



EFFORT AS RESPONSIBILITY

O ESFORÇO COMO RESPONSABILIDADE

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Abstract. *John Roemer has created a model by which the luck egalitarian distinction between choice and luck can be used to motivate real policy decisions. By dividing society into 'types', Roemer suggests we are able to limit comparisons made between different people to that which they are able to control. In so doing, responsible individual action becomes the sole means by which inequalities can be justified and far more transformative redistributive legislation can be motivated. However, the model relies on two types of comparison – both within and between types – that ultimately flaw Roemer's claims to be measuring responsible action. The model assumes that it is unproblematic to compare effort across individuals who are situated in radically unequal circumstances; it also assumes that the type can control for circumstances in a way that ignores the enormous contingency that constitutes human life. As a consequence, Roemer's ambitious proposal fails to practically apply the choice-luck distinction*

Keywords: *Luck, effort, responsibility, control, circumstance.*

Sumário. *John Roemer criou um modelo através do qual a distinção que o igualitarismo da sorte estabelece entre escolha e sorte pode ser usada para motivar decisões reais acerca de políticas públicas. Através de uma divisão da sociedade em "tipos", Roemer sugere que é possível limitar as comparações entre diferentes pessoas àquilo que essas pessoas são capazes de controlar. Ao fazer isto, a acção individual responsável torna-se o único meio pelo qual as desigualdades podem ser justificadas e, simultaneamente, um meio de defender legislação redistributiva muito mais transformadora. No entanto, o modelo repousa sobre dois tipos de comparação - tanto dentro de cada tipo como entre tipos - que, em última instância, põem em causa a pretensão de Roemer de estar a medir a acção responsável. O modelo presume que não é problemático comparar o esforço entre indivíduos situados em circunstâncias radicalmente desiguais; e também presume que o tipo é capaz de verificar circunstâncias de uma forma que ignora a enorme contingência que constitui a vida humana. Em consequência disto, a ambiciosa proposta de Roemer não é capaz de aplicar na prática a distinção entre escolha e sorte.*

Palavras-chave: *sorte, esforço, responsabilidade, controlo, circunstância.*

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1. Introduction.

John Roemer's innovative method of instituting equality of opportunity (hereafter, EOp) is the most practicable application (thus far) of luck-egalitarianism's distributional principle: Namely, that people should be held responsible for that which they can control, and denied benefits or indemnified against losses over which they have no control (Roemer, 1995). In Roemer's model, it is effort, and only effort, for which we can be held responsible. It is thus by identifying the effort different people make that issues of distributive justice are resolved. Roemer's policy proposals are essentially a means of finding that part of our activity and constitution that is truly *ours*, and then to use that information to resolve distributional questions of who gets what.

The model Roemer employs does an impressive job of shifting our understanding away from merely formal understandings of EOp. This formal version attempts to exhaustively describe EOp's content by reference to the legal or other institutional barriers that prevent individuals from pursuing careers and other competitive positions. Roemer seeks the means by which to both properly theorise the great variety of obstacles that interfere with the opportunities people face and offers concrete guidance on how to mitigate them.

A crucial component in Roemer's methodology is the type. A type describes a group of individuals whose backgrounds are stipulated as being fundamentally identical. Put crudely, where two individual's life chances are shaped by all the same features of some shared social background, then they can be said to belong to the same type. It is the comparisons between and within types that form the basis of Roemer's distributive proposal and my criticisms focus on the legitimacy of these comparisons.

I begin by arguing that Roemer's method is unable to adequately account for the effects of injustice on people's experiences of the world around them. In particular, it cannot capture how injustices variously affect individuals' perceptions of the possibilities or opportunities that might be available to them in whatever attenuated a form. This problematizes comparisons between the achievements of individuals who suffer from profound disadvantage and those who enjoy social, cultural and familial climates of support. However, I accept that this response remains – at this point – one of practical application: Should the

means be available to incorporate these experiences into our understanding of circumstance, then this objection is satisfied. I conclude this section with a question as to the *legitimacy* of allowing these experiences to be described as circumstances in the first place: Should we be describing a person's ability to handle injustice as a part of the background?

Second, there are problems affecting the possibility of comparisons *within* types. Given the myriad influences that shape our lives, very few of which can be totally reduced to actions taken by the agent, the notion of control with which Roemer motivates his account seems too strong a notion to describe what we do, what we deserve and who we are. Increased effort, even from people suffering injustice, cannot necessarily be reduced to the 'autonomous' choices of individuals but might still be the consequence of happenstance and good fortune. I end by posing two questions – one practical, one moral – that pull my challenges together.

2. Types and Effort

Roemer's methodology is best understood in the context of the wider substantive literature of which it forms a significant part. This literature falls under the heading 'luck egalitarianism', a label accorded to it by Elizabeth Anderson, a critic (Anderson, 1999). Other important exponents of luck egalitarianism include Ronald Dworkin, Gerald Cohen and Richard Arneson (Dworkin, 2000, pp. 65 – 119; Arneson, 1989, pp. 77-93; Cohen, 1989, pp. 906 – 944; Roemer, 1996, pp. 237 – 279). The founding belief of this version of egalitarianism is that individuals should not be held responsible for that which they cannot control but should be held responsible for that which lies within their power to do or not do. Luck egalitarianism therefore, generally, posits some part of the person which cannot – and should not – be assigned to the vagaries of genetic or social fortune. There is a remainder which properly belongs to the person.

Whatever people can be held responsible for, i.e. that which is not the result of circumstance, can also justify interpersonal inequality, whether understood in terms of opportunities, welfare, resources or utility. Conversely, where there is no responsibility, no inequality can be justified. On this view then, disabilities, howsoever they be construed and insofar as they are not the fault of the person, can never be used to justify inequality. The projects we attempt and the successes we accumulate thus have a portion that is down to what we do and another

portion that belong to our circumstances. It is this issue of distinguishing the ‘parts’ of life that individuals can/cannot control which is fundamental to Roemer’s approach.

Roemer constructs a model that attempts to encapsulate that division between a person’s choices and their circumstances, between what is arbitrary and what is non-arbitrary from a moral point of view. Effort, it turns out, is the ultimate manifestation of the ‘choice’ side of that division, and comes to bear all the weight in the justification of inequalities.¹ The efforts people make, and their relationship to the circumstances within which such efforts are made, are obviously complex matters: where does circumstance end and effort/choice begin?

The background conditions individuals confront in the course of their lives are crucial in determining the choices they make and the efforts they expend. How can the seemingly infinite variety of circumstances and contingency that make up a person’s life be sufficiently manipulated and then eradicated (or at least significantly reduced) for the purposes of assigning responsibility? There needs to be a way to equalize or control for differences in background – both genetic and social – so that what remains (by way of inequality) is down to individual efforts alone. In a nutshell, this is the task Roemer sets himself.

Types are one of five key concepts in Roemer’s methodology. The others are circumstances, effort, objective and policy. Circumstances are those aspects of a situation beyond a person’s control and for which she should not therefore be made responsible – whether this be to her advantage or otherwise; effort is that ‘constellation of behaviours’ for which society *does* hold the individual responsible (Roemer, 2003, p 262)²; the objective is that ‘opportunity equalisandum’, the thing we wish to equalize opportunities for, whether it be welfare, longevity of life or acquisition of wage-earning capacity; and finally, the policy is the social intervention by which opportunities are equalised ‘for acquisition of the objective’ (Roemer, 2001, p 449).

Types are established via a process of collective deliberation in which citizens, drawing on relevant available empirical data, organise themselves into groups

¹ It is not effort as such but the *degrees* of effort that do the work; effectively, the relative amount of effort that is expended. This will be more comprehensively attended to in the section dedicated to the type and its construction.

² On another occasion these are referred to as a ‘constellation of choices’.

according to a list of circumstantial factors that mark out the background conditions against which they and their fellow citizens make their choices.³ So, in the case of proposals for education, relevant data might refer to parental education levels as one possible factor indicative of the environment within which children grow-up. Another could be parental income. Yet another could be IQ, used as an indicator of native intellectual potential.

After each member of a type receives bundles identical to every other member of the same type, where they end up in the distribution of that type will, so the methodology goes, be a result of choice. Roemer argues that variations of effort within the type will produce a normal distribution: On the x-axis is the effort ('constellation of behaviours') being measured and on the y-axis is the number of people performing at each level of effort. The majority of people will occupy the median of the distribution with minorities of outliers at either end. This median level of effort within the type describes a set of behaviours that are considered reasonable and achievable for all people confronting that set of circumstances. Whatever the objective, those minorities at the positive-end of the distribution have expended a great deal of effort. The negative-end minority has expended less effort than most in their type. Where a person appears within the distribution of their type can now be compared with other members of other types: Where people appear in the same part (centile) of their respective distributions, they have tried equally hard (cf. Risse, 2002). So, if I am one of only a handful in my type to get an A in an exam then I am trying harder than another recipient who is in a type where high grades are ten a penny: that is, are more easily available to those expending median levels of effort.

Perhaps the most interesting application of this theory is a policy designed to bring about equality of opportunity in the acquisition of wage-earning capacity (Roemer, 2002). The aim of the policy is to 'use educational finance to equalize opportunities for wage-earning capacities among young men in the United States'. (Roemer, 2002, 464). The population is divided into four types according

³ Whether this should be something done by 'the people' or by some team of statisticians/ metaphysical experts is considered by Carl Knight (Knight, 2009 187-188). The matter of Type-creative processes is problematic in a way that Roemer never addresses. This links up interestingly with my concern to address social suffering. For example, consider Iris Marion Young's aversion to idealised forms of deliberative democracy: Societies characterised by injustice will complicate the processes that inform whatever decisions get made with respects to the type. Young, 2001. I think this issue is an important one but I bracket it for the purposes of my paper.

to the level of education enjoyed by the individual's most educated parent.⁴ This is defined by 'years of education' amounting to less than 8 years for the most disadvantaged type and, for the most advantaged type, includes some experience of tertiary education (12 years and up). The outcome in this instance is taken to be the individual's wage at age 30.

Roemer advocates a distributional difference between types such that those disadvantaged by the circumstances of their upbringing, i.e. whose parents did not receive as much education as others, benefit from additional funding from their state's educational finances. Consequently, those whose most educated parent has less than eight years' education would receive about five times as much funding as those whose most educated parent experienced some tertiary level education (in 1989 dollars, \$5,360 compared to \$1,110) (Roemer, 2002, p 464). In this example, money is used to equalise the ability of the least advantaged to compete with the most advantaged in the job market, thereby levelling the playing field.

What is particularly interesting about this account is the fact that it moves beyond a strictly compensatory paradigm. It still utilises money's inherent fungibility but more as a restructuring device than as a compensatory mechanism: This is not a policy that motivates redistribution as a form of reparation or apology for injustice (Barry, 2006). Roemer's proposal, at least in this case, is better characterised as attempting a *preventative* measure. His model uses money alongside information pertaining to the effects of disadvantage to restructure and equalise opportunities. Money is not a means to reconcile individuals to their *lack* of opportunity. In employing models like this, Roemer is able to escape those critics of luck-egalitarianism who claim that it focuses only on – and takes as given – after-the-fact inequalities (Anderson, 1999; Young, 2011; Scheffler, 2003.; Scheffler, 2005).

Roemer's model can thus offer a response to Samuel Scheffler's point that 'equality, as it is more commonly understood, is not, in the first instance, a distributive ideal, and its aim is not to motivate compensation for misfortune. It is, instead, a moral ideal governing the relations in which people stand to one

⁴ The population is taken from a late 1960s sample in which both the educational spending of the individual's residential district at age 16 and his wage at age 30 are available.

another' (Scheffler, 2003, p 21). The education proposal attempts to give form to and quantify these relations, enabling assessment of the effects that differences in people's circumstances have on their lives. It also takes the further step of attempting to make these relations more just by introducing substantial differences to the level of resources allocated to differently advantaged sections of society. This could still be framed in terms of compensation: types are organised according to the ability to convert resources, and money is supplied to make up for disparity in this ability. But it is not compensation as motivated by a sense of pity or commiseration, or the recognition of a failing on the part of the individual. The different amounts of resources provided to differently advantaged individuals are intended as a way of equalising starting points so that circumstances do not unfairly prevent individuals from realising their ambitions and projects.

3. Problems with Methodology

Roemer's model makes two comparisons using types. The first comparison is between members of the same type: circumstances having been controlled for, individuals are compared according to the effort they have expended. A person's ability to convert resources into achievement is deemed equal within types. One's position within the type's distribution of achievements is therefore, according to the model, determined by one's efforts and choices alone. Moreover, it is not just one's position that is decided by effort but also the *differences* in effort and achievement between members of the same type. Compared to members of other types, a person's trying hard might not look that impressive: For example, casual smokers might not look like they are trying hard when amongst non-smokers. But within the type, if you are trying hard, it is in terms of trying harder than others in the type.

The second comparison is *between* types. Where one appears in one's own type can be compared to where other individuals appear in *their* type because this is the measure of the residual (choice) and not of circumstances. Two individuals appearing in the same percentile of their type's respective distributions are deemed effective equivalents: they have expended the same *degree* of effort despite what might have seemed to be the case absent the comparisons enabled by the typology methodology. By making the first comparison amongst peers

where conversion ability is the same, the second comparison is also supposed to accurately capture effort alone.

Differences between types are the result of differing circumstance, whereas within the type variations occur as the result of individuals' different expenditures of effort: The former are equalised, the latter preserved (Roemer, 1998, p 8). Take education for instance: If the median effort level of type A is '2' and the median effort level for type B is '5' (where this could be measuring years in post-16 education for example) then individuals within each type, operating at that median level, deserve equal reward (measured as wage after graduation for instance). This equality of reward is because they have tried equally hard. An individual of type A who expends effort level '5' (perhaps attending and graduating from university) deserves *more* than a median individual from type B because reaching that level within type A is a more demanding achievement, i.e. type A has exercised the more responsible choice and tried harder.

Both these comparisons are problematic. Firstly, because they fail to attend to the subjectivities of individuals who occupy different ends of social hierarchies and relations of domination, and secondly because they rely on an insufficient understanding of the role of contingencies in a person's biography. I shall argue that making the first comparison *across* types fails to adequately capture important differences between the efforts of differently situated individuals. In other words, people in very different types facing very different possibilities are likely to be doing very different things when they either try hard or fail to. There is something troubling about judging and comparing people *across* type when the 'available behaviours' and opportunities they face *within* their type vary so widely.

Extending this idea of the subjective experience of injustice, I consider the problems of comparisons made *within* the type. First, the extent that people's lives are filled out in deep and substantive ways by the workings of chance, throws the usefulness of the division between effort and circumstance into doubt. Secondly, the way in which certain people respond to their being at the wrong end of social hierarchies and relations of domination can also draw on contingent elements of their personality and biography that troubles the idea that what they are expending can be labelled "autonomously chosen efforts".

4. Comparisons across Types

This concern with the subjective experience of people confronting different circumstances, how they understand and try to make their way through an unjust world, does not yet issue in an obvious problem. It might, in fact, be considered a virtue of the model that it is able to evade these tricky subjective issues regarding the precise nature of what people are up to and why when they expend effort. By doing so the model motivates comparisons between phenomena that at first blush seem utterly incomparable, whilst also retaining the language of responsibility and deservingness.

From the perspective of positive policy proposals, focusing explicitly on the more objective and quantitative dimensions of effort is perhaps far more useful than entanglement with the subjective experiences and understandings of effort (Björklund, Markus & Roemer, 2012, 692).⁵ What individuals do when they convert resources into achievement becomes a question we avoid having to answer, precisely because of the tools Roemer supplies and the radically egalitarian policies they justify. In other words, the meaning of effort for the person who is expending it is simply too complex, too personal an issue to do much work in an account of distributive justice.

However, the effects of injustice at the level of subjective experience, of people's dispositions and attitudes, can alter our sense of what it is appropriate to hold them responsible for. In light of this, we have a reason to question the virtue of the techniques by which Roemer attempts objectivity. Consider the following example: We compare two students, one who attends school in a poor area (type A) and another who attends a top private school (type B). Both students operate at the same low percentile within their respective types. Students in type A live in socio-economically deprived areas where opportunities both for future employment and personal development are few and far between. Students of Type B on the other hand come from wealth, privilege and a cultural climate of

⁵ They certainly make the case for a very progressive distributive regime in Sweden without recourse to any acknowledgment of these differences of conversion ability across types (70% of the income inequality can be explained by the 'sterilised residual' i.e. effort). However, perhaps this is a consequence of Sweden being an already relatively equal society (Gini Coefficient of 0.426 in late 2000s). As a result, differences in conversion-ability and the circumstances they reflect are not really such great issues. More unequal societies might suffer from this problem more easily and might produce differences between people that more readily reflect these differences in conversion ability.

support and encouragement where lots of opportunities are available for all kinds of valuable activity.

Can membership of equivalent centiles capture the effects of such differences in circumstance on the efforts made both by these students, and the people they will become? Put differently, is this arrangement of different students according to their different achievements an accurate reflection of responsible action? It would be hard to argue that their low positions within their respective types are reflective of the same kinds of choices and attendant behaviours. Rather, we might plausibly argue that where the latter could be accused of a variety of idleness for which we are not so willing to deny responsibility, something else is going on in the case of that other child, something which might even require dropping the language of responsibility – at least temporarily – and looking deeper into this student's experiences of her everyday life.

For an example of what this 'something else' might consist in, imagine a child who views her overall life-situation – and those of her type – as altogether hopeless, in a way that some/many/most others of her type might not. She attends a school in a town with a plethora of socio-economic problems. There is high-unemployment, high crime, high every-rate-indicative-of-social-malaise. There are also the stereotypes that come with living amongst these conditions, that might affect her especially deeply (Steele, 2010, p 4; Shelby, 2017, p 47).⁶ This puts a dampener on her educational effort, even relative to others who might belong to the same type. Her especially acute sensitivity to what she regards as her lack of prospects for a good life after graduation, uncoupled to any especially profound academic, athletic or entrepreneurial talent, mean she cannot sum up the will to perform at an even median level – why try when mediocrity is, at best, all that awaits her? Here, acute sensitivity and (maybe) an overly pessimistic disposition are being collapsed into a description of effort's absence. As a consequence, what describes her relation to the median-level of effort is not properly described as 'effort cleansed of circumstance'. The question emerges: What is or is not being controlled in this instance?

⁶ The effects of stereotypes, which relate to general features of a person, or an 'identity contingency' as Steele calls it, will be internalised in different ways. Having to deal with a stereotype of a particular kind, produces different reactions, choices and, of course, efforts.

It is not, of course, only acute sensitivity and/or pessimism that produces these affects. Shame, self-destructive defiance, ambient rage, boredom, loneliness, feelings of isolation or of not fitting in, an inchoate lack of esteem, the absence of identifiable role models in one's milieu, etc. can all interact with one another and various other aspects of suffering to affect a person's sense of agency and her performances at school and in the wider social environment.⁷

To be clear, we need not accept at face value or excuse this student's lack of effort. It is perfectly consistent to both recognise the unjust specifics of her experience and the dispositions that emerge from it, and still take her to task for them. I am not suggesting we substitute ambient pity for policy prescriptions. But we should recognise that the roots of that lack are substantially different to the roots of whatever absence more advantaged students represent and cannot, more importantly, be put down simply to a failure to try as hard as others, *even those who are similarly positioned*. The focus of any alternative prescription would be to attend first and foremost to those dispositions and the environments toward which they are directed and by which they are shaped, rather than to focus on the presence or absence of something like 'choice'.

The experience of injustice itself then precipitates behaviours, disposition and reactions we would do well not to conflate with the idea of some 'sterilised' effort, and which cannot be predicted according to the characteristics of a type (McNay, 2014, p 29).⁸ Some of these difficulties might, potentially, be handled by more fine-grained understandings of circumstance, which could then be included as a relevant aspect of the type. But some difficulties will remain dispositional in a way that cannot be described either as an absence of effort or as amenable to being factored in as a circumstance. The fact that the average/median student on the type is able to perform better is irrelevant: These are problems with which she *as an individual* has difficulty contending with. The effects of injustice thus

⁷ Think, for instance, of James Baldwin's description of African-Americans 'living with rage' in Harlem, his sense that his 'life, (his) real life was in danger, and not from anything other people might do but from the hatred I carried in my own heart'. This is dramatized by Baldwin's explosive reaction to being refused service at a restaurant, where he felt himself close to committing murder. (Baldwin, 1998, 72). It is all well and good to control for race, as Roemer proposes, and even for neighbourhood, but it seems strange to divide within such groups between those who try hard to confront those challenges described by Baldwin, and those who are, or are likely to be, defeated by them.

⁸ McNay advocates for an experiential model of agency that is 'explicitly attuned to the ordinary violences of everyday life'. From this perspective, these experiences should not be relegated to the background to be controlled for across persons who are assumed to experience these in equivalent ways. Rather, they should be directly attended to as a constitutive and fundamental starting point of political theory.

interfere with the equivalence necessary to motivate the comparisons across types that are crucial to Roemer's methodology.

Or consider the following: Imagine two individuals performing at the 90th percentile within each of their types. In type B, we again have an individual blessed with stellar educational opportunities, a supportive background at both home and school, and a wide variety of role-models and exemplars of success in her peer group. In the disadvantaged type A, by contrast, we have an individual who confronts a situation lacking support, opportunities or role-models. Nevertheless, and not necessarily perversely, the student of type A might conceivably *thrive* in just those circumstances given certain aspects of her dispositional and attitudinal constitution, which would lay dormant in less challenging environments. It is *only* when the primary motivation in the struggle to achieve academic excellence is the *escape* of the formative environments that constitute her type that this student can sufficiently gear herself toward excellence (Wright 2000).

Even with this turn to intra-type comparisons then – to which I return in more detail below – there still might be something importantly different across individuals' experiences. This is true whether they perform well or badly within their types, precisely because those performances cannot be so easily described in terms of either the presence or absence of responsibility-producing effort. It is therefore important, given these variations, to challenge the assumption that the equivalence necessary for comparability across types is being achieved. In other words, distance from a median set of behaviours can have many reasons, only some of which have anything to do with effort or choice.

We can of course say that, for instance, both the poorly-performing students from the above example are lazy. The problem is just that lazy people in type B will achieve a great deal more in life, including a larger wage-earning capacity. But the different reasons for their idleness are relevant material for assessing the absence of efforts and the making of poor choices, especially when much of the attractiveness of the model derives from its ability to retain the moral content of concepts like desert and responsibility. By considering the concrete ways in which opportunities are not only structured but experienced, we are able to better understand the *reasons* people act the way they do and what they as individuals

understand themselves to be doing when they either succeed or fail to try hard. Many people operating at the same centiles both within and across different types are qualitatively *not* doing the same thing whatever the methodology of the ‘type’ might have us believe.

The assumptions of equivalence that are required to motivate comparisons both between and within types, also trouble Roemer’s discussion of an ‘equal-opportunity-for-health ethic’: specifically, people’s entitlement to treatment for diseases related to smoking (Roemer, 1995). He imagines two types derived from the factors that we are to suppose influence a person’s propensity to smoke (race, gender, occupation). The first type is a black, male, steelworker and the second a white, female, college professor. A decision to smoke will be in part influenced by these circumstances. *Within* these types then, the number of cigarettes smoked (the ‘achievement’ on the type’s x-axis by which effort is measured) will be a consequence of the choices individuals make. The environmental pressures supply a certain range of ‘cigarettes-smoked’ within which it is reasonable to hold members of a type responsible.

However, what a black steelworker does when he smokes and what a college professor does when she smokes is not necessarily the same, even though they might smoke equivalent numbers of cigarettes, i.e. appear in the same centile. Before comparing them directly it is necessary to look at the cultural contexts within which they smoke their respective cigarettes. Imagine two steelworkers who occupy the same type: one enjoys socialising while the other is a bit of a loner going his own way home after work. The person who likes to socialise is surrounded by smokers and, exercising restraint, only smokes a couple a night where others, again in the same type, go through a pack each. The steelworker lacking the preference for socialising has no need to exercise restraint. His preference has saved him from the pressure and thus from the need to try hard to avoid smoking.

For the white, female, college professor we can imagine a reverse of this situation. The college professor who likes to socialise does so in a way that avoids any communal pressure to smoke: Her co-socialisers do not smoke, either. In this case her preference for company ‘saves’ her from the cigarette. On the other hand, there is another professor who, like the second steelworker, prefers not to

socialise. Her method of relieving stress is to have a couple of cigarettes. The other professor who avoids smoking is not trying harder to do so. If she abandoned her preference for socialising, she too might enjoy a cigarette. It is thus her preference – although this time *for* socialising – that saves her from the *need* to try hard.

As a result, it is not just effort that is being measured when we count the cigarettes a person smokes. Effort might still be part of it to some extent, the stress relief strategy can be resisted perhaps, but it is not as a phenomenon isolated from people's preferences. Our efforts make sense from within the preferences we already have. We pursue our preferences in worlds to a large extent beyond our choosing: people do not invent the communal habits of either their type or their immediate work environment. Where the non-smoking loner steelworker/socialising college professor are commended for being particularly restrained in their behaviour, all that can really be said is that a preference, combined with how that preference manifests itself within a given cultural context, helps them avoid the need to restrain themselves or 'try hard' not to smoke (Roemer, 1996, p 246-247).

Going a little deeper into the minutiae of this (currently overly simplified) example, it is not at all obvious that socialising can be uncomplicatedly controlled for, and then added to the relevant circumstances. The white college professor, for example, might have enjoyed the company of her colleagues at a previous place of employment – perhaps it was full of pleasant and progressive luck-egalitarians. In such a situation, her 'circumstances' (a preference for this *kind* of company) saved her from smoking. In her new environment, surrounded by (let's say) hard-nosed, committed Nozickians, she turns to her own company and cigarettes. The actions that follow on from this preference for a certain kind of company go beyond a mere 'preference for socialising', since that preference is always embedded in circumstances that cannot be so easily controlled for across persons of different types.⁹ Any reference to circumstances would thus have to factor the immense variation that can occur depending on this interaction between context, preference and effort.

⁹ There is also an issue of the order in which she inhabits such environments – if the Nozickians came first, she might have started earlier and with more frequency. If the Luck-egalitarians, perhaps she'd never have started at all.

Recognition of the significant role preferences have in guiding our actions thus provides an important counter to the suggestion of equivalence which underlies the validity of Roemer's comparisons. The smokers are supposed to be exercising responsibility toward their smoking habits: It is this which the methodology is supposed to capture. But they are trying to do different things: Cigarettes are the same means by which different ends are realised. The means only make sense given the presence of certain preferences that are in turn played out within environments over which the individual has little or no control. Returning to the education example: differences between people who in trying hard at school can *express* the mode of their type are not trying to do the same thing as others who use educational opportunities to *escape* from their type. To treat inter-type efforts as straightforwardly comparable is to miss the respective meanings that 'trying' hard has for the two students and thus the extent to which it classifies as trying hard at all.

Effort is not some uniform substance used in uniform ways. It is influenced by our understandings of what we are doing and why we do it, and what we bring to the answering of such questions with our dispositions and the traits of our personalities. We expend effort with certain goals in mind, reasons as to why we do what we do. The origins of our preferences are hard to pin down. Roemer's model is an attempt to isolate just that preference to expend effort, unsullied by circumstance. However, given that our efforts are invariably influenced by how preferences take form in the unchosen social contexts in which we move, it seems there is always something outside of effort doing important constitutive work in determining whatever efforts we are capable of making.

Circumstances are the background against which people choose the projects, relationships and commitments that will matter to them and give their lives meaning. The design and pursuit of these things are only ever partially connected with 'a choice'. We choose from within sets of constraints and opportunities over which we have very little control. Indeed, most of the time our choices are better described as dependent on prior assent to the way the world is: we develop our talents, follow our inclinations and pursue specific opportunities depending on how we perceive the world around us (Mills, 1998, p 164). The socialising, steelworker smoker could not invent the ways in which sociality was expressed in

his environment any more than could the socialising female professor non-smoker invent hers. The ways of sociality are, to some extent at least, accepted as given after which choices are made accordingly.

Time for an important caveat: Given that Roemer's approach does not attempt an exhaustive approach to egalitarian justice there is room for him to manoeuvre. Clare Chambers criticises radical liberal egalitarianism for being insufficiently concerned with the ongoing competition that occurs *after* the moment when egalitarian opportunities have been initiated. But this rests on an inadequate account of what we might call the 'just stakes' of competition within a just society (Chambers, 2009). When, for example, so much hangs on attending a particular elite university in order to reach one's professional potential – in Chambers' example, Oxford – one is left to wonder about the justice of the practices within which egalitarian opportunities are to be initiated. There is nothing within Roemer's account that explicitly precludes attendance to these other issues. However, at the very least, these issues demand attention in order to properly position the value of any EOp *vis-à-vis* other strategies required by justice.

There is thus the possibility that all I have done up to this point is demand from Roemer – and those convinced by his model – a more nuanced understanding of circumstances. The formulating of types is based on three suppositions: First, that we know which circumstances jointly determine a person's ability to process resources into a given kind of achievement. For example, based on existing evidence we may know that if a child's parents achieved some tertiary level of education, they will have a greater chance of educational success compared to children whose parents did not graduate from high school. Secondly, we assume that these circumstances can be broken down into a given number of components (I.Q., parental education levels, race, income etc.) which then take on a given vector; finally, that it is possible for this vector to take on a number of values within the population, so that we can reorganise that population into a final set of types 'where a type consists of all individuals whose value of this vector is the same'(Roemer, 1998, p7).

So, at this stage at least, the matter *might* remain a practical-epistemological one: If the context within which socialising takes place, i.e. the relevant circumstance, can satisfy those three assumptions and thus be incorporated within the

algorithm of Roemer's model than this form of the objection would have to be withdrawn. Similarly, if the experiences of injustice described above could be factored into the circumstances defining types then perhaps that idea of choosing where one ends up within the type gets effectively recaptured. In the event that such practical matters can be answered, this first set of objections loses some of its force (though I shall return to these issues with what I believe is an important reason for continued scepticism). However, the second set of comparisons, which deal with more fundamental matters of agency, cannot be so easily responded to at the 'merely' practical level.

5. Comparisons within Types

The last section considered the ways in which people from different types do different things with their efforts depending on the circumstances they confront. These differences complicate the comparisons Roemer's model makes between types: what is it we are actually comparing if the performances under consideration are potentially very different? In particular, the different possible responses individuals make to the injustices they confront are not easily – either practically or morally – incorporated into such comparisons.

For comparisons made *within* types the notion of control carries a large part of the burden of justification. To restate once more: control is understood in contrast to luck. That which we cannot control is called 'luck'. This collapses a great deal of different kinds of circumstance into the same category. People's nationalities, the colour of their skin, whether or not they live in an area with a good state school are all treated as part of the general 'jumble of lotteries that constitutes human life as we know it' (Arneson, 2008, p 80). A person's effort is measured by removing all the effects of luck – ultimately synonymous with that for which we are not responsible – so that what remains is only that which the individual controls.

Contrasted with this account, in ordinary moral practice we do not give effort such a central a role in our understandings of responsibility. Indeed, as Hurley notes, in quotidian use of the terms, effort and responsibility do not matchup: "To give people what they *deserve* because they make more effort is not to give them what they are *responsible* for'. (Hurley, 2003, p 185). What people end up bringing about is not the result of effort alone: it is always mixed up with the

circumstantial aspects both of our selves and our situations (Nagel, 1982, p. 182; Miller, 1999, p 149). Roemer does not ask us to change this habit. His is an approach that uses statistical methods to glean the information he needs from actions already performed and so it need have no impact at the level of everyday practice. The quotidian can, from the perspective of his methodology, remain as is.

Nevertheless, something potentially disturbing happens to our view of individuals when responsibility is derived from the methodology of the type. Since the distribution of effort is a characteristic of the type it thus stands beyond the control of the individual. Individuals should not therefore be held responsible for that distribution but only for their place *within* that distribution. However, as Mathias Risse has argued, since the individual is not responsible for the behaviours of other members of their type, according to Roemer's own methodology they should not then be held responsible for that behaviour. However, ranking them comparatively with the behaviour of one's fellow type-members is *precisely* holding them responsible for choices beyond their control (Risse, 2002, p733; Hurley, 2001, p 184). By focusing on control, the individual becomes abstracted from *everything* which lies beyond it – including the behaviour of one's peers – to such an extent that responsibility – as conceived by Roemer himself – seems to reduce to a vanishing point.

Roemer has responded to this argument by conceding that the effort of others within the type *is* out of one's control. Nevertheless, one's rank within the range provided by the type remains a subject of control because what the type organises is precisely the range of actions that are supposed to be reasonably available to its members: 'My circumstances, the circumstances of others, the distribution of efforts of other types, and, if my type is large, the distribution of effort of my type, are all morally arbitrary for me, while my own effort level is not morally arbitrary for me' (Roemer, 2003, 264). By dint of my effort I can appear anywhere I like within my type. This is what it means for effort to be under my control and this is why I can be held responsible for it.

In addition, there are resources here that can help Roemer respond to challenges others have made against the moral status of the individual at work within his methodology. For example, if, as Susan Hurley asks, 'most of a person's basic life

circumstances, or some very influential aspect of them, are a matter of luck', then 'what particular choices would he have made in the absence of luck?' Or, put differently, 'what choices would someone make if his life had been a very different life?' (Hurley, 2001, p 187). Circumstantial pressures are always going to exist to some extent: we cannot escape circumstance *tout court* and be left with nothing but our efforts: Effort is always 'on' or 'for' something other than effort itself and a large part of this 'something' is what we recognise as luck.

But it is not entirely clear why this should trouble Roemer's account. While it is true that we cannot tell what people would do were they to face entirely different circumstances, the advantage of the intra-type comparison is precisely to measure reactions to *shared* circumstances, the median reaction of which is supposed to be accessible to all those similarly positioned through reasonably expectable decisions and choices. Effort and control, as Roemer understands them, are always circumscribed by the range of behaviours our types, and more broadly our society, presents to us. There is nothing other than this reaction to circumstances people actually do face, which can act as a measure of a person's deserts. And that is all his account needs.

In addition, Anne Phillips overstates the case when she suggests that, after we construct the type, what we are left with is supposed to be *the* aspects of the person for which we can hold her morally responsible. It is this part that is supposed to come close to some moral centre, as if 'only these last are 'really' ours' (Phillips, 2006, p 21). But in fact, Roemer really need not weigh in on these matters. An individual can regard her circumstances as providing a large part of her identity and that which has meaning for her. All Roemer argues is that these circumstances should not entitle/condemn her to better/worse outcomes.

Despite the failure of these critical accounts to fully find their mark, there remains something troubling about the *sociology* of the person at the centre of Roemer's account. While it is true that collecting all forms of luck together and bundling into a package called circumstance should not blind us to the variations within what is being called luck, I do not want to criticise Roemer's position because it collapses social and institutional injustices into the same category as 'injustices of nature' (Anderson, 1999, p 309). Instead, I focus on other contingencies that although affected by social injustices are not reducible to them. These are the

kinds of flukes and circumstances that have the potential to massively influence what a person is able to achieve, but over which that person has very little control.

But, it seems reasonable to ask, is it not enough that the theory can *approach* the idea of control? Am I not asking too much of *any* theory if I attach these kinds of demands to the concept of control? What Roemer's type tries to capture are the conversion abilities of individuals similarly situated. Circumstances are held constant across its members and are then used to measure the effort people (really) make. Admittedly, this is made more complicated by the presence of those 'incidentals' that are constitutive of persons and their biographies. But perhaps proximity to this measure is the best we can hope for: the model goes as far as possible in determining where control begins and ends and therefore gets us as close as we can hope to the ideal of distributive justice. It is essentially as free as we can get effort to be, as free as 'morally relevant choice' can possibly be realised.

But this idea of 'approaching' control, of getting close to a part of the person that is being controlled, is already to beg the question – it is to assume something real, out (or rather in) there, waiting to be discovered by just the right application of the right algorithm. This is to accept the assumptions of the model too quickly. This move to criticise control in Roemer's account does not commit me to saying that control does not exist in any form *at all*. My claim is – and need only be – that control and the functions it performs cannot be captured as this quantifiably determinate feature of agency, which can in turn be used to determine systems of distribution and reward.

Control as this approachable thing-in-the-world is crucial for Roemer's model, conforming as that model does to what Shlomi Segall calls 'the responsibility view', i.e. 'that *the absence of responsibility* triggers a concern with equality' rather than the absence of equality triggering concern with responsibility (Segall, 2013, p 42). Roemer is explicit on this: 'strictly speaking, the EOp view is not one whose fundamental primitive is equality: deservingness is fundamental, together with the normative thesis that justified inequality tracks deservingness' (Roemer, 2003, p 279). The model therefore requires that this deserving part of the person be both real and approachable.

The child who stumbles across an author who inspires them toward their own literary aspirations, or who is motivated into learning about the cosmos after catching Carl Sagan on TV, or who in being the focus of a particular relative's attentions is encouraged to strategically confront the limits that define their type, might all be deemed 'lucky'. They have an additional resource that can instigate possibly remarkable achievement. But how do we factor this luck into (or out of) Roemer's account of responsible control? Even when the decisions concerning what are to count as circumstances are made by society (or a philosopher committee) (Knight, 2009, pp. 187-190) there is simply 'too much going on' beyond the question of one's own 'hook' for the concept of autonomously-chosen effort to hold much weight, especially the kind of weight that is supposed to determine the morally relevant part of a person's actions (Roemer, 2003, p 270). Luck (in its more cosmic forms) plays too large and constitutive a role in shaping and determining our life. The attempt to neutralise this luck is not to leave us with a residue of effort or control, it is to leave us with nothing. The bedrock of the person that Roemer hopes to have reached through his methodology seems more than a little chimerical.¹⁰

Roemer's methodology seems to rely on an intuitively plausible assumption, which could conceivably discount for these kinds of luck: individuals with similar backgrounds (as defined by the type) will face similar amounts of this constitutive good and bad luck as well. The accidental boons enjoyed by some and the chance misfortunes suffered by others within one type will be of a similar, though never identical, quality. The effects of the additional disabilities/resources that are the consequence of this variety of luck will thus cancel one another out in the long run. Everybody within the same type will get a more or less equal allotment of good and bad luck. Yet this only seems plausible if we abstract both from the nature and depth of the unintended occurrences that fill out what we understand by "circumstance", and also from the order in which they occur: Luck does not manifest itself in merely singular incidences that are contained and finite, enjoyed today by one member of Type-A and tomorrow by another member. They can often be deeply constitutive of a person's identity, informing not just one particular moment but the narrative course of an entire life. This kind of luck is

¹⁰ This is similar to Bernard Williams' accusation of 'meaningless privacy' directed at those accounts which seek too readily to extricate the controlled from the uncontrolled part of what a person is from what he most *fundamentally* is. (Williams, 1981, p 38).

not something that occurs equally – or even measurably – across all different members of all different types (Barry, 2007, p 42).¹¹

The examples of Sagan, inspirational neighbours and the diligence of relatives cannot be factored into Roemer's model without rendering each type $n=1$. There is no such thing within us which we – or anyone else – can refer to as our own, privately-smelted 'hook'. All such hooks are forged both within the foundry of the individual and the blaze of her surrounding environments, along with the depth of contingency that entails.¹²

Moreover, while Roemer can effectively respond to Risse's objection and some of the normative issues surrounding agency, once we factor in the effects of the different experiences that people have when confronting injustice this idea of appearing wherever one wants within the confines of the type becomes harder to maintain at both a practical and normative level. This free-floating, equally capable agent, even if that equality is confined to being intra-type, does not allow for the different ways in which a person might respond to her experience of injustice and the plethora of ways in which these can be said to impact on her ability to expend effort. There is no reason to assume that injustice has a singular, uniform way of being experienced. This remains true even when confined to the typical experiences of people within a single type.

To be clear, I am not committing myself to the position that control as a feature of human agency is impossible or worthless to understandings of responsibility. I am not, that is, arguing for the truth of determinism: various notions of responsibility that place control as central to issues of normativity survive my arguments. For example, Charles Taylor's notion of 'responsibility for self', anchored in developing a practical ability to take responsibility for our various preferences, dispositions and senses of what is important to us, retains understandings of control deriving from an understanding of agency that is very

¹¹ Barry describes the good 'luck' of being a library card owner or brought up in a household with an abundance of newspapers or magazines and the difference these can make to the individual. It is just such flukes that while beyond our control can make all the difference, *especially* for those to whom such opportunities might be few and far between. For my own part, a copy of Kerouac's *On the Road* found at aged fifteen had enormous consequences that would have been denied me if I had picked it up at twenty, i.e. after the improved literary awareness granted by those five years.

¹² This is as true as much for those children who imbibe an academic environment in the home as it is for those Asian children pressured into grinding away at their work without that environment as alluded to in Barry's response to Roemer (Roemer, 1998 p 21). Both of these children have a 'hook' that is being forged beyond their control.

different to that offered by Roemer (Taylor, 1984). These go altogether untouched by my criticisms.

Very differently situated individuals are able to operate with some level of control, even those agents who suffer, perhaps substantially, from the injustices of their society. With this in mind, it is important to be alive to the question, non-existent within Roemer's overarching methodology, as to whether, for example, the smoking college professor/steel worker actively *embrace* their preferences to smoke, or whether the pessimistic student endorses her overall attitudes to study. In addition, and importantly, these stances are *themselves* open to challenge: Their identification – or otherwise – with such a preference is *also* not the complete story.

My point is thus the simpler, less dramatic one that if it *is* possible to talk about control as an important aspect of agency, it is not something that can be got at by paying close attention to circumstances, followed by the elimination of the effects of those same circumstances on what is supposed to be some sterilised, purely moral place within the person.

This difficulty is altogether compounded when the precise ways in which people respond to injustices are unable to be properly countenanced and incorporated into an understanding of circumstances. Yet even if such responses to injustice – or some appropriate proxy for those responses – can be incorporated into Roemer's model, the issue then becomes whether it is morally *appropriate* to divide people according to their various competencies in dealing with injustices, and then to handle that newly formed type with distributive measures. Imagine someone who, absent finding their way toward Carl Sagan or whatever other contingent saving grace their circumstance might have presented them with, develops instead a chronic, inchoate experience of marginalisation and dispossession, combined with a sense of disempowerment, all compounded by the feeling that very little can be done to save it. *Should* failings in this kind of competency be folded into the background against which we then judge the responsible actions such a person might still be able to perform?

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From the above discussion there emerge two final questions – the first practical, the second normative – that advocates of Roemer’s methodology must answer. Question one: Is it possible to properly integrate the following considerations into a broader account of circumstances that could define a type: First, the general depth and breadth of luck constitutive of life; second, peoples’ experiences of injustice? Question two: Does it strike us as legitimate that people’s abilities to deal with injustice should be considered part of their circumstances, and contribute to the formation of types that then inform practical distributive outcomes? We await whatever answers might be given on behalf of Roemer’s account.

The issues regarding the chimerical normative status of the controlling person do pose a deeper problem for Roemer – and luck egalitarians more generally – whose project would seem to collapse absent the ability to effectively separate choice from circumstance. There remains something undeniably attractive about a distributive proposal that takes seriously the fact that the conceivability of certain actions is deeply dependent on one’s circumstances. Moreover, the kinds of sensitivities to subjective experiences of injustice I advocate as a necessary complement to Roemer’s methodology could, for certain policy interventions, even help guide the spending of the different amounts of distribution, targeting the various competencies individuals require to handle and confront injustices. And types, at first blush at least, do provide an intuitively useful way of thinking about parameters of conceivability.

The problem is that the constructive moves necessary for the formation of the type are not matched by an appropriately nuanced understanding of responsible agency, one which avoids placing exclusive weight on the supposed moral content that is expressed by individuals’ behaviours. As a consequence, even if the experiences associated with being on the wrong end of inequality could be more carefully considered and incorporated within the model, and assuming the wider concerns to do with ‘social suffering’ could be even partially integrated into a deeper critique of societal injustice, the overarching attempt to approach some moral content within the person is too problematic to ground those attractive proposals.

6. Conclusion

Roemer's account is undoubtedly ambitious and performs the impressive feat of combining a notion of responsibility that is both extensive and broadly endorsed across all parts of the political spectrum, with aggressively egalitarian proposals. In particular, the way it can justify different levels of spending on policies like education *before* the competition in the marketplace gets going, means it is able to escape the compensatory paradigm and use redistributive measures to generate far more transformative legislation.

However, it relies on a pair of comparisons between and within types that currently fail to capture the complexities in the ways we use effort. The comparison between types neglects the profoundly different impacts that experiences of injustice can have on individuals. The questions then become whether we *can* or *should* be treating these experiences of injustice as features of a person's circumstance.

The second comparison within types relies on an account of responsibility which is tied closely to issues of control. Where we line up within our type is said to be down to something called 'autonomously chosen effort'. Yet even where the type is supposed to account for and eliminate the effects of background conditions, control is simply too strong a term to describe a great deal of what we bring about in the world and how we do it. Too much of who we are as people are the result of things over which we have no control and which we are also unable to systematically account for without stretching the concept of the type toward (almost) infinity.

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