Review: Joseph Fishkin: Bottlenecks—A New Theory of Equality of Opportunity

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Joseph Fishkin *Bottlenecks – A New Theory of Equality of Opportunity*

Equality of opportunity, once a rather peripheral idea in debates over distributive justice, is receiving increased attention. In his recent book, *Bottlenecks – A New Theory of Equality of Opportunity*, Joseph Fishkin takes on the task of proposing *'a new way of thinking about equal opportunity and about the myriad of questions in law, public policy, and institutional design that center on notions of equal opportunity'* (1). For two reasons this is a quite ambitious task. One is that the literature on equal opportunity is vast, which makes it hard to flesh out a novel contribution and relate it to existing positions. The other is that the idea of equality of opportunity seems relevant in so many different and diverse areas that discussing specific applications will almost always result in important areas being left out or not given sufficient attention. In pursuing his aim Fishkin delivers an interesting account.

Fishkin states that opportunities are important because they enable us to do and become things, and because the opportunities open to us shape who we are (2,3). He voices a number of reservations regarding how the literature usually engages with the idea of equality of opportunity. Importantly, he stresses that we tend to discuss equality of opportunities as ex ante structures, and tend to consider the ideal fulfilled once people have equal opportunities from birth (or upon entering adulthood) (7). According to Fishkin such reasoning fails to acknowledge the importance of opportunities available to people 'along the way, including for those who have, for one reason or another, failed to jump through important hoops at particular ages' (7). Caring for people's ability to shape their own lives should also make us care for whether people are provided second chances when they fail to take the first.

Fishkin presents four problems facing any theory of equality of opportunity: how we deal with difference stemming from family upbringing (48); the difficulties with disentangling people's effort from their inborn talents (56); the problem of when it is people are supposed to have equal opportunities (65); and that people have different dreams, hopes and wants (75). He submits furthermore, what he considers a more fundamental conceptual problem with the literature. Fishkin argues that the literature often distinguishes between effort and natural talents, and discusses them as if they can be isolated from each other (8). Fishkin holds a view to the effect that all these factors are interrelated with the opportunities facing us. Disentangling them, even for analytical purposes, is in fact not possible and not likely to yield a positive contribution to our debate (82).

Reflecting upon how equality of opportunity is usually discussed and

conceptualized, Fishkin offers the alternative idea of Opportunity Pluralism, understood as 'the idea that societies ought to move their structures of opportunity away from the unitary model and towards the pluralistic model' (16). The latter encompasses the idea that there should be many paths to the good life and a plurality of understandings of what the good life is (10-13). For Fishkin this offers a framework which is in tune with many people's reasons for valuing equal opportunities, but with less of the mentioned disadvantages. Fishkin introduces the idea of a bottleneck to understand narrowings in the opportunity structure. These come in different kinds (14). One is the *qualification* bottleneck, where a certain diploma is required to achieve an attractive occupation. A second kind is the *developmental* bottleneck, where the acquirement of a critical skill is required for many valuable goods (writing, in many societies, would be one example). A third kind is the *instrumental goods* bottleneck, where some good is needed to reach many of the things considered valuable in society; money is an instructive example of such a good (14).

Having laid out this important concept Fishkin presents four conditions for opportunity pluralism. 1) Plurality of values and goals. This condition stresses the importance of society having a broad variety of goals and values, and furthermore that people are exposed to those of others enabling them to be inspired by the beliefs of others (137). 2) Non-competitiveness and unbundling of values and goals. Here Fishkin emphasizes that the goals we pursue are not only open to the few, and furthermore that the goals pursued should be less interconnected (or not at all). The latter allows people to achieve some of their goals while failing others. 3) The anti-bottleneck principle states that we should strive to eliminate bottlenecks from the opportunity structure. 4) The Pluralistic Sources of Authority condition states that it is a good thing if many different sources (institutions, firms, organizations) are able to change the structure of opportunities.

Opportunity pluralism parts company with several elements featuring prominently in existing debates over equality of opportunity. As his term clearly indicates, Fishkin is not concerned with whether people have equal opportunities. Rather, what matters is that people face a plurality of opportunities which are relevant for their ambitions. He also argues that we cannot discuss equality of opportunity of one sphere (i.e. in education) in complete isolation from other spheres, and that we cannot, as already mentioned, isolate talents, efforts and opportunities. In arguing for these changes of emphasis, Fishkin employs what is arguably the most famous example from the equality of opportunity literature:

Williams' example of the warrior society (Williams 1969, 126). In this society two classes exist, a warrior class and a non-warrior class. There are no formal barriers hindering the poorer in society in becoming a member of the warrior class. Who gets this much sought-after position is determined by testing for relevant skills likely to be required for being a good warrior. However, on Williams' account, those who end up doing well on this test are those who come from wealthy families. In the end, the superior nurture of those from wealthier families makes the difference. Here class differences to which many would object co-exist with formal equality of opportunity and a test which is fair in the sense that it measures relevant capacities. Williams' case is often taken to illustrate that it is important to transform social structures so that people's chances of success in life aren't deeply affected by their social origins. This illustrates why we should aim for something more comprehensive than formal equality of opportunity, compensating those who are likely to fail the test due to their social circumstances. Elaborating on this example, Fishkin takes it to show that the warrior-society is also bad in a number of ways which even a comprehensive equality of opportunity must accept. This is because in the warrior society there is a monolithic conception of the good life (i.e. being a warrior) and only one route there (passing the test). Furthermore, the test is a one-of event, showing exactly the lack of concern for people's opportunities along the way (including their second changes) to which Fishkin objects. The case Fishkin puts to the equality of opportunity literature is thus the following: when we have designed the truest and fairest test, supplied all the required compensatory measures to the non-warrior families, then it is still a warrior-society, the good life is to be a warrior, and who gets to become that is still decided in a one-off test. Equality of opportunity may be satisfied, but this only goes to show why we should be aiming for opportunity pluralism.

Fishkin considers his position strengthened by his view on human development. Much of the existing literature over equality of opportunity employs a distinction between natural and social circumstances. According to Fishkin, this common way of discussing equal opportunities is wrongheaded. It simply asks the wrong questions and thus does not benefit our discussion of what it means to provide people with equal opportunities. Here Fishkin argues that talents are not truly natural. The conventional distinction between nature and nurture cannot be upheld (91). Furthermore, genes and environment are not even separable (99). Instead of a view on human development that considers these elements as separate and distinct, we should opt for an iterative model of development which recognizes that they

interact with and shape each other. This, for Fishkin, underlines the problem with an ideal encompassing the idea that our (developmental) opportunities should be equal. People have different abilities to use the opportunities presented to them (118), different goals they wish to achieve (120), and it seems plausible that our opportunities and goals interact (122). For these reasons, Fishkin considers equal opportunities less attractive than an approach aiming at opportunity pluralism.

This argument, for why we should prefer opportunity pluralism to equality of opportunity, is not particularly convincing. Most, if not all, accounts of equality of opportunity consider people's ability to utilize their opportunities an important factor as to whether they are truly equal. That people have different wants and preferences, and that these are affected by the opportunity structure facing them, is also unlikely to be problematic for existing approaches. As I see it, any approach arguing that people should have (for example) opportunities of equal worth, where worth is at least partly related to how the person facing the opportunities value those, would be able to maintain that people should face a plurality of opportunities they themselves value. It seems quite plausible to maintain that such situations constitute that their opportunities are equal in the relevant sense, at least when we consider genuine preferences.

Fishkin also discusses what it would mean to apply the ideal of opportunity pluralism. A major concern in the warrior example is that the test forms a bottleneck. It limits people's access to the good life, shaping their ambitions and affecting their pursuits in life. An important part of applying the opportunity pluralism approach to the real world is the anti-bottleneck principle. But as would be clear from the quite broad understanding of bottlenecks employed such narrowings of the opportunity structure are bound to differ quite a lot. In terms of comparing bottlenecks, Fishkin offers a number of dimensions in which they can differ. He distinguishes between legitimate and arbitrary bottlenecks, deeming that a bottleneck is legitimate 'to the extent that it serves goals that we deem to be legitimate' (162). While one could question the usefulness of such a broad definition it gets even harder to comprehend when Fishkin adds that even legitimate bottlenecks 'may still be problematic from the perspective of opportunity pluralism' (162). This, Fishkin acknowledges, clearly shows that the arbitrary/legitimate distinction isn't all that matters. He adds that bottlenecks differ as to how severe they are, understood as an index of their pervasiveness and strictness (164). We should, then, be most worried about those bottlenecks which are both arbitrary

and severe. What should we do about the bottlenecks we identify? Fishkin's principled answer is that we should help people pass through the bottleneck or create paths around it (171). To illustrate, consider a qualification bottleneck, where a high-school diploma is required to receive most of the attractive jobs. Getting people through such a bottleneck would amount to helping them receive said diploma, while getting them around it would involve the creation of jobs which do not require such a diploma. In the last part of the book, Fishkin discusses his theory over a number of cases related to discrimination, class/education, and the world of work. The discussion of education which Fishkin returns to many times in his book clearly illustrates that there is something interesting with the Bottleneck approach. It offers us principled reasons to be concerned with those who need re-skilling and further education later in life. Fishkin's approach seems thus to be easily reconciled with the idea of life-long learning. While the discussed cases are surely interesting, the final parts of the book could have been strengthened by more explicitly addressing when and for what reasons Fishkin's theory differs from existing theories of equality of opportunity. Reading his book, I tend to think that what he writes regarding discrimination is correct, but I am not so sure other approaches would be unable to reach the same conclusions. Clarifying if and why Fishkin thinks this is the case would have strengthened the argument.

Finally I thought that in particular two questions in relation to the existing literature could have been addressed. Jacobs (2004) introduced into the literature on equality of opportunity the question of stakes, which concerns the rewards for achieving specific positions. It would have been interesting to know if Fishkin considers his theory to have a similar element, not least because a number of prominent contributions to the luck egalitarian literature have called for a similar concept of stakes to be incorporated into discussions of luck egalitarianism (Olsaretti 2009; Stemplowska 2013). But, where the idea of stakes address the different ways in which we can let people's choices have consequences for them, a broader question also arises concerning those who squander their opportunities. Setting aside the difficulties we may have in figuring out the extent to which such differences are people's own responsibility, Fishkin says little about whether his approach would allow for such differences to arise. It encompasses the idea that people can make use of their plurality of opportunities in different ways, but says little regarding whether an outcome can be just if some use them in ways which are worse, as measured by their own ambitions.

As the luck egalitarian literature is a steady source of discussions over equality of

opportunity, it would have been interesting if the exchanges with this literature had been more comprehensive. Fishkin's most significant engagement with the luck egalitarian literature takes place in his discussion of developmental opportunities, where he rejects the luck egalitarian approach by putting forward arguments focusing on the iterative nature of development. I am unconvinced that this is enough to dismiss the relevance of luck egalitarian in the current context. Let us grant that Fishkin is correct that we are unable to disentangle nurture and nature, and that the opportunities open to us influence our efforts and ambitions in a way that makes it impossible to tell the former from the latter. But if this should be taken to mean that there is no such thing as genuine effort, could luck egalitarians not just take stock of this? As a position committed to the view that people's position should not reflect their circumstances, it is hard to see why luck egalitarianians could not just go to work specifying what it means if the world works as Fishkin describes it. Trying to specify luck egalitarian answers in a world without genuine choice seems worthwhile still. Surely this would include striking a balance in pluralistic fashion between many considerations, but such a view would be in good company given that the same is also true for Fishkin's theory, which he considers to be pluralist.

Fishkin should be applauded for an ambitious and highly interesting discussion of equality of opportunity. Nonetheless, I am left with the feeling that it is hard to assess how much new the book offers. Engaging more with subjects less frequently discussed in the literature and/or the theoretical elements of specific alternatives would have gone a long way to demonstrate that. However, as the book presents a new theoretical framework, that is somewhat to be expected. It will be interesting to see the framework's theoretical foundations discussed and applied to new areas.

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