

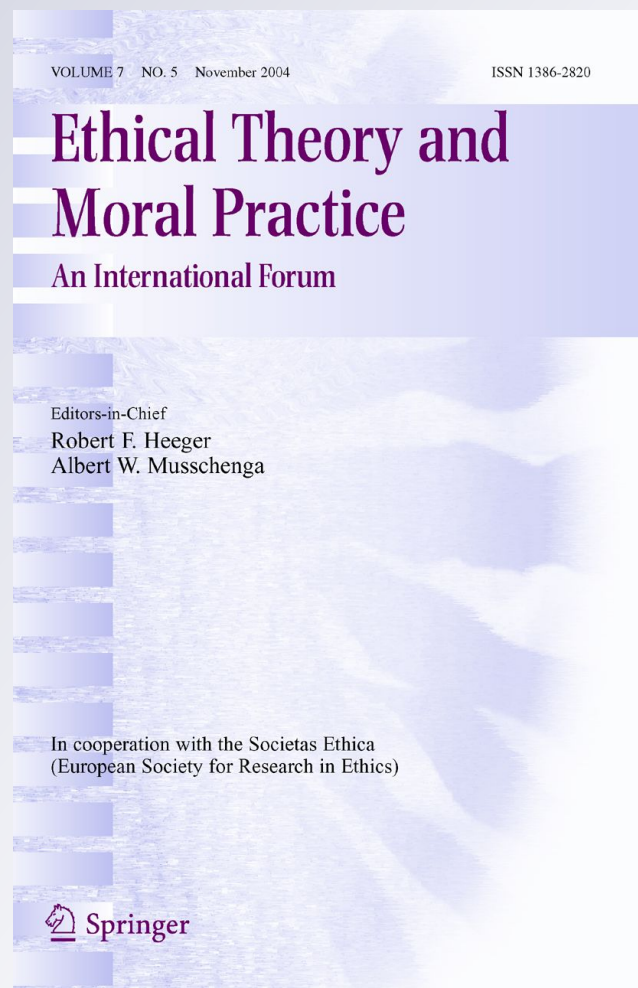
Luck and Oppression

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Abstract Oppression can be unjust from a luck egalitarian point of view even when it is the consequence of choices for which it is reasonable to hold persons responsible. This is for two reasons. First, people who have not been oppressed are unlikely to anticipate the ways in which their choices may lead them into oppressive conditions. Facts about systematic phenomena (like oppression) are often beyond the epistemic reach of persons who are not currently subject to such conditions, even when they possess adequate information about the particular consequences of their choices. Second, people may be (much) less responsible for remaining in oppressive conditions, even if they are responsible for entering circumstances of oppression. Oppression that results from a person's choice may cause or contribute to dramatic changes in that person, and these changes may be sufficient to undermine the person's responsibility for the results of her earlier choice.

Keywords Choice · Equality · Luck egalitarianism · Oppression · Responsibility

1 Introduction

In recent decades, *luck egalitarian* theories of distributive justice have been a frequent focus of discussion among Anglo-American political philosophers.¹ According to luck egalitarians like Richard Arneson (1989, 2004), G.A. Cohen (1989, 2008), and Ronald Dworkin (1981, 2000), we treat persons as equals when we allow them to enjoy the benefits

¹Fifteen years ago, John Roemer wrote that “this new articulation of responsibility in the theory of distributive justice, and of egalitarian theory in particular, is the signal achievement in the field in the last 15 years,” (1996, p. 309). The terms “luck egalitarianism” and “equality of fortune” were coined by Elizabeth Anderson (1999). One explanation for the popularity of luck egalitarianism is that it invokes an ideal of personal responsibility, to which political conservatives and moderates are committed, to justify egalitarian social programs to which political liberals are committed. See Scheffler (2001), especially chapter one.

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and to bear the burdens of their choices, and when we equalize the benefits and burdens that arise from circumstances of luck.² While luck egalitarian theories are distinguished by many differences, they share a commitment to the centrality of the luck/choice divide for distributive equality.³ Luck egalitarianism has faced many objections, most notably from Elizabeth Anderson (1999) and Samuel Scheffler (2003, 2005). One of these objections is that luck egalitarianism fails to account for the social character of equality. Among other things, luck egalitarianism is supposed to tolerate oppression (Anderson 1999, p. 312-3; Scheffler 2003, p. 23-8).⁴ Since many believe that the *point of equality* is to eradicate oppressive hierarchies of socio-political power, luck egalitarianism is supposed to provide an objectionable account of distributive equality.⁵

Luck egalitarians have responded to this objection. Some have advocated a social minimum, according to which everyone's basic needs are met, regardless of whether they are responsible for having fallen into severe absolute deprivation (Dworkin 2000, pp. 77–83; Bou-Habib 2006, p. 243; Tan 2008, pp. 675-9).⁶ Some have argued that luck egalitarianism motivates a commitment to provide equal initial opportunities for all, since many real world disadvantages arise from circumstances that are deeply influenced by luck.⁷ Luck egalitarians have also claimed that many forms of oppression – including exploitation, marginalization, and powerlessness – can result from persons' unchosen membership in disadvantaged social groups (Barry 2006, pp. 93-7; Mason 2000). Furthermore, some luck egalitarians have argued that their theories of distributive justice can motivate concern for non-material inequalities, including those constitutive of oppressive social relations.⁸ These responses help to blunt the objection that luck egalitarianism tolerates oppression.

² Dworkin has since rejected the luck egalitarian mantle (2003), though the centrality of the luck/choice principle in his account of distributive justice is sufficient to include his view within the family of luck egalitarian theories. Other early luck egalitarians include Nagel (1991); Rakowski (1991); Temkin (1993), and Van Parijs (1997). Among more recent advocates and defenders of luck egalitarianism are Knight (2009); Segall (2010); Tan (2008), and Voigt (2007).

³ Among the intra-luck-egalitarian disagreements is a debate about whether the currency of distributive justice is resources (Dworkin 1981), welfare (Arneson 1989), or advantage (Cohen 1989). Other differences concern the location of the cut between circumstances of luck and circumstances of choice. For example, see the debate between Cohen and Dworkin (Burley 2004). There is also a disagreement about whether the subject of distributive justice is the basic structure of society or some combination of individual persons and an institutional basic structure. On this debate see Tan (2004, 2008) and Cohen (2008).

⁴ Anderson points to the work of Iris Marion Young (1990) for discussion of social hierarchies and oppression (1999).

⁵ For example, Scheffler says that “the basic reason [equality] matters to us is because we believe that there is something valuable about human relationships that are, in certain crucial respects at least, unstructured by differences of rank, power, or status,” (2005, p. 17).

⁶ Also see Voigt (2007), for a broader discussion of the available responses to the harshness objection.

⁷ Concern about the way in which unchosen background inequalities shape persons' choices was present in early luck egalitarian work (Cohen 1989; Arneson 1989) Other attempts to defend equal initial life options, and to show how luck egalitarians are sensitive to the way in which unchosen background inequalities undermine responsibility, include Barry (2006); Vallentyne (2002), and Roemer (1996).

⁸ Luck egalitarians have many possible strategies to account for the injustice of non-material inequalities. Those committed to equality of resources might identify the social bases of self-respect and access to positions of power and privilege among the resources to be distributed. Luck egalitarians who are committed to equality of (opportunity for) welfare can also ground support for non-material inequalities, but they will have to rely upon a sufficiently objective account of welfare in order to do so. Finally, luck egalitarians who are committed to a more general equalisandum, according to which access to advantages should be equalized, may include the avoidance of exploitation (and other oppressive conditions) among the advantages to which one ought to have equal access.

Even if these responses are successful, a serious worry remains for luck egalitarianism's treatment of oppression. Luck egalitarianism seems to tolerate oppressive conditions that result from persons' choices, whenever people have equal starting positions, and whenever they remain above the social minimum (Seligman 2007).⁹ If people choose to become members of oppressed groups, but do not thereby experience absolute deprivation, luck egalitarianism seems to tolerate their oppression.¹⁰ I defend luck egalitarianism against this objection. On my view, oppression can be unjust from a luck egalitarian point of view even when it is the consequence of choices for which it is reasonable to hold persons responsible.¹¹ This is for two reasons. First, people who have not been oppressed are unlikely to anticipate the ways in which their choices may lead them into oppressive conditions. Facts about systematic phenomena (like oppression) are often beyond the epistemic reach of persons who are not currently subject to such conditions, even when they possess adequate information about the particular consequences of their choices. Second, people may be (much) less responsible for remaining in oppressive conditions, even if they are responsible for entering circumstances of oppression. Oppression that results from a person's choice may cause or contribute to dramatic changes in that person, and these changes may be sufficient to undermine the person's responsibility for the results of her earlier choice.¹²

2 The Centrality of the Luck/Choice Principle

The objection that this paper addresses derives its force from the central role that the luck/choice principle plays in luck egalitarian conceptions of distributive equality.¹³ Luck egalitarianism grounds distributive equality in a single idea: Disadvantages that result from the sorts of choices for which people are responsible are not unjust, while disadvantages that arise from other circumstances (i.e., of luck) are unjust.¹⁴ What makes luck egalitarianism distinct is that it makes the luck/choice principle the central (or exclusive) ground of distributive equality. For example, G. A. Cohen claims that

⁹ Anderson claims that "egalitarians should not rest content with merely equalizing opportunities *ex ante*, while remaining indifferent to the drastic inequalities generated by unregulated markets *ex post*. Some outcomes are so bad that they are objectionable even if they are the consequence of voluntary choice" (2008, p. 257).

¹⁰ Anderson writes that luck egalitarianism "imposes no constraints on the structure of opportunities generated by free markets. Nothing would prevent people, even those whose gambles were prudent, but who suffered from bad option luck, from subjection to...oppression," (1999, p. 298). See also Fleurbaey (1995).

¹¹ Importantly, the claim that luck egalitarians can be concerned about some of the disadvantages that result from causal chains initiated by genuine choices is not motivated by a commitment to forgiveness. For example, we need not endorse Marc Fleurbaey's claim that distributive justice is consistent with forgiveness for unfortunate distributive consequences for which we are responsible (2005). Instead, I have relied upon the (orthodox) luck egalitarian claim that disadvantages for which we are not responsible are unjust.

¹² I will argue that persons who are oppressed as a result of their membership in groups they choose to join are (not very) responsible for their oppression. It is a separate question when and whether the victims of oppression have a responsibility to resist their oppression. See Cudd (2006); Hay (2005).

¹³ For discussion of the "luck/choice principle," see Tan (2008, pp. 665-7).

¹⁴ For the purposes of this paper, I adopt the claim made by Kok-Chor Tan (and other luck egalitarians) that luck egalitarianism is restricted to the domain of distributive equality, i.e., that luck egalitarianism is consistent with a social minimum and principles political justice, and that these other ideas need not be grounded in the luck/choice principle, (2008, pp. 669-71).

[L]uck egalitarians seek to render precise an intuition about distributive justice, which says, roughly, that inequalities are just if and only if certain facts about responsibility obtain with respect to those inequalities...Luck egalitarians try to render the intuition in a refined form, try to get to the heart of it (Cohen 2008, pp. 300-1).¹⁵

According to Cohen, luck egalitarianism consists in making precise the demands of the luck/choice principle. The luck/choice principle plays a similarly central role in the work of other luck egalitarians, including Arneson (1989, p. 234; 2000, p. 339; Arneson 2004, p. 2) and Dworkin (1985, p. 208; 2000, pp. 77–83).¹⁶ Given the central role of the luck/choice principle in the luck egalitarian's account of distributive justice, luck egalitarianism may seem unable to ground concern for forms of oppression that result from persons' choices.

Other egalitarian theories also invoke the twin ideas of luck and choice. However, the luck/choice principle does not play a central role in alternative theories. Therefore, such theories do not face the objection that this paper addresses. For example, the luck/choice principle may be included in accounts of democratic equality, according to which the ground of distributive equality is an ideal of equal citizenship. It may be a necessary condition of equal citizenship that persons' holdings be somewhat sensitive to personal responsibility (or somewhat insensitive to luck).¹⁷ However, democratic equality differs from luck egalitarianism because other values (e.g., reciprocity, solidarity) may inform the requirements of equal citizenship and, therefore, inform the demands of distributive equality. For example, John Rawls endorses a conception of justice that "mitigate[s] the influence of social contingencies and natural fortune on distributive shares" (1999, p. 63). However, he concludes that this goal "can only be imperfectly carried out," and that the luck/choice principle (Rawls calls it the "principle of redress") is merely a partial ground of distributive equality (1999, p. 64).

The idea is to redress the bias of contingencies in the direction of equality... Now the principle of redress has not to my knowledge been proposed as the sole criterion of justice, as the single aim of the social order. It is plausible as most such principles are only as a *prima facie* principle, one that is to be weighed in the balance with others... But whatever other principles we hold, the claims of redress need to be taken into account (1999, p. 86).

The luck/choice principle plays a role in Rawls's egalitarianism. However, democratic egalitarians, like Rawls, deny the (luck egalitarian's) claim that distributive equality consists primarily in the realization of the demands of the luck/choice principle.

3 Alternative Approaches

Before responding to the objection this paper addresses, it may be helpful to observe that three alternative responses are not as strong as they may appear to be. First, we could attempt to define our way out of the objection. For example, Kok-Chor Tan argues that luck

¹⁵ Also see Cohen (1989, p. 307).

¹⁶ Of course, the details of Dworkin's option luck/brute luck divide are different from the details of Cohen and Arneson's choice/luck cuts. However, the centrality of the luck/choice principle in all three accounts is sufficient for the purposes of this paper.

¹⁷ See Sangiovanni (2007), for an account of how democratic egalitarians invoke the luck-choice principle.

egalitarianism identifies a social ideal of equality, since it identifies what members of society owe to each other as equals (2008, pp. 685-6). Accordingly, social hierarchies that emerge from persons' choices are merely apparent inequalities, since we create a society of equals when we allow persons to experience the consequences of their choices. In reply: Social phenomena including marginalization from the mainstream labor market and workplace powerlessness are paradigmatic cases of oppression.¹⁸ It seems as if these phenomena can arise from choices for which people are responsible. Therefore, Tan seems committed to the view that some instances of oppression are examples of social equality. However, this does not vindicate luck egalitarianism against the objection this paper addresses. Rather, it affirms the objection, since it accepts that luck egalitarian distributive equality is consistent with some forms of oppression.¹⁹

Second, luck egalitarians could argue that oppression is unjust, even when people choose to become members of oppressed groups, because people do not choose for such groups to become oppressed. For example, Nicholas Barry argues that individuals are usually not responsible for their oppression, since oppression is a structural phenomenon, and since individual persons are not responsible for structural phenomena. This is supposed to be the case even when people have chosen to become members of oppressed groups (Barry 2006, pp. 93-4).²⁰ In reply: Barry seems to be committed to a radical conception of responsibility, according to which persons are not responsible for the anticipated consequences of their actions, whenever those consequences are shaped by the actions of others (i.e., as a part of a social structure). To illustrate how radical this conception of responsibility is, notice that it would mean that people are not responsible for market rewards, since market rewards are determined by the preferences of other participants in the market. However, luck egalitarianism typically identifies market rewards as being among the paradigmatic consequences for which persons can be responsible.

¹⁸ For example, they are two of the five faces of oppression identified by Young (1990)

¹⁹ Tan can make three responses. First, he can deny that marginalization and powerlessness are forms of oppression. However, this would require the embrace of a revisionist conception of oppression. Second, he can deny that people are able to be responsible for the sorts of choices that initiate and maintain such oppressive conditions. While some efforts have been made in this direction (as I discuss in section one of the paper), it still seems as if luck egalitarianism will tolerate forms of oppression that arise from choices made from equal starting positions and that are above the social minimum. Third, he can claim that other considerations, including principles of political justice, prevent oppression. However, it is unclear what is meant by 'political justice' in this context. If it means the protection of the basic political liberties (e.g., Rawls's first principle of justice), then political justice may be consistent with much oppression. However, if 'political justice' refers to something with more robust distributive consequences, like those that democratic egalitarians derive from the political idea of equal citizenship, then it is unclear what is supposed to be distinctive about the luck egalitarian version of distributive justice.

²⁰ Barry's views on this matter are not entirely clear. Consider the example that Barry gives of a person who chooses to become a member of an oppressed religious group. Barry claims that such oppression is unjust because the convert does not choose for members of her new religion to be oppressed. However, what Barry might mean is that such oppression is unjust because it violates some other principles of justice (e.g., freedom of conscience and speech), and that people cannot be responsible for becoming subject to such injustices. On this interpretation, the luck/choice principle is not the explanation for why such oppression is unjust. Instead, religious persecution would be unjust because it consists of the violation of other principles of justice, and not because we are not responsible for the ways in which structural forces affect our holdings. On either interpretation, Barry fails to rescue luck egalitarianism from the objection that it tolerates choice-based oppression

Third, luck egalitarians could argue that the luck/choice principle is defeasible by other values and that these other values motivate concern for social inequalities that arise from persons' choices.²¹ On such a view, the luck/choice principle is trumped by another principle whenever it tolerates inequalities that contribute to oppressive social relations. For example, Shlomi Segall argues that a principle of social solidarity could motivate concern for social relations of inequality, if it were weighed in balance with the luck/choice principle (2007). In reply: This response wins a Pyrrhic victory for luck egalitarianism. This is for two reasons. First, it is unclear which values ought to be weighed against the luck/choice principle or how to do so. While democratic equality can appeal to the ideals of democratic socio-political life to resolve conflicts between different egalitarian values, luck egalitarianism has no such first principles. Second, it forfeits much of what is distinctive about the luck egalitarian position to treat the luck/choice principle as defeasible by other principles within the domain of distributive equality (Tan 2008, p. 679n25). Once we embrace egalitarian pluralism, it becomes harder to distinguish luck egalitarianism from other pluralistic egalitarian theories. For example, even Rawls may seem to be a luck egalitarian if luck egalitarians could be pluralists about the grounds of distributive equality, since Rawls conceives of distributive equality as a balance between the luck/choice principle and other egalitarian values.²² Therefore, it would be to luck egalitarians' benefit to avoid embracing egalitarian pluralism when it is possible to do so.²³

4 Adequate Options and Responsibility

In this paper, I argue that there are two ways in which people who become oppressed as a result of their choices may, nonetheless, not be responsible for their oppression. First, few people who become oppressed as a result of their choices are responsible for becoming oppressed. Second, people who are responsible for becoming oppressed can become less responsible for remaining in oppression. My arguments for these claims rely upon differences between the circumstances faced by those who are able to make responsibility-generating choices and the circumstances faced by persons who are experience oppressive

²¹ See Arneson, who claims that luck egalitarianism ought to be tempered by a priority for the worst-off: "The point of equality I would say is to improve people's life prospects, tilting in favor of those who are worse off, and in favor of those who have done as well as could be reasonably expected with the cards that fate has dealt them," (2000, p. 349). While Arneson claims to be a pluralist about the grounds of egalitarian concern, it is unclear how much of his prioritarianism could be accounted for with (non-egalitarian) humanitarian considerations. That is, Arneson may be a pluralist about (distributive) justice, but not about distributive equality. Similarly, Cohen might seem to a pluralist about the grounds of egalitarian concern, but this is less obvious that it may appear to be. For example, Cohen thinks that a 'personal prerogative' may justify deviations from distributive equality, but he denies that such considerations (like other non-egalitarian principles of justice or of implementation) inform the demands of distributive equality (2008, pp. 387-93). It is beyond the scope of this paper to evaluate the different positions luck egalitarians and democratic egalitarians embrace concerning the relationship between distributive equality and distributive justice and the relationship between equality, justice, and other considerations. See Cohen (2008); Freeman (2009).

²² Kymlicka (1990, pp. 61-2), interprets Rawls as an unsuccessful luck egalitarian. In contrast, Samuel Scheffler (2003, pp. 8-15) and Samuel Freeman (2007, pp. 111-142) offer persuasive arguments that Rawls is not a luck egalitarian.

²³ Of course, it may not always be possible for luck egalitarians to avoid egalitarian pluralism. However, this is consistent with a commitment to attempt to ground egalitarian concern in the luck/choice principle whenever it is possible to do so.

conditions. For now, then, I want to get clear about what these differences are and why they matter.

First, it is necessary (but insufficient) for a person to possess *adequate options* in order to become responsible for the results of her choices. To use the language that some luck egalitarians have adopted, *genuine choice* presupposes adequate options (Cohen 1989, p. 934). A choice generates responsibility for its consequences only when a choice exercises sufficient control over those consequences. When a person lacks adequate options, the results of choices she makes against the background of those options has already been determined by those options. That is, inadequate options prevent choices from adequately controlling outcomes. Importantly, the idea of adequate options is a minimal requirement for genuine choice and does not prejudice debates among luck egalitarians about the sufficient conditions for responsibility-generating choice.²⁴

A few points about adequate options are relevant to the arguments I will make below. One, adequate options are always specific to a choice. I may be in an adequate options situation for one kind of choice and in an inadequate options situation for other kinds of choices. Furthermore, I limit this paper's discussion to questions about options for employment.²⁵ Two, adequate options offer distinct outcomes. Specifically, they can initiate sequences of choices that lead to significantly different distributive consequences.²⁶ Whether the relevant goods are resources, welfare, or advantages (more generally), adequate options with respect to a choice offer access to significantly different kinds and amounts of these goods.²⁷ This is because one's choices cannot be consequential for one's holdings unless one faces options that may initiate significantly different causal chains that lead to different kinds

²⁴ See Burley (2004), especially Cohen's "Expensive taste rides again" (2004) and Dworkin's replies, for more on this debate. Also see Anderson's classification of the two main ways in which luck egalitarians make this cut (2008) and Sher's similar taxonomy (2010).

²⁵ I restrict talk about adequate options to the context of choices regarding occupation for three reasons. First, choices about one's occupation are often the most consequential choices one makes from the point of view of one's distributive shares. For example, Rawls says "[t]he primary social goods that vary in their distribution are the rights and prerogatives of authority, and income and wealth" (1999, p. 80). In market economies, these goods vary in their distribution primarily based upon persons' differential employment. Second, one's exposure to oppression often depends upon one's occupation. According to Young, exploitation and marginalization are forms of oppression that appear exclusively (or at least primarily) with respect to employment. Furthermore, powerlessness and violence are common among workers who are oppressed (1990). Third, I focus on choices regarding occupation as a matter of parsimony, in light of the fact that occupation-related choices provide a sufficient set of cases from which to defend this paper's argument. Of course, choices about housing, leisure, family life, etc., are also consequential for oppression.

²⁶ Of course, the different distributive outcomes must not, themselves, involve inadequate sets of options.

²⁷ Does the view presented here have the (perverse) consequence that persons cannot be responsible (or must become less responsible) for ways of life that require the permanent renunciation of all alternative ways of living? For example, will luck egalitarianism prevent persons from becoming (or remaining) Benedictine monks, who vow stability to a particular monastery for life (Fry 1981)? No. It is possible for a person to renounce all alternative ways of life, even while some such options remain available to that person. No one prevents disaffected Benedictines from leaving the monastery to become teachers, parish priests, or day-laborers. In ordinary circumstances, these options are always available. Of course, a person who leaves a monastery may not possess the same options he had when he entered the monastery (e.g., a millionaire who gives away his money before taking his vows may be unable to become a millionaire again). However, the unavailability of some options is compatible with the possession of adequate options. Furthermore, luck egalitarianism may make some lifestyles unavailable, such as voluntary slavery. However, a society that honors the basic political liberties will prohibit such lifestyles, too.

or amounts of goods.²⁸ Three, the adequacy of one's options does not depend upon their number or their quality. One can face adequate options relative to a choice even if there are few selections from which to choose. What matters is whether these options offer sufficiently diverse distributive consequences. Likewise, one can face adequate options even if many of the options do not lead to especially lucrative or rewarding results. Again, what matters is that one's options open pathways to different distributive consequences, and to the different ways of life that such holdings make possible.²⁹

Second, many people who are oppressed face *inadequate options* with respect to the choices they can make within the domain of activity in which they are oppressed. One striking thing about many forms of oppression is that they are self-maintaining (Cudd 2006, pp. 79–81). Many people who become oppressed remain oppressed because of their oppression. They are trapped in their circumstances because few (or none) of their options could lead them out of oppression. For example, it is unlikely that a person faces adequate employment options if he is able to replace his current (degrading and humiliating) job only with other jobs that are similarly degrading and humiliating.³⁰ It is a familiar idea that oppression is constituted (at least in part) by restrictions upon the options of the oppressed. For example, Marilyn Frye writes that oppression constitutes “an enclosing structure of forces and barriers which tends to the immobilization and reduction of a group or category of people” (1983, p. 11). Oppression also constrains persons' options by creating subjective barriers to escape. For example, people who are oppressed often develop “deformed desires” that contribute to the perpetuation of their oppression (Bartky 1990; Cudd 2006; Elster 1985; Mill [1869] 1998).

Two things follow from the fact that persons who are capable of making genuine choices face adequate options while those who are oppressed face inadequate options. First, there is a second-order (structural) difference between the options of oppressed and non-oppressed persons. Members of an oppressed person's set of options are very similar to each other. In contrast, members of a non-oppressed person's set of options are diverse from a distributive point of view. In the next section, I will argue that this difference produces an epistemic

²⁸ Two things follow from this account of the distinct consequences of different options. First, similarity among the short-term consequences of one's options is insufficient to undermine genuine choice. This is because there may be differences in the long-term consequences of one's options, and one's short-term options may open pathways to different long-term consequences. Second, similarity among the long-term consequences of one's options is insufficient to undermine genuine choice. Differences in the distributive consequences of the (relatively short-term) sequences of choices by which one arrives at similar long-term consequences may be sufficiently robust to be consistent with genuine choice. Depending on one's time scale, this is obviously true, since ‘in the long run,’ we will all be dead, and death is likely to be the same for us all.

²⁹ Of course, it is likely that people who lack adequate options *also* lack high quality options. However, this is not because the adequacy of one's options depends upon their quality. Instead, it is because people whose circumstances provide them with high quality options are likely to possess resources (e.g., money, power) that make adequate options available to them. It is possible, however unlikely, that one might face inadequate options, even if all of one's options had lucrative consequences.

³⁰ Inadequate options may be different from each other in some ways, while remaining sufficiently similar to remain inadequate. For example, a person who faces a choice between becoming a poor beggar or a relatively well-off prostitute likely faces inadequate options, even if she would make more money (in the short term) as a prostitute than as a beggar. This is because similarities between these two options overwhelm the differences. Both options include similar degrees of humiliation and degradation, subjection to the arbitrary violence of strangers and authority figures, risk of premature death, loss of self-esteem and self-respect, and marginalization from the formal labor market. Again, the worry here is not that these options are bad (their badness may make them a focus of humanitarian considerations), but that they are insufficiently distinct to make one's choice between them consequential.

barrier that undermines persons' responsibility for becoming oppressed. Second, when people are responsible for being oppressed it is because they are responsible for the results of a choice that they made before they became oppressed. This is because the only choices that generate responsibility for their distributive consequences are choices that are made against the background of adequate options, and because people who are oppressed lack adequate options. In a later section of the paper I will argue that a widening distance between a responsibility-generating choice and a person's current circumstances can undermine a person's responsibility for remaining in oppression.

Before turning to these two arguments, it may be helpful to identify one argument that I am not making. I am not claiming that the fact that oppressed persons face inadequate options is sufficient reason to conclude that their oppression is unjust from a luck egalitarian point of view. It is conceptually possible for a person who possesses inadequate options to be responsible for that fact.

5 Ignorance About Oppression

It is unlikely that people can make genuine choices to become oppressed. Genuine choice requires knowledge (or the reasonable expectation of knowledge) of the potential results of one's choices. That is, we are responsible only for those results of our choices that it would be reasonable to expect us to anticipate.³¹ It is usually unreasonable to expect people who possess adequate options to anticipate either the objective or the subjective aspects of inadequate options situations. Therefore, people are often not responsible for becoming subject to extended circumstances of inadequate options.³²

Two sorts of ignorance can undermine persons' responsibility for extended circumstances of inadequate options and, thereby, their responsibility for oppression. First, one might be unaware of the fact that particular choices will lead to an extended period of inadequate options. Even if a person has more-or-less complete knowledge about the likely outcomes of his choices, he may be unaware of the way in which these outcomes will work together to create radical life-long constraints. For example, consider Jack, a university student who decides not to study. He may know that the likely result of his intellectual laziness will be that he will return to his hometown to take an uninspiring job in retail sales. Jack might know, too, that his options in life will be significantly different – and worse – than they would have been had he successfully completed his university studies. He may have enough knowledge about the particular consequences of his choices for him to be responsible for these options, when they are considered as individual options. However, Jack might not know – it is likely that he will not know – that he will be trapped in unsatisfying menial work for the remainder of his years in the workforce.³³ He is unlikely to anticipate his workplace powerlessness or his marginalization from anything other than unskilled entry-level work. He will not anticipate his oppression, and it is unreasonable to

³¹ For discussion of the epistemological requirements of genuine choice, see Cohen (1989), Barry (2008).

³² To clarify: The argument here does not rely upon the claim that people are responsible only for the desirable consequences of their choices, and that they are not responsible for the undesirable consequences of their choices. Rather, the argument in this section relies upon the claim that people are not responsible for those consequences of their choices that it would be unreasonable to expect them to anticipate.

³³ This is not to suggest that all persons who do not complete a university degree program are condemned to such circumstances. However, for the sake of this example, I assume that Jack is condemned to such circumstances.

expect him to do so.³⁴ Oppression is a systematic phenomenon. To recognize oppression, one must realize the ways in which the entire set of one's options works together (over time) to create barriers and restrictions. This is a difficult task. The difficulty is evident in the fact that many people who experience oppression are unable to identify it by themselves.³⁵ It would be amazing (and unexpected) for a person privileged with adequate options to anticipate the features of an unknown systematic phenomena like oppression.³⁶ For this reason, it is unlikely that someone could be responsible for the fact that his choices led to his oppression, even if he were able to correctly anticipate many of the particular consequences of such a choice.

A second sort of ignorance concerns the subjective experience of extended circumstances of inadequate options. Even if a person knew that his choices would result in extended circumstances of inadequate options, it is likely that he would be unaware of the subjective features characteristic of such long-term social immobility. For example, even if Jack could know that his choice not to study would lead to workplace powerlessness, it is unlikely that he could know how it feels to live an entire lifetime trapped in unsatisfying work, subject to the power of others, and unable to make meaningful career changes. Such a life is likely to undermine one's self-respect and to cultivate a passivity that would be unimaginable to many college students.³⁷ It is extremely unlikely that Jack could know how his future oppression would come to silence and immobilize him, especially since such phenomena are so far removed from the life of abundant possibilities Jack enjoys as a college student. The fact that it is unreasonable to expect a person to anticipate the subjective harms of oppression is further evidence that people are often not responsible for the oppressive conditions that result from their otherwise genuine choices.

One might object that many people's choices have outcomes whose objective or subjective qualities are antecedently hidden to them, but we do not believe that their ignorance motivates demands for compensation. For example, the work of a junior associate at a major law firm may be much more demanding or stressful than law students can know (even those law students who have spent their summers interning at such firms). However, it is counterintuitive to claim that new attorneys are entitled to redress for such unanticipated harms. In response, the harms created by extended circumstances of inadequate options are likely to be worse both in magnitude and in kind than those that could arise for one who possesses adequate options. One, the harms associated with social immobility are immense because they endure. (That is part of what it means to face *extended* circumstances of inadequate options.) In contrast, people who possess adequate options have the ability to escape harms that become too great. Junior associates can leave their firms if their work becomes too stressful. Two, the kinds of harms associated with oppression are often worse than those faced by persons who enjoy adequate options.

³⁴ In response to skepticism about whether entry level retail workers can be oppressed, consider the way in which Wal-Mart treats its employees. Many stores have practiced a night hours 'lock-in', so that third shift employees cannot leave the building until a manager returns in the morning (Greenhouse 2004). More generally, Wal-Mart has a policy of permanently shuttering stores and store departments whenever workers threaten to unionize (Neumark et al. 2008; Fishman 2006).

³⁵ For discussion of the epistemological (as well as the political) role of consciousness-raising, see Willis (1992) and The Combahee River Collective (1982). Importantly, one's ignorance about the fact of one's oppression need not make one's oppression or its harms any less real.

³⁶ For more about the epistemological blinders caused by privilege, especially as regards knowledge of oppression and the experiences of the oppressed, see the work of standpoint epistemologists (Wylie 2003).

³⁷ See Moody-Adams (1992), for discussion of how oppression may undermine self-respect.

Oppressed persons face a loss of self-respect and can become resigned to their positions in life. In contrast, people who have adequate options can choose different kinds of work. For that reason, they are unlikely to experience their difficult work conditions as a source of diminished self-respect or passivity. Our new lawyers may face very long work hours, but they know that they can find less demanding jobs if they wanted to do so.

6 Psychological Connections and Responsibility for Oppression

Even if people can be responsible for becoming oppressed, they may not be (very) responsible for remaining oppressed. As I discussed in section four, if persons are responsible for their oppression, it is because they are responsible for the results of choices that they made before they became oppressed. Recall that adequate options are a necessary condition for responsibility-generating choice and that oppressed persons lack adequate options. Therefore, extended periods of oppression may open up large gaps – of time and life experience – between a person's current condition and the choices that could be capable of generating responsibility for his current condition. If a person has been oppressed for most his adult life, he can be responsible for his oppression only if the choices of a much younger (non-oppressed) version of himself generated responsibility for his life-long oppression. Of course, it may be unreasonable to expect a young person to anticipate the life-long effects of his choices. I discussed this worry in section five. Here, I take up a different consideration: Even if a person is responsible for the fact that his choices initiate an extended period of oppression, a later version of this person might not be (as) responsible. This is because he may be very different from the prior version of himself, at least in those ways that matter for moral responsibility.

I am responsible for the results of a choice that I make only when the version of me who experiences the results of that choice has robust psychological connections to the version of me who made that choice. Possible responsibility-generating psychological connections include memories, intentions, desires, and character traits. For example, it may be unreasonable to hold a person responsible for actions which he does not remember or for choices that he made when his character was radically different.³⁸ Importantly, personal identity is likely to be insufficient for personal responsibility, since personal identity may require fewer or less robust psychological connections (if any at all) than are required for personal responsibility.³⁹ While two versions of a person may be the same person – they may be numerically or biologically identical – there may be sufficient differences between them to mitigate the later version's responsibility for the prior version's actions. Here, I rely upon the idea, developed by Derek Parfit and others, that the relations that matter for personal responsibility are not the same relations that matter

³⁸ For example, in the *Essay Concerning Human Understanding*, John Locke develops a conception of personal identity that relies upon memory, and he invokes this conception of personal identity when making claims about personal responsibility ([1690] 1979).

³⁹ So, for example, Thomas Reid's claim that continuity of overlapping psychological connections are sufficient for personal identity need not challenge the view I advance ([1788] 1983). For the same reason, accounts of personal identity that rely solely upon the sameness of the biological organism (e.g., DeGrazia (2005) and Olson (1997)) need not present a challenge to my view.

for personal identify, and that, over time, the relations that matter for personal responsibility may come apart from the relations that uphold personal identity (1984).⁴⁰

There are two ways in which diminished psychological connections may make persons who are subject to extended periods of oppression progressively less responsible for their oppression. First, psychological connections may diminish as a result of the large periods of time that may pass between the choice(s) that led to oppression and a person's current (oppressive) circumstances. Second, the experience of oppression may, itself, diminish such psychological connections, beyond the effects of the passing of time. For an illustration of the two ways in which long-term oppression may undermine responsibility for oppression, consider the following case. Jill is 60 years old and has been marginalized from the formal labor market for her entire adult life. As a 19 year old woman, Jill faced adequate options and chose to sell illegal drugs.⁴¹ As a result, Jill was arrested and received a felony conviction.⁴² Upon her release from prison, Jill found herself with no real job prospects. She was legally prohibited from taking many of the jobs for which she was qualified, including work in child care, home health care, and education.⁴³ The preferences and prejudices of potential employers made it nearly impossible for her to find work in other fields, too.⁴⁴ For this reason, Jill had to take odd jobs and do informal work. Jill's oppression has been self-maintaining. The fact that she was unable to find good jobs upon workforce reentry is the main reason why she has continued to be marginalized from the formal labor market.

Assume that 19 year old Jill had full knowledge of the ways in which her choice to sell drugs might affect her life. Suppose, contra the discussion of the previous section, that teenage Jill was able to anticipate the objective and subjective features of the oppression that she endures as a result of her choices. It might seem that Jill is responsible for her oppression. She might be responsible, that is, if 60 year old Jill were related to 19 year old Jill in the ways that matter for moral responsibility. However, there are two reasons to doubt whether the relations that connect these two versions of Jill are robust enough to support ascriptions of responsibility. First, long periods of time (e.g., 41 years) can weaken psychological connections. 60 year old Jill has different memories, intentions, desires, beliefs, character traits, etc., than the teenage person that she used to be. The psychological connections between these two Jills are very weak. They are far weaker than the connections that bound 19 year old Jill to the 19 years and 1 day old Jill. As a result, 60 year old Jill is much less responsible for the results of teenage Jill's choices. The fact that a wide variety of psychological connections can weaken over large periods of time provides a reason for why persons subject to long-term oppression are not (very)

⁴⁰ For skepticism of this Parfit-style view, see Glannon (1998) and Tognazzini (2010).

⁴¹ This example is not meant to imply that existing drug laws are just or that most contemporary drug felons possessed adequate options surrounding their choices to distribute illegal drugs.

⁴² Here, I am not interested in questions about the criminal law, but in the consequences for distributive justice of one's choices, criminal or otherwise.

⁴³ Natalie J. Sokoloff and Amanda Burgess-Proctor observe that American women (especially American women of color) face overwhelming burdens to workforce re-entry after felony drug convictions. They write: "In all states, former offenders are restricted from working as beauticians and nurses; and in most from child care, education, and home health care...jobs which are heavily Black and female. Thus, the very jobs requiring little formal education or training to which poor women of color with limited employment options otherwise might gravitate are unavailable to women with felony drug convictions" (2010).

⁴⁴ Here, I assume that the employment discrimination Jill faced was not unjust in itself. For documentation of the immense informal barriers to workforce reentry for ex-convicts in America, see Petersilia (2003) and Travis (2005).

responsible for their oppression. This is because their responsibility for their oppression depends upon their responsibility for choices that they made before they became oppressed.

Second, extended periods of oppression can change moral personality, beyond what has been done by the passing of time. Forty-one years of marginalization, powerlessness, and exploitation can take a terrible toll. For example, Jill may have developed deformed desires, which make her complacent about her oppression. Jill may have become passive in the face of her social immobility to such a degree that her capacity for practical reasoning may have been largely destroyed. For reasons like these, Jill may now be very different from the person she was when she made the decisions that led to her oppression. Importantly, psychological forces of oppression have caused distortions in Jill's personality far beyond the changes that would have been caused by the mere passage of time. Even if she had never been oppressed, 60 year old Jill would still be very different from 19 year old Jill. However, the oppressed 60 year old Jill is much more different from her teenage self. The fact that oppression weakens psychological connections provides another reason to think that persons who are subject to extended periods of oppression are not (very) responsible for their oppression.

Is it counterintuitive to think that changes – even large changes – in moral personality can undermine responsibility? Many people make choices in their early lives that affect their options in later life. Do people become less responsible for their holdings as they become older merely because psychological connections become less robust over time? No. A person who possesses adequate options throughout her life usually maintains the ability to block or redirect much of the casual power of her past choices. She has the ability to begin sequences of choices that have the potential to redirect her life towards any number of diverse ends. Since she is continually making the sorts of choices that generate responsibility for their consequences, the fact that she becomes progressively less connected to her prior selves need not undermine her responsibility. This is because she is not condemned to a particular outcome that was picked out for her by a choice from her early life. A person with adequate options (who is, therefore, not oppressed) can remain closely related to the version of herself that has made the choices which have generated responsibility for her current holdings.⁴⁵

7 Concluding Remarks

This paper defends luck egalitarianism against the objection that it tolerates oppression. I have provided two reasons to think that oppression is unjust from a luck egalitarian point of view, even when people have equal initial options and a guaranteed social minimum. First, it may be unreasonable to expect a person to anticipate the objective and subjective harms of oppression, since persons who are in the position to make responsibility-generating choices are far removed from such conditions. Second, people who are subject to long-term oppression may be radically dissimilar from the prior versions of themselves whose choices led to their oppression.

⁴⁵ Admittedly, it is a consequence of my view that some persons who continue to face adequate options throughout their lives are entitled to compensation. This is the case if particular choices from their early lives have – by themselves (or at least mostly by themselves) – affected one's holdings in later life in ways that could not be corrected by later choices. However, the frequency and severity of such life-long consequential choices is likely to be far less for persons who maintain adequate options over the length of their lives, than it would be for persons who faced life-long inadequate options.

What are the policy implications of luck egalitarianism's ability to motivate concern for forms of oppression that arise from genuine choices? In short, luck egalitarian distributive justice cannot sanction the dismantling of the welfare state. Its conception of distributive justice must encompass more than the guarantee of equal initial opportunities and lifelong insurance against poverty. Even if vast improvements were made in childhood education, inheritance law, etc., such that everyone started their lives on an equal footing, societies governed by luck egalitarian distributive justice would still be required to regulate ongoing distributive inequalities. Specifically, societies regulated by a luck egalitarian conception of distributive justice would attack oppression, even oppression that results from persons' choices. This may be a surprising conclusion, since luck egalitarianism may seem to make common cause with libertarian starting-gate theories, whose use for the welfare state extends only to the guarantee of appropriate starting positions.

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