

# Fresh Starts for Poor Health Choices: Should We Provide Them and Who Should Pay?

**Andreas Albertsen**

**Department of Political Science, Aarhus University**

aba@ps.au.dk

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## **Fresh starts for poor choices in health: Should we provide them and who should pay?**

*Should we grant a fresh start to those who come to regret their past lifestyle choices? A negative response to this question can be located in the luck egalitarian literature. As a responsibility-sensitive theory of justice, luck egalitarianism considers it just that people's relative positions reflect their past choices, including those they regret. In a recent article, Vansteenkiste, Devooght and Schokkaert argue against the luck egalitarian view, maintaining instead that those who regret their past choices in health are disadvantaged in a relevant way and should receive compensation. Employing the ideal that people should be made equal as measured by equivalent resources they purport to show the fairness of such an arrangement through a hypothetical scenario. Relaxing the implicit assumptions of this scenario brings forth several unattractive consequences of the fresh start idea. The main problem is that in striving to ensure that people's past choices do not affect their own opportunities, the authors must accept that these choices put heavy strains on the opportunities available to other people. Furthermore, the luck egalitarian position is more compelling than they admit.*

Key Words: Allocation of healthcare resources; distributive justice; luck egalitarianism; public health ethics; equality of opportunity in health

### **Introduction**

Life-style choices regarding what we eat and drink, whether we smoke, and the extent to which we exercise, affect our longevity and general health. This has generated an intense ethical discussion regarding whether and how we should incorporate this relationship in public health policies and in rationing the scarce health care resources (Leichter 2003; Minkler 1999; Reiser 1985). To the extent that such life-style choices are genuine, luck egalitarianism, an influential theory in political philosophy, suggests that inequalities arising from such choices would be less of a concern. This is the case, since luck egalitarianism is a responsibility-sensitive view on distributive justice allowing people's past exercises of responsibility to affect their relative position (Cohen 1989; Arneson 1989; Knight 2009). The application of luck egalitarianism in health has received attention both among people somewhat sympathetic to the idea (Author, n.d.; Hunter 2007; Segall 2007; Segall 2010; Segall 2013), and those who remain skeptical towards its implications in health (Andersen et al. 2013; R. C. H. Brown 2013; Feiring 2008; Nielsen and Axelsen 2012; Nielsen 2013; Wikler 2004). In their recent article *Beyond Individual Responsibility for Lifestyle: Granting a Fresh*

*and Fair Start to the Regretful*, Vansteenkiste, Devooght and Schokkaert (VDS) contribute to this literature. They offer a novel approach to personal responsibility in health and contrast it with the luck egalitarian alternative. Under the assumption that we are dealing with genuine choices,<sup>1</sup> they argue that we should grant a fresh start to those who come to regret their past choices in health (Vansteenkiste, Devooght, and Schokkaert 2014, 69).<sup>2</sup> The underlying idea is that we should refrain from letting people's past choices limit their current freedom and opportunities. This approach can be considered as one way of applying the influential work of Marc Fleurbaey to a health context (Fleurbaey 2008; Fleurbaey and Schokkaert 2009). The discussion conducted here is thus, relevant to a larger body of literature related to the idea of fresh starts.

We can understand VDS' proposal as a halfway house between luck egalitarianism and outcome egalitarianism in health. While the latter requires compensation for all disadvantages, the former maintains that disadvantages reflecting people's exercises of responsibility do not require compensation. The idea of fresh starts offers a middle ground since it identifies a category of disadvantages reflecting people's exercises of responsibility for which compensation is required: those that people regret. This article sets out to evaluate the coherence and strength of such a proposal. While the presented view should be appreciated both for ingenuity and interesting policy proposals, it is ultimately unsatisfactory. Furthermore the luck egalitarian approach to health cannot be dismissed as easily as VDS suggest.

### **Granting fresh starts: The argument**

VDS argue that justice requires compensation to those, who regret their earlier choices. Regretting in this context means to change one's preferences and, as a consequence, one's evaluation of past activities. A person currently preferring a healthy life-style would have preferred if his past choices had reflected this new outlook on life, rather than the previous unhealthy one. As the person does not value these past activities, the resources spend in accordance with past preferences do no contribute to that person's advantage (Vansteenkiste, Devooght, and Schokkaert 2014, 70). Thus, the person regretting his past choice is worse off

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<sup>1</sup> Thus setting aside that people's choices correlate strongly with their social position, and affected by our socioeconomic status (Marmot and Wilkinson 2006; Venkatapuram and Marmot 2009).

<sup>2</sup> An idea also explored by (A. Brown 2005).

than others in this regard. VDS further argue that those who experience this kind of disadvantage should be compensated in a way that makes their current opportunities unaffected by past choices they now regret.

To illustrate VDS present an *initial scenario*. They consider a population in which each individual has 300 units of resources. Each person goes through two consecutive periods of time, spending 150 units in each period on either healthy or unhealthy activities (Vansteenkiste, Devooght, and Schokkaert 2014, 69). After the first period, the population consists of two groups: Those who made healthy choices and those who made unhealthy choices with their resources. Assume with VDS that half of those who lived unhealthily in the first period come to regret this and would have preferred a healthier lifestyle. As we stipulate that none of those who lived healthy in the first period come to regret this, they form one group, designated Prudent Foodies. Those who have made unhealthy choices can be divided into two groups. Those who regret their past choices (Regretful junk foodies) and those who do not (Non-Regretful junk foodies). Reflecting over this initial scenario, VDS claim that justice requires compensation for those who regret their past choices in light of new preferences (Vansteenkiste, Devooght, and Schokkaert 2014, 70).

In addition VDS present a specific idea about how to understand the injustice of the situation. VDS believe that justice requires people to be equal as measured by *equivalent resources*. Equivalent resources is defined as '*the share of resources which would have given people, with their current preferences, a situation which they consider equivalent to their current situation.*' (Vansteenkiste, Devooght, and Schokkaert 2014, 70) Clarifying that this means '*the amount of resources that would give the individual his/her current level of satisfaction (or in our situation, health outcome) if he had always acted according to his current state of mind.*' (Vansteenkiste, Devooght, and Schokkaert 2014, 70). When we evaluate past choices in light of one's present preferences the unhealthy lifestyle of the first period is worthless to the Regretful Junk Foodie who now prefers a healthy lifestyle. Elaborating, VDS write '*Thus, in practice, equivalent resources equal the total initial resources minus the initial resources spent on activities which the person with his current preferences values as worthless*' (Vansteenkiste, Devooght, and Schokkaert 2014, 70). As the resources spent in the first period do not contribute to the fulfillment of current preferences, they are not taken into account when comparing equivalent resources. Measured in this way, the persons who come to regret their past choices are significantly disadvantaged compared to those without such regret. This

means that after the first period, their opportunity to live the life they now prefer is significantly hampered by their past activities (Vansteenkiste, Devooght, and Schokkaert 2014, 70–71). The table below shows the equivalent resources of each group after the second period.

Table 1

	<b>Prudent Foodies</b>	<b>Regretful Junk Foodies</b>	<b>Non- Regretful Junk foodies</b>
Percentage of population	<i>50%</i>	25%	25%
<b>Period 1</b>			
- Expenditures on healthy activities	<b>150</b>	<b>0</b>	<b>0</b>
- Expenditures on festive activities	<b>0</b>	<b>150</b>	<b>150</b>
<b>Period 2</b>			
- Expenditures on healthy activities	<b>150</b>	<b>150</b>	<b>0</b>
- Expenditures on festive activities	<b>0</b>	<b>0</b>	<b>150</b>
<b>Initial resources</b>	<b>300</b>	<b>300</b>	<b>300</b>
<b>Equivalent resources</b>	<b>300</b>	<b>150</b>	<b>300</b>
<b>Health outcomes</b>	<b>300</b>	<b>150</b>	<b>0</b>

Those regretting their past unhealthy choices cannot surpass a specific level of equivalent resources by spending their remaining resources in accordance with their new healthy preferences. The regret of some who lived unhealthily in the first period brings about a situation where this group is much worse off than others measured in equivalent resources (Vansteenkiste, Devooght, and Schokkaert 2014, 70). VDS consider it to be wrong that someone should fare worse in this regard and contend that justice requires that the regretful is offered a fresh start going into the second period (Vansteenkiste, Devooght, and Schokkaert 2014, 69). The lack of opportunities faced by those who regret should be a concern for justice according to VDS. They express concern with how the ‘past can encumber future prospects in such a way that the real freedom to pursue one’s (new) genuine objectives in life is heavily

reduced' (Vansteenkiste, Devooght, and Schokkaert 2014, 69). Fresh-start policies thus denote initiatives aimed at implementing this distributive ideal.

VDS furthermore offer a solution for how to finance such redistributive initiatives. They propose that everybody should be taxed in the first period in order to raise funds for a check which can only be used for healthy activities and is made available to those who have lived unhealthily during the first period (Vansteenkiste, Devooght, and Schokkaert 2014, 72). As the check is earmarked for healthy activities, it only has value for those who have come to regret their unhealthy lifestyle.<sup>3</sup> Introducing this policy brings about the following distribution after the second period (Vansteenkiste, Devooght, and Schokkaert 2014, 74). Here, everyone ends up with equal equivalent resources.

Table 2

	<b>Prudent Foodies</b>	<b>Regretful Junk Foodies</b>	<b>Non- Regretful Junk foodies</b>
Percentage of population	50%	25%	25%
<b>Period 1</b>			
- Expenditures on healthy activities	120	0	0
- Expenditures on festive activities	0	120	120
- Tax	30	30	30
<b>Period 2</b>			
- Expenditures on healthy activities	150	150+120	0
- Expenditures on festive activities	0	0	150
<b>Initial resources</b>	<b>300</b>	<b>300</b>	<b>300</b>
<b>Equivalent resources</b>	<b>270</b>	<b>270</b>	<b>270</b>

<sup>3</sup> They also consider another solution in which people are forced to spend part of their resources on healthy activities in the first period. This benefits those who regret their past unhealthy lifestyle, but such a spending of resources is by definition worthless to those who wish to continue living unhealthy lives and thus introduces a waste in the system. For that reason the check solution is preferred by VDS, even if implementing these thoughts in the real world may require a mixture of such schemes.

According to VDS the above redistribution is justified because it provides people with equal equivalent resources. But one should note that the above scenario is presented under a number of specific features and assumptions. The next section examines whether adjusting those features lessens how attractive the distributive recommendations of VDS' proposal are.

### **Implausible consequences of the proposal**

For the purpose of the argument, this section initially accepts the ideal of equivalent resources. It then demonstrates that when slight changes are made in VDS' initial scenario, they must endorse redistributions, which are seemingly unfair, in order to achieve their ideal of equal equivalent resources. To illustrate what is meant by 'adjusting the scenario' imagine that we change the proportions of the affected groups, drastically increasing the proportion of those who regret their past unhealthy choices. This puts emphasis on distributive trends already visible in the initial scenario. When more people need to be granted fresh starts, the burden on those who finance the fresh starts is increased. Despite this VDS must continue to endorse a distribution where fresh starts are granted to the regretful. But, with the changed proportions between the groups, this redistribution comes at a profound loss for those leading a healthy lifestyle. This should offer pause for thought for those convinced that the initial scenario seemed fair, because it highlights that the costs of upholding fresh start policies impede the options available to others. The remainder of this section pursues this thought, by relaxing two features in the initial scenario in order to show how providing fresh starts may have implausible consequences.

#### *Big spenders*

Consider an adjusted scenario to evaluate VDS' position. Instead of changing the relative size of the groups, another feature of the initial scenario is relaxed. So far, the discussion has been conducted under the assumption that people can spend precisely half of their resources in each period. But what would happen if we relax this feature in order to let people spend as much as they want in each period, only keeping with the requirement that, all in all, they have to spend the 300? In this version of the scenario everyone who initially had an unhealthy lifestyle come to regret this, but some have spent more resources in the first period than others. This gives rise to the following revised scenario.

Table 3

	<b>Prudent Foodies</b>	<b>Regretful Junk Foodies</b>	<b>Non- Regretful Junk foodies</b>
Percentage of population	50%	25%	25%
<b>Period 1</b>			
- Expenditures on healthy activities	150	0	0
- Expenditures on festive activities	0	200	150
<b>Period 2</b>			
- Expenditures on healthy activities	150	100	150
- Expenditures on festive activities	0	0	0
<b>Initial resources</b>	<b>300</b>	<b>300</b>	<b>300</b>
<b>Equivalent resources</b>	<b>300</b>	<b>100</b>	<b>150</b>
<b>Health outcomes</b>	<b>300</b>	<b>100</b>	<b>150</b>

Relaxing the restriction on how much a person can spend in each period brings forth an interesting feature of the fresh start proposal. The more persistent one were in pursuing the preferences one comes to regret, the stronger one's claim for compensation will be. As in the initial scenario, we could strive to redistribute through taxation to make sure that the equivalent resources will be equal. Suffice to say, the taxes on those who do not regret their past choices would be increased by the fact that some have spent more than half their resources in the first period pursuing preferences they no longer have. The overspending by some increases the burden on others if fresh-start policies are required by justice, something which arguably reflects badly on VDS' position. Careful reasoning is called for when adjusting the initial scenario. Not least, when those adjustments are employed to criticize a position developed and defended through the initial scenario. The concern would be whether the adjusted scenario introduces elements so different from the initial scenario that VDS need not embrace the redistribution required to give people equivalent resources. In this version of the scenario, people are allowed to spend more in the first period than in the second. The most



obvious reason to resist such spending would be a paternalistic one, protecting people against a later change of mind. But VDS can hardly put forward such reasons, since they consider it an advantage of their theory that it is not paternalistic (Vansteenkiste, Devooght, and Schokkaert 2014, 73, 74, 75 fn 6, fn 11). Relaxing the assumption that the consumption has to be equally spread over the two periods introduces a variation much in tune with the real world, and fresh-start policies seems required by VDS' position. As VDS must seemingly accept these redistributive measures to offer fresh starts, it raises the question as to whether equivalent resources capture what justice requires.

### *A second regret*

Consider another adjustment to the original scenario, again to illustrate which distributions VDS are committed to consider as just. This time the number of periods is increased. Imagine that we go through three periods instead of two, giving people a resource bundle of 100 for each period. Like before, half of those leading unhealthy lifestyles regret doing so after the first period. According to VDS' account, they should be offered the possibility of a fresh start in accordance with their new healthy preferences. This is completely like before, but adding the third period enables us to examine the plausibility of VDS' position in light of a 'double regret'. Assume that some come to regret their newfound healthy lifestyles and revert to the unhealthy habits they pursued in the first period. After the first two periods, we have the already examined situation where everybody is taxed in the first period to make sure that they (including those regretting their unhealthy lifestyle) have equivalent resources. To keep matters simple, consider that all those who regretted their past unhealthy lifestyle after the first period and made a subsidized lifestyle change come to regret their preferences once more. Assume furthermore that for all other groups, the preferences remain the same in the third period. With their preferences once again in alignment with their original mindset, those experiencing a second regret now regard only the unhealthy activities of the first period as valuable. They consider the healthy activities of the second period as worthless. Therefore, by the end of the second period this group has significantly fewer equivalent resources than the other groups. After the second period the equivalent resources of the three groups are:

Table 4

	<b>Prudent Foodies</b>	<b>Regretful Junk Foodies</b>	<b>Non-Regretful Junk foodies</b>
Percentage of population	<i>50%</i>	25%	25%
<b>Equivalent resources</b>	<b>180</b>	80	<b>180</b>

The tough question to ask at this point is whether justice requires us to grant them a(nother) fresh start? Measured in equivalent resources they are disadvantaged. From the standpoint of their current preferences, they lack the opportunities to pursue their goals. As the language of the preceding sentences purposely reveal, after their second regret these persons are worse off in exactly the way VDS argue should concern us. VDS must believe that justice requires compensation even for those who regret a second time. To examine the effects of this let us consider the scenario in which we introduce a tax in the second period to make sure that everyone has equivalent resources in the third period.

Table 5

	<b>Prudent Foodies</b>	<b>Regretful Junk Foodies</b>	<b>Non-Regretful Junk foodies</b>
Percentage of population	<i>50%</i>	25%	25%
<b>Period 1</b>			
- Expenditures on healthy activities	<b>80</b>	<b>0</b>	<b>0</b>
- Expenditures on festive activities	<b>0</b>	<b>80</b>	<b>80</b>
- Tax 1	<b>20</b>	<b>20</b>	<b>20</b>
<b>Period 2</b>			
- Expenditures on healthy activities	80	<b>80+80</b>	<b>0</b>
- Expenditures on festive activities	<b>0</b>	<b>0</b>	<b>80</b>
- Tax 2	<b>20</b>	<b>20</b>	<b>20</b>

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<b>Period 3</b>			
- Expenditures on healthy activities	100	0	0
- Expenditures on festive activities	0	100+80	100
<b>Initial resources</b>	<b>300</b>	<b>300</b>	<b>300</b>
<b>Equivalent resources</b>	<b>260</b>	<b>260</b>	<b>260</b>
<b>Health outcomes</b>	<b>260</b>	<b>160</b>	<b>0</b>

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At the end of the third period, the double regretful have spent 400 resources to end up with equivalent resources of 250. The other groups have spent only 250 to achieve this. Each of these groups have given up 1/6 of their available resources to finance the fresh-start policies required by the changing preferences of the double regretful. This seems to be a highly implausible consequence of the position taken by VDS. Given that the implausibility becomes clear due to an adjustment of the scenario, we should again consider whether VDS could reject the above as an element that their position should endorse. In other words, we should consider whether the introduction of a third period brings something to the scenario which, strictly speaking, is not an inherent part of VDS' position.

The most likely candidate as an objection would be that the above misconstrues the idea of equivalent resources. The reason why the double regretful end up receiving and spending so many resources is that they are compensated twice: at their first as well as at their second regret. It was argued that their claim for compensation could, in both instances, be grounded in the fact that they are disadvantaged compared to others with regard to their equivalent resources. At this particular point they have, by their own preferences, less than others. And it is exactly such disadvantages that VDS claim should be a concern for justice. A concern that we, according to their position, should address through fresh start policies. VDS could perhaps submit that the above presentation is skewed in the sense that people cannot claim to be disadvantaged twice based on two different sets of preferences. The idea being that when receiving the compensation for the second regret, the recipient is no longer eligible for the compensation received for the first regret. Since, by their unhealthy preferences after the second period, they would not have any complaints about their opportunities after the first period and their unhealthy choices there. But this defense points in directions that are hardly attractive for the proponents of the fresh start approach. Should the double regretful be asked to repay resources received through fresh start policies in the second period for now abandoned preferences? Such initiatives would only set them further back in their ambition to

pursue their re-found preferences for an unhealthy life. If this line of defense points to anything it is to a problem with the concept of equivalent resources, not with the criticism of VDS' position. As judged by their present preferences, the group of regretful is worse off than others after their first regret and after their second. A position committed to offer fresh starts to people who, by their own current preferences, are worse off than others, cannot withhold such compensation on the grounds that a possible later change in preferences would make the compensation futile. A second rejoinder could be that offering second fresh-start packages for unhealthy preferences is absurd. While VDS do not discuss this variation of fresh-start policies, their anti-paternalistic views make it hard to see that they could withhold resources on such grounds.

The arguments above bring forth weaknesses in the idea of fresh starts. In their attempt to make sure that people's past choices do not make them worse off, VDS end up being committed to a position where people's past choices are allowed to hinder and limit *other people's opportunities*. This tension arises as a consequence of the idea that those who do not regret their past choice should finance the fresh starts of those who do. As VDS consider their own position as born out of the concern that the 'past can encumber future prospects in such a way that the real freedom to pursue one's (new) genuine objectives in life is heavily reduced' (Vansteenkiste, Devooght, and Schokkaert 2014, 69), it would also seem that this implies a concern for the stated way in which past choices hinder future prospects. Note that in the above criticism, no change of scale or weighting is employed. The concern, people's opportunities, and the measure, equivalent resources remain the same. The revised scenarios shed light on the distributive consequences of the fresh start policies, and highlight that by the very same yardstick employed by VDS; we should be concerned over such distributive consequences. VDS present their position from a normative starting point, where people's past (regretted) preferences should not be allowed to detract from their own present opportunities. This argument is based on a concern for people's freedom. But the adjusted scenario brings forth the puzzling thought that VDS must accept that some people's past choices affect *other people's* present opportunities. One can reject that this as a worrying implication, insisting that measured by equivalent resources, this policy benefits the worse off. Nevertheless, these slightly revised scenarios make it very clear that there are significant costs associated with implementing fresh start policies. Several replies are surely available to VDS. One is that they are not interested in people's opportunities in general, but only with the

opportunities available to those who are worse off by their employed measure, equivalent resources. This opens up a larger debate, namely whether this is really the most fitting measure of what we care about in this regard. The final part of this section reconsiders the idea of equivalent resources in light of such concerns.

By employing equivalent resources as their yardstick for when people's positions are in the relevant sense equal, VDS commits themselves to redistributive measures which take a heavy toll on other people's opportunities. Given how different the assessment of the above situations would be had we strived for equal amount of resources, or that people have their preference satisfied as they were at the particular time, it seems doubtful that VDS are correct when stating that 'Other well-being metrics would give similar results, as long as they are respectful of individual preferences, i.e. as long as they attach a higher level of well-being to situations that are preferred by the individuals themselves' (Vansteenkiste, Devooght, and Schokkaert 2014, 70). Different interpretations of what that would mean, would give different redistributive recommendations in the above scenarios. This brings forth the central question as to whether we should employ equivalent resources as our measure of advantage and disadvantage. The bone of contention really is, whether the past should be set aside once people change their preferences. After all, every preference satisfied in the scenarios discussed above is a genuine preference, something which the person would prefer to do when undertaking the activity. Is later regretting this really enough to justify such substantial redistribution and curtailment of the opportunities available to others? Drawing on the above insights, we can push this idea somewhat further. A person who pursued past interest with a costly intensity, but comes to regret this would be owed considerable compensation to finance a fresh start. If the new found preferences are pursued in the same way and later regretted, the burden on others increases. But could those other persons not fairly ask, why they are to finance others' willful changing of preferences? Could they not argue that as long as everyone has equal resources to pursue what one genuinely wants in life, and enjoyed satisfying those preferences when they did, no further redistribution is required? The amount of redistribution required by the fair start approach suggests that there are good reasons for such doubts. One could even add that the approach seemingly land itself in something very similar to what Dworkin calls the problem of 'expensive tastes'. In his discussion, Dworkin highlights that it is implausible that compensation is owed to those, who cultivate a taste for a way of life which is more expensive than that of others (Dworkin 1981). Not taking the

pleasure people had when pursuing past preferences into account because they have changed their view on life, seems problematic as it diminishes others ability to pursue their ends.

Surely VDS could seek to reformulate their position in light of the above. Instead of claiming, as the equivalent resource account presupposes, that past choices are worthless to people, we could state that a change in preferences halves the value of choices made under previous preferences. In this way, the past is not worthless, but the regretful value the choices less than they would if they had kept their preferences as during the first period. Under such a scheme of discounting the benefit from choices made under past preferences people can still feel and experience regret. Giving past choices some weight the above tensions would lessen. The gap between the groups is smaller when evaluated in this way and so is the need for a redistributive tax. Conversely, a smaller burden will be placed on those who do not end up regretting their preferences. Taking past choices somewhat into account limits the need for redistribution, thus making the examined position less vulnerable to the critiques discussed so far. However, this way of examining the distribution makes it more similar to the luck egalitarian which allows people's past choices to affect their future opportunities. The fact that moving the position closer to luck egalitarianism or responsibility-sensitive policies may make it more plausible is an intriguing thought. Not least because VDS criticize luck egalitarianism and consider their own alternative to be superior. We will now turn to the relationship between luck egalitarianism and fresh starts and to VDS' critique of luck egalitarianism in health.

### **Further reflections and the luck egalitarian alternative**

The above sections pinpoints problematic tensions which arise from the commitment to equivalent resources and the introduction of fresh start policies. Tensions which give us reason to take on a more skeptical attitude towards the fresh start approach and the employed currency. VDS consider their position as a responsibility-sensitive position, and stresses how it is better than another responsibility-sensitive theory, luck egalitarianism (Vansteenkiste, Devooght, and Schokkaert 2014, 73). However, two of the reasons they offer for this assessment are far from convincing. The first is the alleged harshness or unforgiveness of luck egalitarianism in a health context. VDS remark that responsibility-sensitive policies can 'have harsh consequences, especially in a health setting' (Vansteenkiste, Devooght, and Schokkaert 2014, 68). This is a well-known and much discussed critique of luck

egalitarianism (Anderson 1999; Knight 2005; Segall 2007). However, emphasizing this critique does little to distinguish between luck egalitarianism and the fresh start approach. The position proposed by VDS does not care for all who end up with a low health outcome. It offers assistance only to those who regret their past choices. And importantly, this is done at the expense (in equivalent resources) of everyone else. If there is a trade-off to consider it should be between responsible-sensitive policies and the care for those with low, self-inflicted health outcomes. The fresh-start approach is as much in need of such a supplement as the luck egalitarian approach.

As a second advantage over luck egalitarianism, VDS submit that their theory is anti-paternalistic (Vansteenkiste, Devooght, and Schokkaert 2014, 73, 74, 75 fn 6, fn 11). One could doubt the truth of this claim. VDS contemplate interventions forcing people to spend a proportion of their resources on healthy activities, but prefer the check solution for efficiency reasons. In the end, they believe the coercive measures should be used alongside the health check (Vansteenkiste, Devooght, and Schokkaert 2014, 73). Luck egalitarians need not to be paternalistic. So if VDS stick to their anti-paternalistic view this hardly provides us with a genuine difference between the positions.<sup>4</sup>

Setting aside these two issues, each of which may be said to fare badly as ways of expressing the difference between VDS' view and luck egalitarianism, we can consider a third. One which more readily lends itself to interpretations explaining the different assessments of the examined scenarios. VDS argue that within the family of responsibility-sensitive theories we can distinguish between a freedom approach, where people are given equal amounts of resources to pursue their dreams and ambitions, and a control approach compensating people for things beyond their control and accepting distributions as just if they reflect factors that were under their control (Vansteenkiste, Devooght, and Schokkaert 2014, 68). VDS consider their own position a variant of the freedom approach, arguing that many luck egalitarians are closer to the control approach. It is somewhat hard to reconcile their position with the works of Dworkin, even though they claim such a relation exists (Vansteenkiste, Devooght, and Schokkaert 2014, 68). This is the case since Dworkin argued that people should be held responsible for their preferences and given equal resources to pursue them (Dworkin 1981).

While the attractiveness of the position under discussion does not depend on

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<sup>4</sup> One could doubt that they would provide fresh starts for people who regret healthy preferences. But they do not discuss such cases so we do not know whether their non-paternalistic commitments go this far.

such classifications, it points towards a feature of the proposed position to which VDS do not pay sufficient attention. A central thought in the Dworkinian theory of distributive justice is that cost-displacement is problematic (Rakowski 1993; Williams 2006). That people are allowed to pursue their dreams, but that they cannot ask others to pay the costs of such projects. VDS assume that we are dealing with genuine choices and consequently both past and current preferences are of a kind which people are responsible for acquiring. The gist of VDS' position is that even though the past choices and preferences of the regretful are voluntary, we should not let them stand in their way when they change their preferences. The above arguments pointed to the fact that when providing fresh starts and renewed opportunities for some, we take away opportunities from others. This sets VDS apart from the responsibility-sensitive literature in a way which they do not acknowledge in a suitable way. There is a certain trade-off to be made here; between providing fresh starts and resisting letting some people's past actions diminish the opportunities for others. VDS do little to acknowledge this trade-off, or even suggest a reason why it is unproblematic. The lack of attention to this trade-off emerges when discussing the solution of taxing only those with unhealthy preferences to pay for fresh-start initiatives. VDS declare that this distribution is unfair. It is interesting to consider VDS' reasons for rejecting it. VDS point to the fact that the non-regretful leading unhealthy lives are asked to settle for fewer equivalent resources than they would otherwise have had (Vansteenkiste, Devooght, and Schokkaert 2014, 73). Surely, taxing only those living unhealthily sets them further back than in scenarios in which everyone is taxed. But the difference in disadvantage is hardly big enough to avoid asking the tough question: If such setbacks in equivalent resources are problematic in this case, how come the taxes for fresh-start policies are not unfair for the same reasons? VDS do not provide us with arguments why the same reasoning should not apply in both cases.

A final reflection concerns whether the fresh start approach is better once we leave this purely theoretical debate, where it is assumed that all choices and preferences are genuine. While the above would hopefully convince that in an idealized situation addressing genuine choices fresh start policies are not the best route to opt for, some may want to consider it a good policy in the real world. Some may wish to offer fresh starts in a real world context, where those offered such starts are a mix of people whose past choices were genuine and non-genuine. Would the luck egalitarian position be able to offer such help to the regretful? Or would it mean no public spending should be made available for smoking



cessation and initiatives promoting exercise? Not necessarily. Clearly, luck egalitarians cannot say that those who freely choose to pursue their unhealthy preferences and later regret having had such preferences are entitled to luck egalitarian compensation. This article goes some way towards showing why luck egalitarians should not be too disheartened about that. But keeping in mind that many would want to introduce fresh start policies out of a concern for those whose choices are less genuine it is interesting to reflect over whether luck egalitarianism can provide such public health measures. Luck egalitarianism could provide such public health measure out of the concern that many people's choices in health are affected by many things they cannot control. In such a non-neutral choice structure, public support for behavioral changes can be both reducing the extent to which people's choices and health reflect unchosen circumstances and thereby autonomy preserving.

## **Conclusion**

Relaxing the (implicit) assumptions of the initial scenario put forth by VDS brings forth several unattractive consequences of their position. Granting a fresh start to people who have freely chosen that they now prefer a different path comes at a cost not clearly acknowledged by VDS. A tension can be identified between the effort to introduce arrangements to avoid people having limited opportunities as a consequence of their own past choices and the fact that such policies limit the opportunities of those who are asked to finance such initiatives. When preferences are genuine, it is not clear why we should prefer policies of fresh starts to those recommended by luck egalitarians in which people's past choices affect their own opportunities – but not those of others.

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