissimilar than they were even though both moved towards responsibility-tracking because the United States did so much faster and much more radically than Sweden. See especially Peter A. Hall & David Soskice: “An Introduction to Varieties of Capitalism,” in: Peter A. Hall & David Soskice [Eds.]: *Varieties of Capitalism – The Institutional Foundations of Comparative Advantage*, Oxford: Oxford University Press, 2001; as well as Margerita Estevez-Abe, Torben Iversen & David Soskice: “Social Protection and the Formation of Skills: A Reinterpretation of the Welfare State,” in: *ibid.*

Public pensions are an area in which outright political change is especially difficult to achieve: in most countries, pensions are highly popular across age groups, and fiercely supported by very vocal constituencies. And yet, a recent survey article about the state of pension reform concludes that “the status quo has rarely won out—there has been a wave of pension reforms around the world.”<sup>166</sup> Indeed, there have been at least four important developments affecting old age pensions over the past decades: a reduction in expected benefit levels; a rise in the retirement age; increasing reliance on private insurance; and a growing dependence of pensions on the performance of private stock portfolios and other financial instruments. As I shall argue, each of these developments has, in its own way, served to undermine the degree to which our old age provisions buffer responsibility.

First, and perhaps most importantly, there has been “a clear trend to a lower pension promise than for past generations.”<sup>167</sup> Though overt and steep cuts to pensions levels have been rare, actual entitlements have been reduced through a variety of—in some instances rather obscure—political measures. These include:

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<sup>166</sup> Edward Whitehouse, Anna D’Addio, Rafal Chomik & Andrew Reilly: “Two Decades of Pension Reform: What has been Achieved and What Remains to be Done?” *The Geneva Papers on Risk and Insurance Issues and Practice*, Vol. 34, 2009, 515. For an excellent overview of the politics of pension reform, see Nicholas Barr & Peter Diamond: *Pension Reform. A Short Guide*, Oxford: Oxford University Press, 2010.

<sup>167</sup> Whitehouse *et al*, “Two Decades of Pension Reform,” 516.

the way pension entitlements are calculated from previous earnings;<sup>168</sup> changes to the valorization and indexation of earnings;<sup>169</sup> and linking retirement levels to average life expectancy.<sup>170</sup> Overall, workers entering the labor market now will have much lower pensions than their forebears: “Lifetime pension benefits will be lower in 18 out of 20 countries for which entitlements were modeled. The average reduction in benefits is 22 per cent for men and 23 per cent for women.”<sup>171</sup>

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<sup>168</sup> The pensions of employees in Austria, Finland, Italy, Poland, Portugal, the Slovak Republic, Sweden and (in the case of occupational plans) the Netherlands, for example, used to be calculated on the basis of their best, or last, years of earnings; now, they are instead based on a less generous measure of lifetime earnings. (Ibid., 519-520).

<sup>169</sup> “Changes in the indexation of pensions during retirement have featured in many reform packages. Most of these involve a move to a less generous procedure to reduce costs.” (Ibid, 520.)

<sup>170</sup> This too has been achieved through a variety of technical means. Some countries, including Australia, Sweden and Norway, have introduced a mandatory switch from defined-benefit to defined-contribution plans, which has meant that the height of ultimate entitlements now depends on life expectancy at the time when accrued investments are turned into pensions or annuities. (See *ibid.*, 521-2; for the American case, see also Hacker, “Privatizing Risk,” 254-256.) Other countries, including Italy and Poland, have achieved much the same effect through notional account schemes that mimic the most important features of defined contribution schemes. (See Whitehouse *et al.*, “Two Decades of Pension Reform,” 522.) Finally, a further set of countries has introduced links between life expectancy and either the height of entitlements (Finland, Germany and Portugal), or the retirement age (Denmark and, to an extent, France).

<sup>171</sup> *Ibid.*, 533. The exceptions are Australia and Norway. Of course, it also matters how these cuts are distributed. Basically, there are three groups. Finland, France, Sweden and Mexico have tried to protect low earners in these pension reforms, thereby somewhat mitigating the erosion of the responsibility-buffering function of pension payments. But more countries, including Austria, Germany and Italy, among others, have made across the board cuts, which increases responsibility-tracking both because it impacts the lowest earners most, and because it increases the relative weight of any savings or private investment income the relatively wealthy may have at their disposal. Finally, a few countries, especially in Central Europe,

Second, there has been a significant increase in the average pension age across most of Western Europe and North America. Since the turn of the millennium, numerous countries have increased the legal pension age; over the last years, as the euro crisis has imposed structural reform even on the comparably reluctant governments of Southern Europe, the trend has only accelerated. Since every country has its own—in some cases decidedly byzantine—rules about such issues as early retirement, special exemptions from the official retirement age, gender differences, and the date when recent reforms take full effect, it is impossible to summarize these changes in concise fashion. However, recent changes to the standard retirement age at which male workers can claim full benefits across a number of countries may at least give an approximate indication. On this metric, the United States and Germany, for example, have raised their retirement age from 65 to 67, while Great Britain and Italy have raised theirs to 68; meanwhile, Fredrik Reinfeldt, the Swedish Prime Minister, has even mooted the idea of raising the age at which employees will enjoy full retirement benefits to 75.<sup>172</sup>

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have made cuts in such a way as to intensify the link between earnings and pensions, thereby increasing responsibility-tracking particularly acutely.

<sup>172</sup> See “The Full Retirement Age is Increasing,” *U.S. Social Security Administration* website, available at: <http://www.socialsecurity.gov/pubs/ageincrease.htm>; accessed on 08/15/2013; “State Pension Calculator,” *UK Government* website, available at: <https://www.gov.uk/calculate-state-pension>; accessed on 08/15/2013; “Stufenweise Anhebung: Bundesrat stimmt Rente mit 67 zu,” *Spiegel Online* 03/30/2007, available at: <http://www.spiegel.de/politik/deutschland/stufenweise-anhebung-bundesrat-stimmt-rente-mit-67-zu-a-474813.html>; accessed on 08/15/2013; “Italy: Increase in Retirement Age,” *International Social Security Association* website, available at: <http://www.issa.int/Observatory/Country->

Third, states and companies have, over the past decades, encouraged employees to supplement collective pension entitlements with investments in private pension funds, such as IRA accounts in the US or the comparable “Riester-Rente” in Germany. In fact, even as most state pension funds have reduced entitlements, many countries—including not only the US, but also France, Germany, Ireland and Portugal—have provided generous tax-breaks for investments into private pension funds. Similarly, even as traditional pension plans for employees offered by private companies have been phased out or offered to a smaller and smaller share of employees, some companies have started to offer subsidies or matching funds for employees who save a portion of their salaries for retirement.<sup>173</sup> But whereas the collective pension arrangements of old benefited all employees, the new arrangements benefit only those who actively choose to take advantage of them. As a result, a sufficient level of coverage is now in many cases dependent on whether or not citizens have the foresight, and the financial room for maneuver, to generate savings, and invest those savings in private pension funds. As Whitehouse *et al* warn, “cuts in public pensions have been predicated on people saving for their own retirement through voluntary retirement savings plans. However, many countries

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[Profiles/Regions/Europe/Italy/Reforms/Increase-in-retirement-age](#); accessed on 08/15/2013; and “Sweden considers raising retirement age to 75,” *Euractiv* 02/27/2013, available at: <http://www.euractiv.com/health/sweden-prime-minister-considers-news-518068>; accessed on 08/15/2013.

<sup>173</sup> See Whitehouse *et al*, “Two Decades of Pension Reform,” 517 as well as Hacker, “Privatizing Risk.”

run the risk that many workers will save too little and for too short a period to ensure an adequate income in old age.”<sup>174</sup>

Last, the actual pension entitlements that individuals will enjoy increasingly depend on the investment decisions they make. Formerly, individuals had little influence over what happened to their contributions to state or employer-run pension funds: by and large, the level of their pensions depended on factors beyond their control. Now, they can choose to invest their private pensions in (virtually) any way they like: they can decide to make more or less risky bets; and of course these bets will—at least with the benefit of hindsight—turn out to be more or less wise.<sup>175</sup> As a result, the standard of life they will enjoy in old age now depends, in part, on how they invest their retirement funds.

Each of these changes has helped to erode the responsibility-buffering function of old age pensions. First, if welfare entitlements buffer responsibility because they distribute goods and services according to a logic that takes less account of people’s choices and attributes than does the market, then cuts to such entitlements, including especially old-age pensions, will clearly decrease the degree to which our overall welfare regimes buffer responsibility. Second, if old age pensions serve to

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<sup>174</sup> *Ibid.*, 534.

<sup>175</sup> For empirical research on the extent to which the stock market now influences pension entitlements in the United States, see Edward N. Wolff: "Pension Reform: How Have Workers Fared?" *Employment Research*, Vol. 18/4, 2011, 4-6. (He finds that results “are very sensitive to period and particularly to movements in the stock market,” *ibid.*, 4).

protect workers from the responsibility-tracking features of the market, then increases in the retirement age lengthen the period of time during which they are responsible for their own economic fate. Finally, the move towards incentivizing private pensions makes pensions dependent on whether or not citizens have the foresight to make adequate provisions—just as the increasing extent to which future pensions depend on the performance of stock portfolios means that acumen in investment decisions now helps to determine outcomes for ordinary citizens to an unprecedented extent. In both of these respects, too, reforms to our welfare regimes have intensified the role of responsibility.<sup>176</sup>

### III.2 Unemployment Benefits and the Shift Towards Conditionality

Over the past decades, key features of the welfare state have become “conditional”: in unprecedented ways, they now depend on the behavior, both past and present, of welfare recipients. Nearly all Western European countries, for example, have tightened conditions on the range of citizens who are eligible for unemployment benefits and other basic cash assistance programs.<sup>177</sup> Some countries, like Denmark

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<sup>176</sup> Please note, once again, that I am not making the controversial normative assumption that the kind of control that individuals have over their investment strategies makes them morally responsible for any outcome in the sense that they *deserve* the profits or losses that might accrue to them. One way of putting this is to remark that they are a matter of “option” rather than “brute” luck. But what is more relevant in this context is, simply, that they follow downstream from a person’s choice, and are therefore widely seen as lying within the realm of their responsibility.

<sup>177</sup> In the helpful terminology of Jochen Clasen and Daniel Clegg, I am, in this passage, primarily interested in the kind of eligibility and entitlement criteria they

and Sweden, used to provide workers with unemployment benefits for very long periods of time even if they had very short employment histories, but have now moved to making fewer citizens eligible. Other countries, which had always maintained a strong link between citizens' work histories and their entitlement to unemployment benefits, have further strengthened this link. As a result, a citizen's receipt of unemployment benefits has become much more dependent on whether or not they acted "responsibly" in the past.<sup>178</sup>

Second, there has been a move towards making the *ongoing* receipt of welfare conditional.<sup>179</sup> "Workfare" policies now require the unemployed actively to seek

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call "conditions of circumstance": "For social insurance benefits, for example, legislation has long included rules regarding the extent to which and how a claimant's work history determines access to benefit rights. The pertinent and potentially varying considerations in social security legislation include the number, or value, of contributions and/or full days of labour that are required in a given time period to open access to benefit [...]" (Jochen Clasen & Daniel Clegg: "Levels and levers of conditionality: measuring change within welfare states," in Jochen Clasen & Nico A. Siegel [Eds.]: *Investigating Welfare State Change: The "Dependent Variable Problem" in Comparative Politics*, Cheltenham: Edward Elgar Publishing Limited, 2007, 173.)

<sup>178</sup> For a helpful summary of changes to "conditions of circumstance" in the UK, Germany, France and Denmark, consult the "secondary levels of conditionality" presented in Figure 8.2 of Clasen & Clegg, "Levels and levers," 183. For similar developments in the United States, see also Pamela Loprest, Stefanie Schmidt & Ann Dryden Witte: "Welfare Reform under PRWORA: Aid to Children with Working Families?" in James M. Poterba [Ed.]: *Tax Policy and the Economy. Volume 14*, Cambridge (MA): MIT Press, 2000, 157-203.

<sup>179</sup> In the language of Clasen & Clegg, so-called conditions of conduct are policy levers that consists in  
the tightening or loosening of behavioural requirements and constraints imposed upon different kinds of benefit recipients through legislation or administrative guidance. [...] The most obvious case of a growing emphasis on this tertiary level of conditionality in policy reforms are so-called



employment, and to accept any job offers they might receive. This kind of move towards “activation” policies was arguably the key feature of British welfare policy in the era of Tony Blair.<sup>180</sup> And though the British case is unique in certain respects, in one way or another the transition from welfare to workfare has been virtually universal across Western Europe: it has, for example, taken place in countries as diverse as Sweden, Denmark, Germany, the Netherlands, France and Italy.<sup>181</sup> Taken together, unemployed persons who do not seek work as actively as required by their caseworkers are much worse off in the new welfare regime than they used to be; insofar as this is the case, these changes have made citizens more responsible for their own fate.

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activation policies for the unemployed, under which unemployment benefit and unemployed social assistance recipients are, for example, obliged to provide evidence of job search activities, participate in training programmes or agree to specialized counselling. (Clasen & Clegg, “Levels and Levers,” 174.)

Compare also Alan Deacon’s earlier formulation of general conditionality requirements in these terms: “A principle of conditionality holds that eligibility to certain basic, publicly provided, welfare entitlements should be dependent on an individual first agreeing to meet particular compulsory duties or patterns of behaviour.” (Alan Deacon: “Justifying workfare; The historical context of the workfare debates,” in Michael White [Ed.]: *Unemployment and Public Policy in a Changing Labour Market*, London: Public Services Institute, 1994, 30.)

<sup>180</sup> Peter Dwyer: “Creeping Conditionality in the UK: From Welfare Rights to Conditional Entitlements?” *The Canadian Journal of Sociology*, Vol. 29/2, 265-287. (“Within the existing ‘New Deals’ for the young and long-term unemployed the link between rights and responsibilities has been clearly defined since 1997. Failure to take up one of the four work/training options offered results in punitive benefit sanctions.”)

<sup>181</sup> For a good early summary of such efforts see Ivar Lødenmel & Heather Trickey [Eds.]: *An Offer You Can’t Refuse: Workfare in International Perspective*, London: *The Policy Press*, 2000.

Last, conditions of conduct are becoming increasingly popular even in a whole range of areas beyond unemployment benefits. They have been introduced “in relation to policy themes as different as the use of family benefits to promote good parenting, the modification of conditions for access to certain health benefits to produce healthy lifestyle choices, or the conditioning of housing benefits on good neighbourliness and the avoidance of ‘anti-social behaviour.’”<sup>182</sup>

In the United States, the situation is a little more complicated than in Western Europe. Unemployment benefits are very limited, giving a variety of cash assistance programs—such as TANF, food stamps, and general assistance—a much more central role in providing security for the unemployed.<sup>183</sup> What’s more, since the 1996 welfare reform, some of the most important programs have been administered at the state or even the county level, giving rise to a great variety of conditions for each program and each geographic unit. Looking beyond both unemployment benefits and the federal level, however, a similar trend emerges.

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<sup>182</sup> Clasen & Clegg, “Levels and levers,” 174. Cf also Dwyer, “Creeping Conditionality”; and Pauline Card: “Managing anti-social behaviour – inclusion or exclusion?” in David Cowan & Alex Marsh [Eds.] *Two Steps Forward: Housing Policy into the Next Millennium*, Bristol: Policy Press, 201- 219 (esp. 210); as well as Alan Deacon: *Perspectives on Welfare: Ideas, Ideologies and Policy Debates*, Buckingham: Open University Press, 2002.

<sup>183</sup> Uniquely among North American and Western European countries, the US does not have a broad unemployment program that is administered at the national level. As a result, unemployment benefits in the US have long been a) modest, b) extremely variable from state to state, c) in many cases attached to strong forms of conditions of conduct since their inception, and d) limited to short periods of time (in many cases, as little as six months). However, note that insofar as unemployment benefits do play a role at the state level, they too usually require that successful claimants have lost their job for “no fault of their own.”

This begins at the verbal level. Most states “now require recipients to sign some form of personal responsibility plan that emphasizes that welfare receipt is a contract: benefits are provided in return for the recipient's pledge to carry out certain activities.”<sup>184</sup> But it goes well beyond that. Indeed, there are now all kinds of mechanisms for penalizing welfare recipients who have supposedly failed to live up to their responsibilities.<sup>185</sup> Perhaps the most important of these is the strict limit on the length of time for which individuals can seek federal benefits. Since PROWRA passed, “adult recipients can receive at most five years of benefits from TANF federal funds over their lifetime.” Numerous states have opted to impose even stricter limits.<sup>186</sup>

But, as before, the most striking change has taken place in the degree to which the ongoing receipt of welfare benefits now requires adherence to a rather strict catalogue of behavioral requirements. Following the passage of PROWRA, “[a]lmost all states have moved to work-first models for their welfare programs, requiring

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<sup>184</sup> Loprest, Schmidt & Witte: “Welfare Reform,” 189.

<sup>185</sup> As Celeste Watkins-Hayes put the point, “[w]ork requirements, mandated participation in child support enforcement, and sanctions for noncompliance with rules are now standard fare in most welfare offices.” (Celeste Watkins-Hayes: *The New Welfare Bureaucrats: Entanglements of Race, Class, and Policy Reform*, Chicago: Chicago University Press, 2009.)

<sup>186</sup> Ibid., 165. Since states can decide to make eligibility criteria even more restrictive, for most Americans limits are even shorter. (See Liz Schott & LaDonna Pavetti: “Many States Cutting TANF Benefits Harshly Despite High Unemployment and Unprecedented Need,” *Center on Budget and Policy Priorities*, available at: <http://www.cbpp.org/cms/?fa=view&id=3498> ; accessed 03/23/2013.

recipients to move quickly into available jobs.”<sup>187</sup> This not only required beneficiaries to *try* to secure employment—but also made their continued receipt of the most basic kinds of state assistance dependent on whether or not they actually succeeded in doing so. Summarizing the state of play four years after the implementation of PROWRA, Loprest *et al* concluded that “most TANF programs have increased activity requirements far beyond those under the JOBS program.”<sup>188</sup> As this shows, in the United States—as in many countries across Europe—conditionality is now a pervasive feature of the welfare regime. Far from being a realm in which citizens are guaranteed a basic social minimum irrespective of their ability to succeed on the market, the welfare state has, in central respects, come to mirror the market’s responsibility-tracking attributes.

### III.3 Earned Income Tax Credits and Other Incentives

Another important development consists in the increased reliance on schemes like the Earned Income Tax Credit (EITC), which use the tax code to reward citizens for

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<sup>187</sup> Loprest, Schmidt & Witte: “Welfare Reform,” 167.

<sup>188</sup> “States have increased the number of hours of required activities. They have also restricted the choice of activities, and increased the pool of recipients required to be active. In addition, non-work-related requirements have increased substantially. Some of these include immunization and school attendance for children, fingerprinting of recipients, more frequent recertifications of exemptions, and stricter paternity establishment rules.” *Ibid.*, 189.

their success in procuring employment.<sup>189</sup> The EITC, which was first introduced in 1994, incentivizes work by offering individuals with low to medium incomes refundable tax credits. Especially for poor families with children, it is a reasonably generous form of subsidy: in 2013, for example, the maximum tax credit will be \$6.044.<sup>190</sup> Since this is a form of poverty relief that is not available for people who are out of work, the EITC offers significant financial rewards for un- or underemployed Americans to enter the labor market. At the same time, it strongly penalizes those who choose not to work, or who are simply unable to procure employment.<sup>191</sup> (Additionally, many U.S. states offer their own, parallel tax schemes that incentivize work, thus augmenting the effect of the EITC.)<sup>192</sup>

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<sup>189</sup> As I noted earlier, in the American case, strict (lifetime) limits on the length for which citizens are eligible for various benefits not only made their receipt of such assistance depend on their willingness to look for work; it actually made it depend on their success in procuring work. In this manner, benefits that had originally served the function of buffering the responsibility-tracking features of the market had been transformed in such a way that they merely mirrored them. This kind of reinforcement of market mechanisms through state-sponsored rewards for success in the marketplace has happened not only in terms of new conditions attached to previously existing institutions (what Hacker might call “conversion”), but also in the introduction of tax mechanisms that are largely new (what Hacker might call “layering”). This is thus an indication that various avenues of policy reform have all, in their own way, helped to make the welfare state more responsibility-tracking.

<sup>190</sup> “Preview of 2013 EITC Income Limits, Maximum Credit Amounts and Tax Law Updates,” *Internal Revenue Service* (available at: <http://www.irs.gov/Individuals/Preview-of-2012-EITC-Income-Limits,-Maximum-Credit--Amounts-and-Tax-Law-Updates>; accessed on 03/04/2013)

<sup>191</sup> Gregory Acs, Norma Coe, Keith Watson, & Robert I. Lerman: “Does Work Pay? An Analysis of the Work Incentives under TANF.” *Assessing the New Federalism Occasional Paper no. 9*. Washington: Urban Institute, 1998.

<sup>192</sup> Loprest, Schmidt & Witte: “Welfare Reform,” 184.

An ever-increasing number of other countries rely on schemes that differ significantly in detail, yet largely have the same effects from the point of view of responsibility. Canada, the United Kingdom, Ireland, Germany, France, the Netherlands, Belgium, Denmark and Finland are all among the countries that have either increased or raised working tax credits over the past decades. Unnoticed by much of the public, they, too, have therefore divested from anti-poverty programs that were available to all needy citizens and invested in those that only benefit citizens who manage to procure employment in the first place.<sup>193</sup>

#### III.4 Future Research

There are many further topics for future research on responsibility-tracking, in both our welfare regimes and our economies as a whole, to investigate. These include questions like the following:

- Has the recent erosion of employment protections, which allows employers to fire comparatively unproductive workers with much greater ease, eroded responsibility-buffering by increasing the degree to which employees' choices and attributes in the workplace correlate with economic outcomes?
- Has the recent erosion of rent controls had the same effect by increasing the degree to which the ability of renters to remain in the same apartment

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<sup>193</sup> For an argument that countries increasingly resort to a range of indirect incentives and subsidies because these are largely invisible to the population, see Suzanne Mettler: *The Submerged State: How Invisible Government Policies Undermine American Democracy*, Chicago: Chicago University Press, 2011.

depends on their ability to keep up with the wages of other people who wish to live in the same neighborhood?<sup>194</sup>

- Has the recent drop in state support for public universities in the United States, the introduction or increase in tuition fees in many Western European countries, and the concomitant explosion of student debt, intensified the ways in which citizens' life outcomes depend on their ability and willingness to convert their university degrees into lucrative careers?
- Finally, how have larger structural changes to the economy, like increases in wage inequality, wage instability, the "college premium," a rise in debt, and so on, eroded remaining responsibility-buffering aspects of our postindustrial market economies?

Irrespective of how these further findings might figure into a larger account of the shape of our economic system in the age of responsibility, one thing is already clear: The transformation of our welfare regimes over the last decades has significantly increased the degree to which our material standing depends on our choices and

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<sup>194</sup> On this view, strict restrictions on the liberty of employers to fire their employees, as well as on the liberty of landlords to raise rents or evict their tenants, have a responsibility-buffering effect. To see why this would be the case, let's recall that we have assumed that people's ability to earn high wages, or to keep their boss happy, bears a real—if imperfect—relationship to both their talents and their choices. If that is the case, then it is obvious that institutions that keep them in employment even though their boss is no longer happy with them, or allow them to stay in the same apartment even though they would no longer be able to afford market rents on their current salaries, buffer the degree to which their life outcomes track the choices for which they are responsible. This is exactly what protected jobs or rent-controlled apartments accomplish: they reduce the degree to which the future choices of people who are entitled to them will impact their life outcomes.

attributes. In this sense, our welfare states have become a lot less effective at buffering responsibility than they once were.

#### **IV Defenses of the Role of Responsibility**

The welfare state is the most prominent, and perhaps also the most important, arena in which the age of responsibility has had a palpable effect on policy. It thus serves as a case study of what political changes have taken place in the age of responsibility as the concept of responsibility-as-accountability has reshaped how policy-makers think about the state's obligations towards the needy. More than that, though, it also encapsulates how these changes have been justified in the realm of ideas, and how the singular focus on responsibility has cloaked our understanding of the serious normative shortcomings of these new policies.

Up until now, I have argued that our welfare regimes track responsibility more closely than they used to. In the remainder of this chapter, I show how these changes have been justified from a normative point of view, and what normative shortcomings these justifications have overlooked. To start on this endeavor, I examine, in this section, two potential justifications for making our welfare states more responsibility-tracking: arguments based in reciprocity, and those based in equality. After showing why neither of these ideals can justify the actual changes that have taken place over the last decades, I go on, in the next section, to formulate



four substantive normative problems with recent reforms: shameful revelation and the paradox of the welfare state; the costs of a loss of predictability; the problems associated with an explosion of responsibility; and, finally, re-commodification.

#### IV.1 Reciprocity and the Case for Welfare Conditionality

The idea of reciprocity has been at the core of some of the most fruitful work in both political and moral philosophy over the last half-century.<sup>195</sup> According to John Rawls, we should conceive of a just society as one that instantiates a “fair system of social cooperation.” In order for the terms in which we cooperate with each other in a society to be fair, they should embody “an idea of reciprocity, or mutuality: all who do their part as the recognized rules require are to benefit as specified by a public and agreed-upon standard.”<sup>196</sup>

This idea of reciprocity seems to imply a strong responsibility of the collectivity towards needy individuals: if *all* are to benefit from our system of cooperation, we clearly have a duty to improve the lot of those whose talents and efforts do not command high (or indeed any) wages in the market economy we have jointly instituted. But this collective obligation need not entail a duty to help those who refuse to make a reasonable contribution in turn. In fact, on a rather intuitive level,

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<sup>195</sup> See especially John Rawls: *Theory of Justice*, and T. M. Scanlon: *What We Owe To Each Other*, Cambridge (MA): Harvard University Press, 1998.

<sup>196</sup> John Rawls: *Justice as Fairness. A Restatement*, Cambridge (MA): Harvard University Press, 2001, 6.

it may even imply the opposite: if our political duties are founded on reciprocity, surely we only owe material duties to those of our fellow citizens who are actually interested in cooperating?

Indeed, Amy Gutman and Dennis Thompson have made this kind of argument in one of the earliest, and still one of the most sophisticated, attempts to apply contractualist thinking directly to questions about welfare reform:

Fair workfare takes individual responsibility seriously as a requirement in welfare reform. But it is grounded on a value of mutual dependence, which is implied by reciprocity, rather than the value of independence or self-sufficiency, which libertarians stress. The obligations of welfare should be mutual: citizens who need income support are obligated to work, but only if fellow citizens fulfill their obligations to enact public policies that provide adequate employment and child support.<sup>197</sup>

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<sup>197</sup> Amy Gutman & Dennis Thompson: *Democracy and Disagreement*, Cambridge (MA): Harvard University Press, 1996, 276.

Following their lead, Stuart White has defended conditionality on very similar terms:

the eligibility conditions associated with welfare contractualism are legitimate because they help ensure that the final distribution of income and wealth satisfies an important principle of reciprocity. According to this principle: those who willingly share in the social product have a corresponding obligation to make a reasonable (relevantly proportional) productive contribution to the community in return. [...] Making welfare benefits conditional on work, or demonstrated willingness to work, might be justifiable, then, as a way of preventing citizens from enjoying a minimum share of the social product without making the appropriate productive contribution back to the community that the reciprocity principle requires.

Stuart White: "Social Rights and Social Contract – Political Theory and the New Welfare Politics," *British Journal of Political Science*, Vol. 30/3, 2000, 513. Note that White explicitly uses the language of responsibility in his article. ("Access to welfare benefits is one side of the contract between the citizen and community which has as its reverse side various responsibilities that the individual citizen is obliged to meet: as a condition of eligibility for welfare benefits, the state may legitimately enforce these responsibilities, which centrally include the responsibility to work," *ibid.*, 507.)

These views draw on a strong moral intuition. Why, after all, should we have a right to choose to remain idle while others toil on our behalf? It is thus easy to see why many theorists have emphasized a moral duty to “do one’s bit”<sup>198</sup> to uphold a fair scheme of social cooperation.<sup>199</sup> But in the context of this chapter, my primary concern is not with the role that responsibility might play in an account of ideal theory derived from the value of reciprocity—but rather with assessing the actual changes of the role of responsibility in recent welfare reform. So it is highly important that, as many contractarian defenders of conditionality have acknowledged, it is only fair to enforce work on grounds of reciprocity if reciprocity truly is a two-way street: the collectivity itself has to fulfill certain conditions before it can justly make its support to the most vulnerable conditional in turn. On my view, the most plausible of these conditions are not fulfilled at the moment, so that any contractarian defense of conditionality, however convincing it might be in ideal theory, for now remains inapplicable to the real, non-ideal world.

Stuart White has offered the clearest extant account of what I’d like to call the “societal pre-conditions for imposing conditions.” According to him:

1. There needs to be a “[g]uarantee of a decent share of the social product for those meeting a minimum standard of productive participation”: if collective support is to be conditional on participation in the workforce, then such

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<sup>198</sup> Ibid.

<sup>199</sup> In Rawlsian terms, this could be said to be part of our “duty of justice,” according to which “we are required ‘to support and to comply with just institutions that exist and apply to us.’” (John Rawls: *A Theory of Justice. Revised Edition*, Cambridge (MA): Harvard University Press, 1999, 99.)

employment should provide them with a decent living standard, at least when coupled with ongoing forms of social support.<sup>200</sup>

2. The society has to provide “[d]ecent opportunities for (and in) productive participation”: if support is to be conditional on work, then there must actually be enough work for those who seek to cooperate to be able to do so; moreover, such jobs as are available must not be “so awful as to jeopardize their overall prospects for a happy and fulfilling life.”<sup>201</sup>
3. White requires that there be “[e]quitable treatment of different forms of productive participation.”<sup>202</sup> In particular, it is important that work needed for the task of social reproduction, which is still overwhelmingly carried out by women, should be fully recognized as a way to fulfill the duty of reciprocity.
4. Finally, there should be “[u]niversal enforcement of the minimum standard of productive participation.”<sup>203</sup> In particular, this requires that not only the idle poor, but also the idle rich, be required to contribute to the collectivity in appropriate ways.<sup>204</sup>

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<sup>200</sup> White, “Social Rights,” 515.

<sup>201</sup> *Ibid.*

<sup>202</sup> *Ibid.*

<sup>203</sup> *Ibid.*, 516.

<sup>204</sup> On this point, see also Desmond S. King: *In the Name of Liberalism: Illiberal Social Policy in The United States and Britain*, Oxford: Oxford University Press, 1999.

A detailed assessment of the degree to which each condition is fulfilled will vary from country to country.<sup>205</sup> Even so, it is easy to see that, at present, no contemporary society even comes close to fully satisfying all four conditions. White's first condition may be fulfilled in countries with a comparatively high minimum wage. But that is clearly not the case in the United States or, arguably, in Great Britain.<sup>206</sup> As for his second condition, during the current economic climate it is quite clear that many of those, especially among the young, who are extremely keen to find paid employment are unable to do so; meanwhile, a substantial portion of those jobs that do exist may arguably be so monotonous, stressful, or noxious as to render a fulfilled life difficult.<sup>207</sup> Third, it is quite clear that reproductive work, including especially care work, is inadequately valued and remunerated in many Western European and North American societies. This reality may be especially stark in those countries, like the United States, where even rather basic welfare programs are conditional on the willingness of single mothers of young children to work.<sup>208</sup> And finally, it is clearly the case in all Western European and North

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<sup>205</sup> Clearly, though from the perspective of responsibility the *direction* of change to the welfare state has been strikingly similar from Sweden to the United States, these systems remain rather different overall. It is therefore likely that White's conditions come much closer to being fulfilled in some welfare regimes than in others.

<sup>206</sup> For the American case, see for example David K. Shipler: *The Working Poor. Invisible in America*, New York: Knopf, 2004.

<sup>207</sup> For a recent normative argument along these lines, see Lucas Stanczyk: "Productive Justice," *Philosophy & Public Affairs*, Vol. 40/2, 2012, 144 – 164.

<sup>208</sup> See Pateman, "Another Way Forward"; Ann Orloff: "Ending the Entitlements of Poor Single Mothers: Changing Social Policies, Women's Employment, and Caregiving in the Contemporary United States," in: Nancy Hirschmann & Ulrike Liebert [Eds.]: *Women and Welfare: Theory and Practice in the United States and*

American countries that there is a significant minority of people who inherits enough money never to have to contribute to the common stock in any appreciable way. This may be so economically efficient as to be a necessary feature of postindustrial economies. On some conceptions, it may even be just. But it is an arrangement that comes with a serious moral consequence. For, while a polity may be justified in treating the idle rich as respectable citizens, it cannot do so in good faith even as it judges and punishes the idle poor for failing to live up to that very same duty to participate in a fair scheme of social cooperation.<sup>209</sup>

In short, the problem with defenses of conditionality based on reciprocity is not so much that it would be wrong to claim that people have a duty to contribute to society and take responsibility for their own fate. It is rather that this duty is only morally salient when the background conditions are such that everybody can draw

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*Europe*, New Brunswick: Rutgers University Press, 2011; Judith Smith & Jeanne Brooks-Gunn: "How Mothers Cope When Their Welfare Grant is Cut," *Social Policy Journal*, Vol. 1/4, 63-83 and Christopher Beam: "Restoring the Civic Value of Care in a Post-Welfare Reform Society," in Lawrence M. Mead & Christopher Beam [Eds.]: *Welfare Reform and Political Theory*, New York: Russell Sage Foundation, 2005.

<sup>209</sup> Lawrence Mead claims that the "answer is not to make the rich work but to tax or regulate them, an issue to be resolved separately from welfare." (Mead, Lawrence M.: "Welfare Reform and Citizenship," in Lawrence M. Mead & Christopher Beam [Eds.]: *Welfare Reform and Political Theory*, New York: Russell Sage Foundation, 2005, 192). But this is unconvincing. A poor person's strongest objection, in this context, is not that the idle rich are getting too large a portion of the economic pie. Rather, his strongest objection is that his work requirement is being invoked on the basis of a supposedly universal obligation to "do one's bit." It is difficult to see how a rich person who has inherited all their money can plausibly claim to have acquitted themselves of that obligation. Thus, if a) we are committed to distribute cumbersome burdens on all citizens in an equitable manner, and b) on grounds of either efficiency or normative constraints we deem it impossible to force the idle rich to work, the only fair possibility seems to be to relax the work requirement for the idle poor as well.

appropriate benefit from our scheme of social cooperation. At present, this is not the case. As a result, talk about responsibility has, once again, hidden some of the most important topics—such as the poor quality of available employment and the inappropriate valuation of care work in our societies—from view.<sup>210</sup>

In light of the three shortcomings of the responsibility framework which I have briefly previewed in Chapter 1, this conclusion should hardly come as a surprise. By threatening to hold people responsible in an inappropriate context, we are once again importing the question of responsibility into contexts where they are irrelevant or comparatively insignificant. And so we are once again reminded that the problem with the discourse of responsibility is not, in general, that notions of responsibility are altogether misguided; it is, rather, that by focusing primarily on responsibility we will treat issues that raise much more far-reaching normative questions in a dangerously narrow manner.

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<sup>210</sup> Note that there is another substantive objection which would have to be met before we could conclude that welfare state conditionality can be justified in the name of reciprocity. In the extent literature, it is simply assumed that the duty to “do one’s bit” in a reciprocal scheme of social cooperation gives rise to an analogous right of the state to make any assistance to an individual conditional on the fact that they have lived up to their moral duty. But in fact this is a substantive question, to which the answer is far from obvious. After all, there are many circumstances in which we recognize that we have substantial moral duties towards people even though they have acted poorly—including the duty to feed violent prisoners at state expense while they are in prison. Similarly, there are many types of behavior which we believe to be morally required, yet refuse to enshrine in law. We believe that the fortunate have a moral obligation to contribute to charity every now and again; that spouses should not cheat on each other; and that citizens have a responsibility to uphold the democratic system by turning up to vote. And yet, few of us are in favor of making private charity mandatory, criminalizing adultery, or requiring voting. Whether the value of reciprocity entitles the state to *require* citizens to work, or to leave them to their own desperate devices if they have failed to live up to such a requirement, is therefore far from obvious.

## IV.2 Equality and the Case for Responsibility-Tracking

There is another way we might be tempted to defend the erosion of the responsibility-buffering aspects of our welfare regimes. Counterintuitively, it is from the perspective of equality.

As we saw in Chapter 2, egalitarians have, for much of the 20<sup>th</sup> century, focused on the degree to which the material entitlements of the citizens in various kinds of societies differ from each other. Robert Nozick famously criticized these preferences for ahistorical, patterned distributions because they did not take sufficient account of history: on his view, the justice of an unequal distribution depends not on how much richer the rich are than the poor, but on the way in which the rich got rich in the first place. If the initial distribution of property was just, and all subsequent transactions were a matter of free choice, then the resulting distribution would also be just—no matter how equal or unequal it might turn out to be.<sup>211</sup>

Over time, some egalitarians came to accept Nozick's critique (if not his substantive position). Following Ronald Dworkin, the so-called "luck egalitarians" started to distinguish between material inequalities for which people are responsible because they result from their own choices, on the one hand, and those that were brought about by bad luck, on the other hand. On this view, a truly equal society would be

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<sup>211</sup> Robert Nozick: *Anarchy, State and Utopia*, New York City: Basic Books, 1974.



one in which all people got to enjoy the fruits of their choices, but were fully compensated for the effects of bad luck. In other words, a society that was very unequal in terms of material resources (or whatever else is deemed the appropriate metric of distribution) could yet be perfectly equal in a deeper, more important sense.

It would be tempting to draw on the luck egalitarian perspective to justify recent reforms of the welfare state. According to older egalitarian conceptions, egalitarians had reason to defend the welfare state whole-sale: after all, virtually any reduction of the amount of funds dispersed, or of the number of people who were entitled for a particular benefit, would have been problematic from the point of view of the relevant metric: it would have exacerbated the gross amount of material inequality in a society. But on the luck egalitarian conception, the case is a little more complicated. On this view, egalitarians seemingly have reason to welcome welfare reforms—including ones that have the effect of exacerbating gross material inequality—so long as the cuts only affect citizens whose poor past choices render them “responsible” for making claims on the welfare state. The recent transformation of the welfare state, which consists precisely in undermining responsibility-buffering institutions while preserving responsibility-tracking ones, would therefore seem to be justified.

But, on my view, there are two problems that make any attempt to justify recent welfare reforms by appeal to luck egalitarianism untenable. First, we need to

remember that actually existing welfare states have only become more responsibility-tracking on the popular notion of what responsibility entails. They therefore penalize citizens for such attributes as lacking marketable talents, or for such choices as prioritizing caring for elderly relatives over entering the workforce. It is open to considerable doubt whether this kind of choice, and those kinds of attributes, have true normative significance as a reason not to help fellow citizens when they are in a state of need.

Consistent luck egalitarians should easily come to agree with this point. After all, for the past decades much contemporary political philosophy has, at their insistence, been consumed with questions about which outcomes we have some kind of ownership over in such a way that deviations from equality become acceptable. The resulting accounts are far subtler than anything that currently is—or realistically could be—instantiated in the conditions for welfare receipt.

The measures of “responsibility” that do the most work in determining eligibility to welfare benefits nowadays are rather crude: How successful have people been in procuring work in the past? Do they, now, succeed in finding work at a time of high unemployment? How good are they at maneuvering around an oft-hostile welfare state bureaucracy? As should be obvious, the relationship between the answers to these questions and the answers to the questions which luck egalitarians believe to be pertinent in determining just entitlements is highly tenuous. This is true even if we take Ronald Dworkin’s comparatively simple conceptual scheme for granted.

Have most unemployed people made bad choices, or suffered from bad option—as opposed to bad brute—luck?<sup>212</sup> Probably not. But it becomes even truer if we take more complicated theories, like Kasper Lippert-Rasmussen’s argument that differential choices can only justify differential outcomes if the initial choice set available to citizens was equally appealing, into account.<sup>213</sup> Are current welfare state bureaucracies capable of assessing to what degree a person’s unemployment stems from certain bad decisions they made, and to what degree it is owed to the fact that they had an inferior choice set available to them in the first place? Obviously not. It follows that even card-carrying luck egalitarians should be very skeptical about attempts to justify a move towards a greater conditionality of welfare benefits in the name of equality.<sup>214</sup>

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<sup>212</sup> See Ronald Dworkin: *Sovereign Virtue: Equality in Theory and Practice*, Cambridge: Harvard University Press, 2000.

<sup>213</sup> See Kasper Lippert-Rasmussen: “Egalitarianism, Option Luck, and Responsibility,” *Ethics* Vol. 111(3), 2001, 548-579; cf. also Peter Vallentyne: “Brute Luck, Option Luck, and Equality of Initial Opportunities,” *Ethics*, Vol. 112/3, 2002, 529-557.

<sup>214</sup> Note that further obstacles to the application of luck egalitarian theory to welfare state practice are posed by an interrelated debate about “the currency of egalitarian justice.” In his original contribution, Dworkin assumed that the relevant metric on which we measure whether or not two people are equal should be the resources they have at their disposal. (Dworkin, *Sovereign Virtue*.) But, thanks in good part to the work of Amartya Sen, this assumption soon came to be challenged. As Sen pointed out, a disabled person might have the same resources at his disposal as his fellow citizens—but since he, unlike most others, requires a wheelchair to be mobile, it would seem perverse to say that he enjoys equality in the relevant sense. (Amartya Sen: “Equality of What?” *The Tanner Lecture on Human Values*, 1979, available at: <http://www.uv.es/~mperezs/intpoleco/Lecturcomp/Distribucion%20Crecimiento/Sen%20Equality%20of%20what.pdf>; accessed on 11/21/2012) To address this difficulty, philosophers have offered increasingly complicated metrics for egalitarian redistribution. According to Richard Arneson, the currency of egalitarian justice

## V Normative Problems with Responsibility

So far, I have argued that defenses of recent welfare reforms from the perspective of reciprocity or equality remain unconvincing. But while I have given “negative reasons” to show why the most prominent putative justifications of the increased role of responsibility in the welfare state are unsuccessful, I have not, as yet, given “positive reasons” for why they might in fact be problematic from a normative point of view. This section aims to tackle that task by offering four kinds of criticisms of recent welfare reforms: first, there is the reality of “shameful revelation” as well as the concomitant danger of exacerbating the so-called “paradox of the welfare state”; second, recent welfare state reforms have made the future a lot less predictable for ordinary citizens in ways we have reason to lament; third, there are reasons to be wary of the recent “explosion of responsibility” even if it has, in some ways, given us new choices; and finally, changes to the welfare regime have served to “re-commodify” workers in a manner that is likely to have a negative effect not only on the needy and unemployed, but also on ordinary employees.

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should be not resources, but rather “opportunities for welfare.” (Richard J. Arneson: “Equality and Equal Opportunity for Welfare,” *Philosophical Studies*, Vol. 56/1, 1989, 77-93.) Jerry Cohen, meanwhile, has advocated a measure he calls “access to advantage.” (G. A. Cohen: “On the Currency of Egalitarian Justice,” *Ethics*, Vol. 99/4, 1989, 906-944.) However, the prospect of actually existing welfare states being able to assess, accurately, fairly, and without unjust intrusions into the private lives of citizens, how their respective bundles of “opportunities for welfare” or “access to advantage” stack up is nothing short of illusory.

## V.1 Shameful Revelations and the Paradox of the Welfare State

One problem with giving a larger role to responsibility is that this requires the state to make fine-grained distinctions between who has acted “responsibly” and who has acted “irresponsibly”—thereby forcing welfare applicants to divulge potentially embarrassing information about their private lives.

In the context of debates about luck egalitarianism, this is a point that Elizabeth Anderson, Samuel Scheffler, and Jonathan Wolff have all raised in subtly different ways.<sup>215</sup> According to them, luck egalitarianism would require any potential recipient of state assistance to demonstrate that they do not find themselves in dire straits because of their own poor choices. Doing this, they observe, would require people in need to admit—indeed, to prove—that they altogether lack the talent or character to do any better in life. But as Wolff emphasizes, this would be deeply traumatizing from the point of view of the individual: it would make all state assistance conditional on a “shameful revelation” about one’s shortcomings that violates respect and other values that egalitarians have traditionally prized.<sup>216</sup>

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<sup>215</sup> For the key texts, see Elizabeth Anderson: “What is the Point of Equality,” *Ethics* 109, 1999, 287-337; Jonathan Wolff: “Fairness, Respect, and the Egalitarian Ethos,” *Philosophy & Public Affairs*, 27, 1998, 97-122’ and Samuel Scheffler: “Choice, Circumstance, and the value of equality,” *Politics, Philosophy, Economics*, 4(1), 2005, 5-28.

<sup>216</sup> Wolff, “Fairness, Respect and the Egalitarian Ethos,” 113-115. As Elizabeth Anderson adds, it would not just force behavior that is shameful from the point of view of the recipients of benefits; it would also be destructive for the state’s attitude towards its own citizens. Even though a luck egalitarian state might admittedly be rather less blunt about the criteria it employs to determine who will get assistance

Defenders of luck egalitarianism have claimed that such criticisms constitute a misrepresentation of the nature of a truly luck egalitarian community. This is a strong response, so far as it goes. It certainly would be wrong to condemn the luck egalitarian ideal because a half-hearted application of luck egalitarian principles to today's imperfect political reality would have perverse outcomes. (Whether or not a full application of luck egalitarian principles would similarly have such perverse outcomes is a question of ongoing contention in the literature, which need not detain us here.) But, whether or not Wolff's, Anderson's, and Scheffler's criticisms have real bite in ideal theory is, in any case, of secondary importance for the purpose of evaluating actual welfare reforms. Even if a truly ideal society could avoid the need for "shameful revelations," reflection upon this concept can form the basis for an account of the heavy normative costs that strongly responsibility-tracking institutions—like those instituted in North America and Western Europe over the past three decades—have in today's non-ideal practice.

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than Anderson imagines, she brilliantly captures the underlying considerations when she imagines a letter sent by a luck egalitarian "State Equality Board" to some of those who have been deemed worthy of assistance:

To the stupid and untalented: Unfortunately, other people don't value what little you have to offer in the system of production. Your talents are too meager to command much market value. Because of the misfortune that you were born so poorly endowed with talents, we productive ones will make it up to you: we'll let you share in the bounty of what we have produced with our vastly superior and highly valued abilities.

(Anderson: "What is the Point of Equality?" 305.)

A world in which a so-called "State Equality Board" sends out such letters, Anderson argues, has radically failed to live up to values that we should recognize as quintessentially egalitarian. No matter how well such a society might take care of untalented citizens, the official stamp of inferiority they have to seek in order to enjoy such benefits would undermine beyond repair the possibility of their relating to their co-citizens as true equals.

Indeed, recent moves towards responsibility-tracking have, on my view, had at least two kinds of pernicious effects. First, the need to determine whether or not welfare claimants are, or are not, responsible for their lot has led to increasingly intrusive application procedures that potentially degrade anybody who comes into contact with the welfare bureaucracy. Celeste Watkins-Hayes, for example, has persuasively argued that “the new welfare bureaucrats” are tasked with judging how deserving applicants are: since these kinds of judgments must in part be based on intangible assessments, rather than straightforward facts, the power relationship between welfare claimants and administrators has intensified.<sup>217</sup> So has the scope for arbitrary decisions. As one American welfare claimant memorably described the process:

They’re the cowboys, and you’re a cow. I feel like a cowboy would have more respect for the animals because he knows that the cattle are his livelihood. But these people are like, “I’m helping you. This is something I’m doing for you. So just be quiet and follow the line.”<sup>218</sup>

The fact that contemporary welfare bureaucracies inspire this kind of lament is clearly worrisome. But it is not as obvious how to formulate the wrong that is at stake. Some critics of welfare conditionality have argued that the problem lies in the fact that liberal states violate the imperative of neutrality between different

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<sup>217</sup> Watkins-Hayes, *New Welfare State Bureaucrats*. For an older overview of the literature, see also David H. Rosenbloom & Rosemary O’Leary: *Public Administration and Law*, 26<sup>th</sup> Ed., New York: Marcel Dekker, 1997. According to them, “the degradation of clients is endemic” in the American welfare system. (Ibid., 125.)

<sup>218</sup> Joe Soss: “Welfare Application Encounters: Subordination, Satisfaction, and the Puzzle of Client Evaluations,” *Administration and Society*, Vol. 31/1, 61.

conceptions of the good in making these kinds of moral discriminations. (Others have responded that the state does not violate liberal neutrality by incentivizing productive over unproductive lifestyles.) This is, itself, an interesting objection, but it seems to mischaracterize the most urgent complaint raised by welfare applicants. Indeed, a concept drawn from republican, rather than liberal, political theory may do better at capturing the wrong-making features of today's intrusive welfare states: What seems pernicious about a situation in which citizens are made to feel like voiceless cattle, and are herded about by all-powerful cowboys, is the extent and intensity of the power relationship to which they are subjected. The real danger posed by this all-pervasive relationship of "dependence" consists in the fact that a bureaucrat can decide to deny that help on arbitrary grounds.<sup>219</sup> This is likely to have pernicious effects on everybody who is in any way involved in the administration of the welfare state: on citizens who are wrongfully denied their benefits, of course; but also on applicants, successful or unsuccessful, who feel the need to flatter their "betters" during the application process;<sup>220</sup> and even to the bureaucrats who spend their working lives exercising arbitrary power over their fellow citizens.<sup>221</sup>

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<sup>219</sup> For two competing accounts of the republican conception of liberty, see Quentin Skinner: *Liberty Before Liberalism*, Cambridge: Cambridge University Press, 1997 and Philip Pettit: *Republicanism. A Theory of Freedom and Government*, Oxford: Oxford University Press, 1997.

<sup>220</sup> I am alluding to the fact that, on a republican conception of liberty, one's freedom can be curtailed even if no actual interference with one's options has taken place: in many situations, the credible possibility of threat of interference by a person who holds arbitrary power over his inferiors is quite enough to abrogate their liberty.



Second, the reality of shameful revelation also gives rise to yet another danger: a deepening of the so-called “paradox of the welfare state.” According to Yeheskal Hasenfeld,<sup>222</sup> the degrading steps involved in the process of claiming welfare entitlements are likely to put off some people who would actually be found to be eligible for welfare entitlements. An intensification of the degree to which they have to reveal sensitive information about themselves, as well as to the kind of moral judgment that is inherent in a possible denial, is thus likely to lead to a rise in the proportion of citizens with legitimate demands who never apply for benefits in the first place. This makes it more difficult for our welfare regimes to accomplish the crucial task for which we have instituted them in the first place: to provide help to those who need it most.

## V.2 The Value of Predictability

Most people attach great value to knowing that, even on the worst-case scenario, they can count on having a decent material future. This is most obviously true in relation to risks they cannot control: it is difficult for me confidently to plan for the

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<sup>221</sup> One might wish to argue that this pernicious effect is detrimental even to the “masters” who spend their working days in an artificial state of dominance over their clientele. After all, as John Stuart Mill has forcefully argued in the context of marriage, a relationship between equals has something to offer to erstwhile masters as well as erstwhile servants. (John Stuart Mill: *The Subjection of Women*, London: Longmans, Green, Reader & Dyer, 1869.)

<sup>222</sup> Yeheskel Hansenfeld, Jane A. Rafferty & Mayer N. Zald: “The Welfare State, Citizenship, and Bureaucratic Encounters,” *Annual Review of Sociology*, Vol. 13, 1987, 401.

future, or simply to enjoy peace of mind, if a single unforeseen event that lies beyond my control—such as, say, a serious illness or a natural disaster—could doom me to poverty. But, to a considerable extent, the same is true even when the factor that might ruin my future is not beyond my control at all, but rather consists in the possibility that I myself might make a foolish choice.

In this respect, it is crucial to distinguish between *predictability* and *control*. If I live in a society with perfectly responsibility-tracking institutions, which only hold me to account for my own choices, then I obviously have a fair amount of control over my own future. But since, at present, I cannot rule out that I might not, at some future point, make some foolish decision, this need not mean that I am able to predict my future. Anybody who lives in an institutional set-up that treats harshly those citizens who have become needy due to their own choices thus has good reasons to worry even about a future that is ostensibly under their control. Hence, another significant normative cost of overly responsibility-tracking institutions is the fact that they do not afford those who are subject to them the kind of predictability that allows for real peace of mind.

### V.3 The Explosion of Responsibility

It is not necessarily in our interest to increase the range of choices at our disposal. As Michael Sandel has argued in the context of biotechnology, this is especially the case if such an increase in our available choice sets will affect how we will be treated

if we exercise our newly-won choices “badly.”<sup>223</sup> As we discover new technological ways to select, enhance, and engineer the attributes of our offspring, for example, parents could “become responsible for choosing, or failing to choose, the right traits for their children”<sup>224</sup>:

Once, giving birth to a child with Down syndrome was considered a matter of chance; today, many parents of children with Down syndrome and other genetic disabilities feel judged or blamed. A domain once governed by fate has now become an arena of choice. [...] Prospective parents remain free to choose whether to use prenatal testing and whether to act on the results. But they are not free to escape the burden of choice that the new technology creates. Nor can they avoid being implicated in the enlarged frame of moral responsibility that accompanies new habits of control.<sup>225</sup>

Sandel showed how this kind of “explosion of responsibility” poses potential problems in the realm of biotechnology. But the increase in the scope of outcomes for which we are held responsible, as well as the concomitant move to “judge or blame” us for the result, has also been characteristic of developments in other areas—such as the recent transformation of our welfare regimes.

This is in part because, over the last decades, a whole host of changes both to our welfare regimes and to our financial system as a whole have made it more difficult for us to avoid entering risky bets. As we have seen in Section III of this chapter, this

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<sup>223</sup> In a rather different way, which focuses more on the reasons we sometimes have for disabling existing choices (as opposed to the reasons we have to oppose the arrival on the scene of new choices), this is also the argument made by Jon Elster in Jon Elster: *Ulysses and the Sirens: Studies in Rationality and Irrationality*, Cambridge: Cambridge University Press, 1979.

<sup>224</sup> Michael J. Sandel: *The Case Against Perfection: Ethics in the Age of Genetic Engineering*, Cambridge: Harvard University Press, 2007, 87.

<sup>225</sup> *Ibid.*, pp. 88-9.

is true in relation to the rapid spread in the ownership of risky financial instruments. Thirty years ago, most citizens had defined-benefit pensions. These were, in part, financed by the bets that others made on their behalf: their employer's pension fund manager entered some modest risks, and these helped to boost the level of their guaranteed retirement check. But from the point of view of the individual employee, neither risks nor decisions about risks were involved: they had but to wait until the agreed retirement age to collect the agreed monthly payment.<sup>226</sup> Today's situation is doubly different. Most employees have to bear the risks associated with whatever investment they choose, such that some will be better or worse off for reasons that are both unforeseeable, and only under their control in the most tenuous of ways. What's more, though, most employees don't even have a way to avoid entering such bets. While IRAs afford an unprecedented range of options about the nature and degree of risk, the twin facts of forced choice and forced exposure to uncertainty remains. What characterizes contemporary capitalism, then, is not only the increased importance of how well our bets turn out—but also the lack of choice as to whether or not to enter such bets in the first place.<sup>227</sup>

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<sup>226</sup> Naturally, this imposed burdens as well as benefits on pensioners. Just as a company would have to inject extra money into its pension funds if its bets turned out so bad that it would not be able to make defined pension payments, so too the profit generated by good bets was not fully passed down to contributors. My point is not that the increased exposure to risk nowadays necessarily erodes pensions, just that it has high normative costs—including the cost of not being able to avoid such risks.

<sup>227</sup> There is an analogue to this worry in the debate about luck egalitarianism: to what degree can bad option luck justify an unequal distribution? Elizabeth Anderson, for example, gives a long and frightening list of the counterintuitive

The same impossibility of avoiding risky bets increasingly characterizes the world of higher education and professional training. As college costs in North America have skyrocketed—and many universities in Western Europe that once used to be free have raised fees to considerable levels—it is increasingly difficult for teenagers to avoid risking debt in order to pursue even rather modest dreams. The same goes for aspiring doctors who decide to go to medical school yet fail to procure a residency. What is particularly pernicious about these examples is that many of the people involved have, all along, been encouraged to take these bets—in good part because their choices are in fact socially beneficial.<sup>228</sup> What a focus on their supposed

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consequences that luck egalitarian principles would have. (Anderson, “What Is The Point of Equality?” 295-302).

According to luck egalitarianism, somebody who declines, or simply neglects, to take out health insurance and later has a terrible road accident has no claim of justice for us to help him. This leads to the problem of the “abandonment of negligent victims” (296). If one person is disabled for reasons beyond their control and another person becomes disabled because of their own negligence, we owe the former both compensation and accommodation, but don’t have either duty towards the latter. This is the problem of “discrimination among the disabled” (Ibid). If a person freely chooses to live in a part of the country that is prone to natural disasters, they should carry the consequences of their risk themselves. This gives rise to “geographical discrimination among citizens” (Ibid).

The list goes on and on. Indeed, we might want to add to it: in current pension arrangements, a pensioner who so happens to go for one supposedly conservative investment option may enjoy a comfortable retirement, while another pensioner who so happens to go for another supposedly conservative investment option lacks the money to retire—a case of “investment luck discrimination among the elderly.”

<sup>228</sup> Indeed, the unprecedented explosion of student debt is all the more pernicious since we aren’t only responsible for the decision to incur debt in order to seek a higher education; presumably, we are also responsible for a hypothetical decision *not* to seek higher education. And since we all know, or should all know, that unemployment rates are much higher for those without college degrees, somebody might well point to that foolish decision to justify why we needn’t pay

responsibility for their student debt once again does, then, is to direct our attention towards individual decisions in such a way as to obscure the structural changes that have taken place. Instead of pointing out how pernicious the overall rise in student debt is, or rethinking the way in which societal benefits and burdens should be distributed, we are once again left to argue about whether or not some unsuccessful medical student is himself responsible for failing to secure a residency.

In short, what Sandel has feared for the realm of bioethics has already taken place in the realm of the welfare state. There has been an immense “explosion of responsibility”—one that, far from empowering citizens by widening their choice sets, has made it ever more difficult for them to avoid entering into potentially ruinous bets.

#### V.4 The Wider Costs of Re-Commodification

Arguments about the “explosion of responsibility” have drawn our attention to the way in which a focus on individual responsibility conceals systemic considerations from view. The same is likely to hold true regarding the wider economic implications of recent welfare reforms. Since this is a work of political theory, rather than political economy, I can only speculate about the influence that recent reforms to the welfare state might have had on the economic system as a whole. But it is at

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unemployment benefits for somebody who is himself responsible for his current fate.

least plausible that it might have a variety of pernicious effects that are far from negligible.

Recent changes have, to cite the language of Gøsta Esping-Andersen, “re-commodified” the citizens of contemporary capitalist systems. While—at least in many countries in continental Europe—they were once able to opt out of paid employment if the benefits of labor were too low, or the burdens too high, they are now forced to partake in the labor market to secure their livelihood. Clearly, this means that some people will, as a result, be forced to accept jobs they would otherwise have declined. It also means that current employees are deprived of the option of quitting their jobs.

But the effect goes beyond that. Employers arguably have a significantly lessened incentive to render jobs more rewarding or less burdensome, since they are now assured a steady stream of takers even for the most degrading jobs. As a result, the available jobs in the economy as a whole may be more burdensome and less rewarding than they might have been in the absence of welfare reform. Our willingness to hold individuals responsible for their refusal to accept deeply unpleasant jobs may thus create a feedback loop that leads to the creation of ever-more deeply unpleasant jobs.

## **VI Conclusion**

Most political leaders who have instituted significant reforms to the welfare state over the past three decades have justified their actions by an appeal to responsibility. In this chapter, I have argued that their rhetoric is reflected in reality. While important cross-national differences in North American and Western European welfare regimes persist, the direction of change has been similar across the board: our economic institutions now track popular ascriptions of responsibility much more closely than they once did.

So far, the extant normative literature about welfare reform has largely focused on one small aspect of these changes: the question of whether or not it is acceptable for liberal democracies to make basic assistance depend on a willingness to work. I acknowledge that participants in a fair scheme of social cooperation do have a moral duty to “do their bit.” However, I also argue that this moral duty is conditional on a number of background conditions—such as the availability of appropriate work—that are currently unfulfilled.

Going beyond the question of workfare, I show that there are also other ways in which recent reforms have made our institutions more responsibility-tracking. From a normative perspective, little has been written about these changes. I have tried to make a first step towards filling this gap by giving an initial account of some of the most salient normative costs of responsibility-tracking institutions.



In doing so, I hope that this chapter has helped to confirm two preliminary hypotheses which we had established in the introductory chapter: First, that the “responsibility framework” which characterizes our contemporary thinking about so many allocative and distributive questions “frequently tempts us to import the question of responsibility into contexts where it is, in truth, normatively irrelevant.” And second, that it “makes our treatment of other agents too sensitive to the question of whether or not we believe them to be responsible for a particular outcome.” By contrast, the concerns of this chapter have largely been orthogonal to a third hypothesis: the idea that “the responsibility framework tempts us to operate with an overly demanding conception of what is required for an agent to be responsible for a particular outcome.” This is a point that, I hope, shall be in ample evidence in the next chapter, when I turn to consider the most common academic reaction to the age of responsibility: the set of theories I refer to as the “no-responsibility view.”

## Chapter 4 The Rejection of Responsibility Considered—and Rejected

The central element of the “responsibility framework” is virtually unchallenged in the age of responsibility: most contemporary philosophers and politicians agree that a person’s claim to public assistance is undermined in important ways if they are themselves “responsible” for being in a state of need. But this consensus is in part a product of, and has in part given rise to, just as important a disagreement. For while the *normative* premise that an individual’s responsibility for an outcome undermines their claim to assistance is now widely accepted, there is considerable disagreement about the difficult *empirical* and *conceptual* questions about when we can in fact ascribe responsibility for particular outcomes to individuals. In particular, many left-wing politicians and egalitarian philosophers have responded to the age of responsibility by raising the bar for when we can ascribe responsibility for an action or outcome to somebody: On their view, most people lack moral responsibility for most outcomes—and even for many of the actions that have led to those outcomes.

In this chapter, I therefore argue for two central claims. First, I argue that, in an attempt to minimize the practical implications of the widely accepted normative premise that animates the responsibility framework, the predominant left-wing response to the age of responsibility in both philosophy and politics has been to raise the bar for when we can be said to be responsible for particular actions and / or outcomes. And second, I argue that this strategy has been misguided, for both

philosophical and rhetorical reasons. Philosophically speaking, the reasons to deny that we have moral responsibility for most of our actions are a lot weaker than some contemporary philosophers have argued. Meanwhile, rhetorically, the attempt to persuade voters that many of their fellow citizens cannot be held accountable for their actions runs counter to widespread moral assumptions in such a fundamental way that it has proved largely ineffective.

In the first part of this chapter, I show how thinkers in a variety of domains, from the speeches of senior politicians to the articles of prominent op-ed writers and the pages of leading philosophy journals, have argued that people cannot be held responsible for their fate because many, or most, of its determinants lie outside their control. After tracing some recent political and journalistic attempts to demonstrate the degree to which it would be inappropriate to ascribe responsibility to citizens of contemporary capitalist democracies in section I.1. I go on to show how, in the language of contemporary political philosophy, this is usually cashed out as the claim that it would be wrong to hold citizens accountable for the many forms of “bad luck” from which they suffer in Section I.2.. Drawing on discussions about “moral luck” in moral philosophy in Section I.3., I finally show that any principled commitment altogether to eliminate the differential effects of luck would leave us unable to hold just about anybody responsible for just about anything: if we accepted what I call the “no-luck-view,” we would quickly realize that we should never assign moral praise or blame to our co-citizens, or to think that the material

holdings they have ended up with are in any way influenced by their own true agency.

Having shown that a commitment never to hold people responsible for actions that are beyond their control would altogether undermine the possibility of moral responsibility, I go on to ask whether there actually are strong philosophical reasons to hold a view that has such radically revisionary implications. My answer is that there are not. As I show in Section II.1., the reasons to hold the no-luck-view are actually weaker than many non-philosophers assume. Conversely, as I show in Section II.2., many less radical accounts of the preconditions for moral responsibility are available and plausible. To reject most ascriptions of responsibility, I conclude, is not a convincing response to the age of responsibility from either a philosophical or a rhetorical perspective.

(All of this leaves us with an apparent paradox. On the one hand, it seems that we intuitively shy away from ascribing moral responsibility for actions that were beyond an agent's control. On the other hand, a coherent application of the no-luck principle to moral responsibility seems to be neither philosophically desirable nor practically feasible. In an appendix, I try to soften this apparent paradox by giving an alternative account of the nature of our intuitions about when to ascribe moral responsibility. On my view, the intuition that seemingly supports the no-luck principle is actually driven by a more modest wish to dismiss responsibility for actions that seem to stem from "unnatural" or "abnormal" circumstances.)

## **I. Bad Luck and Moral Responsibility**

### **I.1 Bad Luck and Politics**

When the Republican-dominated Budget Committee of the House of Representatives released its report on “The War on Poverty: 50 Years Later” in March 2014, it cited a number of structural reasons for persisting poverty. This included the lack of affordable education and effective vocational training, as well as changes in the composition of the American workforce. But, perhaps unsurprisingly, the document, invoking the Moynihan Report that had proved so influential when it was published in 1965, also cited a modern-day version of the culture of poverty as one of the main explanations for poverty. “Perhaps the single most important determinant of poverty,” its authors wrote, “is family structure”<sup>229</sup> in general, and the rise of single-parent families in particular. Another important factor the report mentions is the existence of multiple, ill-coordinated social programs, which raise the marginal tax rate for some low-skilled workers above 80 percent, and thereby supposedly disincentivize work. Though the ultimate causes which the authors of the report

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<sup>229</sup> House Budget Committee Majority Staff: “The War on Poverty: 50 Years Later – A House Budget Committee Report”, 4, available at: [http://budget.house.gov/uploadedfiles/war\\_on\\_poverty.pdf](http://budget.house.gov/uploadedfiles/war_on_poverty.pdf), last accessed: 08/10/2014.

posit consist in the social policies they dislike, then, their effect on the world travels through the mechanism of making the poor disinclined to work.

In a radio interview following the release of the report, Paul Ryan, the report's sponsor, was even more explicit about the idea that a big part of the reason for persisting poverty, especially in the inner cities, is a lack of personal responsibility.

Invoking Charles Murray and Robert Putnam, he said:

We have got this tailspin of culture, in our inner cities in particular, of men not working and just generations of men not even thinking about working or learning the value and the culture of work, and so there is a real culture problem here that has to be dealt with.<sup>230</sup>

As commentators on the left recognized, Ryan thereby “blames government-sponsored social programs for permitting the lazy among us to avoid taking responsibility for themselves and their children, and he believes the cure for this self-inflicted condition is tough love: Poor people need stronger incentives to get off the couch and find a job.”<sup>231</sup>

But the prevailing response to the report, and to Ryan's subsequent comments, on the part of those self-same commentators was not to challenge the normative link between the supposed responsibility of the poor and the way they should be

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<sup>230</sup> Igor Volsky: “Paul Ryan Blames Poverty on Lazy ‘Inner City’ Men,” Think Progress website, 03/12/2014, available at: <http://thinkprogress.org/economy/2014/03/12/3394871/ryan-poverty-inner-city/> (last accessed on 09/08/2014)

<sup>231</sup> Susan Greenbaum: “Debunking the pathology of poverty,” Al Jazeera America website, available at: <http://america.aljazeera.com/opinions/2014/3/culture-of-povertysocialwelfarepaulryanaffluenza.html> (last accessed on 08/07/2014)

treated. Nor was it to challenge the idea that existing social programs are ill-designed to combat poverty. Rather, it was to deny the premise that the choices of the poor have anything to do with why they are poor in the first place.

One version of this response was to accept that cultural norms play a role in causing poverty—but that it is the cultural norms of the rich, rather than those of the poor, that are truly to blame. Cleverly inverting the usual point about cultural pathology among the poor in response to Ryan’s remarks, anthropologist Susan Greenbaum, for example, argued that poverty was caused by recessions like that of 2008. These, in turn, have been brought about by

fraudulent and predatory practices by the captains of finance, corrupt behavior by regulators and elected officials and an ethos condoning exploitation at all levels of the economy, especially against the most vulnerable. These practices are also cultural—driven by the rationalized prerogatives of people with too much wealth and power—and they wreak much more havoc than the shortcomings of poor parents.<sup>232</sup>

But the dominant response on the left was rather simpler: it was to deny that cultural, rather than structural, factors were an important part of the explanation at all. This point was made most forcefully by Ta-Nehisi Coates. Writing in *The Atlantic*, he claimed that, despite engaging in dog-whistle politics, Ryan’s stance actually resembles that of politicians and commentators who can hardly be accused of being racist. After all, “[w]hat Ryan said here is not very far from what Bill Cosby, Michael Nutter, Bill Clinton, and Barack Obama said before him.” Indeed, Coates complains, there is “an accepted belief in America—black and white—that African-American

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<sup>232</sup> Ibid.

people, and African-American men, in particular, are lacking in the virtues in family, hard work, and citizenship." Barack Obama, for example, is on record as saying that

I always tell people to go read some of Dr. King's writings about the African-American community. For that matter, read Malcolm X .... There's no contradiction to say that there are issues of personal responsibility that have to be addressed, while still acknowledging that some of the specific pathologies in the African-American community are a direct result of our history.<sup>233</sup>

But, Coates argues, it is a serious mistake to accept that personal responsibility is one causal factor for explaining poverty that can stand alongside structural considerations; on the contrary, he claims, in the context of African-Americans, *any* attempt to invoke the choices of the poor at all amounts to a whitewashing of America's racist history:

The president is correct that there is a long history of black leaders addressing "personal responsibility." But as a diagnosis for what has historically gone wrong in black communities, the tradition is erroneous. When W.E.B. Du Bois, in 1897, claimed that the "first and greatest" step toward addressing "the Negro Problem" lay in correcting the "immorality, crime and laziness among the Negroes themselves" he was wrong. ... When Booker T. Washington urged blacks to use "every iota of influence that we possess" to "get rid of the criminal and loafing element of our people," he was wrong. When Marcus Garvey claimed that "the greatest stumbling block in the way of progress in the race has invariably come from within the race itself," he was dead wrong. When Malcolm X claimed that "the white man is too intelligent to let someone else come and gain control of the economy of his community," and asserted that black people "will let anybody come in and take control of the economy of your community," he was wrong. He knew the game was rigged. He did not know how much. An appeal to authority—even the authority of our dead—doesn't make Barack Obama any more right. On the contrary, it shows how wrong he is. I

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<sup>233</sup> David Remnick: "Going the Distance: On and off the road with Barack Obama," *The New Yorker* 01/27/2014 issue, available at [http://www.newyorker.com/reporting/2014/01/27/140127fa\\_fact\\_remnick?currentPage=all](http://www.newyorker.com/reporting/2014/01/27/140127fa_fact_remnick?currentPage=all); last accessed on 09/02/2014



can't think of a single credible historian of our 500-year tenure here who has concluded that our problem was a lack of "personal responsibility."<sup>234</sup>

As often happens in American discussions of persistent poverty, the particulars of the debate about Ryan's comments quickly came to revolve around issues that are specific to African-American poverty, and the long history—as well as the continued reality—of extreme injustice that has given rise to it. But the basic contours of this debate are nevertheless representative both of the prominence of talk about responsibility, and of the most prominent left-wing response to it, in the age of responsibility. Over the past decades, the question of individual responsibility has become central to debates about public policy in general, and the welfare state as well as the just entitlements of specific individuals in particular. Much of this debate is dominated by a right-leaning discourse that justifies cuts to entitlements and existing welfare programs by invoking the need to incentivize the poor to exert more personal responsibility for themselves. The left, meanwhile, has not been silent on the issue. But rather than challenging the normative premise that gives rise to a lot of this rhetoric—that is to say, the idea that an individual's bad choices in the past undermine their claim to assistance in the present—they have focused on challenging the idea that good or bad choices are an important causal factor in explaining poverty at all. As we will see in the next two sections, a rather more sophisticated, and a good deal more radical, version of this claim has also predominated in the left's philosophical response to the age of responsibility.

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<sup>234</sup> Ta-Nehisi Coates: "The Champion Barack Obama: How Black America talks to the White House," *The Atlantic*, 01/31/2014, available at: [http://www.theatlantic.com/politics/archive/2014/01/the-champion-barack-obama/283458/?single\\_page=true](http://www.theatlantic.com/politics/archive/2014/01/the-champion-barack-obama/283458/?single_page=true), last accessed: 06/29/2014.

## I.2 Bad Luck and Political Philosophy

At bottom, the left's response to the age of responsibility has been to claim that politicians like Paul Ryan are in danger of punishing the most vulnerable members of society for outcomes which are not in their control and for which they are, consequently, not responsible. This is rooted in a set of philosophical concerns about the role of luck—understood precisely as that which lies beyond our control—which has been one of the driving forces of moral and political philosophy for close to a half-century. From John Rawls to Ronald Dworkin, and from Thomas Nagel to Richard Arneson, philosophers have increasingly recognized just how thorough-going an influence luck has on our moral and political world; to attain justice, some of them claim, is to purify our moral practices and political institutions from its all-pervasive influence.<sup>235</sup>

On the understanding of most philosophers, to insulate human agents from being punished for forms of bad luck requires, in the first instance, that we do not judge

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<sup>235</sup> See for example Ronald Dworkin: *Sovereign Virtue: Equality in Theory and Practice*, Cambridge: Harvard University Press, 2000, G. A. Cohen: "On the Currency of Egalitarian Justice," *Ethics* 99, 1989, pp. 906–944 and Richard J. Arneson: "Equality and Equal Opportunity for Welfare," *Philosophical Studies* 56, 1989, pp. 77–93, reprinted in Louis Pojman & Robert Westmoreland (Eds.): *Equality: Selected Readings*, Oxford: Oxford University Press, 1997, pp. 229–241. Thomas Nagel similarly emphasizes the all-pervasive influence of luck, though he resists the idea that it is politics' role to remedy the influence of luck: Thomas Nagel: "Justice and nature," *Oxford Journal of Legal Studies*, Vol. 17, 1997, 303-321.

them for things that are beyond their control. This aspiration, in turn, requires us to search, eagle-eyed, for factors that may seem to be under their control but could turn out, upon reflection, to be a matter of sheer luck. Especially in a political context, any serious desire to insulate the lives of citizens from being unduly influenced by arbitrary factors thus calls for a careful consideration of which determinants of a person's social and economic situation turn out, upon reflection, to be a matter of mere luck.

John Rawls cast a particularly sharp set of eagle eyes over the political world. As he argues in *A Theory of Justice*, three main factors of overlooked, or underestimated, luck exist.<sup>236</sup> First, and least surprising, is the realm of social contingencies. In existing societies, some babies are born with trust funds, sure to inherit vast wealth; others come into the world penniless. Even beyond inheritance, the wealth of parents, used to buy an expensive education or lend social prestige, translates into myriad further advantages. Second, and a little more surprising, stands the "natural lottery in talents." On this view, "[n]o one deserves his greater natural capacities."<sup>237</sup> Even factors like our intelligence or looks, with whom we may deeply identify, are arbitrary from a moral point of view. Last, and most surprising, comes effort. As Rawls points out, the amount of effort we exert, more so than our talents or our starting point in society, might at first be seen to depend on our choice. "Once again, however, it seems clear that the effort a person is willing to make is influenced by

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<sup>236</sup> John Rawls, *A Theory of Justice*, Original Edition, Cambridge: Harvard University Press, 1971.

<sup>237</sup> *Ibid.*, 102.

his natural abilities and skills and the alternatives open to him. The better endowed are more likely, other things equal, to strive conscientiously [...]"<sup>238</sup>

The realization that a person's talents and effort, as well as their socio-economic starting point, are a matter of luck forces us to revise what we can hold citizens responsible for: the realm of things for which we can truly be responsible is much smaller than we might have imagined. But how should we respond to the huge role which contingency plays in our lives? What steps must a just society take to counteract natural arbitrariness if we realize that citizens are richer or poorer, happier or unhappier, because of sheer luck? According to Rawls, to insulate human agents from luck in an appropriate manner requires, first of all, that we do not allow arbitrary factors to influence the design of our political institutions: "[t]he principles of justice are chosen behind a veil of ignorance. This ensures that no one is advantaged or disadvantaged *in the choice of principles* by the outcome of natural chance or the contingency of social circumstance."<sup>239</sup> Furthermore, it seems clear enough that we should not endeavor actively to reward citizens for morally arbitrary factors. If Rawls's account of natural and social contingencies holds true, popular political conceptions according to which hard workers or the talented *merit*—in the sense of pre-institutional or moral desert—more material goods seem unacceptable. (However, as I have argued in Chapter 2, it is very much up to debate

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<sup>238</sup> Ibid., 312.

<sup>239</sup> Ibid., 12. (My emphasis.)

to what degree institutional forms of desert might not recreate the pre-institutional notions which Rawls rejects.)

But these two points still leave any account of the appropriate political response to luck ambiguous in one crucial respect. Should we be neutral towards luck, preserving the possibility that a just society might leave untouched, or even reinforce, the effects of natural and social contingencies—especially if this is desirable for independent reasons, such as economic incentives or prior entitlements?<sup>240</sup> Or should we actively combat the effects of luck, fully committing a just society to the attempt to minimize, or at least to alleviate, the effects of natural and social contingencies?

The answer is far from obvious.<sup>241</sup> But over the past three decades, political philosophers have increasingly accepted that the task of politics goes beyond a

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<sup>240</sup> For a compelling statement of the difficulties associated with the view that we must alleviate the effects of natural luck in the name of justice, see Nagel, *Justice and Nature*.

<sup>241</sup> Rawls himself gave what I believe to be a contradictory answer regarding this issue. Consider his statement that “[t]he natural distribution is neither just nor unjust; nor is it unjust that persons are born into society at some particular position. These are simply natural facts” (Rawls, *ToJ*, 87). If it is true that this kind of luck is neither just nor unjust, then it seems as though justice might require a policy of neutrality towards luck: we should neither pay attention to merit-based claims based on such contingencies, nor need we eradicate advantages that do happen to be based on them. Yet, Rawls ultimately seems to reject such a neutral stance in favor of a more active requirement for a just society to contain and counteract the influence of luck. Consider, for example, Rawls’s objections to the system of natural liberty:

[t]he existing distribution of income and wealth, say, is the cumulative effect of prior distributions of natural assets – that is, natural talents and abilities –

purely neutral stance concerning luck. They insist that inequalities between two persons can only be justified by factors that are in their control. Hence, as Ronald Dworkin has argued, a just political system would have to compensate victims of bad luck for their misfortune. (On his view, by tracking a set of hypothetical auctions.)<sup>242</sup> It should not come as a surprise, then, that the conception of justice inspired by Rawls and developed further by Dworkin soon came to be called luck egalitarianism. For a particularly striking formulation of its rationale, listen to one of its earliest advocates, Richard Arneson:

The concern of distributive justice is to compensate individuals for misfortune. Some people are blessed with good luck, some are cursed with bad luck, and it is the responsibility of society—all of us regarded collectively—to alter the distribution of goods and evils that arises from the jumble of lotteries that constitutes human life as we know it.<sup>243</sup>

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as these have been developed or left unrealized, and their use favored or disfavored over time by social circumstances and such chance contingencies as accident and good fortune. Intuitively, the most obvious injustice of the system of natural liberty is that it permits distributive shares to be improperly influenced by these factors so arbitrary from a moral point of view. (*Ibid*, 72)

This statement seems a little puzzling to me. If equality is required *for independent reasons*, then that might necessitate containing luck *insofar as luck upsets equality*. But if the lottery in talents is merely a natural fact, neither just nor unjust in itself, then it is unclear why the fact that the system of natural liberty does not mitigate the influence of morally arbitrary factors on distributive shares should, in itself, be a strike against it. Either Rawls is an egalitarian who is concerned with luck only epiphenomenally (and therefore has to modify the latter passage); or he is committed to eradicating all differential effects of luck because their existence is unjust (and therefore has to modify the former passage). As they stand, his remarks seem to be in tension.

<sup>242</sup> Dworkin, *Sovereign Virtue*, esp. 64 ff.

<sup>243</sup> Richard Arneson: "Rawls, Responsibility and Distributive Justice," in M. Salles & J. A. Weymark (Eds): *Justice, Political Liberalism, and Utilitarianism – Themes from Harsanyi and Rawls*, Cambridge: Cambridge University Press, 2008, 80.

On the luck egalitarian view, politics should insulate the lives of citizens from what they are not morally responsible for, namely the differential effects of luck. But the differential effects of luck are everywhere. It follows that politics is faced with a potentially all-consuming task. All the effects of differences that are morally arbitrary must be overcome, whether their sources be human or natural.

For the most radical advocates of this position, there are no in-built limits on the effort and expense the luck egalitarian state should devote to eradicating the effects of luck: taken to the extreme, Rawls' account of natural and social contingencies, coupled with the wish to compensate citizens for the differential effects of such instances of luck on their lives, can become all-encompassing. Consider the case of love. If one's ability to be more or less productive in the modern economy is a matter of luck, then so, surely, is one's ability to make oneself be loved. After all, a person's good looks, charm, wit and charisma are all underserved in the same way in which a person's talents or propensity to exert themselves are undeserved. Yet love influences how well a person's life goes in profound ways. Must we, then, redistribute for the advantages citizens enjoy, or the disadvantages they suffer, because of their ill luck in love? According to Philippe van Parijs,<sup>244</sup> the answer is yes:

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<sup>244</sup> Philippe van Parijs: *Real Freedom for All*, Oxford: Oxford University Press, 1995. (Van Parijs might be described as something other than a luck egalitarian, in part because the "basic income" he champions would not be forfeited as a result of imprudent choice. But what matters in the present context is that van Parijs shares the ambition to insulate the lives of individuals from the effects of luck in the relevant sense. What is more, the particular reasons why van Parijs wants to

Suppose, for example, that there is a shortage of marital partners, whether for a purely demographic or cultural reason ... Leaving things as they are is prima facie unfair because some people monopolize a scarce asset. ... So the ideal solution must consist in giving all women an equal tradable right to men, and let them then trade in perfectly competitive fashion until the market-clearing price of partnership is reached.<sup>245</sup>

Even among committed luck egalitarians, only few exponents follow this logic to so radical an extreme. Some claim that we should redistribute only material resources, not happiness or welfare, as van Parijs assumes.<sup>246</sup> Others claim that the value of equality does not constitute the whole of justice;<sup>247</sup> presumably, for example, our right to self-determination might prevent us from being traded as partners. Others still claim that equality does constitute the whole of justice, but insist that other values, like compassion or charity, should sometimes cushion the full force which luck egalitarian principles would otherwise exert.<sup>248</sup> But even if luck egalitarians are

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compensate citizens for their bad luck in love apply to luck egalitarians, even if it is true that describing him as a luck egalitarian is, in other contexts, indefensible.)

<sup>245</sup> Van Parijs: *Real Freedom for All*, 127. Van Parijs goes on to specify that the equal tradable rights would consist in partnerships, not partners. Nevertheless, it is worth re-reading the passage above while reversing his uses of “men” and “women” – as we would have to when considering societies, like China or India, with a shortage of women. Do the unlucky men of China deserve an “equal tradable right to women,” or even to partnerships with women?

<sup>246</sup> See Rawls, *ToJ*, 92-5 and Ronald Dworkin: “What is Equality? Part 1: Equality of Welfare,” *Philosophy & Public Affairs*, Vol. 10/3, Summer 1981 as well as Ronald Dworkin: “What is Equality? Part 1: Equality of Resources,” *Philosophy & Public Affairs*, Vol. 10/4, Autumn 1981,

<sup>247</sup> See for example Ronald Dworkin: “Equality, Luck and Hierarchy,” *Philosophy & Public Affairs*, Vol. 31/2, 190-198.

<sup>248</sup> For a discussion of attempts to limit the reach of luck egalitarianism, which have most often taken place in the context of avoiding the overly harsh treatment of options of bad option luck, see for example: Shlomi Segall: *Health, Luck, and Justice*,



capable of avoiding the most fragrantly counterintuitive implications of their leading principle, political philosophy's luck egalitarian turn has had the great virtue of making clear the sheer radicalism of the underlying insight: taken seriously, the ambition to eliminate the effects of luck, coupled with a recognition of just how fundamental a force factors beyond our control are in reality, requires a fundamental refashioning of our political institutions.

But is the double foundation of this belief—the idea that luck is a huge part of our life, and that it cannot be just to let the effects of luck influence our lives—actually plausible? Before we can begin to answer that question, we need to understand the even more radical role which reflection about luck and responsibility plays in contemporary moral philosophy.

### I.3 Bad Luck and Moral Philosophy

Sam, let us imagine, has beaten up his friend, Stephen, out of the blue and for no good reason. Most people, knowing only this much, would be quick to blame Sam for his violence. But what if they then found out that Sam had had an extremely violent father, who administered daily, ruthless beatings to him when he was a helpless child? And what if, further, some experimental psychologist—calling their attention

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Princeton: Princeton University Press, 58-73 and Kristin Voigt: "The Harshness Objection: Is Luck Egalitarianism Too Harsh on the Victims of Option Luck?" *Ethical Theory and Moral Practice*, Vol. 10/4, 389-407.

to, say, Sam's usually pleasant character traits—were to assure them that Sam would never have beaten Stephen up if only he had enjoyed a less violent childhood?

In light of this additional information, many of us would significantly soften, and perhaps even altogether retract, our negative judgment of Sam. We might, for example, say that it would hardly be fair to hold Sam responsible for beating Stephen up if, but for that terrible childhood, he would never have become such a violent person. To blame Sam for an action he only performed because of his father's violent beating would, we might worry, only amount to punishing him twice over for a terrible injustice—one that, to state the obvious, wasn't his fault in the first place. For all these reasons, it would, it seems, be unfair fully to blame Sam for his actions.

As I will explain over the course of this chapter, I am more skeptical about this intuition than most. But it is undoubtedly powerful. To fully understand the nature and implications of our revised judgment about Sam, we must first interpret what principle seems to drive it. Thankfully, one interpretation is readily at hand. On this view, there is—though most of us might be disinclined to put it that way most of the time—an easy explanation for our reluctance to blame Sam. The real reason why we hold him to be innocent (or at least less guilty than a hypothetical Sam who has performed the same actions even though he enjoyed a more comfortable upbringing) is that Sam is a victim of “bad moral luck.” That he performed an impermissible action is not in doubt. But it seems equally clear that, had it not been for factors beyond his control, he would never have performed that action in the

first place. The immediate upshot of all this is that Sam is not nearly as blameworthy as he at first appeared to be. But the broader upshot is even more important. It seems that we should never hold people morally responsible for actions or outcomes that were caused by factors beyond their control. According to this train of thought, an anti-luck-principle forms the very core of our ethical convictions: our moral standing shall not be affected by good or bad luck.<sup>249</sup>

If we are to be conscientious about our newfound determination not to let people's moral standing be affected by good or bad luck, we need to ask an obvious follow-up question: what kinds of actions are subject to moral luck? Ever since Thomas Nagel's classic article on the topic, the scholarly literature has distinguished between four different kinds of moral luck. First, there is "outcome luck."<sup>250</sup> This consists of good or bad luck concerning the consequences that our actions have. Consider a simple example:

- A and B both try to kick a can of coke down the road. But A slips, kicking C instead.

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<sup>249</sup> For the two articles which got the debate about moral luck going in contemporary analytical philosophy, see Bernard Williams: "Moral Luck," *Proceedings of the Aristotelian Society, Supplementary Volumes* Vol. 50, 115-135 and Thomas Nagel: "Moral Luck," *Proceedings of the Aristotelian Society, Supplementary Volumes* Vol. 50, 137-151. For an especially forceful statement of the severity of the challenge posed by moral luck, consult Michael Zimmermann: "Luck and Moral Responsibility," *Ethics* Vol. 97, 1987, 374-386.

<sup>250</sup> I largely follow the very helpful terminology first set out by Thomas Nagel in the classic pair of articles on moral luck, originally published in 1976. (Nagel, "Moral Luck.")

The worry here is that we might blame A for kicking C even though he never intended to do so. To avoid such an unfair ascription of moral responsibility, we must either a) not blame A at all, because he did not intend to kick C, or b) blame A only for the fact that he negligently kicked a can down the road when he should have reasonably known that this might result in his inadvertently kicking C; however, in that case we must take special care not to blame A any more than we blame B. More broadly, to avoid holding people responsible for bad outcome luck, we must make sure that we do not hold an agent more morally responsible for a particular action if that action (not reasonably foreseeably to him) so happened to have a bad outcome than we would have done if that action (not reasonably foreseeably to him) had so happened to have a good or neutral outcome.

Since the precise consequences of our actions are rarely foreseeable in the real world, a serious commitment to compensating for bad outcome luck would force a thoroughgoing revision of our moral, legal and political practices. It is little wonder, then, that vivid examples of outcome luck have dominated much of the scholarly debate on the wider topic of moral luck.<sup>251</sup> But, as we will see, the implications of other forms of moral luck are even more radically revisionary.

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<sup>251</sup> For recent discussions of outcome luck, see for example Peter Vallentyne: "Brute luck and responsibility," *Politics, Philosophy, Economics*, Vol. 7/1, 2008, 57-80. Much of the recent discussion of outcome luck has taken place with regard to the different treatment of successful and unsuccessful attempts. See for example Leo Katz: "Why the Successful Assassin is More Wicked than the Unsuccessful One," *California Law Review*, Vol. 88/3, 2000, 791-812 and Ken Levy: "The Solution to the Problem of Outcome Luck: Why Harm is Just as Punishable as the Wrongful Action that Causes it," *Law and Philosophy*, Vol. 24/3, 2005, 263-303.

Take the case of “circumstantial luck.”<sup>252</sup> Circumstantial luck consists in good or bad luck concerning the circumstances in which an agent was placed: while the agent foresaw the outcome of his action, there is a sense in which he only performed the action because of the particular circumstances he found himself in. Consider this example:

- A, who lives in a dictatorial regime that imposes heavy burdens on any citizen suspected of sympathizing with an ethnic group to which C belongs, kicks C to prove his loyalty to the regime’s ideals. B, who is as easily influenced by a fear of punishment, and would likely act in the same way were he placed in similar circumstances, so happens to grow up in a country that encourages racial tolerance. As a result, he always treats D, who belongs to the same racial minority as C, with the greatest respect.

The worry here is that we might blame A for kicking C even though he only performed that impermissible action because he was placed in circumstances that strongly encouraged him to act badly. Once again, a consistent commitment to keeping moral luck at bay would require us to adjust, or to eliminate, our ascription of moral responsibility. We should either a) not blame A at all; or b) blame him no more than we might blame B for the fact that he is so susceptible to outside influences that he might have acted the same way had the circumstances conspired against him. Generally speaking, it seems, we should never blame a person for bad actions they carried out because of the particular circumstances they were placed in.

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<sup>252</sup> Nagel, “Moral Luck,” 145 ff.

Outcome luck, I noted earlier, is everywhere. What effect we have on the world is deeply influenced by factors beyond our control: the most well-intentioned people can cause moral disasters, just as the most loathsome can inadvertently inspire the forces of good to rally for victory. And yet, in another sense, outcome luck goes far less deep than circumstantial luck. Even though we might, at times, feel that some of the inadvertent outcomes of our actions mark us in a significant way, they surely do so less than the circumstances in which we are placed throughout our lifetime. This may be true because we are placed in particularly morally trying circumstances, or simply because our character traits are a poor match for the situations we encounter in life. An ambitious, ungenerous man can inspire our grudging admiration when he draws on these character traits to overcome untold hardships; but that same man, born into a position of privilege and wealth, is likely to meet with our disapproval or even disgust.

But if the desire to eliminate the effects of circumstantial luck is a particularly deep-going challenge to the possibility of moral responsibility, “constitutive luck” poses a yet more potent challenge.<sup>253</sup> Constitutive luck consists in good or bad luck concerning the factors which have helped to turn a moral agent into the kind of person he now is: while the agent foresaw the outcome of his action, and while the circumstances in which he carried that action out do not provide any obvious justification for acting in the way he did, there is a causal history that explains how

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<sup>253</sup> See Williams, “Moral Luck,” 2ff. and Nagel, “Moral Luck,” 26 ff.

the agent became the sort of person who would choose to act in the way he did.

Consider this example:

- A, who was brought up by irresponsible and even violent parents, kicks C for no good reason. B, who would have developed the same violent tendencies had he not enjoyed a happy and idyllic childhood, treats C with respect.<sup>254</sup>

The worry here is that we might blame A for kicking C even though he only performed that impermissible action because, for reasons beyond his control, he grew up to have bad character traits. Yet again, a consistent commitment to keeping moral luck at bay would require us to adjust, or to eliminate, our ascription of moral responsibility. As in previous cases, we should either a) not blame A at all; or b) blame him no more than we might blame B for the fact that he might also have grown up to be a bad person had he had a terrible childhood. Or, to put it more broadly, a serious attempt to keep constitutive luck at bay would require us never to blame a person for bad actions that they only performed because of the way in which factors beyond their control affected their moral character.

This example of “constitutive luck” is, of course, largely identical to the example of Sam and Stephen with which we started the section. Since that is a case of “nurture,”

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<sup>254</sup> For an article arguing that constitutive luck does threaten moral responsibility, see Andrew Latus: “Constitutive Luck,” *Metaphilosophy*, Vol. 34/4, July 2003, 460-75. For authors who argue against the importance—or even the existence—of constitutive luck, see Susan Hurley: “Justice without Constitutive Luck,” *Royal Institute of Philosophy Supplement*, Vol. 35, 1993, 179-212, Daniel Statman: “Introduction,” in: Statman (Ed.): *Moral Luck*, Albany, NY: State University of New York Press, 1993, and Nicholas Rescher: *Luck: The Brilliant Randomness of Everyday Life*, New York: Farrar, Straus and Giroux, 1995.

it may be worth pointing out that there is nothing special about that particular kind of constitutive luck. Indeed, cases of constitutive luck that fall on the “nature” side of the divide have very similar features:

- A, who suffers from a rare genetic mutation that raises his testosterone levels and makes him prone to violence, kicks C for no good reason. B, who would have developed the same violent tendencies were he not in possession of a non-mutated gene, treats C with respect.

As should be apparent, whether an agent is led to act badly by his genes or by his parents, those factors are equally beyond his control, and have an equally important impact on his moral character. Any serious attempt to eliminate the differential effects of luck on somebody’s moral standing must thus inspire us to eliminate the effects of both nature and nurture on a person’s character (though it is rather questionable whether any meaningful object of judgment would then be left).

It seems clear that we have, at this point, entered the realm of science fiction. An injunction to judge the actions of our co-citizens while abstracting away from the influence that their upbringing and genes might have had on them is impossible to follow in any meaningful way. If we have good reason to believe that this injunction is required for reasons of fairness, so be it. But if such a radically revisionary stance turns out to be necessary, we should at least admit that, for all practical intents and purposes, it is simply an injunction never to pass any kind of moral judgment on our fellow human beings at all.



The demand to mitigate for all forms of constitutive luck is extremely radical. And yet this demand's revisionary implications pale in comparison to the uprooting of our moral thought that would become necessary if we set out to insulate our co-citizens from the effects of so-called "causal luck." Causal luck, the forth and final variant of moral luck, consists in good or bad luck concerning the way in which a mechanistic universe causes a person to act: while the agent foresaw the outcome of his action, and while the circumstances in which he carried that action out do not provide any obvious reason for acting in the way he did, and while there are no special factors that made him the kind of person he is, causal processes outside of his control determined that he would act in the way he did. Consider this example:

- Our universe is deterministic. At the time of the Big Bang it was causally predetermined that A would eventually kick C. It was also predetermined that B would treat C with respect.<sup>255</sup>

What is at stake here is, quite simply, the age-old worry at the heart of discussions about free will. How, the question goes, can it be fair to judge an agent for their action if, billions of years before they were born, the whole world was set up in such a way as to make that action inevitable? Surely, many wish to answer, it would be for the best not to blame them at all.<sup>256</sup>

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<sup>255</sup> Nagel, "Moral Luck," 147 ff. Note, however, that Andrew Latus has claimed that the category of causal luck is redundant since it is wholly constituted by constitutive and circumstantial luck: Andrew Latus: "Moral Luck," *The Internet Encyclopedia of Philosophy*, available at: <http://www.iep.utm.edu/moralluc/>, last accessed on 03/12/2014.

Because the implications of a deterministic universe seem so stark, some philosophers have been tempted to seek refuge in the idea that the universe might not be fully deterministic after all. This is not the place to enter into that metaphysical debate; but, before we move on, it is worth noting that many supposed solutions to the problem of free will hardly qualify as a way to resurrect the possibility of moral responsibility. To see why, consider the following example:

- Our universe is largely deterministic. However, at times undetermined events at the level of quantum physics can set in motion chain reactions that affect human action. This has happened in the case with which we are concerned. A decided to kick C because of the way certain neurons were set off by a truly random event at the level of quantum physics. Meanwhile, B decided to treat C with respect because, in his case, somewhat different neurons were set off by a truly random event at the level of quantum physics.

In light of this example, it is clear that the apparent threat which causal luck poses to our moral responsibility is not limited to a deterministic universe; even a universe in which some events are truly random seems to leave little space for human

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<sup>256</sup> Interestingly, causal luck threatens to dissolve moral responsibility to such a degree that the two possible ways to insulate agents from the influence of moral luck, which had existed for outcome, circumstantial and constitutive luck, have now merged to become one and the same: One way of putting the impact of a desire to insulate our co-citizens from the differential effects of causal luck is to say that we should not blame Agent A for his causally predetermined actions. Another way is to say that we should not blame Agent A any differently for his very bad, causally predetermined action than we might blame Agent B for his somewhat bad, causally predetermined action. But since, in a deterministic universe, neither the actions of Agent A nor the actions of Agent B were truly under their own control, we cannot blame either of them in any way.

agency, and therefore (so the argument goes) for basic moral categories like praise and blame.<sup>257</sup>

This section has shown how radically revisionary the implications of a real commitment to mitigating the effects of moral luck on our lives would be. The most extreme challenge is posed by causal luck: for anybody who believes in a deterministic universe, a commitment to eradicate moral luck must seemingly translate into a commitment not to make any moral distinctions between human beings in the empirical world. But even those who are less metaphysically inclined must realize just how all-pervasive the possible effects of moral luck are. If we want to hold constant for factors beyond our control, we cannot judge others for the outcomes of their actions, the circumstances under which they carried those actions out, or even the things that went into making them the people they are. The no-luck-principle therefore dissolves the subject of moral responsibility: once we have abstracted away from a person's effects, circumstance and constitutive characteristics, too little is left for moral evaluation to be possible—or indeed for it to have any point.

At the beginning of much of modern moral philosophy stands Immanuel Kant's insistence that we should—as we might put the point in the language of contemporary philosophers—not be judged negatively for cases of bad outcome

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<sup>257</sup> On this point, see for example Gary Watson: *Free Will*, Oxford: Oxford University Press and Derk Pereboom: *Living Without Free Will*, Cambridge: Cambridge University Press, 2001.

luck. If we try hard to rescue a child from a burning building, but fail in our efforts, Kant argues, our good will nevertheless makes us morally admirable:

Even if by a special disfavor of fortune or by the niggardly provision of a stepmotherly nature, this will should wholly lack the capacity to carry out its purpose—if with its greatest efforts it should achieve nothing and only the good will were left (not, of course, as a mere wish but as the summoning of all means insofar as they are in our control)—then, like a jewel, it would still shine, as something that has full worth in itself. Usefulness or fruitfulness can neither add anything to its worth nor take anything away from it.<sup>258</sup>

Kant's promise to insulate moral agents from the effects of things that are beyond their control is deeply attractive. After all, the bearer of niggardly powers no longer needs to blame himself because he didn't rescue the child: all that counts is his will which, despite his abject failure, shines like a jewel. "Kantianism," Bernard Williams once remarked, "is only superficially repulsive—despite appearances, it offers an inducement, solace to a sense of the world's unfairness."<sup>259</sup>

In the language of contemporary moral philosophy, this comforting impulse has often been rendered as the so-called Control Principle:

(CP) We are morally assessable only to the extent that what we are assessed for depends on factors under our control.<sup>260</sup>

This Control Principle has a corollary, which seems equally convincing:

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<sup>258</sup> Kant, Immanuel: *Groundwork of the Metaphysics of Morals*, Cambridge: Cambridge University Press, 1998, 8.

<sup>259</sup> Bernard Williams: *Moral luck: philosophical papers*, Cambridge: Cambridge University Press, 1981, 36.

<sup>260</sup> Dana Nelkin: "Moral Luck," *Stanford Encyclopedia of Philosophy*, Revised Ed., 2008, available at: <http://seop.ilic.uva.nl/archives/win2009/entries/moral-luck/>, last accessed 03/28/2013.

(CP-Corollary) Two people ought not to be morally assessed differently if the only other differences between them are due to factors beyond their control.<sup>261</sup>

But there is one major transformation that this insight has undergone since Kant offered us his solace: Armed with more sophisticated scientific, psychological and even psychoanalytical research—as well as, not least of all, two hundred and fifty years of discussion based to a significant degree on Kant’s works—we recognize to what degree even our will is not entirely under our control.

Kant’s initial impulse seemed to offer solace. But, taken to its logical conclusion, it has done something altogether different: it has undermined our ability to take responsibility for just about any of our actions or moral attributes. This raises the questions I wish to address in the second half of this chapter: Should we accept the degree to which a variety of thinkers, from moral philosophers to op-ed writers, have undermined the degree to which we can claim responsibility for our actions and circumstances—or must we seek to find solace in an understanding of our moral accountability that accepts that we can sometimes be responsible for things that, strictly speaking, are out of our control?

## **II      Could Moral Responsibility Prove Resistant to Luck?**

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<sup>261</sup> Ibid.

In the last section, I presented some strong intuitions most people have about particular hypothetical cases. When we considered Sam, it simply seemed unfair to blame him for his reprehensible actions. This moral fact stands in need of explanation. Of late, I have argued, most moral philosophers have given this explanation by arguing that our intuitions motivate a very broad principle about moral luck: whenever a bad action, or its outcome, is owed to factors beyond our control, they say, it seems that we shouldn't be blamed for it. Building on that interpretation of our intuitions, I showed that a consistent application of this "anti-luck-principle" would be extremely demanding, as well as straightforwardly impracticable. This is important because it shows that, even though this principle may seemingly be based on strong intuitions about certain cases, in other cases it runs counter to our moral practices and intuitions in an even more fundamental way. Whatever intuitive appeal it initially seemed to hold is lost as we recognize what its general application would demand of us. We are thus left with an apparent paradox: the anti-luck principle is built on some very strong intuitions—the very intuitions which many left-wing politicians and commentators invoke when they deny that it would be just for us to be held accountable for a whole host of socio-economic outcomes. But a consistent application of that same anti-luck principle is just as counterintuitive.

In the remainder of this chapter, I seek to resolve this paradox. To do so, I will start, in this section, by surveying the philosophical reasons to accept or reject the no-luck-principle. On my view, there is no inherent reason to interpret our intuition

about particular cases as being motivated by a general anti-luck principle. If philosophers have cast such a principle as the best interpretation of the underlying intuitions, that is mostly because they were committed to a principle requiring control for an agent to be morally responsible all along. As I will try to show, however, the reasons for making moral responsibility dependent on such a control-requirement are far weaker than most non-philosophers realize. As the work of some more recent philosophers, including Harry Frankfurt, Daniel Dennett and Ronald Dworkin, shows, it is possible to do justice to our strongest underlying intuitions with a response that is far less revisionary of our basic moral practices. (Finally, I argue, in an appendix, that even the standard interpretation of our underlying intuitions is wrong; understood correctly, our intuition is not about all forms of moral luck, but rather about a much more limited range of extraordinary circumstances that we perceived to be irreconcilable with ascriptions of responsibility).

## II.1 Meeting the Free Will Challenge

To assess the philosophical merits of the anti-luck principle, I propose to turn to the age-old debate on free will. This may seem puzzling. After all, causal luck is only one of four forms of moral luck. To make things worse, its status depends on speculative questions about the nature of the physical world that I can't possibly hope to answer in this dissertation. These worries are understandable. But the philosophical

literature on free will can also afford us important insights. The idea that the physical forces of the world around us may determine our actions poses the most radical challenge to the possibility of moral responsibility. Some philosophers have concluded that the fact of causal determinism really does undermine our moral responsibility. But others have argued that we could have moral responsibility for our actions even if causal determinism were true. We can build on their argument in order to state the case against the no-luck-principle in its most potent form, even while remaining agnostic about the underlying metaphysical debate concerning the truth or untruth of causal determinism. What's more, precisely because the challenge posed by determinism is so radical, it seems likely that a substantive account of the preconditions for moral responsibility that is reconcilable with causal luck will likely be reconcilable with many forms of circumstantial and constitutive luck as well.

The formulation of the free will problem widely regarded as most potent nowadays was given by Galen Strawson in 1986, when he proposed what he termed the "basic argument" for the impossibility of "ultimate moral responsibility."<sup>262</sup> Since it is difficult to improve on it in either clarity or brevity, I will quote a later version, from a 1994 paper, in full here:

(1) You do what you do because of the way you are.

So

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<sup>262</sup> Galen Strawson: *Freedom and Belief*, Oxford: Clarendon Press, 1986.



(2) To be truly morally responsible for what you do you must be truly responsible for the way you are - at least in certain crucial mental respects.

But

(3) You cannot be truly responsible for the way you are, so you cannot be truly responsible for what you do.

Why can't you be truly responsible for the way you are? Because

(4) To be truly responsible for the way you are, you must have intentionally brought it about that you are the way you are, and this is impossible.

Why is it impossible? Well, suppose it is not. Suppose that

(5) You have somehow intentionally brought it about that you are the way you now are, and that you have brought this about in such a way that you can now be said to be truly responsible for being the way you are now.

For this to be true

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

But then

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

So

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

Here one is setting off on the regress. Nothing can be *causa sui* in the required way. Even if such causal "aseity" is allowed to belong unintelligibly to God, it cannot [...] plausibly be supposed to be possessed by ordinary finite human beings.<sup>263</sup>

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<sup>263</sup> Galen Strawson: "The impossibility of moral responsibility," *Philosophical Studies*, Vol: 75/1-2, August 1994, pp. 13-4.

According to Strawson, then, we face a regress problem. The principle that we can only hold others morally responsible for actions that are under their control sounds harmless enough. But, even if moral agents as they now exist can freely perform or not perform an action, they still lack real control over their action if who they happen to be is beyond their control. Hence, real moral responsibility seems to require that they are responsible for who they happen to be. But if that is to be the case, then they must previously have fashioned the person they now are. There is no way to stop this infinite regress: clearly, our actions are not under our control; if we balk from praising or blaming people for actions that are beyond their control, then that sort of moral responsibility seems plainly irreconcilable with our inability to, as Friedrich Nietzsche put it, pull ourselves “up into existence by the hair, out of the swamps of nothingness.”<sup>264</sup>

This argument is seemingly airtight. Some philosophers have tried to resist it by denying Step 1), arguing that we can in fact self-create in the required way.<sup>265</sup> But this line of thought rests on highly controversial metaphysical assumptions that

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<sup>264</sup> Friedrich Nietzsche: *Beyond Good and Evil: Prelude to a Philosophy of the Future*, Walter Kaufmann (Transl), New York: Random House, 1966, § 21.

<sup>265</sup> Perhaps the most cogent defense of this position, which is often known as “libertarian” in the literature, is by Robert Kane. See Robert Kane: *The Significance of Free Will*, Oxford: Oxford University Press, 1999, and Robert Kane: *A Contemporary Introduction to Free Will*, Oxford: Oxford University Press, 2005, esp. chapters 3 + 4. Cf. also Randolph Clarke: *Libertarian Accounts of Free Will*, Oxford: Oxford University Press, 2006.

most philosophers find unconvincing.<sup>266</sup> Must we then accept the impossibility of moral responsibility?

I think not. Before we jump to so pessimistic a conclusion, we should look more closely at whether Strawson has actually motivated what he appears to be arguing for—namely, the idea that we must be *causally* responsible for our own actions in order to be *morally* responsible for them. But, far from arguing towards such a controversial principle, on closer inspection it actually turns out that Strawson simply assumes it. To see why, note that his formulation of Step 2) appears to contain a rhetorical sleight of hand. He presents 2) (“To be truly morally responsible for what you do you must be truly responsible for the way you are—at least in certain crucial mental respects.”) as an inference from 1) (“You do what you do because of the way you are.”). But in truth it is clear that 2) must be a logically distinct premise. And that premise, in turn, assumes a controversial answer to two hugely important questions. First, might we be responsible for what we do “in certain crucial mental respects” without being *causally* responsible for those very actions? Second, what reason do we have to believe that we must be responsible for the way we are in order to be responsible for what we do in the first place? As it happens, some recent research has cast doubt on Galen Strawson’s implicit answer to each of these questions.

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<sup>266</sup> See for example Daniel Dennett’s criticism of Kane in Daniel Dennett: *Freedom Evolves*, New York: Viking, 2003.

What precisely does Galen Strawson mean when he stipulates that “you must be truly responsible for the way you are” in order to be “truly morally responsible for what you do”? On the most plausible interpretation, his stricture requires some form of alternate possibility—a chance for the agent whose action is up for moral evaluation to have avoided performing that action.<sup>267</sup> This seemingly stands to reason. Plausible as this principle appears to be, however, a famous set of examples developed by Harry Frankfurt shows just how unsatisfactory it is. That’s because there are hypothetical circumstances in which we could not possibly act any differently from how we did in fact act—and yet seem to retain moral responsibility:

Suppose someone—Black, let us say—wants Jones<sub>4</sub> to perform a certain action. Black is prepared to go to considerable lengths to get his way, but he prefers to avoid showing his hand unnecessarily. So he waits until Jones<sub>4</sub> is about to make up his mind what to do, and he does nothing unless it is clear to him (Black is an excellent judge of such things) that Jones<sub>4</sub> is going to decide to do something other than what he wants him to do. If it does become clear that Jones<sub>4</sub> is going to decide to do something else, Black takes effective steps to ensure that Jones<sub>4</sub> decides to do, and that he does do, what he wants him to do. Whatever Jones<sub>4</sub>'s initial preferences and inclinations, then, Black will have his way.<sup>268</sup>

As Frankfurt points out, Jones<sub>4</sub> could not have done otherwise in these circumstances. But since his doing what he did has nothing to do with his not being able to do otherwise we nevertheless hold him morally responsible for his action.

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<sup>267</sup> See David Blumenfeld: “The Principle of Alternate Possibilities,” *The Journal of Philosophy*, Vol. 68/11, 1971, 339-45, Carl Ginet: “In Defense of the Principle of Alternative Possibilities: Why I Don’t Find Frankfurt’s Argument Convincing,” *Nous*, Vol. 30, 1996, Michael Zimmerman: “The Moral Significance of Alternate Possibilities,” in: David Widerker and Michael McKenna (Eds.): *Moral Responsibility and Alternative Possibilities: Essays on the Importance of Alternative Possibilities*, and David Kopp: “Defending the Principle of Alternative Possibilities,” *Nous*, Vol. 31, 1997.

<sup>268</sup> Harry Frankfurt, “Alternate possibilities and moral responsibility,” *The Journal of Philosophy*, 1969, 835.

One thing that's interesting about this type of hypothetical scenario, which has come to be known as a "Frankfurt case" in the extensive literature on the topic,<sup>269</sup> is that we have a very strong intuition according to which Jones<sub>4</sub> is morally responsible for his actions, whereas Smith—who, let us imagine, did not want to perform the action in question but was then forced to do so by Black—is not. Another, equally interesting thing is our sense of why we are drawn to make this distinction: however we formulate this point in its details, it is clear that Jones<sub>4</sub> seems responsible because the mental processes that led him to perform his actions were in some important respects his own. Similarly, depending on how exactly we cash out the type of manipulation involved, we hesitate to ascribe responsibility to Smith either a) because it is the agency of another person, and not his own mental processes, that led him to perform the impermissible action; or b) because the mental processes which led him to perform his actions were in some important respect alien to him.

Frankfurt examples therefore remind us of two important insights. First, they demonstrate, in keeping with Kant's original impulse, just how important the mental dimension is in our intuitive thinking about when to ascribe responsibility to

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<sup>269</sup> The best start to the ongoing debate is a recent collection of responses to Frankfurt's essay: Widerker, David, and Michael McKenna (Eds.): *Moral responsibility and alternative possibilities: Essays on the importance of alternative possibilities*. Aldershot (UK): Ashgate Publishing, 2006. See also John Martin Fisher: "The Frankfurt Cases: The Moral of the Stories," *Philosophical Review*, Vol. 119/3, 2010, 315-36 and Michael Otsuka: "Incompatibilism and the Avoidability of Blame," *Ethics*, Vol. 108/4, 1998, 685-701.

somebody. After all, we are tempted to blame Jones<sub>4</sub> for his actions because it was his own mental processes that led him to act impermissibly. Second, it shows that to ask about whether a person's mental processes issued in the action for which we propose to hold him responsible in the relevant way is not remotely the same as to ask whether that person's actions were under his own control in a causal sense. After all, the actions of both Jones<sub>4</sub> and Smith were predetermined; nevertheless, even as we propose to give Smith a free pass, we stubbornly hold fast to the idea that Jones<sub>4</sub> is responsible "in certain crucial mental respects."<sup>270</sup>

If Harry Frankfurt was hugely influential in showing that we may sometimes be tempted to ascribe moral responsibility to agents even though their actions were causally predetermined, another philosopher, Daniel Dennett, argues just as persuasively that an inability to change who we are need not dissolve our responsibility for what we do. The thought at stake here is as simple as, on a moment's reflection, it is obvious. We need only remember one of the most famous statements in modern history: Martin Luther's profession that "I stand here for I can do no other." Dennett points out that, seen through the lens of contemporary philosophers who are worried about causal determinism, this must appear like an abnegation of responsibility. If we can only be morally responsible for a particular action if we could have acted otherwise—or, to put it in Galen Strawson's language, if we had freely chosen to become the kind of person we are—then Luther's confession that, given who he is, he "can do no other," seems to disqualify him. But

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<sup>270</sup> Strawson, "The impossibility of moral responsibility," 13.

in fact Luther's statement is singularly powerful precisely because it is about as far from an abnegation of responsibility as can be:

Luther claimed that he could do no other, that his conscience made it *impossible* for him to recant. He might, of course, have been wrong, or have been deliberately overstating the truth. But even if he was—perhaps especially if he was—his declaration is testimony to the fact that we simply do not exempt someone from blame or praise for an act because we think he could do no other. Whatever Luther was doing, he was not trying to duck responsibility.<sup>271</sup>

In Luther's mind, as well as in ours, the fact that his actions stem inescapably from everything he is makes them all the more his own.

These observations already cast significant doubt on the idea that a person must be causally responsible for who they are in order for us to ascribe responsibility for their actions to them. As the example of Martin Luther shows, there are cases when we agree that a person did not choose who they came to be, and even recognize perfectly well that who they now are forces them to act in a particular manner, and yet—perhaps because they whole-heartedly identify with their own actions<sup>272</sup>—hold them all the more responsible for those actions.

But there's yet another reason to mistrust too high a bar for ascriptions of responsibility. Up until now, we have been thinking about the question of moral responsibility nearly exclusively in the third person. Perhaps inspired by a neutrally

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<sup>271</sup> Daniel Dennett: *Elbow room: The varieties of free will worth wanting*. Cambridge (MA): MIT Press, 1984, 133.

<sup>272</sup> This suggestion, which was advocated by Harry Frankfurt is explored in greater detail below.

evaluative notion of morality—by the implicit vision of some otherworldly observer who dispassionately assigns commendations and demerits—we have been asking when it would be *fair* for us to blame or praise the actions of others. But, as the late Ronald Dworkin has pointed out in *Justice for Hedgehogs*, our thinking about when to ascribe responsibility to moral agents should be valid in the first as well as the third person.<sup>273</sup> This raises the question of whether the fact of causal determinism in general, and of our inability to be a cause of ourselves in particular, should lead us to disclaim responsibility for our own actions.

According to Dworkin, this is simply not the case. We are most tempted to invoke causal determinism as an excusing condition when talking about the isolated acts of other people. We balk at the horrors involved in the modern apparatus of punishment, for example, and so we ask especially searching questions about whether there might not be some subterfuge we could invoke to free a convicted criminal from moral responsibility for his act—and ourselves from the perceived need to impose punishment on him. But our reprieve is selective, for when we turn to other aspects of the criminal's life, we naturally fall back into holding him responsible. Worse still, even as we paternalistically claim that it would surely be wrong to blame, or even punish, a criminal since it had always been predetermined that he would act that way, we do not apply that same lesson to our own actions. That *we* are responsible for what we do is implicitly assumed. In fact, our sense of moral responsibility for our own actions helps to explain why we worry so much

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<sup>273</sup> Ronald Dworkin: *Justice for Hedgehogs*, Cambridge, MA: Harvard University Press, 2011.



about whether it is legitimate for us to put the convicted criminal in prison in the first place. All of this makes up a perfectly human, but also a perfectly unstable, position. For “[i]f I cannot believe that I myself lack judgmental responsibility, even when I accept that my own actions are determined, I have no ground for supposing that anyone else lacks judgmental responsibility just because his actions are determined.”<sup>274</sup>

## II.2 Excusing Conditions

In the preceding section I have argued that the philosophical grounds for assuming that we must have causal control over an action in order to be morally responsible for it are weaker than is commonly supposed. But the requirement of causal control does, so far, retain one advantage—one that, as we saw earlier, probably has a lot to do with why we might be tempted to accept it in the first place. This is that it can seemingly explain why we are loath to blame others for their actions under certain circumstances. Why are you not morally responsible for your actions if, unbeknownst to you, I have drugged you? Or if, in a moment of literal madness, you thought that you needed to cut off my pinkie to save my life? To fully dispel our sense that there are intuitive grounds why we should require an agent to have causal control over an action if he is to be morally responsible for it, we will have to

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<sup>274</sup> Ibid., 224.

show that we can adequately explain these intuitions without recourse to the no-luck-principle.

Thankfully, multiple plausible theories that do just that are now available. One type of these theories has sometimes been called a mesh account. The basic idea is that we are morally responsible for an act if our performance of that act was caused by mental attributes of ours that are constitutive of us in the right way. In this vein, one famous example of a mesh account, Harry Frankfurt's groundbreaking paper on "Freedom of the Will and the Concept of a Person," distinguishes between first and second order volitions.<sup>275</sup> On Frankfurt's view, both human beings and other animals have first-order volitions. We all, for example, experience thirst or hunger, and therefore the desire to procure something to drink or eat. But human beings are unique in having second-order volitions. We don't just have raw preferences, like our desire to eat a large piece of chocolate cake, but also preferences about whether or not we should in fact act on those preferences. Harry Frankfurt argued that personal identity, and with it the preconditions for moral responsibility, is constituted by the right fit between first and second order preferences.<sup>276</sup>

On Frankfurt's view, then, we are morally responsible for those first order volitions that we endorse with aligned second order volitions. But we are not morally

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<sup>275</sup> Harry Frankfurt: "Freedom of the Will and the Concept of a Person," *Journal of Philosophy*, Vol. 68/1, 1971.

<sup>276</sup> Ibid. See also Harry Frankfurt: "Identification and Wholeheartedness," in: Ferdinand David Shoeman (Ed.): *Responsibility, Character, and the Emotions: New Essays in Moral Psychology*, Cambridge: Cambridge University Press, 1987.

responsible if we have a second-order volition not to act on some first-order volition yet, because of weakness of will, find ourselves unable to regulate our actual behavior in accordance with that reflected second-order preference. This framework can not only make room for some of the most important excusing conditions we intuitively tend to endorse, such as the idea that many drug addicts should not be fully blamed for their actions. It also explains what may have remained puzzling earlier—namely, why we hold Martin Luther responsible for his actions. For we now see that, while Luther’s rebellion against the church may have been caused by the way he happened to be, it still consisted of actions that he actively endorsed. Whether or not Luther was in any way causally responsible for becoming the person he was, his endorsement of his own actions certainly appears to have made him morally responsible for what he actually did.<sup>277</sup>

A rather different strategy to delineate the right scope for excusing conditions without invoking the causal-control criterion was proposed by Ronald Dworkin.<sup>278</sup>

Dworkin admits that we intuitively draw a crucial distinction between what it is like

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<sup>277</sup> This theme is explored even more explicitly by another “mesh theorist,” Gerald (not to be confused with his namesake, Ronald) Dworkin. Dworkin argues that we should consider a person autonomous “if he identifies with his desires, goals, and values, and such identification is not influenced in ways which make the process of identification in some way alien to the agent.” (Gerald Dworkin: *The Theory and Practice of Autonomy*, Cambridge: Cambridge University Press, 1988, 61, my emphasis.) Dworkin thereby adds plausible externalist conditions to his mesh account: actions for which we are morally responsible need not only stem from the right kinds of mental processes, but those mental processes must in some important respect be our own (as opposed to, say, temporary aberrations induced by an external manipulator.)

<sup>278</sup> Dworkin, *Justice for Hedgehogs*.

to act, and what it is like to be acted upon. He even agrees that we should only be morally responsible for actions we performed in the former, rather than the latter, manner. It is, then, not wrong to think that we require a kind of control over our actions if we are to be responsible for them. But the crucial question, as ever, concerns what, exactly, this control consists in. Dworkin, instead of requiring moral agents to have “causal control” over their actions in order to be responsible for them, merely requires them to have “capacity control.” We can deduce what it is like to have this capacity control by analyzing in more detail what it actually feels like to make a decision:

First, to be responsible, people must have some minimal ability to form true beliefs about the world, about the mental states of other people, and about the likely consequences of what they do. Second, people must have, to a normal degree, the ability to make decisions that fit what we might call their normative personality: their desires, preferences, convictions, attachments, loyalties, and self-image. Genuine decisions, we think, are purposive, and someone who cannot match his final decisions to any of his desires, plans, convictions, or attachments is incapable of responsible action.<sup>279</sup>

If we bear these criteria for moral responsibility in mind, it isn't difficult to see how they help to delineate in a principled manner a set of excusing conditions under which an agent is not morally responsible for his own actions. A madman who is deluded about such basic matters as whether or not inflicting an injury on somebody else is to that person's benefit or detriment cannot be held morally responsible for his acts. Similarly, it would be odd to blame a person who is so enslaved to his own desires that his actual goals and values are never even reflected in his actions. But for Dworkin, unlike for Frankfurt, this does not mean that a

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<sup>279</sup> Ibid., 226.

person has to endorse each and every action in order to be responsible for it: Most people whose capacity for self-control is not in general deficient nevertheless experience occasional weakness of will. But surely, Dworkin points out, it would be odd for them simply to disclaim such actions; on the contrary, it seems that the right response for them would be to blame themselves for having failed to live up to their expectations of themselves in that particular instance.<sup>280</sup>

Frankfurt and Dworkin are mere examples—stand-ins for the large and growing number of philosophers who have developed appealing accounts of both the preconditions of moral responsibility and the nature of excusing conditions that eschew the causal control principle.<sup>281</sup> These theories are, of course, rival to some degree. Frankfurt and Dworkin not only give subtly different accounts of what the preconditions for moral responsibility are; as a result, they would sometimes come to different determinations about whether a particular agent should be held responsible for a particular action. Anybody who is interested in the question of when exactly to hold people morally responsible for their actions would therefore have to choose between the theories I have presented here. But that is not my own

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<sup>280</sup> T. M. Scanlon has developed an account of moral responsibility that is in many significant respects similar to Dworkin's. I do not describe it in detail here, in part because I am most interested in Scanlon's theory in the context of what response an ascription of moral responsibility licenses—a topic that we will turn to in the following chapters.

<sup>281</sup> For a few examples, see Gary Watson: *Free Will*, 2<sup>nd</sup> Edition, Oxford: Oxford University Press, 2003; John Martin Fischer: *The Metaphysics of Free Will*, Oxford: Blackwell, 1994 as well as John Martin Fischer and Mark Ravizza: *Responsibility and Control*, Cambridge: Cambridge University Press, 1998; and Alfred Mele: *Effective Intentions: The Power of Conscious Will*, Oxford: Oxford University Press, 2009.

purpose. I simply want to show that, whatever substantive account of moral responsibility we ultimately endorse, we have no reason to believe that it need require causal control over our own actions. The availability of multiple plausible non-causal theories about when a person is morally responsible—and when they can plausibly invoke excusing conditions—is quite enough in that context. Philosophically speaking, there is no reason to set the bar for ascriptions of moral responsibility as high as many advocates of the no-luck-principle have maintained.

Clearly, I cannot pretend to have solved the age-old riddle of free will in the span of a few light pages, much less to have done so by adducing my own original arguments. Readers who consider the threat of causal determinism more serious than do philosophers like Harry Frankfurt, Daniel Dennett and Ronald Dworkin may therefore disagree with much of what I will have to say in the remainder of this chapter. That is unavoidable. But if I cannot hope to have persuaded all readers, I do hope to have rendered their underlying assumption a little less persuasive, even to them. Pessimists about free will assume that we must have been able to act otherwise, or must have been *causa nostri* in some radical sense, in order to be morally responsible for an act. But, as Dworkin reminds us, this assumption stands in need of substantive justification:

[t]he causal control principle is an ethical or moral principle, so any argument for it must be interpretive. It does not just follow from any scientific or metaphysical discovery ... It can find support only in other moral and ethical principles. But it is supported by none of them.

In this section, I hope to have explained, illustrated and—to some limited degree—bolstered this crucial claim of Dworkin's.

### **III Conclusion**

Over the course of this chapter I have shown: First, that the prevailing left-wing response to the age of responsibility has been to a) accept the normative premise that people should be held to account for outcomes for which they are responsible while b) arguing that people are not, in fact, responsible for most of the outcomes we usually ascribe to them. And second, that the moral intuition which underwrites this “no-responsibility view”—the view that we should only be held responsible for things over which we have control—stands on a much shakier philosophical foundation than is generally realized. Taken together, these two points suggest that the prevailing response to the age of responsibility has been misguided.

This is true not only for philosophical, but also for political and rhetorical reasons. At first sight, it looks as though the denial of responsibility on which left-wing political philosophers, politicians and journalists spend so much energy is rooted in deep moral intuitions. People like the world to be fair, and they seemingly share the intuition that it would be unfair to be negatively affected by things that are merely a matter of bad luck. But while their insistence that blaming people for bad luck may be rooted in widespread intuitions, the range of things which many defenders of the “no-responsibility-view” label a matter of bad luck is far from intuitive. To point out that it is a matter of luck whether one is born poor or as the beneficiary of a trust

fund, or whether one gets to attend a well-funded private school or languishes at a dysfunctional public school in the inner-city, resonates with ordinary voters. But when the argument is pushed further, the strength of the underlying intuition rapidly fades. Most people have trouble recognizing that attributes like particular talents are a sheer matter of luck, in good part because their identities are deeply bound up with the fact that they are talented at, say, sports or handiwork. When it comes to a person's willingness to exert effort, meanwhile, the argument that constitutive luck is to a great degree responsible for making some people more hard-working than others fails to cut electoral muster to an even greater degree.

Philosophers can recognize that the initial argument about bad luck, pushed to its logical conclusion, appears to show that we can't possibly be responsible for such deep attributes as whether or not we have drive (though, as I've outlined in the last section, it needn't actually do so). But to base a political strategy on the hope of convincing large segments of the electorates of this highly complex, and deeply counterintuitive, insight is to set oneself up for almost certain defeat. This is why the attempt to show that the philosophical assumptions of the no-responsibility view are not as convincing as they might seem is only part of the point of this chapter; just as important a part is to show just how radical the implications of the no-responsibility-view would be if we took them seriously—and, consequently, of just how unrealistic it is to expect that this view might make for an effective counter to the trends that are most worrisome about the age of responsibility.



The problem of the lack of wide appeal for the no-responsibility view is only compounded by the sheer impracticability of applying it in a consistent manner. Taken seriously, the view would imply that we should abolish practically all of the currently existing forms of reward and punishment. Especially if we accept the luck egalitarian view—according to which the state, going beyond the more modest ambition to avoid basing public policy on factors that are arbitrary from a moral point of view, should embrace its “responsibility” to “alter the distribution of goods and evils that arises from the jumble of lotteries that constitutes human life as we know it,”<sup>282</sup>—the link between an individual’s lived reality and the station they enjoy in life would all but disappear. It would depend, instead, on counterfactual questions that are problematic in at least three ways: they would turn on questions that are impossible to answer given our state of knowledge about the world; they would give rise to decisions that are very difficult for individual citizens to track, understand, or challenge; and they would do away with many of the economic incentives that are needed for a thriving economy.

As Michael Sandel has pointed out in *Liberalism and the Limits of Justice*, a similar point also holds true of crime: if it is unfair to hold us accountable for our bad constitutive luck in the realm of the welfare state, it is difficult to see why it would be any more fair to do so in the realm of criminal justice.<sup>283</sup> But if we were to make a serious attempt to take constitutive luck into account in criminal justice, the relation

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<sup>282</sup> Arneson, “Rawls, Responsibility and Distributive Justice,” 80.

<sup>283</sup> Michael Sandel: *Liberalism and the Limits of Justice*, 2<sup>nd</sup> Edition, Cambridge: Cambridge University Press, 1998, 89 ff.

between whether or not people have violated the law and whether or not they are punished would quickly be lost; so, as a result, would much of the law's deterrent effect.

All of this suggests that we radically need to rethink the role of responsibility. Mainstream proponents of the responsibility framework talk about personal responsibility as a pre-existing entity in the world: a just society, they imply, would perfectly track this pre-existing quality that people have, rewarding them when they have acted responsibly, and punishing them when they have acted irresponsibly. Even as they have thought of themselves as politically opposed to the turn towards personal responsibility in day-to-day politics, advocates of the no-responsibility view have in many ways taken the same conceptual apparatus for granted. They, too, want to carve nature at its joints, making sure that society does not in any way hold somebody responsible for their actions when, "really," that action was not sufficient—because of outcome, circumstantial, constitutive, or even causal luck—for us to ascribe true moral responsibility to the agent in question.

As I will argue in the remainder of the dissertation, however, this whole way of thinking about the problem is misguided. Instead of trying to figure out who is "truly" responsible for what, and then making our institutions cohere with that essentially pre-institutional account of moral responsibility, I believe that we should reconceive personal responsibility in an *institutional* vein. Rawls made the fundamental point that institutions do not exist in order to make sure that people's

material holdings track some pre-existing notion of desert; on the contrary, we have invented institutions for purposes of our own, and it is only because those institutions are most just insofar as they honor certain legitimate expectations that an institutional notion of desert should be resurrected.<sup>284</sup> On my view, we need to rethink the ascription of moral responsibility to the citizens of contemporary capitalist democracies in a similar vein. *Pace* Arneson, our institutions do not exist in order to make sure that people's material holdings track some pre-existing notion of when it is appropriate to ascribe responsibility for particular actions or outcomes to agents; on the contrary, we have invented institutions for purposes of our own, and it is only insofar as a notion of moral responsibility is necessary to serve those purposes that we should give an institutional account of moral responsibility.

The question, then, is not: For what choices are pre-political agents truly morally responsible, such that any just political institution must ensure that a person's entitlements track those choices? Rather, it is: Under what circumstances do we need to hold agents accountable for their actions in order to serve the goals which our institutions were set up to serve in the first place?

To answer this question we need to start, first, with an account of the actual reasons for why it is that we would want to adopt a notion like personal responsibility at all. Does the concept serve any real purpose, and, if so, which? I try to answer this question in Chapter 5. Once we have gained an understanding of the important role

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<sup>284</sup> For an early development of some of these themes, see John Rawls: "Two Concepts of Rules," *The Philosophical Review*, Vol. 64/1, 1955, 3-32.

which responsibility can play, we are better able to sketch a conception of responsibility that is likely to serve that purpose. Once we have an account of the reasons for why we need a concept of responsibility, and an account of what that concept might entail, we can, in turn, start to gain an understanding of how such a reconceived notion might reshape some of the most important public policy debates of our moment. That is what I shall begin to do in Chapter 6.

**Appendix** An Alternative Account of Our Moral Intuitions About Luck and Responsibility

Much of this chapter has been concerned with rejecting a particular interpretation of a set of widely shared moral intuitions. There are certain circumstances when we shy away from holding others morally responsible for their actions. Ordinarily, we would strongly condemn Sam, who has beaten Stephen up for no discernible reason. But once we learn about Sam's terrible childhood, we either eliminate or significantly lessen the degree of condemnation we direct at him. As I've shown, many philosophers interpret these intuitions as being motivated by a more general requirement that we need to have causal control over an action if we are to be morally responsible for it. But, as we have seen over the course of Section II, this interpretation has two significant drawbacks. While it is rooted in intuitive judgments about some cases, it has highly counterintuitive implications for other cases. And while it is seemingly inspired by a basic tenet of our moral system, on closer inspection that tenet turns out to be much less supported by our other moral and ethical principles than we might once have thought. All of this raises an important question to which we shall now turn, and which has, so far, too rarely been discussed in the scholarly literature. It is this: Might our intuition about cases like Sam's not be driven by a rather different set of intuitions than we have assumed?

In this appendix, I would like to suggest that this is indeed the case. To do so, I will proceed in two steps. First, I will investigate what thoughts—some sensible, some ultimately incoherent—actually go through our minds when we decide that Sam is not responsible for his awful actions. Second, I try to extract from these thoughts one broad principle that is, at the least, one of the drivers of our moral intuitions in this area. On my view, this broader principle stands in competition with other principles; while it clearly explains our intuitions about some cases, it will not do so in some other cases. What’s more, it is a moral principle that is ultimately untenable: strongly though we feel it, once we spell it out, it becomes clear that much of its force stems from a deep-going confusion. But its discovery should nevertheless be of substantial interest to us. For one, as I hope to show in a separate project, it frequently leads us astray when we reflect about such varied topics as geoengineering, doping, cognitively enhancing drugs or the considerations that should govern the use of anti-depressants. For another (and more importantly in this context), it further undermines how compelling the no-luck view is as an interpretation of our moral intuitions.

If told that Sam only beat Stephen up because of his terrible childhood, many non-philosophers would significantly soften, and perhaps even altogether retract, their negative judgment of him. Would it be fair, they might ask, for us to hold Sam responsible for beating Stephen up if, but for the violence that was inflicted on him as a child, he would never have done those actions? Some people might even go so far as to venture the quasi-philosophical thought that we shouldn’t be judging Sam,

as he happens to exist now, as a result of his stifling life so far. Sam as we know him, they might say, only came into being because of his unjust suffering as a child. So when we set out to judge him morally, shouldn't we be imagining how the "real Sam"—Sam as he might have been, had he not had such a horrible childhood—would have acted? These are the kinds of considerations that, in ordinary moral thought as much as in the treatises of moral philosophers, seem to place luck in tension with ascriptions of moral responsibility; in light of Section I.3., we can easily recognize them as worries about so-called "constitutive luck."

But once we start investigating the way we reflect about Sam in a little more detail, we stumble across a number of interesting features of our everyday moral thought—features that aren't easily integrated into the usual narrative about luck and control. The first of these is to note the fact that it is Sam's childhood on which we focus when trying to decide whether or not to hold him morally responsible in the first place. As we saw earlier, a thorough commitment to stopping moral luck from influencing our moral assessment of Sam would require us to hold constant for all kinds of causal influences. His genes, the particular circumstances he was placed in when he made his decision, the fact that his decision did in fact so happen to have the intended bad consequences—all of these are beyond his control. And yet we immediately zero in on that one particular aspect. The reason for this cannot be that Sam's childhood was causally more necessary for his actions than many of these other factors; after all, on most reasonable assumptions about the nature of the world, his genes, circumstances, and other causal factors beyond his control all

conspired to bring about the relevant result. It is, rather, that among the many factors that are beyond Sam's control, his childhood appears to us to be the most *abnormal*.

There is a second strange feature of our moral intuitions about cases like these. This is excellently brought out if we invert the facts of the case. Let us imagine that Sam goes well beyond the call of duty in his friendship with Stephen: when Stephen finds himself in dire financial straits, Sam gives up on a purchase for which he had saved up for years to help his friend out. We are surely tempted to heap strong praise on Sam for his generosity. But now let's imagine that there are some additional facts about Sam's childhood. His parents, we are told, were uncommonly good people and unusually effective educators. An experimental psychologist even goes so far to affirm that—given Sam's other behavior, his genes, and so on—it is very unlikely that he would ever have grown up to be such a generous person had he not enjoyed such an exceptional upbringing. Does all of this change our intuitive sense that we should praise Sam for his generosity? I think not. But since all the facts run parallel to the original example, the fact that we do not draw the parallel conclusion is deeply puzzling. Why do we ascribe moral responsibility to Sam for his good actions even if we believe him to have had an unusually favorable childhood—but not for his bad actions if we believe him to have had an unusually unfavorable childhood?

One obvious interpretation would be to argue that we are simply less concerned about good than about bad moral luck. On this view, we are lax in according a little



bit of extra praise: we will generously ascribe moral responsibility to you for your good actions even if there are some strong reasons to believe that they were not truly under your own control; but—perhaps because any form of bad treatment, including even the ascription of blame, seems to us to require special justification—we will be much more circumspect before ascribing moral responsibility for bad actions to you. To some degree, something like this might well be going on. But I don't believe that a greater reluctance to blame than to praise can be the whole explanation for what is driving our intuitions. A simple thought experiment, inspired by the original "Frankfurt example," quoted above, will bring this out.

First, imagine a bad action that was clearly induced by external manipulation:

An external manipulator is intent on harming Stephen. When he sees that Sam is about to help Stephen, he activates a switch in Sam's head that leads him to beat Stephen up instead.

Surely, we are very unlikely to blame Sam for his externally induced bad action. The reasons for this could be cashed out in terms of causal control: it was not under Sam's control that he would beat Stephen up. However, as we have seen earlier, the reasons can also be cashed out in other terms: according to Frankfurt, Sam is not blameworthy because he did not endorse his action of beating Stephen up;<sup>285</sup> alternatively, according to Dworkin, Stephen lacked the "ability to make decisions that fit what we might call their normative personality."<sup>286</sup> Whatever the precise

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<sup>285</sup> Frankfurt, "Freedom of the Will and the Concept of a Person."

<sup>286</sup> Dworkin, *Justice for Hedgehogs*, 226.

reasons for our intuition that it would be unfair to blame Sam for his actions in this situation, what's striking is that they apply just as strongly to any suggestion that we should praise him for good actions that are externally induced:

An external manipulator is intent on helping Stephen. When he sees that Sam is about to beat Stephen up, he activates a switch in Sam's head that leads him to help Stephen instead.

Clearly, we would think it bizarre to praise Sam in this case.

In light of these two examples, we see that a distinction between easy praise and reluctant blame cannot fully explain our original case. In the two external manipulation cases I have just described, the supposed general leniency in praising and the supposed general reluctance in blaming simply do not come into play. So if it was very tempting to praise Sam for his generosity in the case where he had a wonderful upbringing, but not in the case where he had a terrible upbringing, there must be some other explanation.

That explanation, I believe, lies in an implicit distinction we draw between what is *natural* and what is *unnatural*. Perhaps parents who completely lack a moral compass are no more rare than those who have an extremely strong moral compass. In that sense, both a child with parents unusually talented at instilling moral virtues in him and a child with parents unusually negligent in doing so may have an abnormal upbringing. But next to being rare, a particularly forthright upbringing also strikes us as "natural": it conforms well to our sense of what, in the right course

of things, an upbringing should be like. Similarly, a particularly terrible upbringing, even if we recognize that it is sadly less rare than we would like it to be, still strikes us as importantly “unnatural”: however common, it is not what things are supposed to be like. And this very distinction between “natural” and “unnatural” causal factors appears to influence when we do or do not ascribe moral responsibility to people for their actions.

Putting these two pieces together, then, we now recognize that many of our moral intuitions about particular cases that are supposedly explained by something like a “causal control” principle are actually explained by a complicated set of assumptions of what is normal or natural instead.<sup>287</sup> Few of us are honestly perturbed by the thought that our ordinary upbringing, or natural factors like deterministic processes at the level of quantum physics, might have rendered our decisions inevitable, and therefore somehow less our own. The influence of factors beyond our control on our actions just does not, in general, threaten our sense of ownership over our own actions. It follows that the usual interpretation of our moral intuitions as lending

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<sup>287</sup> Each of these results in a separate, though related, precondition on legitimate ascriptions of moral responsibility. First, there is what I propose to call the “*normalcy condition*.” It stipulates that we are not morally responsible for actions that we performed because of causal factors that, on top of being beyond our control, were in an important sense rare or unusual. Second, there is the “*naturalness condition*.” It stipulates that we are not morally responsible for actions that we performed because of causal factors that, on top of being beyond our control, were in an important sense artificial or contrary to what we consider the natural state of things. Failures to fulfill either one of these two conditions can call in question the degree to which we are morally responsible for a particular action. Whether it in fact *should* call them in question—whether, that is, there is something to the strong intuition that we need to fulfill the normalcy and naturalness condition in order to be responsible for a particular action—is a question that might be answered in future research.

clear support to the no-luck-principle is overly simple; there is less reason to be skeptical of attributing moral responsibility to agents for particular actions than has widely been assumed.

## Chapter 5: Reasons to Value Responsibility

Having surveyed both the rhetoric about “personal responsibility” that is so influential on contemporary politics and the most common left-wing response to it, we can now recap the defining characteristic of the age of responsibility. It consists in thinking of responsibility as a matter that is primarily relevant in assessing individuals. More specifically, it consists in thinking that how much we, as a society, owe to individuals should depend in crucial respects on whether or not these individuals are themselves responsible for being in a state of need.

This normative premise is shared by a surprising breadth of political thinkers—from the leaders of the Reagan Revolution to Democratic defenders of the welfare state, and from the activists at the Heritage Foundation to the academics published in *Philosophy & Public Affairs*. But in terms of policy implications, this apparent consensus conceals as much as it reveals. For while agreement on the normative premise that the irresponsible forfeit much of their claim to assistance is surprisingly broad, traditional political differences reemerge as soon as we turn our attention to the empirical question of whether or not a particular person can fairly be said to be responsible for being in a state of need. Indeed, as I have shown, much of the left-wing thought of the past three decades has consisted in a roundabout way of establishing that we *should*, after all, assist the poor: while left-wing politicians and philosophers have either explicitly accepted, or implicitly tolerated, the normative premise that we need not help the irresponsible, they have consistently

argued for the idea that most poor people lack responsibility for being in a state of need.

That response, I have argued in the last chapter, is a cure that is no better than the disease. To react to the age of responsibility by maintaining that most people are not responsible for most of their actions is problematic from both a philosophical and a political perspective. Philosophically, it is to adopt too metaphysical a conception of the preconditions for personal responsibility: any attempt to hold that we can only be responsible for an action if we “could have done otherwise,” or had control not only over our actual actions but also over the factors that made us the kind of people who would choose those actions, ultimately makes a mockery of the very notion of personal identity. Politically, it is just as dubious: instead of drawing attention to our similarity to our co-citizens, it is to emphasize how different we wealthy and responsible citizens are from those poor and irresponsible compatriots who just cannot be trusted to look after themselves; and instead of laying out a positive vision for a better society, it is to insist in terms that may self-consciously intone compassion, yet ultimately betray condescension, that we have a perennial duty to subsidize these “sorry” people who are incapable of taking responsibility for themselves. In philosophy departments, where students and faculty members spend their working hours demarcating the precise boundaries of our duties toward fellow citizens, such arguments have an internal logic that lends them a certain force—but it is hardly surprising that, in the world of real politics, they have consistently lost out to the right’s calls for each citizen to take personal responsibility for their own

fate. So, for both political and philosophical reasons, it is high time to develop a positive account of responsibility—one that averts the problems I have outlined. That is what I wish to do, in a preliminary manner, in the remainder of this dissertation.

To develop this positive account of responsibility, I propose to proceed in two steps. In this chapter, primarily drawing on the work of T. M. Scanlon, I show why we have reason to seek out—and to spread the societal preconditions for—a positive notion of responsibility. On my view, there are three primary reasons why any convincing vision of a decent society will have to give pride of place to a notion of responsibility. The ability of individuals to conceive of themselves as capable of taking responsibility for their actions is an important prerequisite for exercising individual agency and gaining a sense of control over their own fate. Second, the desire to take on responsibility for others, whether in the form of marital vows, parenthood, or a strong identification with a project or social cause, is an important prerequisite for citizens in a liberal polity to build meaningful lives. Finally, the willingness to think of other individuals as capable of taking responsibility for their actions is an important prerequisite for a number of important private as well as political relationships, from friendship and love to a sense of mutual solidarity and co-citizenship; this is in good part because relating to fellow citizens as equals necessarily entails thinking of them as beings capable of taking responsibility for their own actions—so that a denial of responsibility makes impossible the vision of a truly egalitarian society.

In the following chapter, I trace some outlines of what a notion of responsibility that is able to serve these values without taking on the punitive hue that has become so familiar to us in the past decades might look like. On my view, we should interpret responsibility in an institutional rather than a pre-institutional vein: ascriptions of responsibility should depend not on questions about the metaphysics of free will, or even about the degree to which a particular act caused a particular outcome, but rather on a fair distribution of societal expectations. Whether or not an agent is responsible for a particular act or outcome depends as much on the fair distribution of expectations as it does on positivist or ontological questions about the world: someone should be thought responsible for a particular act or state of affairs if there are compelling reasons to impose expectations for the agent to act in a particular way. Finally, I show what implications this new, positive notion of responsibility has for public policy. On my account, our changed perspective on responsibility should change the kinds of political questions we pose. At present, we tend to ask: “How can we design institutions in such a way that we give people who are in need of assistance for reasons beyond their control their just entitlements, but are nonetheless able to deny assistance to those people who are themselves to blame for being in a poor condition?” Instead, we should ask: “How can we design institutions in such a way that as many citizens as possible are empowered to take responsibility, both for their own lives and for the lives of others?” This has a number of concrete policy implications. In the case of “workfare,” or the work requirements attached to the receipt of unemployment benefits, for example, this



suggests that an active economic policy of training and supporting citizens in their job search (as exemplified by the Danish model) is preferable to a passive incentive structure that merely revokes benefits from people who have failed to procure work (as exemplified by the American model).

## **I      Responsibility for Ourselves**

### **I.1      A Scanlonian Account of The Significance of Responsibility**

The first, and most important, reason to value responsibility is, quite simply, that we all have strong reason to value having a sense of control over our own lives. As I understand it, this claim entails three sub-claims. First, we have reasons *actually* to have control for our own lives in the kind of way that would make it the case, on the popular understanding of that term, that we are “being responsible for ourselves.” Second, we have reasons to want to *feel* that we are taking responsibility for ourselves. And third, we have reason to want to *be seen* to be taking responsibility for ourselves.

These three reasons to value having responsibility for ourselves correspond to the three primary reasons to value having choices which T. M. Scanlon, who has succeeded in giving a convincing account of the “significance of choice” that is admirably independent of any controversial metaphysical assumptions about free

will, has outlined in moral philosophy.<sup>288</sup> Scanlon's theory starts from the rather commonsensical observation that "it is often a good thing for a person to have what will happen depend upon how he or she responds when presented with the alternatives under the right conditions."<sup>289</sup> More specifically, Scanlon isolates three kinds of ways in which we have an interest in having our choices affect outcomes: instrumental, demonstrative, and symbolic.

The instrumental value of choice is the simplest of all.<sup>290</sup> When we go to a restaurant, Scanlon observes, we usually have good reason to want the meal that will eventually be served to us to reflect what we ordered. This is because my preference for Green Curry over Pad Thai is likely to be a good predictor of my satisfaction in eating the dish. To be sure, this implies that instrumental reasons for lending significance to our choices are both conditional and relative. They are conditional because they depend on my own ability to predict my own future satisfaction accurately—if I am blind drunk at the time of ordering, I may choose a meal that turns out to be far too spicy for me to enjoy once it is served. And they are relative because their value depends on the reliability of alternative means of determining what will ultimately happen—if Gary King or Nate Silver have secretly been tracking my culinary choices, their statistical model may be better than my gut feeling at predicting how much I will like a particular meal. To what degree we

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<sup>288</sup> Thomas M. Scanlon: "The significance of choice," *The Tanner lectures on human values*, 8 (1988).

<sup>289</sup> *Ibid.*, 178.

<sup>290</sup> *Ibid.*, 178-9.

should design political or economic institutions in such a way as to make them sensitive to people's choices therefore depends (insofar as the instrumental value of choice is at issue) both on how good they are likely to be in making the relevant decisions on their own, and in how apt alternative methods of decision-making are. But while the instrumental significance of choice is both conditional and relative in this way, it is also clear that a system which overlooks the instrumental significance of choice altogether is likely to go very wrong.

The demonstrative value of choice is distinct from the instrumental value, and may even militate against it.<sup>291</sup> If he wanted to determine the best possible anniversary present for his wife, Scanlon avows, the instrumentally optimal course of action would likely be to let her pick it herself. And yet there are good reason why Scanlon thinks it better to pick up the anniversary present himself: "the gift will have special meaning if I choose it—if it reflects my feelings about her and my thoughts about the occasion."<sup>292</sup> The reason is intuitive: there are many human actions that encapsulate and communicate important aspects of ourselves, such as our taste, our attitude towards others, and our values, but can do so if and only if we ourselves perform those actions; choice has a demonstrative as well as a merely instrumental significance.

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<sup>291</sup> *Ibid.*, 179-80.

<sup>292</sup> *Ibid.*, 179.

Finally, choice also has symbolic significance.<sup>293</sup> We desire for outcomes to reflect our own choices, and to be seen to reflect our own choices, in circumstances in which the fact that our decisions matter in this manner help to establish or preserve our status as a full moral agent:

In a situation in which people are normally expected to determine outcomes of a certain sort through their own choices unless they are not competent to do so, I may value having a choice because my not having it would reflect a judgment on my own or someone else's part that I fell below the expected standard of competence.<sup>294</sup>

Note that this is related to, yet importantly distinct from, the demonstrative value of choice. While choice's demonstrative value has to do with the significance that lies in the kind of choice I make, the symbolic value lies in the fact that I get to make a choice at all—that, in other words, I am the kind of agent whose choice makes (and is seen to make) a difference in the world.

If we apply Scanlon's helpful conceptual schema to the political and economic world, we come to understand the important and manifold reasons why we want people both to feel that they are taking responsibility for their own lives, and to be perceived as doing so. Indeed, I would like to suggest that there is a relatively direct correlate to each of the three categories Scanlon discusses, allowing us to provide an account of the instrumental, the demonstrative, and the symbolic importance of personal responsibility.

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<sup>293</sup> *Ibid.*, 180.

<sup>294</sup> *Ibid.*

The first, and perhaps least obvious, case relates to the instrumental significance of responsibility, and the way in which even comparatively generous welfare arrangements might limit how satisfactory the choices available to its beneficiaries are. Even in those countries where the welfare state affords people who are reliant on it a lifestyle that is perfectly decent by external standards, it often restricts their ability autonomously to decide on the kinds of goods and services which they can access, as well as the kinds of activities with which they pass their day. This tends to have a strongly negative effect on their well-being. Thus, a person may strongly prefer an apartment they picked out of a choice set of ten apartments with objectively similar features to a unit of perfectly decent social housing that was assigned to them without leaving them much choice.<sup>295</sup> Similarly, in the United States, the choices of people on food stamps are significantly circumscribed by the program's limitations and exclusions; for example, a person celebrating their birthday might have received more pleasure from the rare indulgence of drinking a bottle of wine (which cannot be purchased with food stamps) than from the equally rare indulgence of eating a birthday cake (which can be purchased on food stamps).

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<sup>295</sup> Please note that this is *not* a general argument for the superiority of “free” markets over welfare states. In some welfare state arrangements, citizens may have a high degree of agency over which of a set of appropriate apartments they are allotted. Similarly, in a free market, some people may not have any choice in the matter because they can only afford one—or indeed zero—apartments. The relevant comparison, then, is not between free markets and welfare states, but rather between citizens of countries with generous welfare states who have to rely on welfare arrangements, and those who are in a state where they are able to eschew this safety net.

These shortcomings may be lessened by redesigning the form of the welfare state. For example, the instrumental value of responsibility may simply militate for housing vouchers, which are redeemable across a broader range of options, rather than state-run housing. Similarly, it shows that the normative good involved in the nutritional benefits that may come from limiting the spending of food stamps to particular types of goods may be outweighed by the normative ill that comes from the associated lack of choice.<sup>296</sup> But there are also some respects in which citizens who are unable to find decent work to sustain themselves are likely to remain at a disadvantage even if welfare arrangements are designed to maximize opportunities for choice. After all, welfare arrangements are inherently unable to compensate for the instrumental value of people's choices in the kinds of activities they pursue: in particular, many people have extremely strong preferences about the kinds of work they would like to be engaged in; no matter how generous the compensatory benefits of being unemployed, their inability to procure this kind of employment will likely be perceived as a great cost by them.<sup>297</sup>

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<sup>296</sup> The particular way in which food stamps programs operate, often creating a cycle of plentiful and restricted supply, may also have bad empirical effects, including an increase in obesity. See W. H. Dietz: "Does hunger cause obesity?" *Pediatrics*, Vol. 95, 1995, 766-7 and Lauren M. Dinour, Dara Bergen and Ming-Chin Yeh: "The Food Insecurity-Obesity Paradox: A Review of the Literature and the Role Food Stamps May Play," *Journal of the American Diabetic Association*, Vol. 107/11, 2007, 1952-61.

<sup>297</sup> In egalitarian theory, the debate about occupational choice has recently taken place in the context of worries about the so-called "slavery of the talented"—the idea that, on a luck egalitarian conception, the talented might be taxed at a very high rate, making it impossible for them to choose an occupation that is less lucrative than their talents permit. For a defense of this form of taxation, see Chapter 5 of G. A. Cohen: *Rescuing justice and equality*. Cambridge: Harvard University Press, 2009. For some responses, see Michael Otsuka: "Freedom of occupational

This is not meant as an argument against the welfare state; clearly, for example, it is better to be assigned an apartment without much choice in the matter than not to have an apartment at all. But it is to point out that, even from a purely instrumental point of view, we have strong reasons to want people to be able to have a high degree of agency over the circumstances of their lives. The range of options open to people who are widely perceived as being able to “take responsibility for themselves” is likely to be both greater and more satisfying to them, no matter how enlightened the welfare state arrangements we design to compensate for their lack of economic agency. As John Rawls rightly observed, there are principled reasons why a “property-owning democracy,” in which capital is widely dispersed, is preferable to a welfare state that compensates for the lack of independent choices with generous transfers.<sup>298</sup> One of the most important of these reasons, it seems to me, is that, unlike a generous welfare state, an egalitarian “property-owning

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choice," *Ratio* Vol. 21/4, 2008, 440-453 and Lucas Stanczyk: "Productive Justice," *Philosophy & Public Affairs* Vol. 40/2, 2012, 144-164.

<sup>298</sup> The term property-owning democracy was initially introduced in J. E. Meade: *Efficiency, Equality and the Ownership of Property*, London: George Allen and Unwin, 1964, and then popularized by John Rawls in *A Theory of Justice* (see esp. pp. 273 ff. of the original edition). Interest in property-owning democracy, and the associated concept of pre-distribution, has recently been revived, especially in England. See the excellent collection by Martin O'Neill and Thad Williamson (Eds.): *Property-Owning Democracy: Rawls and Beyond*, Chicester: Blackwell Publishing, 2012. In 2012, Ed Miliband, the Leader of the Opposition in the UK, has endorsed the concept of pre-distribution in a speech to the Stock Exchange. See Alex Stevenson: "Ed Miliband's redistribution speech in full," politics.co.uk, available at: <http://www.politics.co.uk/comment-analysis/2012/09/06/ed-miliband-s-redistribution-speech-in-full> (last accessed 08/10/2014).

democracy” would afford most of its citizens the satisfaction of feeling that they are taking responsibility for themselves.

This is importantly related to the demonstrative value of personal responsibility. In the realm of choice, Scanlon emphasized that picking out his own present for his wife will have special meaning “if I choose it—if it reflects my feelings about her and my thoughts about the occasion.”<sup>299</sup> Something similar applies to the way in which we take responsibility for ourselves in contemporary societies. A society in which each individual who is unable to procure a job on their own is assigned a state-funded outlet for their talents which is compensated at a sufficiently high level to lead a decent life may have many virtues. But it is clear that, so long as some degree of real choice is preserved,<sup>300</sup> it would be much better for an individual to choose their own job. The reason is partially instrumental, of course: people are likely to be good judges as to which job they find fulfilling—or merely tolerable. But the reasons go beyond the merely instrumental to the demonstrative dimension: the ways in which we choose to acquit ourselves of our responsibility for ourselves reflect and reveal our values and preferences in deep ways. They have a demonstrative, as well

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<sup>299</sup> Scanlon, “Significance of Choice,” 179.

<sup>300</sup> Clearly, if an individual has formal “freedom of occupation,” but is only offered one job that pays sufficiently for him to lead an adequate life, this condition is not fulfilled. However, he does not need, conversely, to have a free choice among all occupations so long as there is a meaningful variety of occupational options on offer. Consider that this situation is in this respect parallel to the demonstrative value of choice: Scanlon does not need to be able to afford an iPhone cover crusted with hundreds of diamonds for his choice between different gift options to have demonstrative value.



as an instrumental, value, which is not easily substituted for by welfare arrangements, no matter how generous.

The ability to take responsibility for oneself also has an important symbolic dimension. Many people derive immense pride from the ability to provide for themselves, and try to avoid making use of programs like food stamps in part for that reason. Similarly, an inability to provide for themselves leads to strong feelings of inadequacy in many welfare recipients. This is the case not only in the United States, where vicious rhetoric against welfare recipients plays a particularly salient role in public political discourse, but also in Europe, where studies have shown similar attitudes to be surprisingly widespread among recipients of unemployment benefits. Indeed, according to the World Values Survey, the number of Germans, Canadians, Australians, and Finns who believe that it is “humiliating to receive money without having to work for it” is comparable to the figures recorded in the United States; in Italy, Poland, and Norway, it is markedly higher.<sup>301</sup>

There is of course a big question mark about whether or not there are good grounds for the degree to which an ability to provide for oneself is seen as a source of moral pride, and an inability to do so as a source of shame. Very plausibly, such attitudes are based both in a reification of the supposed “naturalness” of our particular economic arrangements, and in a set of highly controversial normative assumptions

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<sup>301</sup> World Values Survey Wave 5, 2005-2009, Question V51. Data available at <http://www.worldvaluessurvey.org/WVSOnline.jsp> (last accessed 04/21/2014).

about the moral status imparted by work<sup>302</sup>—especially since a large share of the work that is actually available is, in any case, low-skilled, monotonous, haphazard or simply unpleasant. An important goal of public policy and decent political rhetoric may therefore be to reduce the degree to which people who are not economically self-sufficient feel the sting of their supposed failure. But since I am concerned with non-ideal theory in this dissertation, none of this changes the fact that, so long as such attitudes persist, there are important symbolic reasons why we would want both to feel that we are taking responsibility for our lives, and to be widely perceived as doing so. Since it so happens that many people feel that their moral status depends on their ability to take responsibility for themselves—and since this is unlikely to change in the near future—changes to the economic system that help more people to do so will significantly boost the well-being of the population; an individual’s ability to take responsibility for their own life, in other words, will continue to have strong symbolic—as well as instrumental and demonstrative—significance for the foreseeable future.

## I.2. The Prospective Importance of Responsibility

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<sup>302</sup> Max Weber, of course, has argued that a religiously founded association between hard work and a superior moral status stands at the very root of capitalism. (Max Weber: *The Protestant Ethic and the Spirit of Capitalism*.) But the value of work has also been extolled in thoroughly secular political thinking, including a lot of socialist and even Marxist work. On the other hand, some more recent egalitarian thinkers have argued for a “basic income” that would give citizens true freedom by ensuring that they can opt out of work if they so choose. (See especially Philippe van Parijs: *Real Freedom for All: What (if anything) can justify capitalism?*, Oxford: Oxford University Press, 1998.)

This three-fold account has, I hope, helped to show why we should recognize the ability of individuals to take responsibility for themselves as important. But it does not exhaust the relevant reasons for wanting to be able to take responsibility for ourselves. For it seems to me that the sense of being able to take responsibility for our lives is prospective in an important sense: it is as much a matter of gaining confidence that, through our agency, we can make the future accord with at least some of our most basic needs and desires as it is a matter of being satisfied with the degree of control we currently exercise. Some political theorists have argued that true freedom requires not only an absence of present-day interference, but also a reasonable degree of confidence that the actions I am supposedly free to do at present will not lead to forms of retaliatory interference by an unaccountable power in the future;<sup>303</sup> in a similar vein, it seems to me, much of the value of our sense that we are able to take responsibility for ourselves lies in the fact that this also presupposes a reasonable confidence that we will be able to shape our own future to a reasonable degree.

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<sup>303</sup> See the “republican” or “neo-roman” conception of liberty defended by Quentin Skinner: *Liberty before Liberalism*, Cambridge: Cambridge University Press, 1997 and Philip Pettit: *Republicanism: a Theory of Freedom and Government*, Oxford: Oxford University Press, 1999, respectively. One classic response to these—closely related, but distinct—conceptions of freedom is the claim that it is a misunderstanding, based on eliding the distinction between what the relevant liberty consists in and how secure its future enjoyment is. But this misses the point since the possibility that a person may be deprived of their freedom in the future actually has tangible consequences for their ability to act freely in the present—in a similar way in which an insecurity about our ability to take responsibility for our lives in the future also deprives us of important options today. On both points, cf. Robert Goodin and Frank Jackson: “Freedom from Fear,” *Philosophy and Public Affairs*, Vol. 35/3, pp. 249-65 as well as my draft paper: Yascha Mounk: “Political Theory, History and Truth.”

Indeed, the importance of our feeling that we will continue to be able to control our fate in the future has recently received a great deal of attention in the empirical social sciences. A broad research program in economics, the behavioral sciences, and social psychology demonstrates to what degree our cognitive abilities and mental well-being depend on our feeling that we have a high degree of agency over our own future. This finding is so fundamental that variants of it turn up in a host of different empirical contexts, from studies about the effects of job insecurity to the pernicious effect of scarcity on our mental capacities. In “No Security,” a 2002 meta-study of research on job insecurity, for example, the authors find that “[b]oth physical and mental health appear to decrease with the increase in experiences of job insecurity.”<sup>304</sup> This is in part rooted in the strange phenomenon that, as Richard S. Lazarus and Susan Folkman showed in their seminal 1984 books, *Stress, Appraisal, and Coping*, for many people anticipating a stressful event is actually a greater source of anxiety than experiencing the event itself.<sup>305</sup> What is more, both

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<sup>304</sup> Magnus Sverke, Johnny Hellgren and Katharina Näswall: “No security: A meta-analysis and review of job insecurity and its consequences,” *Journal of Occupational Health Psychology*, Vol. 7/3, 245. See also B. Burchell: “The effects of labour market position, job insecurity and unemployment on psychological health,” in C. Marsh, C. Vogler and D. Gallie (Eds): *Social change and the experience of unemployment, 188-212*, Oxford: Oxford University Press, H. De Witte: “Job insecurity and psychological well-being: review of the literature and exploration of some unresolved issues,” *European Journal of Work and Organizational Psychology*, Vol. 8, 155-177 and J. Hartley, D. Jacobson, B. Klandermans and T. van Vuuren: *Job insecurity: Coping with jobs at risk*, London: Sage, 1991.

<sup>305</sup> Richard S. Lazarus & Susan Folkman: *Stress, Appraisal, and Coping*, Springer Publishing Company, 1984. (This finding can help to give empirical support for the normative argument made by many “republican” political theorists, according to

insecurity and scarcity have strongly adverse effects on our mental faculties. Stress makes it more difficult for us to use effective coping strategies,<sup>306</sup> while scarcity leads us to a myopic focus on the goods we seek to procure.<sup>307</sup> Taken together, these effects raise the specter of a vicious cycle: the more we (have reason to) worry about our ability to control our own fate, the worse we actually become at taking responsibility for our own lives.

This has two important implications for public policy, which I will draw out in more detail in Chapter 6. First, it simply reinforces our understanding of the many reasons why it is normatively important to design institutions that make it possible for people to gain a sense of control over their own lives. When they experience acute stress or instability, their well-being, their mental, and even their physical health deteriorates; insofar as we care about improving people's health and well-being, we have reasons to make them confident in their capability to be responsible for their own lives, both in the present and in the foreseeable future.

Second, it also shows how counterproductive many of the policies inspired by a punitive conception of responsibility end up being. They are, by and large, designed

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which the perceived danger of interference can be just as effective a check on the freedom of the individual as interference itself. See footnote 303 above.)

<sup>306</sup> Susan J. Ashford: "Individual Strategies for Coping with Stress during Organizational Transitions," *Journal of Applied Behavioral Science*, Vol. 24/1, February 1988, 19-36.

<sup>307</sup> Sendhil Mullainathan and Eldar Shafir: *Scarcity: Why Having So Little Means So Much*, New York: Times Books, 2013.

to create incentives for people to take responsibility for themselves. But these very incentives are a significant source of stress, and the stress they cause diminish the cognitive capacities of the target group, leading many people to make bad decisions. Thus, while I endorse the importance of citizens taking responsibility for themselves, within the conceptual schema defended here its implications are very different from those we usually associate with popular rhetoric about “personal responsibility.” Instead of focusing primarily on incentives that are meant to scare people who are supposedly loath to take responsibility for their own lives into submission, I believe that public policy should be based on the promise that most people, in any case, desire to gain control over their own fate, and empower people to pursue those goals.

## **II Responsibility for Others**

Beyond the importance of taking responsibility for ourselves, the second kind of reason why we need a substantial notion of responsibility is that we cannot make sense of some of the most fundamental human commitments, as well as some of the deepest sources of human value, without talking about the role that taking responsibility for others plays in the lives of most people. There are many different ways in which we can take responsibility for others. Some people derive deep satisfaction from the simple act of being considerate toward friends and family members. Others decide to take on a certain kind of social role, such as that of a

spouse, a parent, or simply a pet-owner, in part because they think that the responsibilities that come with such a role are deeply meaningful. Others still define themselves in good part with reference to substantive causes or projects to which they devote their life—whether artistic, political, or charitable.

The constitutive importance of other-regarding preferences and responsibilities has been a theme of many critics of liberalism. As Michael Sandel puts the point in “The Procedural Republic and the Unencumbered Self,” the principles of Rawlsian liberalism are not justified on the basis of the particular normative ends we, both individually and collectively, may wish to pursue in our lives. “What they *do* presuppose is a certain picture of the person [...] This is the picture of the unencumbered self, a self understood as prior to and independent of purposes and ends.”<sup>308</sup> This, Sandel notes, “rules out the possibility of what we might call *constitutive* ends. No role or commitment could define me so completely that I could not understand myself without it.”<sup>309</sup>

In other words, the primary victim of the denial of constitutive ends is precisely the kind of responsibility for others that antecedes voluntary choice, and cannot be abandoned by a mere act of will. While liberalism is neutral between the particular ends of individuals, it, according to critics like Sandel, does not pay enough heed to the fact that people’s real identities may be intertwined with the fate of others:

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<sup>308</sup> Michael J. Sandel: “The procedural republic and the unencumbered self,” *Political Theory*, Vol. 12/1, February 1984, 86 (original emphasis).

<sup>309</sup> *Ibid* (original emphasis).

Understood as unencumbered selves, we are of course free to join in voluntary association with others, and so are capable of community in the cooperative sense. What is denied to the unencumbered self is the possibility of membership in any community bound by moral ties antecedent to choice; he cannot belong to any community where the self *itself* could be at stake. Such a community—call it constitutive as opposed against merely cooperative—would engage the identity as well as the interests of all participants, and so implicate its members in a citizenship more thoroughgoing than the unencumbered self can know.<sup>310</sup>

Whether Sandel's account of the importance of a deep form of responsibility for others provides a potent criticism of philosophical liberalism remains highly contested.<sup>311</sup> But irrespective of whether or not challenges to the idea of an unencumbered self also make for a potent criticism of liberalism, it is at least clear that any convincing liberal account of society has to make room for the fact that many citizens will *choose* to take on these kinds of responsibilities for others, and to think of such responsibilities as being of paramount importance to their lives. In other words, it is open to question whether or not the tendency of people to consider the responsibilities they have for other people to be central to their lives should undermine the priority of the right over the good; but that any liberal regime

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<sup>310</sup> Ibid., 86-7 (original emphasis).

<sup>311</sup> For some key responses, see: Amy Gutmann, "Communitarian Critics of Liberalism," *Philosophy and Public Affairs*, Vol. 14, 1985, 308-22, the excellent early account of the debate by Stephen Mulhall and Adam Swift: *Liberals and Communitarians*, Oxford: Blackwell, 1992, and the contributions by Will Kymlicka: *Liberalism, Community, and Culture*, Oxford: Clarendon Press, 1989, esp. pp. 52-3 as well as Will Kymlicka: *Multicultural Citizenship: A Liberal Theory of Minority Rights*, Oxford: Oxford University Press, 1995. See also Rawls' attempt to distinguish his theory from a Kantian comprehensive doctrine in the revised edition of *A Theory of Justice* as well as John Rawls: *Political Liberalism*, New York: Columbia University Press, 1993 and John Rawls: *Justice as Fairness – A Restatement*, Cambridge: Harvard University Press, 2001.



needs to recognize such responsibilities as one of the most fundamental elements of the conceptions of the good that their citizens endorse very much is not.

When Sandel emphasizes the importance of the responsibilities we have for others, he often speaks in terms of community. He is concerned, in other words, with the constitutive importance of our bond to our parents and children, to our family more broadly, and ultimately also to our political community. But at times he also mentions a different kind of other-regarding responsibility: that towards particular “projects.” This, it seems to me, is just as important a form of responsibility we take on for others.

One way to understand the importance of these kinds of projects is to ponder a philosophy that leaves little space for them, and to investigate where that philosophy seems to go wrong. For utilitarians, as we have seen in Chapter 2, the moral duties we have do not in any deep sense depend on our own values and commitments: if I am best positioned to help your art project, and that art project is of overwhelming importance to your happiness, then I may have a moral obligation to help you with that project—even if I strongly believe that your art project is nothing more than an eyesore. Discussing this aspect of the consequentialist outlook, Bernard Williams objects that this point of view does not give enough importance to the fact that “practical deliberation is in every case first-personal, and

the first person is not derivative or naturally replaced by *anyone*.”<sup>312</sup> As Williams puts the point in his famous attack on utilitarianism, any moral stricture therefore has to respect how important a commitment to the success of particular projects is to first-personal agents:

The point is that [the agent] is identified with his actions as flowing from projects or attitudes which [...] he takes seriously at the deepest level, as what his life is about. [...] It is absurd to demand of such a man, when the sums come in from the utility network which the projects of others have in part determined, that he should just step aside from his own project and decision and acknowledge the decision which utilitarian calculation requires. It is to alienate him in a real sense from his actions and the source of his action in his own convictions. It is to make him into a channel between the input of everyone's projects, including his own, and an output of optimific decision; but this is to neglect the extent to which his projects and his decisions have to be seen as the actions and decisions which flow from the projects and attitudes with which he is most closely identified. It is thus, in the most literal sense, an attack on his integrity.<sup>313</sup>

A similar criticism might be ventured against a world-view that makes no space for the importance of taking on responsibility for the success of particular projects in the world. To think that responsibility is just a confused moral category is to fail to recognize how fundamental what Bernard Williams calls “projects” are to the life of most human beings, and, in turn, to our integrity as true moral agents. To eschew all talk of responsibility would, as Williams warned, be to alienate us, in a real sense, from the things that constitute our individual identity.

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<sup>312</sup> Bernard Williams: *Ethics and the Limits of Philosophy*, Cambridge: Harvard University Press, 1985, 68 (original emphasis).

<sup>313</sup> Bernard Williams: “A Critique of Utilitarianism,” in J. J. C. Smart and Bernard Williams: *Utilitarianism – For & Against*, Cambridge: Cambridge University Press, 1973, esp. 116–117.

### **III Thinking of Others as Responsible**

It is not only important for us to take responsibility for our own fate, or to take on responsibilities towards others; for us to be able to relate to other people in a meaningful manner, it is also crucial for us to think of them as being responsible for their own actions. As I will argue in this section, this is a necessary precondition for at least two kinds of reasons. First, it is impossible to enter into a meaningful relationship with another person unless we think of them as responsible for their own actions. This is true for such private relationships as that of being a friend, a mentor, or a lover. But it is also true for more political relationships, like those of being a participant in the same political cause, a compatriot, or even a fellow cosmopolitan. Second, I will argue that a mutual recognition of responsibility must underwrite any egalitarian society. On this view, the purpose of a truly egalitarian society is not just for people to hold comparable material holdings, but also for them to be able to think of each other as having equal status as full citizens; this status, it seems to me, is fatally undermined if there are some citizens who are considered to be fully responsible agents, and others who are not.

#### **III.1 Strawson, Scanlon, and the Role of Ascribing Responsibility to Others in Enabling Meaningful Relationships**

“Freedom and Resentment,” the classic 1962 paper by Galen Strawson (the father of

Peter, whose radically different views I have discussed at some length in the last chapter), made an important start in pointing out how crucial the ability to hold other people responsible for their actions is to making meaningful human relationships, like friendship, possible. According to Strawson, reactive attitudes like praise and blame are a necessary ingredient for the “different kinds of relationship which we can have with other people—as sharers of a common interest; as members of the same family; as colleagues; as friends; as lovers; as chance parties to an enormous range of transactions and encounters.”<sup>314</sup> If we are unable to praise a friend when he does something nice for us, or blame them when they have failed to live up to the duties friendship is commonly taken to entail, Strawson suggests, then what is left is not friendship at all.

Having reminded us of how central reactive attitudes like praise and blame are to the possibility of each of these quintessentially human relationships, Strawson asked whether the truth of causal determinism “[w]ould, or should, [...] mean the end of gratitude, resentment, and forgiveness; of all reciprocated adult loves; of all the essentially personal antagonisms?”<sup>315</sup> His conclusion was that such a transformation of our everyday moral practices was, to all intents and purposes, inconceivable:

The human commitment to participation in ordinary inter-personal relationships is, I think, too thoroughgoing and deeply rooted for us to take seriously the thought

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<sup>314</sup> Peter Strawson: “Freedom and Resentment,” re-printed in: Paul Russell and Oisín Deery (Eds.): *The Philosophy of Free Will: Essential Readings from the Contemporary Debate*, 67.

<sup>315</sup> *Ibid.*, 70.

that a general theoretical conviction might so change our world that, in it, there were no longer any such things as inter-personal relationships as we normally understand them; and being involved in inter-personal relationships as we normally understand them precisely is being exposed to the range of reactive attitudes and feelings that is in question.<sup>316</sup>

In other words, our commitment to having meaningful relationships with others is so fundamental that it also commits us, *inter alia*, to develop and defend the moral practices that make such relationships possible. According to Strawson, we are unable to sustain relationships like friendship and love unless we are able to engage in reactive attitudes, like praise and blame; but that is exactly what is in danger when we cease thinking of others as responsible for their actions. One strong reason to develop a positive account of personal responsibility, then, is that such an account serves the fundamentally important purpose of allowing humans to develop relationships with each other.

This account has many virtues, but it also has the disadvantage of drawing on a notion of praise and blame that has come under attack in more recent philosophical literature. As T. M. Scanlon has argued, Strawson is right to locate the nature and purpose of praise and blame in the context of human relationships. But he goes wrong in assigning importance to the existence of reactive attitudes as such. Scanlon therefore proposes to focus on another aspect of human relationships: on “the expectations, intentions, and other attitudes that constitute these relationships

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<sup>316</sup> Ibid., 71.

rather than on moral emotions such as resentment and indignation.”<sup>317</sup> In this subsection, I therefore propose to expand on Strawson’s line of reasoning by representing his basic point in the language of T. M. Scanlon’s account of the nature of personal relationships.

To define the nature of personal relationships, Scanlon starts with the paradigmatic case of friendship. For Scanlon, the core of a friendship consists in an implicit promise to pay special consideration to a friend’s needs and interests by acting in ways that might otherwise be supererogatory: if a stranger with a bad cold asks me to go to the pharmacy to procure Nyquil for him, I am under no moral obligation to do so (unless my failure to help might be life-threatening); if a friend asks me, by contrast, I do have a duty to help.

But true friendship, Scanlon notes, is not restricted to a willingness to undertake particular friendly acts; it also entails “being disposed to certain feelings.”<sup>318</sup> Indeed, just as entering a friendship requires our willingness to engage in supererogatory acts, so too it entails the general presence of what we might want to call supererogatory feelings: if a stranger shares good news with me, this need not elate me; when a friend tells me good news, indifference would make me a bad friend.

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<sup>317</sup> T. M. Scanlon: *Moral Dimensions: Permissibility, Meaning, Blame*, Cambridge: Harvard University Press, 2008, 128.

<sup>318</sup> *Ibid.*, 132.

Blame, Scanlon argues, enters the picture when one friend fails to perform the acts, or to display the attitudes, that are appropriate to their friendship. The same is true more broadly. Between two individuals, there is a moral “ground relationship” that requires us to treat each other only in ways that are justifiable to that person. To fail to live up to this moral ground relationship in our dealings with another person is to open ourselves up to blame:

To judge individuals to be blameworthy, I am claiming, is to judge that their conduct shows something about them that indicates this kind of impairment of the relations with others, an impairment that makes it appropriate for others to have attitudes toward them different from those that constitute the default moral relationship.<sup>319</sup>

In other words, praise and blame are not the point of moral relationships like friendship. But friendship would be impossible if we thought others incapable of being responsible for their actions, precisely because the state of being friends depends in large part on the kinds of feelings and attitudes we have towards each other.

Strawson’s account drew our attention to the centrality of reactive attitudes in moral relationships. Scanlon’s account goes further. By showing that these relationships consist in a kind of promise to act and feel in a particular way towards others, he manages to explain why we should endorse (rather than merely note) the centrality of reactive attitudes: true friendship requires both my ability to feel about my friend in a special way, and the possibility that our relationship might be impaired by their failing to act and feel similarly. But none of this—neither the special feeling of connectedness, nor praise and blame—is possible if I do not think

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<sup>319</sup> Ibid., 141.

of others as capable of taking responsibility for their own actions. For good reason, we think of ascriptions of responsibility to each other as a basic prerequisite for most moral relationships.

### III.2 Egalitarian Reasons to Think of Others as Responsible

The second kind of reason why it is desirable that we should think of others as responsible has to do with equality. Now, equality can be a somewhat puzzling ideal. While it's obvious why we have reasons to care about the well-being of others, it can be less clear why we have reason to assign importance to their *comparative* well-being. Indeed, the appeal of equality can sometimes come to feel particularly elusive in the form in which it is advocated in much contemporary analytical philosophy—where very abstract discussions about the exact degree and metric of equality have become so divorced from actually existing societies that it may come to seem like a form of fetishism.<sup>320</sup> It is therefore helpful to ground any substantive claim about what equality demands in an account of the reasons why we should value equality in the first place; this kind of account can then, in turn, provide us with at least some minimal requirements that a supposedly egalitarian society would have to display.

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<sup>320</sup> Elizabeth Anderson, as we have seen in Chapter 3, has accused luck egalitarianism of just this sort of fetishism. (Elizabeth Anderson: "What Is the Point of Equality?," *Ethics*, Vol. 109/2, 1999, 287-337.) See also the similar criticisms in Samuel Scheffler: "What Is Egalitarianism?," *Philosophy & Public Affairs*, Vol. 31/1, 2003, 5-39 and Jonathan Wolff: "Fairness, Respect and the Egalitarian Ethos," *Philosophy & Public Affairs*, Vol. 27/2, 97-122.



It is, once again, T. M. Scanlon who has provided one of the most useful classifications of the reasons why we might care about equality.<sup>321</sup> On his account, there are essentially five kinds of reasons to wish for an egalitarian society:

- The first kind of reason is humanitarian. Sometimes, people suffer from hardships that are morally objectionable. The only, or the best, way of helping them is to take from those who have a lot. Egalitarian action thus becomes necessary out of concern for the absolute, rather than the relative, standing of the poorest members of society.<sup>322</sup>
- The second kind of reason has to do with status. Sometimes, how a citizen is treated, or what kind of material resources he has access to, is not objectionable because it imposes objective hardship on him or her, but rather because it marks him out as having inferior status.<sup>323</sup>

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<sup>321</sup> T. M. Scanlon: "The Diversity of Objections to Inequality," *The Lindley Lecture*, The University of Kansas, 1996. A revised version of the essay is re-printed in T. M. Scanlon: *The Difficulty of Tolerance: Essays in Political Philosophy*, Cambridge: Cambridge University Press, 2003, 202-218.

<sup>322</sup> Scanlon, "Diversity," 2. For some other philosophers who have advocated what has sometimes come to be called a "sufficiantarian" position, see Michael Walzer: *Spheres of Justice: A Defense of Pluralism and Equality*, New York: Basic Books, 1983, Harry Frankfurt: "Equality as a Moral Ideal," *Ethics*, Vol. 98, 21-42, 1987, and "The Moral Irrelevance of Equality," *Public Affairs Quarterly*, Vo. 14, 87-103 as well as David Wiggins: "Claims of Need," in: *Needs, Values, Truth: Essays in the Philosophy of Value*, Oxford: Oxford University Press, 3rd. ed., 1998, pp. 1-58.

<sup>323</sup> Scanlon, "Diversity," 3. One interesting inference from this line of thought might be to say that vast inequalities of wealth are permissible so long as they do not "bleed into" other areas of life, including education and politics. This line was defended by Walzer in *Spheres of Justice*, and also entertained by Rawls in Lecture VIII of *Political Liberalism*. Elizabeth Anderson's critique of luck egalitarianism also makes powerful use of the centrality of equal regard to notions of equality. See Elizabeth Anderson: "What is the Point of Equality?" *Ethics*, Vol. 109, 287-337.

- The third kind of reason has to do with domination. In many societies, those who have the most come to acquire all kinds of forms of official and unofficial power over those who have less. Reducing or eliminating inequalities may therefore be necessary to ensure that the fortunate do not exercise unjust forms of power over the unfortunate.<sup>324</sup>
- The fourth kind of reason has to do with equality of opportunity. People with a lot of resources are able to give significant advantages to their offspring, which often lead to self-sustaining privilege. They are also able to undermine the fairness of political institutions, thereby ensuring that these pay greater attention to the interests of the wealthy and powerful than to those of the poor and powerless. Some movement toward a more materially equal society may therefore be necessary to reestablish the fairness of political institutions, and approximate more closely the ideal of equality of opportunity.<sup>325</sup>

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<sup>324</sup> Scanlon, "Diversity," 3. For the classic formulations of republican freedom, see Skinner, *Liberty before Liberalism* and Pettit, *Republicanism*. For a more explicit consideration of the idea that high levels of inequality may lead to problematic relations of dominance, see for example Philip Pettit: "Freedom in the market," *Politics, Philosophy & Economics*, June 2006, Vol. 5/2, 131-149. Finally, for ways in which the welfare state might help to achieve non-domination, see Lena Halldenius: "Non-domination and Egalitarian Welfare Politics," *Ethical Theory and Moral Practice*, Vol. 1/3, 1998, 335-353.

<sup>325</sup> Scanlon, "Diversity," 4. Rawls defended what he called "fair equality of opportunity" as a central part of his conception of justice. However, some subsequent philosophers have been less convinced that equality of opportunity is an important value in its own right. One criticism of equality of opportunity comes from the libertarian right, which casts it as being in conflict with the free exercise of Lockean property rights. See for example Richard Epstein: *Forbidden Grounds: The Case Against Employment Discrimination Laws*, Cambridge: Harvard University

- Finally, in certain circumscribed circumstances, citizens may have a just claim to equal resources. In particular, if each one of a group of citizens has the same claim for government to assist them in some particular way, then, at least in the absence of some special justification, the government has an obligation to provide each of these citizens with the same level of that benefit, which is derivative of its wider obligations to treat citizens equally.<sup>326</sup>

My claim is that, once we have understood the multiplicity of reasons why we care about equality, it becomes clear that any society that thinks of many of its members as incapable of taking responsibility for their own lives will fall short on some of these counts, even as it excels on others. In particular, even if all citizens have very similar material entitlements, and nobody suffers from objective hardships, any society in which people think of some of their fellow citizens as incapable of taking responsibility for themselves will certainly fail to establish any reasonable degree of equality of status; it will probably also fail to avert the dangers of domination as well as strong inequality of opportunity.

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Press, 1992. But a more surprising criticism of equality of opportunity comes from the egalitarian left. See for example Ricahrd Arneson: "Against Rawlsian Equality of Opportunity," *Philosophical Studies*, Vol. 93, pp. 77-112 as well as, in a more limited vein, Matthias Risse: "What Equality of Opportunity Could Not Be," *Ethics*, vol. 112, 2002, pp. 720-747. For a defense of equality of opportunity, see for example John Roemer: "Defending Equality of Opportunity," *The Monist*, Vol. 86/2, 2003, 261-282.

<sup>326</sup> Scanlon, "Diversity," 4-5.

The importance of thinking of each other as responsible beings to the question of status is relatively straightforward. As Scanlon, drawing on a long egalitarian tradition that reaches back at least as far as Jean-Jacques Rousseau,<sup>327</sup> puts the point, “[t]he evil involved in arrangements” that violate an appropriate equality of status “is a comparative one: what is objectionable is being marked as *inferior to others* in a demeaning way.”<sup>328</sup> Historically, many of these kinds of inequalities have consisted in “entrenched social attitudes.” And while this usually referred to a *group* of people that was recognizable by virtue of some characteristic which people acquired at birth—such as an ethnicity, a class, or a caste—it only stands to reason that, in our more individualistic age, one of the most important markers of social inequality has become more individualistic as well.

Indeed, it seems to me that one of the most important markers of status in our society is individualistic in just this way, and that it has everything to do with ascriptions of responsibility. While we do not have general disdain for the destitute, many people in our society *do* have disdain for all those people who, for reasons that are generally deemed to be under their control, have failed to take responsibility for their own lives. Today, being born poor does not make one an object of disdain (although, due to a general tendency to underestimate the manifold obstacles the

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<sup>327</sup> This theme is particularly central in Rousseau’s *Discourse on the Origin and Basis of Inequality Among Men*.

<sup>328</sup> This formulation is found in a different, draft version of the same paper: T. M. Scanlon: “When Does Equality Matter?” 8 (original emphasis), available at: [http://www.law.yale.edu/documents/pdf/Intellectual\\_Life/Itw-Scanlon.pdf](http://www.law.yale.edu/documents/pdf/Intellectual_Life/Itw-Scanlon.pdf) (last accessed: 10/11/2014).

poor have to confront, it of course makes it more likely that one might end up as an object of disdain); rather, it is failing to take the necessary steps to escape poverty that creates one of the most radical inequalities of status our society metes out.<sup>329</sup> Any view that has the effect of deepening our impression that some people are much less capable of taking responsibility for their own lives than others—including even well-meaning, left-wing lamentations for the blameless poor that are ostensibly designed to pave the way to a materially more equal society—only serves to deepen this radical inequality of status.<sup>330</sup>

(There is an obvious objection to this justification for the importance of thinking of others as responsible. It is this: if we didn't think of *anybody* as being responsible, then the fact that we ascribe a lack of responsibility to others could not possibly be a source of status inequality. That is true: if we were able to think of nobody at all as responsible, then this particular kind of reason for thinking of others as responsible would indeed fall by the wayside—though the arguments about the importance of

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<sup>329</sup> An interesting take on the ability of status, conceived as a matter of esteem and competence, to create more entrenched and durable inequality is offered in Cecilia L. Ridgeway: "Why Status Matters for Inequality," *American Sociological Review*, Vol. 79/1, February 2014, 1-16.

<sup>330</sup> A good recent example of this came when Emmanuel Macron, the French Minister of the Economy and a member of the *Partie Socialiste*, called workers at a closing factory "illiterate." Though he was discussing the need to help the workers, the degree to which he considered them incapable of agency was palpable, and helped to deepen status inequality as well as its concrete consequences even as he was trying to demonstrate concern. See Sophie de Ravinel: "Emmanuel Macron s'excuse de ses propos sur les 'illettrés'", *Le Figaro* website, 09/17/2014, available at: <http://www.lefigaro.fr/politique/2014/09/17/01002-20140917ARTFIG00327-emmanuel-macron-s-excuse-de-ses-propos-sur-les-illettrees.php?pagination=2> (last accessed on 10/11/2014).

ascriptions of responsibility as a basis for interpersonal relationships would still hold. This is an important point for discussions in ideal theory. But it has limited applicability to non-ideal theory, since our self-conception as responsible agents goes very deep; indeed, even on the left, the denial that others are responsible for their lives is rarely accompanied by a similar disavowal of agency about oneself. Hence, what Ronald Dworkin observed in the context of criminal punishment also applies here: part of the reason why some people are so insistent on recognizing that others are not responsible for their actions is that they are worried about the moral implications that it would have for their own moral status if they themselves—who, quite naturally, *are* assumed to be responsible for their actions—should treat their less fortunate fellow citizens unjustly.<sup>331</sup>)

The link between thinking of others as responsible and the avoidance of inequalities related to domination or a lack of opportunity is less direct. While it seems to me that thinking of our co-citizens as incapable of taking responsibility for themselves itself amounts to an inequality of status, the link to domination and equality of opportunity comes closer to being a mere empirical conjecture. And yet, it is easy to see why such an attitude would lead to these very ills. For, if others aren't capable of taking responsibility for their own lives, it is but a small step to conclude that they also cannot identify their true political interests; while we should certainly design policies that benefit them, we may then conclude, it is for the best if we take important political decisions on their behalf (and whether or not our identification

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<sup>331</sup> Ronald Dworkin: *Justice for Hedgehogs*, Cambridge, MA: Harvard University Press, 2011, 223 ff.

of what their interests are may not, over time, come to dovetail with our own interests is of course very much an open question).<sup>332</sup> Similarly, if we believe that others are not able to take responsibility for their own lives, we may come to believe in the need for redistributive action which ensures that these blameless individuals get to lead a decent life; but it may, for the very same reason, also make us rather complacent about a lack of educational and professional mobility.

#### IV Conclusion

Bernard Williams has famously argued that many thinkers misunderstand the nature of the challenge posed by the existence of people who deny that they should allow any moral considerations to keep in check the pursuit of their self-interest. To these thinkers, the problem posed by the existence of egoists consisted in finding some metaphysical foundation for morality that would, objectively, be irresistible—one that the egoist, if only they could somehow force him to hear them out, would be bound to accept.<sup>333</sup> Williams did not believe that we could ever attain such an

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<sup>332</sup> For an influential warning about the attendant political dangers of the idea that we are able to grasp the interests of our co-citizens better than they themselves, see Isaiah Berlin, "Two Concepts of Liberty," in: *Four Essays on Liberty*, Oxford: Oxford University Press, 1969. For the role of the concept in the thought of Marxists, including proponents of the Frankfurt School, see Raymond Geuss: *The Idea of a Critical Theory – Habermas & the Frankfurt School*, Cambridge: Cambridge University Press, 1981 as well as Michael Rosen: *On Voluntary Servitude – False Consciousness and the Theory of Ideology*, Cambridge: Harvard University Press, 1996.

<sup>333</sup> For recent literature on egoism, see, for example, Thomas Nagel: *The possibility of altruism*, Oxford: Clarendon Press, 1970, Derek Parfit: *Reasons and Persons*, Oxford:

account. But this didn't trouble him overly much since he thought that a rather more simple response to the problem of egoism would be quite sufficient. If only we could demonstrate just how much somebody would lose by denying that moral arguments could possibly have any hold over them, Williams argued, then we would give as good a response to the challenge as we need: one that would explain to ourselves, if not to every last obstinate egoist, why we have good reason to take seriously the demands of the ethical life.<sup>334</sup>

Just as Williams had no knock-down argument against the committed egoist, so too it seems to me that we do not need a knock-down argument against those thinkers who claim that we cannot hold people responsible for any of their actions or attributes unless we can prove that there is such a thing as freedom of the will. Just as Williams mounted a persuasive response to the problem of egoism by sketching out how barren the life of a consistent egoist would be, so too we can content ourselves with showing what our lives would look like if we tried to banish the notion of responsibility from our lives.

There are deep reasons why we want to take responsibility for ourselves, why we want to take responsibility for others, and why we want to think of others as being

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Oxford University Press, 1984, Parts II & III, Christine Korsgaard, "The Myth of Egoism," in P. Baumann and M. Betzler (Eds): *Practical Conflicts: New Philosophical Essays*, Cambridge: Cambridge University Press, 2005, 59–91 and David Gauthier: *Morals By Agreement*, Oxford: Clarendon, 1986.

<sup>334</sup> See Bernard Williams: "Egoism and altruism," in: *Problems of the Self*, Cambridge: Cambridge University Press, 1973, 250-265.



responsible. The abstract question about egoism blinds us to the fact that very few human beings actually claim not to have any moral obligations towards others. Similarly, the abstract question about the preconditions of responsibility blinds us to the fact that most people are very willing—indeed, in most cases, adamant—to claim responsibility for their actions. The troubling question is not the abstract and all-encompassing one about whether or not we can adequately justify the notion of responsibility to those few souls who try to disavow it in a consistent manner, but rather the question of what kind of responsibility people have in what kind of situation, and what that implies for how we should treat them. That is the question to which I now turn.

## Chapter 6 A First Sketch of A Positive Notion of Responsibility

The notion of “responsibility” is deeply ambiguous. Not only does it mean something different in different conversational contexts; not only has its meaning changed in important ways over time; not only does its meaning vary, somewhat, between North America and Western Europe; most important of all, it tends to be used ambiguously even by people who talk about responsibility today, in the United States, in the context of distributive justice. At base, this is because speakers tend to run together three related, yet distinct, questions when they invoke the value of “individual responsibility”:

1. What kinds of actions or qualities can rightfully be attributed to an agent, such that it is appropriate morally to assess this agent on the basis of those actions or qualities?
2. Among the many outcomes which stand in some kind of causal relation to those actions or qualities, on the basis of which is it appropriate morally to assess this agent?
3. How should the fact that we have decided to hold an agent “responsible” for particular actions, qualities, or outcomes in that sense change how we should actually treat that agent?

In Chapters 1, 2 and 3, I have given an account of the primary features of the conventional notion of responsibility, of its intellectual history, and of some of its real-world applications. In essence, I argued there, people who believe in the

contemporary notion of responsibility tend to answer these three questions in the following ways:

1. We are generally said to be responsible for particular actions if that action would satisfy the traditional prerequisites of *mens rea*: in brief, we need to exercise some amount of control over our own actions (as opposed to, say, be acting out of reflex) and hold broadly correct views about relations of cause and effect in the world (as opposed to, say, act while suffering from wild hallucinations) to be responsible for a particular action.
2. We generally adopt a rather simple view of the connection between our responsibility for particular actions and our responsibility for particular outcomes. So, for example, if I am “responsible” for having failed to graduate high school, then I am also thought to be responsible for being unemployed—even though my unemployment may have had many additional causes outside of my control, such as a recent takeover of my former employer.
3. The fact that we are supposedly responsible for particular actions or outcomes is usually taken to imply, relatively straightforwardly, that we should be held accountable; in other words, the fact of our responsibility is relevant to our just entitlements, and should change how we are treated by other agents or the body politic. Thus, if we are “responsible” for being unemployed, this seemingly suggests that the collectivity can justly deny us welfare benefits.

The answers to these three individual questions add up to a wider conception of responsibility. Broadly speaking, what I have called the “responsibility framework” describes a set of duties we have in terms of providing for ourselves, rather than for others. The person who is said to have failed to live up to his or her personal responsibility is one who asks for society’s assistance even though he or she would, with the necessary effort, have been able to provide for themselves.

	<b>Ascription of Responsibility</b>	<b>Responsibility for a Negative Outcome, Conditional on Responsibility for One of Its Contributing Actions</b>	<b>Altered Attitude toward, or Treatment of, Agent, Conditional on Responsibility for an Outcome:</b>
<b>Responsibility Framework</b>	Low Threshold: <ul style="list-style-type: none"> <li>• <i>Mens Rea</i></li> </ul>	Low Threshold: <ul style="list-style-type: none"> <li>• Clear contributing cause, conceived naturalistically</li> </ul>	Low Threshold: <ul style="list-style-type: none"> <li>• An agent’s responsibility for an outcome trumps collective duties that would otherwise be present</li> </ul>

**Figure 6.1.: The Responsibility Framework**

The main alternative to this notion of responsibility, I have argued, consists in what I call the “no-responsibility-view.” This view, which is popular among left-wing politicians and egalitarian philosophers, posits a much higher threshold both for when we can ascribe responsibility for a particular action to an agent, and to when

that responsibility for an action translates into responsibility for a particular outcome or state of affairs. But it also retains a crucial element of the “responsibility framework”: the normative assumption that we are justified in altering our treatment of an agent if they are responsible for a particular action or outcome. In particular, though they disagree that most people who are in need are in fact responsible for their situation, adherents of the “no-responsibility view” agree that many collective duties towards individuals would no longer obtain if those individuals could rightly be held responsible for being in need.

	<b>Ascription of Responsibility</b>	<b>Responsibility for a Negative Outcome, Conditional on Responsibility for One of Its Contributing Actions</b>	<b>Altered Attitude toward, or Treatment of, Agent, Conditional on Responsibility for an Outcome:</b>
<b>“No-Responsibility View”</b>	High Threshold: <ul style="list-style-type: none"> <li>• <i>Causa Sui</i>, or the ability to have done otherwise</li> </ul>	High Threshold: <ul style="list-style-type: none"> <li>• No contributing cause that is not under the control of an agent</li> </ul>	Low Threshold: <ul style="list-style-type: none"> <li>• An agent’s responsibility for an outcome trumps collective duties that would otherwise be present</li> </ul>

**Figure 6.2.: The No-Responsibility View**

It is beyond the scope of this dissertation to develop an alternative account of responsibility in detail. What I intend to do, instead, is to sketch the broad outlines of a notion of responsibility that both a) avoids some of the more obvious shortcomings that both the “responsibility framework” and the “no-luck view” share; and b) tracks some of the substantive reasons for why we need to develop a positive notion of responsibility, which I have outlined in Chapter 5. Such an account, I argue, will need to agree with the answer which the conventional view of responsibility gives to the first question, about ascription of responsibility for actions, but seek to challenge the remaining two, about the ascription of responsibility for outcomes as well as its implications for how we are to treat agents who have acted “irresponsibly.” To give a very brief overview before discussing each of its elements in somewhat greater detail below, I therefore believe that:

1. We are responsible for an action if that action would satisfy the traditional prerequisites of *mens rea*: to be responsible for an action, we need to exercise some amount of control over what we do (as opposed to, say, acting out of reflex) and hold broadly correct views about relations of cause and effect in the world (as opposed to, say, acting while suffering from wild hallucinations). (Since, drawing on the work of Ronald Dworkin and Harry Frankfurt, I have defended this kind of view against adherents of the no-responsibility view at considerable length in Chapter 4.II., I will assume that this is the right standard and concentrate on questions 2 and 3 in this chapter.)

2. The fact that we are responsible for an action that has contributed to a particular outcome need not mean that we are responsible for that outcome as a whole. In the simplest sense, it is only clear that we are responsible for one of the contributing factors to the ultimate outcome; this might suggest that the degree of our responsibility for that outcome depends on the number and the strength of other contributing factors. But in fact, to what degree we should be thought of as being responsible for the outcome depends on a number of more complicated questions, such as what I can reasonably have been expected to do. Thus, I may be fully responsible for an outcome if my action (or omission) was only one of many contributing factors, but there was a reasonable expectation that I should have carried out (or should have abstained from carrying out) an action that is causally related to it. The question about which outcomes we are responsible for therefore depends on a number of normative and institutional questions about how we can reasonably be expected to act.
3. Even once we have established that a particular person is responsible for a particular outcome in this sense, there is a separate question about whether or not we should hold them accountable, in either a positive or a negative sense, for having been responsible for that outcome. In particular, even the fact that somebody is responsible for being in a state of need does not necessarily imply that we should deny him or her societal assistance; the extent to which that is true depends on normative questions that do not turn on considerations of responsibility.

The specific answers given to each of these questions by the “responsibility framework”—as well as the “no-responsibility view” which it, in turn, inspired—added up to an overall outlook on the role and significance of responsibility. Similarly, the specific answers I give to these three questions would, once fully developed, add up to a cohesive conception of what responsibility is, and what consequences ascriptions of responsibility for particular actions or outcomes should have. Taken together, I argue that we should cease to think of responsibility as a concept useful primarily for the evaluation of individual agents. Instead, we should provide a positive account of what it means to take responsibility for our own lives, for other people, and for larger projects. Next to ascriptive responsibility and accountability, we should also recover an account of what it is to be a responsible agent.

I will start, in Section I, by arguing for an account of the responsibility for particular outcomes rooted in an institutional account of legitimate societal expectations. Next, in Section II, I argue that normative considerations unrelated to responsibility help to determine under what circumstances we should hold individuals accountable for the fact that they are responsible for particular positive or negative outcomes. Drawing upon an example developed by T. M. Scanlon in *What We Owe To Each Other* and much-discussed in the scholarly literature, I then model how to apply this positive notion of responsibility to particular contexts in Section III. On the basis of this preliminary account of responsibility, I finally draw out its implications for



public policy in the latter part of the chapter. In Section IV, I show how a positive conception of responsibility can help us to redesign social policy in a less punitive, more empowering, manner even while paying heed to some of the real trade-offs facing contemporary welfare states. Finally, in Section V, I show what that might mean for programs such as “workfare” by drawing on concrete examples from both North America and Western Europe.

## **I Responsibility for Outcomes**

To what degree should the fact that we are responsible for a particular action also make us responsible for a particular outcome which is causally related to that action? A simple example will help guide our answer:

- James did not graduate high school because he was lazy, preferring to hang out with his friends and play video games. Ever since flunking out of high school, he has been working as a fast-food worker. Though he has become a hard worker, he has been unable to acquire significant new skills. Because he earns minimum wage, he has no savings. One day, his company implements a more efficient food preparation technique, which renders James’ position obsolete. In part because James lives in a part of the country that has recently experienced particularly sluggish economic growth, he is unable to find a new job.

Is James responsible for being unemployed?

One intuitive way to go about giving an answer is to assume that the question of whether James is responsible for being unemployed is identical to the question of whether his flunking out of high school has *caused* his current state of unemployment. But, irrespective of which of the standard conceptions of causation we employ, this seems to me to be normatively unsatisfactory. Whether we conceive of causation as a matter of regularity, probability or counterfactuality, the causal question does not fully answer the responsibility question so long as we ignore the important role of expectations.

One of the oldest ways to conceptualize causation is in terms of the regular association between two sets of events. As David Hume put the point, when we talk about causation we are really talking about a “constant conjunction” of two events:

Thus we remember to have seen that species of object we call *flame*, and to have felt that species of sensation we call *heat*. We likewise call to mind their constant conjunction in all past instances. Without any farther ceremony, we call the one *cause* and the other *effect*, and infer the existence of the one from that of the other.<sup>335</sup>

Hume’s theory has gone out of fashion for a plethora of reasons. One worry is that something can be a cause of something else without rising to the level of a constant conjunction: for example, driving while drunk often, but far from always, causes accidents.<sup>336</sup> (This might point to a probabilistic notion of causation, but as I discuss

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<sup>335</sup> David Hume: *A Treatise on Human Nature*, Section VI: Of the inference from the impression to the idea, Oxford: Clarendon Press, 1886, 87 (original emphases).

<sup>336</sup> On so-called “imperfect regularities, see for example Christopher Hitchcock: “Probabilistic Causation,” *The Stanford Encyclopedia of Philosophy*, Winter 2012,

below, that kind of account presents problems of its own.) Another worry is that the outcome may be over-determined: while administering a particular poison may be in constant conjunction with causing death, my giving you poison may not have caused your death if somebody shot you dead before the poison could have its effects.<sup>337</sup> (This might point to a counterfactual notion of causation, but as I discuss below, that too presents problems of its own.)

Both of these problems are pertinent to the case at hand. James having failed high school may be a contributory cause of his unemployment, but it is difficult to know whether it would have been sufficient in the absence of other factors. Conversely, it is also possible that James having failed high school is a sufficient condition of James being unemployed, but other factors—such as poor economic conditions—would also have been a sufficient condition.<sup>338</sup> A conception of causation as constant conjunction cannot answer these questions, and would therefore fail to be decisive in whether James would be responsible for the outcome of being unemployed.

A potentially more promising understanding of causation conceives of causes probabilistically. The basic intuition behind probability theories of causation is that

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available at <http://plato.stanford.edu/archives/win2012/entries/causation-probabilistic/>, last accessed 07/02/2014.

<sup>337</sup> On causal overdetermination, see for example Louis E. Loeb: "Causal Theories and Causal Overdetermination," *The Journal of Philosophy*, Vol. 71/15, 1974, 525-44 and Martin Bunzl: "Causal Overdetermination," *The Journal of Philosophy*, Vol. 76/3, 1979, 134-50.

<sup>338</sup> I say more on the problem of causal overdetermination in my discussion of the probabilistic theory of causation below.

causes are not in constant conjunction with their effects, but rather make those effects more likely—they are associated regularly, if not conjoined constantly. On this interpretation of causality, to say that X is a cause of Y is to say that Y is more likely to occur conditional on X occurring, compared to the probability that Y will occur, conditional on non-X occurring.<sup>339</sup> Just as in the case of the conjunction account of probability, the philosophical literature has developed a number of counterexamples that show problems with the probabilistic account of causation. Perhaps the most trenchant are examples in which an event, X, lowers the probability of an outcome, Y, yet actually causes it in a particular instance. For example, a bad blackjack player may insist on drawing an extra card when he already has 18 points, and so happen to draw a 3 from the bank. Though it seems intuitive to say that his decision to draw another card caused him to win the game, a probability account of causation would have to be committed to the view that it did not, since it actually lowered the likelihood of the relevant outcome occurring.<sup>340</sup>

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<sup>339</sup> For a helpful introduction, see Stathis Psillos: “Regularity Theories of Causation,” in Helen Beebe, Christopher Hitchcock, and Peter Menzies (Eds.): *The Oxford Handbook of Causation*, Oxford: Oxford University Press, 2009, pp. 131–157. For a discussion of the important distinction between theories concerning single events or claims of general causation, see Christopher Read Hitchcock: “The Mishap at Reichenbach Fall: Singular vs. Regular Causation,” *Philosophical Studies*, Vol. 78/3, June 1995, 257-291. See also the account of regularity theories in Patrick Billingsley: *Probability and Measure*, Third Edition. New York: Wiley, 1995.

<sup>340</sup> Patrick Suppes: *A Probabilistic Theory of Causality*, Amsterdam: North-Holland Publishing Company, 1970. For an attempt to respond to this difficulty, see Christopher Hitchcock: “Do All and Only Causes Raise the Probability of Effects?” in: John Collins, Ned Hall and L. A. Paul (Eds.): *Causation and Counterfactuals*, Cambridge: MIT Press, 2004.

One might imagine an exotic case in which a parallel problem would pose difficulties for anybody who wanted to make causation, understood probabilistically, a standard for when to hold agents responsible for outcomes. For example, James' may have flunked out of high school because of his laziness, and then fallen into the habit of playing the lottery because many of his co-workers indulged in this pastime. In the event, he actually wins the lottery. But should we ascribe moral responsibility for this positive outcome to James', even though all of his actions made it less likely to come about? That seems doubtful.

But the greater threat to using a probabilistic theory of causation as a standard of responsibility for outcomes is that, even in core cases, the assumption that causation and responsibility run parallel is normatively unconvincing. To return to the original example, the failure of James to graduate from high school is one cause of his being destitute. But so are any number of other factors, including, at the very least: the low wages of fast-food workers; the financial and organizational difficulty of earning a GED; the fact that more efficient machinery for preparing food has recently been invented; and the fact that the part of the country in which James lives has recently experienced slow growth. (A more adventurous social scientist might want to adduce any number of further factors, from failed industrial policy to the financialization of the contemporary economy.) The probabilistic interpretation of causation seems to be a natural way of rendering this multiplicity of causes. A difficulty arises, however, because of cases of "casual over-determination." Let us assume that some economist who studies the American labor market has identified

five contributing factors to James' unemployment; estimating that each of these factors was equally "strong," he proposes that James is 20% responsible for the outcome. But what if any three out of these five factors would have been jointly sufficient for James to be unemployed? In that case it would be true that James is responsible for one of the factors that led to the relevant outcome; but it would also be true that James would be unemployed even if he had graduated high school. In other words, it would be the case that James' actions raised the probability of his being unemployed, but arguably did not cause his being unemployed. Once again, the simple positive facts of the matter do not seem to settle the question of whether it is reasonable to ascribe responsibility for the relevant outcome to James.

Finally, perhaps the most popular account of causation is counterfactual. The basic intuition is simple enough. On this account, to say that X causes Y is to say that Y would obtain if X did obtain. What this actually means in concrete terms is rather complicated. On the most famous account, presented by David Lewis in 1973,<sup>341</sup> for example, this counterfactual involves a claim about a set of *actually existing* parallel worlds. According to Lewis, "one world is closer to actuality than another if the first resembles our actual world more than the second does, taking account of all the respects of similarity and difference and balancing them off one against another."<sup>342</sup> Building on this idea, Lewis is then able to spell out the condition of when something should be considered a cause. As presented by Peter Menzies:

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<sup>341</sup> David Lewis: "Causation," *Journal of Philosophy*, Vol. 70, 1973, 556–67.

<sup>342</sup> Lewis, "Causation," 559.

“If *A* were the case, *C* would be the case” is *true* in the actual world if and only if (i) there are no possible *A*-worlds; or (ii) some *A*-world where *C* holds is closer to the actual world than is any *A*-world where *C* does not hold.<sup>343</sup>

There have, once again, been a number of philosophical criticisms of this theory. Perhaps the most famous are cases of “preemption,” where some independent factor stops the process set in motion by a supposed cause from having an effect, with much of the latest literature focusing on cases of “late preemption.”<sup>344</sup> Consider an example developed by Ned Hall: A throws a rock at a bottle, which shatters it. B throws a rock at the same bottle, which would shatter it, if A’s rock hadn’t hit it first. Clearly, we would want to say that A caused the bottle to shatter. However, a counterfactual theory of causation cannot easily accommodate this intuition, since A’s throwing a rock is not counterfactually necessary for the bottle to shatter: had A not thrown a rock, the bottle would have shattered just the same.<sup>345</sup> A more recent

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<sup>343</sup> Peter Menzies: “Counterfactual Theories of Causation,” *The Stanford Encyclopedia of Philosophy* (Spring 2014 Edition), Edward N. Zalta (ed.), available at: <http://plato.stanford.edu/archives/spr2014/entries/causation-counterfactual>. For a later restatement of Lewis’ position, see David Lewis: “Causation as Influence,” *Journal of Philosophy*, Vol. 97, 182-97. Finally, for a recent defense of a counterfactual account of causation that ingenuously shifts the standard away from the theory having to account for pre-theoretic intuitions about what does, or does not, constitute causation that are partially based in the particularities of the English language, see Ned Hall: “Rescued from the Rubbish Bin: Lewis on Causation,” *Philosophy of Science*, Vol. 71/5, December 2004.

<sup>344</sup> For the distinction between cases of early and late preemption, see David Lewis: “Postscripts to ‘Causation’” in: *Philosophical Papers: Volume II*, Oxford: Oxford University Press, 1986.

<sup>345</sup> Ned Hall: “Two Concepts of Causation,” in: Collins, Hall and Paul, *Causation and Counterfactuals*, 225-76. For a wider discussion of cases of preemption, see Chapter 3 of L. A. Paul and Ned Hall: *Causation: A User’s Guide*, Oxford: Oxford University Press, 2013.

line of criticism concerns the fact that counterfactual theories of causation are not adequately context-sensitive. On this view, the counterfactual account of causality identifies far too great an array of factors as causes of an event. For example, widespread dissatisfaction with the presidency of George W. Bush is (let us assume) counterfactually necessary to explain Barack Obama's election. But so is the fact of Obama's birth, the Founding of the American Republic, the fall of Rome—and, of course, as the historical parlor game would have it, the birth of Æthelred the Unready. The problem with counter-factual theories of causation, on this view, is that they cannot adequately distinguish between true causes, like Bush's unpopularity, and more remote background conditions.<sup>346</sup>

Versions of each of these objections are relevant to any attempt to use a counterfactual definition of causation to answer the question of which outcomes we should hold agents responsible for. The case of preemption could apply to James due to bad economic circumstances. Perhaps his lack of a high school education led to his dismissal from his position and his inability to find a new job—but because of a recession, the place of work where he would be employed, had he not flunked out of high school, has also shuttered its doors. We may then legitimately hold him to be morally responsible for the outcome of his being unemployed—and yet, on the counterfactual notion of causation, his flunking out of high school would not have

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<sup>346</sup> For more on the context-sensitivity of causation, see: Ned Hall: "Structural Equations and Causation," *Philosophical Studies*, Vol. 132/1, 2007, 109–136 and C. Maslen: "Causes, Contrasts, and the Nontransitivity of Causation", in Collins, Hall, and Paul, *Causation and Counterfactuals*, 341–358



caused it. A different problem emerges from the inability of counterfactual theories of causation to distinguish between causes and background conditions. For example, a counterfactual theory of causation might suggest that the fact that, forty years ago, James moved to an area that was then prosperous, but has now fallen upon hard times, is a cause of his unemployment. However, it may be more intuitive to think of it as a background condition. The problems presented by each theory of causation to ascribing responsibility for outcomes are distinct. But the underlying reason why it is proving impossible to use a positive theory of causation in order to determine when we should be held responsible for outcomes is the same: focusing simply on the ontological question of whether an agent's action *caused* a particular outcome ignores the important role of expectations in the way we assign responsibility for outcomes. To see how this is the case, imagine a mother who watches television instead of picking her child up from school. The child decides to walk home, and gets hit and killed by a car. Now, we are obviously tempted to say that the mother is responsible for the death of the child. But why should this be the case? After all, she did precisely *nothing*; it's not the television that killed the child.

To formulate an answer, it seems that we need to turn to the role of expectations. Intuitively, the reason why the mother is responsible for her child's death is that we have an expectation that she should pick up her child. As a society, we have allotted the duty to pick their children up to parents. The child's death resulted from the mother's failure to live up to that duty. Since she was expected to do something that would have averted the relevant outcome, we hold her responsible for it. Note, for

example, that the story would change if we added the detail that the father had promised to pick the child up from school that day: as soon as our legitimate expectations about who should fulfill this duty shifts from mother to father, so does our view of who is responsible for the relevant outcome.

(One way for advocates of a causality approach to the question of responsibility to address this concern is to talk about omissions. As many theorists of causation, from David Lewis to Jonathan Schaffer, have argued, omissions count as forms of causation.<sup>347</sup> Alternatively, more recent theorists have called omission a form of “quasi” or “fake” causation.<sup>348</sup> On these views, we can be causally responsible for outcomes because we failed to undertake certain acts, just as much as we can be causally responsible for such outcomes because we did undertake certain acts.<sup>349</sup> But the problem with this theory is that, without reference back to expectations, it overshoots the mark. Conceived in purely causal terms, we might be able to say that the child’s mother is causally responsible for its death because of her failure to pick

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<sup>347</sup> See Lewis, *Philosophical Papers* as well as Jonathan Schaffer: “Causation by Disconnection,” *Philosophy of Science*, Vol. 67/2, June 2000, 285-300 and Jonathan Schaffer: “Causes Need Not be Physically Connected to their Effects,” In Christopher Hitchcock (Ed.): *Contemporary Debates in Philosophy of Science*. Oxford: Blackwell, 197-216.

<sup>348</sup> On quasi causation, see Phil Dowe: “A Counterfactual Theory of Prevention and ‘Causation’ by Omission,” *Australasian Journal of Philosophy*, Vol. 79/2, 216-26. One fake causation, see Johannes Persson: “Cause, Effect, and Fake Causation,” *Synthese*, Vol. 131/1, 2002, 129-43.

<sup>349</sup> For a dissenting view, according to which omissions are not a form of causation, see D. M. Armstrong: “The Open Door,” in H. Sankey (Ed.): *Causation and Laws of Nature*, Dordrecht: Kluwer Academic Publishers, pp. 175–85. Armstrong 1999: omissions are not causal at all.

it up from school. But so is the neighbor. So, indeed, is the child's dead grandfather. The same problem we encountered in the context of counterfactual theories thus rear their head once more: a theory of causality that allows for omissions to be causes will have great difficulty in demarcating when a hypothetical action is close enough to the action to count as a cause. The only way to do so satisfactorily is to make reference back to justified societal expectations, which are a normative rather than a merely empirical or ontological issue.)

It therefore seems to me that whether or not an agent is responsible for a particular outcome always depends on the nature of the pertinent societal arrangements and expectations. On a radically positivist view of nature, expectations about who should have done something do not seem to matter for causation: what physical processes led to the death of a child are independent of social constructs like the structure of obligations. But that is not the way we think about the world: what's relevant is not only which physical components of the car inflicted lethal wounds on the physical organs of the child, but also who should have been expected to stop this from happening. It is not possible to root normative questions about who we should hold responsible for a particular outcome in "prior" empirical questions about the nature of causation in the world because we have no way of answering the pertinent empirical questions about the world without, to some degree, invoking expectations about who has which duties. Just as political philosophers have long held that there is no pre-institutional merit, so too they should recognize that there is no pre-institutional responsibility for outcomes.

The recognition that there is no *pre-institutional* merit prompted questions about how to structure *institutional* merit: to what degree, we naturally went on to ask, should we grant legitimate expectations that a particular set of behaviors will result in a particular set of rewards? The recognition that there is no pre-institutional responsibility for outcomes should prompt a similar question: under what circumstances, we need to ask, should we hold agents responsible for outcomes to which their actions have contributed to some degree? Note that this question is neither strictly empirical nor strictly ontological: it requires us to make reference to substantive values which cannot simply be answered with reference to “facts” about physical properties we can point to in the world.

Any exhaustive account of what outcomes we should be held responsible for thus requires a full-blown normative account of how we should design our political institutions. Indeed, this is one reason why disagreement about who is responsible for what outcome is likely to persist—something that is a virtue rather than a vice so long as the relevant discussions make reference to the right kind of concept of responsibility.

## **II      Accountability for Actions and Outcomes**

The question of whether or not we are responsible for causing a particular outcome is clearly pertinent to the question of whether or not we should be held accountable for having done so. But by treating these two questions as though they were identical, much public rhetoric presumes that we should always be held accountable for any outcome we have caused—especially so if it is a matter of whether or not we should lose our welfare entitlements if we ourselves are responsible for having ended up in a state of need. And this is to focus exclusively on one kind of reason that is pertinent to how we should treat people, to the exclusion of all others.

The idea that we might decouple how we treat people from the degree of their responsibility for a particular outcome is familiar from many contexts. In contexts in which we want to make incentives against a particular kind of action or outcome as strong as possible, we introduce forms of “strict liability”: owners of certain kinds of dangerous factories, for example, have to pay compensation for any kind of harm that results from their activities even when they can prove that they have done everything in their power to prevent that harm.<sup>350</sup> (There are also equivalents in criminal law, including the concept of statutory rape, which is upheld even if a

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<sup>350</sup> Most of the literature on strict liability justified its usefulness on rational-choice grounds, or worried about the degree to which it could be reconciled with traditional legal doctrines regarding torts. See for example Steven Shavell: “Strict Liability versus Negligence,” *The Journal of Legal Studies*, Vol. 9/1, 1980, 1-25 and Richard E. Epstein: “A Theory of Strict Liability,” *The Journal of Legal Studies*, Vol. 2/1, 1973, 151-204. The major criticisms of strict liability, though some made reference to ethical considerations, were likewise couched primarily in economic terms. See for example Richard A. Posner: “The Ethical and Political Basis of the Efficiency Norm in Common Law Adjudication,” *Hofstra Law Review*, Vol. 8, 1979. For a more explicitly moral defense of strict liability in civil law, see for example Stephen Cohen: “Justification for a Doctrine of Strict Liability,” *Social Theory and Practice*, Vol. 8/2, 1982, 213-229.

defendant can prove that he or she had strong grounds for believing that their sexual partner had reached the age of consent.)<sup>351</sup> The converse is also true. In some contexts, we recognize that our treatment of people should be insensitive to the fact that they may have been responsible for bad outcomes. A simple example is prison education: clearly, such programs are motivated more by hopes about how they might affect the future behavior of inmates than by any desire to track the moral status of their past behavior. Only in the context of responsibility, and especially the welfare state, has the conflation of these two different questions come to seem natural.

And yet the reasons why we should treat these two questions as distinct are just as strong in relation to the welfare state as they are in other contexts. In particular, we need to remember that the primary purpose of the welfare state is not to make people's material entitlements track their moral desert. To some degree, the entitlements we grant to individuals are a reflection of what we believe we owe them by virtue of their being moral agents and fellow citizens; insofar as this is the case, claims about the fact that they only need to make use of their entitlements because of actions they themselves have carried out may at least be somewhat pertinent. But there are a lot of other reasons for granting our fellow citizens a

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<sup>351</sup> For an early criticism of forms of strict liability in the criminal law, see a number of the essays in H. L. A. Hart: *Punishment and Responsibility: Essays in the Philosophy of Law*, Oxford: Oxford University Press, 1968. For a number of responses, see Irving Thalberg: "Hart on Strict Liability and Excusing Conditions," *Ethics*, Vol. 81/2, 1971, 150-60, Christine T. Sistare: "On the Use of Strict Liability in the Criminal Law," *Canadian Journal of Philosophy*, Vol. 17/2, 1987, 395-408 and Anthony Duff: *Answering for Crime: Responsibility and Liability in the Criminal Law*, Oxford: Hart Publishing, 2007.

range of welfare entitlements.<sup>352</sup> To name but a few, these include: positive externalities, such as increased productivity and lower crime rates; the peace of mind and absence of stress which all citizens enjoy when they know that even a foolish decision will not make them destitute; and the very possibility of living in a society of equals, which is irreconcilable with the dire need, and extreme disparities of status, which would be created if some citizens were to be deprived of all societal assistance due to their past mistakes.

Given the importance of all of these considerations, any insistence on deciding questions about how we should treat other agents exclusively on the basis of whether or not they are responsible for some pertinent outcome, such as the state of being in need, would be a case of reification at best, and vengeful cruelty at worst. Multiple studies have, for example, shown that the provision of certain forms of healthcare to the poor is a “win-win”: they profit not only the direct beneficiaries, but also protect public health and boost economic growth.<sup>353</sup> If, in such a situation,

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<sup>352</sup> For a classic formulations on the need for each welfare recipient to contribute to the collectivity as much as they can, see Amy Gutman & Dennis Thompson: *Democracy and Disagreement*, Cambridge (MA): Harvard University Press. For a discussion that comes to a similar conclusion, but starts to list the conditions that need to obtain for requiring a contribution to be ethical, see Stuart White: “Social Rights and Social Contract – Political Theory and the New Welfare Politics,” *British Journal of Political Science*, Vol. 30/3, 2000. Compare also my rejection of the permissibility of requiring a contribution under current circumstances in Chapter 3, Section IV.1.

<sup>353</sup> For example, rigorous statistical analyses have recently demonstrated that an increase in a population’s health boosts subsequent GDP growth. See Alok Bhargava, Dean T. Jamison, Lawrence J. Lau and Christopher J. L. Murray: “Modeling the effects of health on economic growth,” *Journal of Health Economics*, Vol. 20/3, 2001, 423-40; David E. Bloom, David Canning and Jaypee Sevilla: “The Effect of Health on

we focus exclusively on whether or not a particular poor person is responsible for not having health insurance, we may conclude that we should not offer them healthcare. But once we widen the scope of our inquiry, we realize that such a course of action amounts to an extreme form of retributive justice: apparently, we assign so much weight to “punishing” people who have acted “irresponsibly” that we are willing to risk our own health, and forego our own material interests, in order to apply a very severe form of punishment to them.

Something similar might be said about the case of James. Perhaps he really is responsible for being unemployed. If that is the case, then some might want to claim that he can no longer demand our assistance as a matter of justice. (I remain agnostic about this question, which is primarily of interest in ideal theory.) But it simply does not follow that we should not help him, for example by financing a GED degree that would allow him to improve his skills and once again contribute to economic life. Even if we believe him to be responsible for a negative outcome, it need not follow that the fact of his responsibility should change how we treat him. In many circumstances, we have reason to help individuals even if it is true that they are themselves responsible for being in a state of need. A positive conception of responsibility would not focus exclusively on the past actions of individuals, then; rather, it would take their personal history—as well as larger social and economic

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Economic Growth: A Production Function Approach,” *World Development*, Vol. 32/1, 2004 as well as Guillem López-Casasnovas, Berta Rivera and Luis Currais (Eds.): *Health and Economic Growth: Findings and Policy Implications*, Cambridge: MIT Press, 2005.



facts—into account in deciding whether there might be a way to empower such individuals to take responsibility for themselves and others.

	<b>Ascription of Responsibility</b>	<b>Responsibility for a Negative Outcome, Conditional on Responsibility for One of Its Contributing Actions</b>	<b>Altered Attitude toward, or Treatment of, Agent, Conditional on Responsibility for an Outcome:</b>
<b>Positive Conception of Responsibility</b>	Low Threshold <ul style="list-style-type: none"> <li>• <i>Mens Rea</i></li> </ul>	Medium, Non-Causal Threshold: <ul style="list-style-type: none"> <li>• The agent has violated a reasonable and well-motivated societal expectation for how they should behave</li> </ul>	High Threshold: <ul style="list-style-type: none"> <li>• An agent's responsibility for an outcome trumps collective duties only if there is a strong normative reason for making it so dependent <i>and</i> there are no counter-veiling reasons</li> </ul>
<b>Responsibility Framework</b>	Low Threshold: <ul style="list-style-type: none"> <li>• <i>Mens Rea</i></li> </ul>	Low Causal Threshold: <ul style="list-style-type: none"> <li>• Clear contributing cause, conceived naturalistically</li> </ul>	Low Threshold: <ul style="list-style-type: none"> <li>• An agent's responsibility for an outcome trumps collective duties that would otherwise be present</li> </ul>
<b>"No-Responsibility View"</b>	High Threshold: <ul style="list-style-type: none"> <li>• <i>Causa Sui</i></li> </ul>	High Causal Threshold: <ul style="list-style-type: none"> <li>• No contributing cause that is not under the control of an agent, conceived naturalistically</li> </ul>	Low Threshold: <ul style="list-style-type: none"> <li>• An agent's responsibility for an outcome trumps collective duties that would otherwise be present</li> </ul>

**Figure 6.3.: The Positive Conception of Responsibility**

### III An Example

To show why the foregoing account of responsibility is useful, it may help to show how it can make sense of some recent controversies about the pertinence that choice has for the degree to which we should be held accountable for particular outcomes. In *What We Owe To Each Other*, Scanlon discusses a hypothetical case of waste removal. There is some hazardous waste stored close to a residential area.<sup>354</sup> To stop this waste from harming residents, town officials need to dig it up and dispose of it. But the process of digging the waste up itself involves significant risks: even if officials take considerable precautionary steps, it is foreseeable that some residents will develop lung cancer as a result of being exposed to poisonous fumes. And, indeed, four people do get harmed as a result: Ignorant, who has not heard about the danger despite extensive public service announcements; Imprudent, who underestimated the true extent of the danger; Calculating, who willingly takes the risk in order to pursue some other activity she highly values; and Absent-minded, who has simply forgotten about the danger.<sup>355</sup>

Scanlon suggests that all of the people who were harmed by the waste removal operation can be held accountable for the outcome, in part because they have

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<sup>354</sup> T. M. Scanlon: *What We Owe To Each Other*, Cambridge: Harvard University Press, 1998, 256-267.

<sup>355</sup> Scanlon, *What We Owe To Each Other*, 257 ff. The names for these examples are drawn from Serena Olsaretti: "Scanlon on Responsibility and the Value of Choice," *Journal of Moral Philosophy*, 2012, 1-19.

reason to value being able to make choices such as prioritizing the pursuit of another project over minimizing the risk of disease. The city, he argues, has “done enough” to protect citizens against possible dangers from the waste removal, and to warn people who might nevertheless be harmed by it. Therefore, nobody can reasonably reject the principle on which the city officials acted. Responsibility for any harm that did occur, it follows, must lie with somebody else—in this case, the affected parties.

R. M. Adams has responded that this is unconvincing. In particular, it does not seem to follow seamlessly from Scanlon’s own account of the significance of choice.

The reasons Scanlon cites for the Value of Choice approach are good reasons for wanting to choose the holiday present you will give your spouse, whether or not your spouse will in fact like it, and for wanting the staff of a restaurant to serve you the food that you ordered, whether or not they believe it will be good for you. But they do not seem to be reasons for wanting to be actually harmed by risky behavior that you have chosen. Nor do these, or other reasons for respecting our choices, as such, seem to be good reasons for not shielding us or rescuing us from harmful and unwanted consequences of our risky choices, if we are willing to be shielded or rescued. They are reasons for allowing people’s choices to have their intended effects. But further reasons seem required for assigning responsibility for unintended effects.<sup>356</sup>

According to Adams, this means that we should hold people accountable according to the degree to which they have some form of ownership over the risks involved in various activities. On this view, a person who is going for a walk should not be held responsible for unusual risks that may arise in the process: “His project of taking a walk, as he understood it, did not involve risk of lung damage, since he had not

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<sup>356</sup> R. M. Adams, “Responsibility for Outcomes,” Working Paper, 8. Compare also the useful discussion in Serena Olsaretti: “Scanlon on Responsibility and the Value of Choice,” *Journal of Moral Philosophy*, 2012, 1-19.

heard of the waste removal and its dangers.”<sup>357</sup> But there is another actor who does own risk in this way: the city.

It is clearly the city’s project of waste removal that introduced the major risk of lung damage into the situation; and the officials authorized to act as the city’s agents knew that. The conclusion that the city owns the elephant’s share of that risk, and of responsibility for lung damage that occurs, seems to me irresistible.<sup>358</sup>

But this conclusion is equally strange. First of all, one might want to ask why the city and its current officials should be seen as the owners of the relevant risk. Why doesn’t ownership over that risk belong to the people who made a decision to store hazardous waste in that area in the first place? Or to the power companies that produced that waste? Or to the people who consumed the electricity which only existed thanks to processes that necessitated the production of that waste? There are no good answers to these questions. To avoid this kind of infinite regress, we need to enter a political or normative, rather than an ontological, logic. The right question is not: “Who is truly responsible for the harm?” Nor is it: “Who truly has ownership over the risky activities that have led to the harm?” Rather, it is, simply: “Who, in light of our values, as well as empirical facts about the world—including the pertinent incentives—do we have reason to hold accountable for those harms?”

The answer to that question will depend both on particular circumstances, and on the relative weight of values about which I hope to remain agnostic in this context. But there are four kinds of considerations that are obviously pertinent, yet either

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<sup>357</sup> Adams, “Responsibility for Outcomes,” 8.

<sup>358</sup> *Ibid.*

underweighted or ignored if we accede to the respective normative frameworks employed by Scanlon and Adams. First, while Adams emphasizes that the city owns the risk because it decides to dig out the hazardous waste, the more pertinent point is that the whole community is presumed to benefit from the waste-removal operation; since everyone is likely to benefit, even though somebody is likely to suffer, this constitutes a reason why we might want to factor the likely cost of compensating victims into the decision to remove the waste in the first place. Second, the city, financed by marginally higher taxes which all citizens pay, is likely to be able to afford reasonable compensation payments to a few affected citizens; the citizens who are harmed, by contrast, may well be unable to bear the costs imposed by the hazardous waste. Finally, we all have an interest in living our lives while knowing that small mistakes will not lead to catastrophic results; thus, we all have reason to want to design institutions in such a way as to lessen the catastrophic risks attendant to small mistakes.

These three reasons all speak in favor of the city compensating the victims of the waste-removal operation. But there is also a reason against doing so. The prospect of being held accountable for any harm to oneself provides an additional incentive to stay out of the way of the hazardous waste (though it is up to question to what degree people undeterred by the likely health effects would be deterred by the likely financial consequences). Whether or not the city should compensate prospective victims of its waste-removal operation therefore depends in good part on the relative weight of these reasons. If compensating victims would lead to many more

injuries, and render the cost of worthwhile projects unaffordable, the best policy may be not to compensate victims. As always, the answer is partially dependent on empirical questions. My ambition, then, is not to settle the question of who should be compensated in the abstract—absent a lot of features of the situation we do not know, I think that this is impossible—but to give an account of some of the normative considerations on which this decision should ultimately depend. This account can be made more concrete by asking what role a positive conception of responsibility might play in public policy—a question to which I turn in the next section.

#### **IV The Positive Conception of Responsibility in Public Policy**

The positive conception of responsibility sketched in this chapter has at least three implications for public policy. First, it can help to diffuse the controversial debate about exhortations, like those made by Bill Cosby and Barack Obama, for people to take responsibility for their own lives. Insofar as such invocations imply that we should no longer help our less fortunate fellow citizens, or that every poor person has but themselves to blame, or that there are no structural factors that have led to widening inequality, they are clearly pernicious. But that need not be what they are trying to achieve. Insofar as taking responsibility does have cultural and educational roots—insofar as it is easier to take responsibility for your own life if you have enjoyed a good education, grown up with role models who take responsibility for

their own lives, and have been encouraged to do so yourself by society along the way—it makes a lot of sense to spread and foster the values associated with responsibility. Encouraging people to take responsibility for their lives is not going to be a panacea for the multiple, and deep, economic problems we face; but that is no reason to dismiss such attempts altogether.

This is especially the case since, as James Q. Wilson pointed out in the context of criminal justice, it would be a mistake to assume that the deepest causal reason for a state of affairs are also the ones most relevant to policy. At the deepest level, the difficulty which many people have in taking responsibility for their lives consists in such varied causes as poor educational opportunities, increasing economic inequality and acute financial hardship. But these are also the reasons least amenable to policy intervention. So, even if personal values associated with responsibility are but a small part of the causal story for explaining the contemporary economic situation, they may be an important locus for policy intervention. So long as appeals to responsibility—and concrete initiatives that actually help undereducated people in marginalized communities develop the skills and knowledge that are required for being “responsible”—are not rival to other ways of helping them, squeamishness about “blaming the victim” is misplaced.

But since the supposedly lacking values of personal responsibility are only one among many causes, well-meaning exhortations for people to take responsibility for their lives also have to be accompanied by larger socio-economic policies that



actually help them do so. This can take many forms. Clearly, for example, reforming a system of public education that gives vastly more resources to people in wealthy communities who already enjoy great advantages, while leaving schools in poor areas struggling to provide decent teaching or basic facilities to their students, makes it all the more difficult for people to take responsibility for their lives. Similarly, a strongly responsibility-tracking welfare state that denies people welfare benefits for any poor decisions they have made helps to harm, rather than to promote, the virtues associated with responsibility if it deprives the people in question of opportunities to start taking control of their lives.

The second conceptual shift would therefore be to reconceive of talk about responsibility not as incentivizing people to take responsibility, but rather as preparing the material and educational ground for people to be able to do so. There are, I have suggested, many reasons why people wish to take responsibility for themselves and others. It follows that, if people get a decent education, have the material means to take control of their lives, and have real economic opportunities that give them a realistic prospect of skilled, lucrative jobs, the fear that they will choose to live the minimally decent lives offered up by current welfare states will likely turn out to be misplaced. So far, the age of responsibility has primarily led to a ratcheting up of economic incentives for people to take responsibility for their lives, without much thought given to whether they have the necessary material, cultural and educational prerequisites. A focus on what economic reforms might make it easier for people actually to take responsibility could remedy this shortcoming.

Finally, this conceptual shift can change even how we design programs that *do* aim to create incentives for people to take responsibility for their lives. One way to conceive of the rhetoric that surrounds such programs is punitive. On this view, the conditions attached to the receipt of a variety of welfare programs are a form of threat: “you better act in these ways, or else...” But another way to conceive of similar programs is empowering. On this view, the receipt of a variety of welfare programs may still be conditional; but it is also accompanied by measures that are meant to be empowering. On this view, such programs are meant as a form of encouragement: “here is how we can partner with you to help you act in these ways...” A crucial task for adherents of a positive concept of responsibility will be to ensure that welfare programs—even in cases where there are compelling economic reasons to make them conditional—are designed to be as empowering as possible under the circumstances.

## **V Case Study: An Empowering Version of Workfare**

To see how this changed framework on responsibility might be implemented in practice, consider the example of “workfare.” As discussed in Chapter 3, the perceived crisis of the welfare state led many countries, from the United States to Sweden, to attach new conditions to the receipt of entitlements like unemployment benefits or food stamps. Whereas these were previously granted to every person

who was unemployed they now depended on a host of past and present behaviors, including such things as having lost one's job for reasons beyond one's control, and actively searching for new employment. Whereas welfare was unconditional, workfare premised the receipt of any benefits on, among other things, a demonstrated willingness to work.

But while it lies in the very nature of workfare that it is more responsibility-tracking than earlier forms of welfare, there are still significant differences in the way it has been implemented in different countries. To see how a more empowering attitude towards responsibility can create incentives for citizens to take responsibility for their own lives without being overly punitive, or depriving people who have made some mistakes of the material preconditions for a responsible life, consider the example of Danish welfare reform.

As was the case in many other countries, the Danish welfare state has, over the course of the 1990s, transitioned from an unconditional "welfare" model to a system of "workfare." However, scholars like Jacob Torfing have shown that the workfarist policies adopted in Denmark are different from those adopted in the UK and the US in crucial respects. It has

significant emphases on activation rather than benefit and minimum wage reductions; on improving the skills and work experience of the unemployed rather than merely increasing their mobility and job-searching efficiency; on training and education rather than work-for-benefit (*quid pro quo*); on empowerment rather

than control and punishment; and on broad workfare programmes rather than programmes which only target the unemployed.<sup>359</sup>

Torfining argues that these policies have been extremely successful at both an economic and a social level, leading to what he calls a “Danish job miracle”: the achievement of significantly improved economic growth rates and rapidly falling unemployment without the “creation of a new underclass of the working poor.”<sup>360</sup>

While Torfining focuses on cross-national variation, Joe Soss has uncovered significant differences in the way welfare programs are administered within the same country. According to his research, there are fundamental differences to the way in which the American welfare regime treats applicants to social security programs like Social Security Disability Insurance (SSDI), on the one hand, and entitlements programs like Aid to Family with Dependent Children (AFDC), on the other hand. Applicants to the AFDC cannot make appointments, are subjected to long wait times, and frequently face hostile caseworkers. Applicants to the SSDI, by contrast, can accomplish crucial tasks over the phone or opt to make an appointment, and report being treated with significantly more respect. In fact, these differences manifest themselves even in the physical environment of these offices: “[w]aiting rooms in government agencies tend to vary systematically according to their function, the

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<sup>359</sup> Jacob Torfining: “Workfare with Welfare: Recent Reforms of the Danish Welfare State,” *Journal of European Social Policy*, Vol. 9/1, 5.

<sup>360</sup> *Ibid*, 6.

clientele they serve, and their funding.”<sup>361</sup> The contrast between the AFDC and the SSDI, which serves clients who are widely perceived as being less responsible for their fate and therefore more deserving, does not seem coincidental.<sup>362</sup> Nor is the comparatively more humiliating treatment of applicants to AFDC without alternatives: “[a]lthough all welfare agencies must collect information, the specifics of this process are a matter of design rather than necessity.”<sup>363</sup>

The specifics of both Torfing’s and Soss’s arguments may be up for debate. But the form of their argument is surely relevant even if somebody were to dispute their particular findings. It is this: the fact of conditionality *may*, on some views of our contemporary economic reality, be unavoidable. But even if that were true, significant choice remains about the actual design of welfare institutions. This may have important economic consequences, as Torfing’s argument implies: the choice between designing empowering or punitive workfare policies may change not only the degree to which they are responsibility-tracking, but also how normatively acceptable the expected outcomes are. What’s more, as Soss’s argument implies, it may have equally important consequences for the nature of the political community

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<sup>361</sup> Joe Soss: “Welfare application encounters: Subordination, satisfaction, and the puzzle of client evaluations,” *Administration & Society*, Vol. 31/1, 59. See also C. T. Goodsell: “Welfare waiting rooms,” *Urban Life*, Vol. 12/4, 467 – 477.

<sup>362</sup> For a feminist perspective according to which the largely male users of the social security system (which includes SSDI) are perceived as more deserving than the largely female users of “entitlement” programs (which included AFDC), see Nancy Fraser: “Women, Welfare and The Politics of Need Interpretation,” *Hypatia*, Vol. 2/1, 1987, 103 – 121.

<sup>363</sup> Soss, “Welfare application encounters,” 63.

that results. It is one thing to insist that, sadly, we have to impose various forms of conditionality because our welfare regime would otherwise become unsustainable before long, even as we acknowledge that, in principle, we owe all of our fellow citizens consideration irrespective of their choices. It is quite another to imply that most welfare recipients are “moochers,” and spitefully tell them that our determination to cut them from the welfare rolls helps to ensure that they meet their just deserts.

A new conceptual framework cannot pretend to solve all the economic policy dilemmas and trade-offs that bear on the topic of responsibility. But as the differences between Danish and American workfare, as well as between the AFDC and the SSDI, demonstrate, it *can* shift our understanding of the nature of these trade-offs, and guide us in designing incentives in a different way. The spread of responsibility is a worthy goal of public policy—but only if we understand responsibility as a positive concept and design institutions with the aim of empowering citizens to take on and exercise the responsibility they seek.

Every political concept calls our attention to some features of the world even as it obscures others that might be equally important. One key task of political theory consists in revealing what particular understandings today's central political concepts might be obscuring, and in suggesting alternative interpretations of these concepts that may allow us to shed more light on the world in which we live. Another key task consists not in reinterpreting a particular concept, but in putting it into conversation with other concepts: political theory should always strive to stop any one concept from colonizing political space to such an extent that the partial truths of other, equally important concepts disappear from view.

In this dissertation, I have tried to perform these tasks for one of the central political concepts of our own time: the notion of personal responsibility. To a hammer, the old saying goes, the whole world looks like a nail. To a thinker who is deeply imbued in what I have called the "responsibility framework"—centering around the notion of responsibility-as-accountability that has been so influential on our thinking for the past decades—all kinds of political questions seem to turn on the degree to which individuals can, or cannot, be held responsible for their actions. But it need not be like that. We can move beyond the age of responsibility if we so choose.

As I have started to sketch in the last two chapters, one necessary ingredient in moving beyond the age of responsibility is to rethink both why it is that that we

need a notion of responsibility, and how it is that we might be able to give this concept a more constructive hue. A positive, institutional notion of responsibility can reconfigure the conceptual space in such a way as to empower, rather than to punish. Where, until now, we merely saw the need for assessing the past performance of individuals according to a preconceived normative schema, it could allow us to see opportunities for collective action that help individuals to take control over their own lives.

Another necessary ingredient in moving beyond the age of responsibility—an ingredient about which I have had less occasion to write in this dissertation—is to reconceive of our moral and political lives in the language of other, long-neglected values. Once we have altered what responsibility means for us, we also need to put that new understanding of the value of responsibility in relation to other political values—many of which have fallen by the wayside because of our emphasis on the moral status of individuals, as opposed to the needs of the community; and on the past actions of particular agents, as opposed to their ability to contribute in the future. It lies beyond the scope of this dissertation to hazard an account of the values that, in a post-responsibility age, might settle the pressing political issues discussed throughout this dissertation, or even the equally important issues left off the page. But it seems to me that they are likely to emerge, and indeed to impose themselves upon us with pressing clarity, once we start seeing the world through a different conceptual lens—one that relegates talk of responsibility to its rightfully limited place.



To give a taste of how this might be the case, I'd like to conclude this dissertation with an example that lies far afield from the central concerns of the age of responsibility—and yet is deeply shaped by its vocabulary. Throughout the dissertation, I have argued that some popular assumptions about the ascription of responsibility to people in need of assistance, as well as the normative relevance of such ascriptions, are misguided. But while it is easy to see why a discussion of responsibility might, in principle, be appropriate in the context of the welfare state, discussions of responsibility have now become so ubiquitous that, consciously or unconsciously, they have begun to shape even popular perceptions of topics that lie much further afield. To name but one example, this has been true of recent debates about gay rights, especially in North America.

In 2011, students and staff at Harvard University received an email from Lady Gaga. The pop star had teamed up with the Berkman Center at Harvard Law School to form the “Born This Way Foundation.” The foundation’s mission is “to foster a more accepting society, where differences are embraced and individuality is celebrated.” One of its purposes is to combat bullying, especially of gay teenagers. If you wish to join its newsletter, you need only go to the website, [bornthiswayfoundation.org](http://bornthiswayfoundation.org), and fill in a form that reads: “I, [Your Name], [Your Email], Was Born This Way.”<sup>364</sup> This kind of language is part of a much larger societal rhetoric. It is now widely considered politically incorrect to call homosexuality a “lifestyle choice.” It is

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<sup>364</sup> Available at: <http://bornthiswayfoundation.org/>; accessed on 07/03/2013.

politically correct, by contrast, to express our conviction that homosexuality is a biological trait which people did not choose—that, to echo Lady Gaga, gay people are “born this way.”<sup>365</sup>

There are plenty of homophobes left, of course: colorful condemnations of homosexuality are still a central element of evangelical TV programs and conservative talk radio shows. But, despite their many disagreements, gay rights activists and social conservatives do implicitly agree on the basic dichotomy Lady Gaga and the Berkman Center seem to endorse: If gays and lesbians “choose the homosexual lifestyle,” then this somehow seems to delegitimize their sexual habits. If, by contrast, homosexuals are born gay, then it seems obvious that we cannot possibly condemn their actions.

The terms of this debate are by now so familiar that they seem altogether natural.

But a moment’s reflection serves to remind us just how strange the underlying

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<sup>365</sup> A particularly striking example of a controversy about this happened when CNN news anchor Ashleigh Banfield reported on a pastor who, comparing pedophilia to homosexuality, called on the government to give homosexuals the death penalty with palpable outrage in her voice. Trying to distinguish, albeit in a clumsy manner, between the consensual nature of homosexual relationships and the non-consensual nature of pedophilia, she at one point used the word “lifestyle choice.” Despite the context, a major backlash immediately ensued, forcing Banfield to make an on-air apology the next morning. (See Alex Alvarez: “CNN’s Asleigh Banfield: Pedophilia, Incest Often ‘Not By Choice,’ But Being Gay Is ‘A Lifestyle Choice,’” *Mediaite* website, 05/31/2012, available at: <http://www.mediaite.com/tv/cnns-ashleigh-banfield-pedophilia-incest-often-not-by-choice-but-being-gay-is-a-lifestyle-choice/>; accessed on 07/04/2013; as well as Alex Alvarez: “Ashleigh Banfield Clarifies Remarks on Homosexuality: ‘Lifestyle Choice’ Was ‘Not What I Meant At All,’” *Mediaite* website, 06/01/2012, available at: <http://www.mediaite.com/tv/ashleigh-banfield-clarifies-remarks-on-homosexuality-lifestyle-choice-was-not-what-i-meant-to-say-at-all/>; accessed on 07/04/2013.

assumptions are. Why should it matter, normatively speaking, whether homosexuality is an inborn or a chosen trait? Generally, we tend to believe that we have special reason to respect the lifestyles of our fellow citizens, precisely because they did choose them.<sup>366</sup> So do we not have reason “to foster a more accepting society, where differences are embraced and individuality is celebrated,” even if those differences and that individuality is a matter of choice, not fate? Similarly, we usually tend to accord less, not more, respect to actions that are driven by base biology. So why is it that, in contemporary political discourse, the idea that homosexuals are “born this way” is so obviously supposed to boost their moral standing?

The answer, it turns out, has a lot to do with our strange assumptions about responsibility. As we’ve seen, in the economic arena the responsibility framework suggests that we should hold people accountable for their own decisions. If they are poor because of the choices they themselves have made, they have to live with the consequences. If, by contrast, we cannot ascribe responsibility for their poverty to them—if they are destitute as a result of factors beyond their control, like an inborn disability—then we have a moral duty to help them. In the realm of gay rights, our underlying assumptions are strikingly similar. If homosexuals freely choose their

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<sup>366</sup> For John Rawls, for example, the “conception of the citizen” includes an account of their “two moral powers,” one of which is that they are presumed to have a capacity for a conception of the good; this involves precisely an ability “to form, to revise, and rationally to pursue” their idea of what is valuable in life. In part for that reason, Rawls insists, we should think of human beings as “self-authenticating sources of valid claims.” (See John Rawls: *Justice as Fairness: A Restatement*, Cambridge: Harvard University Press, 21-24.)

lifestyle, it is appropriate to judge them for their sexual habits. Since many Americans still consider homosexual acts to be immoral or distasteful, this means that it would be appropriate for people who take this view to blame homosexuals for their sexual conduct, and even to deny them equal rights. If homosexuals are “born this way,” by contrast, we cannot ascribe responsibility for their actions to them. Hence, we cannot blame them for what they do—no matter how much some Americans might otherwise disapprove of homosexuality.

This view of the matter is internally coherent. But I believe it to be seriously misguided. First, it is normatively confused. There simply is no reason to think that sexual behavior can be justified by the fact that people have a strong inborn desire for it. Some scientists believe that the desire for various forms of non-consensual sex may also be driven, at least partially, by certain “inborn” traits, whether in the form of a genetic predisposition or of hormonal imbalances.<sup>367</sup> Obviously, however, this cannot justify rape or pedophilia. The relevant normative difference between consensual homosexual as well as consensual heterosexual sex, on the one hand, and rape and pedophilia, on the other hand, is not that the desire for the former is inborn; it’s that it is consensual.

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<sup>367</sup> One recent study, for example, argues that there is “an association between frontostriatal morphometric abnormalities and pedophilia.” (Boris Schiffer, Thomas Peschel, Thomas Paul, Elke Gizewski, Michael Forsting, Norbert Leygraf, Manfred Schedlowski, & Tilmann H. C. Krueger: “Structural brain abnormalities in the frontostriatal system and cerebellum in pedophilia,” *Journal of Psychiatric Research*, Vol. 41/9, 753-762.

This relates to a second, rhetorical point. While a form of behavior cannot be justified by the fact that the desire to engage in it is inborn, we do sometimes refrain from blaming people for engaging in otherwise blameworthy behavior if we cannot reasonably expect them to resist it. That's why, by insisting that it matters whether or not homosexuals have chosen to be homosexual, gay rights activists inadvertently imply that there is something wrong with homosexuality. After all, for it to matter whether homosexuals are born with their sexual preferences there must be an underlying assumptions that, if they had freely chosen to be homosexual, there might have been good reason to treat them differently from heterosexuals; it is, advocates of the "born this way" strategy seem to be implying, only because they have ended up in their current predicament for no "fault" of their own that homosexuals should be forgiven for their immorality, and granted equal rights. By casting the debate about gay rights in terms of responsibility, proponents of gay rights are thus unwittingly endorsing the tacit premise that it is preferable to be heterosexual.

Framing the issue of gay rights as a matter of choice and responsibility has real costs, then. But the problem is not just that it seems to concede too much to homophobes; it is also that it fails to give an account of the positive values associated with homosexual, as well as heterosexual, relationships. Political theorists are not well-qualified to determine what the true roots of homosexuality are. But they are well-qualified to make an open and assertive case both for the

value of homosexual relationships and for the importance of respecting the preferences of our fellow citizens.

This point holds out lessons that are relevant far beyond the case of gay rights. By talking about whether or not homosexuals can truly be responsible for their choice of partner, the current discourse obscures the fundamental points. The language of responsibility thus prevents us from considering more important moral and political values. Instead of debating love, commitment, and the respect we owe to our fellow citizens, irrespective of whether their way of life is chosen or inborn, we lead a phantom debate about whether or not they are responsible for their actions. As I have tried to show throughout this dissertation, that displacement of true normative debate is sadly typical of the effect which the rhetoric of responsibility has had on our politics.

In *Liberty before Liberalism*, Quentin Skinner warns that it is “easy to become bewitched into believing that the way of thinking about [the concepts] bequeathed to us by the mainstream of our intellectual tradition must be *the* ways of thinking about them.”<sup>368</sup> He proposes to avoid this danger by turning to intellectual history and performing acts of “excavation.” “[I]f we examine and reflect on the historical record,” he writes at his most optimistic, then:

we can hope to stand back from, and perhaps even to reappraise, some of our current assumptions and beliefs. The suggestion I want to end by exploring is that one of the present values of the past is as a repository of values we no

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<sup>368</sup> Quentin Skinner: *Liberty before Liberalism*, Cambridge: Cambridge University Press, 1998, 116 (original emphasis).

longer endorse, of questions we no longer ask. One corresponding role for the intellectual historian is that of acting as a kind of archaeologist, bringing buried intellectual treasure back to the surface, dusting it down and enabling us to reconsider what we think of it.<sup>369</sup>

But while Skinner assumes that only history can perform this task, we may be able to do so in a more presentist manner as well. Abstract reasoning, not only the historical record, can help us to recognize the limitations of our way of thinking about the world. Values that retain real force in the here and now, not just the repository of values we have long since discarded, can point towards alternative goals, commitments and political projects. We can—and should—excavate some of the values which an overly zealous focus on a punitive conception of responsibility has hidden from view over the past decades. This dissertation constitutes but a very first step in that hopeful undertaking.

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<sup>369</sup> Ibid., 112 (original emphasis).