Economics and Philosophy, **29** (2013) 43–63 Copyright © Cambridge University Press
doi:10.1017/S0266267113000072

RESCUING JUSTICE AND EQUALITY FROM LIBERTARIANISM

SERENA OLSARETTI
ICREA–Universitat Pompeu Fabra, Spain
serena.olsaretti@upf.edu

One of the central motifs of G. A. Cohen's work was his opposition to capitalism in the name of justice. This motif was fully in view in Cohen's work on Robert Nozick's libertarianism: Cohen carefully reconstructed and relentlessly criticized Nozick's apologetics of the free market, which, he thought, was internally coherent but unconvincing. This article suggests that Cohen's opposition to libertarianism did not, however, go far enough, and identifies two respects in which Cohen's position could and should have been more critical of that philosophy.

The first concerns Cohen's negative agenda, that is, his critique of Nozick's libertarianism, the second Cohen's more positive agenda, the formulation of his egalitarian view. With regard to the first, this article argues that Cohen did not subject to full critical pressure the idea of self-ownership libertarians endorse, and consequently accorded it greater inequality-engendering power than libertarians may claim for it. With regard to the second point, this article suggests that Cohen implicitly assumed a market-friendly answer to the question of what consequences people who make choices should be held responsible for, which he could and should have questioned.

1. INTRODUCTION

G. A. Cohen reflected more than most philosophers in sustained intellectual self-examination, and in various works he laid bare and reflected upon the influence on his thought of his family upbringing, the political milieus he was exposed to, the intellectual contexts in which

For comments on previous drafts, I thank Gordon Barnes, Paul Bou-Habib, Paula Casal, Ian Carter, Francesco Guala and Andrew Williams.

https://doi.org/10.1017/S0266267113000072 Published online by Cambridge University Press

his ideas developed, and other philosophers', colleagues' and friends' views. One notable example are Cohen's reflections on Robert Nozick's libertarianism (1987, 1995). As Cohen remarked, it was surprising to both himself and some of his colleagues that he should be as perturbed as he was by Nozick's defence of a rights-based and profoundly anti-egalitarian political philosophy. He undertook a close critical examination of Nozick's theory and exposed the unlikely commonality of libertarianism and Karl Marx's theory of exploitation. This lay in their shared commitment to the assumption that individuals own themselves and the fruits of their labour. Cohen was very conscious of libertarianism's appeal and the special pressure it exercised on philosophers of Marxist convictions like himself, but he rejected Nozick's position outright. His engagement with Nozick produced a stance of reasoned and informed opposition to libertarianism.

In this article I suggest that Cohen's opposition to libertarianism did not, however, go far enough, and identify two respects in which Cohen's position could and should have been more critical of that philosophy. The first concerns Cohen's negative agenda, that is, his critique of Robert Nozick's libertarianism, the second Cohen's more positive agenda, the formulation of his egalitarian view. With regard to the first, I argue in sections 2 and 3 that Cohen did not subject to full critical pressure the idea of self-ownership libertarians endorse, and that he consequently accorded that idea greater inequality-engendering power than libertarians can claim for it. With regard to the second point I argue in sections 4 and 5 that Cohen implicitly assumed a libertarian, market-friendly answer to the question of what consequences people who make choices should be held responsible for. As a result, he seemed to think, misleadingly in my view, that the endorsement of a responsibility-sensitive form of egalitarianism will commit us to greater inequality than in fact egalitarians need to allow for. I also suggest that Cohen's discussion of the value of community provides the basis for an alternative view of what the consequences of people's choices should be, in which equality and community are mutually supporting components of a defensible egalitarian theory of justice. These arguments, if they succeed, strengthen Cohen's anti-libertarian and egalitarian view, by rescuing it from what I am suggesting are unacknowledged and dispensable influences on it of libertarianism.[1]

2. THE PRIORITY OF SELF-OWNERSHIP

One of the key contributions Cohen makes with his analysis of Nozick's libertarianism consists in characterizing that position and exposing its

[1] I am indebted to Andrew Williams for this way of capturing the qualms I raise about Cohen's position.

https://doi.org/10.1017/S0266267113000072 Published online by Cambridge University Press

fundamental commitments with greater clarity than Nozick himself had done.[2] One crucial claim Cohen makes in this context, and the one that is relevant for my purposes here, is that the notion of self-ownership, rather than that of freedom or liberty, lies at the basis of the libertarian edifice (Cohen 1995: ch. 3).

In this section I sketch Cohen's claim about the priority of self-ownership and his reasons for holding it, before questioning it in the next section. As I will show, the fact that, contrary to what Cohen suggests, self-ownership is partly defined through the notion of voluntariness, opens the door for an internal critique of Nozick's libertarianism which Cohen did not levy but which he could have pressed. By 'self-ownership', in what follows, I refer, following Cohen, to a person's moral relationship with herself (Cohen 1995: ch. 9). In particular, libertarians like Nozick endorse the view that people have equal *full* self-ownership rights, which include rights of use, control and transfer at full tax-immunities of one's mental and bodily powers.[3] To assert that individuals are self-owners is to suggest that they and they alone should decide what to do with themselves, compatibly with their exercising these rights in a way that respects the equal self-ownership rights of all others.

In order to present Cohen's key claims about the role of self-ownership in Nozick's theory, it is worth quoting him at length:

> *Anarchy, State, and Utopia* is routinely characterized as *libertarian*, an epithet which suggests that liberty enjoys unrivalled pride of place in Nozick's political philosophy. But that suggestion is at best misleading. For the primary commitment of his philosophy is not to liberty but to the thesis of self-ownership, which says that each person is the morally rightful owner of his own person and powers, and, *consequently*, that each is free (morally speaking) to use those powers as he wishes, provided he does not deploy them aggressively against others. 'Libertarianism' affirms not freedom as such, but freedom of a certain type, whose shape is delineated by the thesis of self-ownership. [footnote omitted] (. . .)
>
> It is because self-ownership is basic for Nozick, and freedom (independently conceived) is not, that he does not regard the apparent unfreedom of the propertyless proletarian [footnote omitted] as a counter-example to his view that freedom prevails in capitalist society. For the proletarian forced daily to sell his labour power is nevertheless a self-owner, indeed must be one in order to sell it, and is, therefore, nevertheless free, in the relevant sense'. (Cohen 1995: 67–68)

In this passage, Cohen makes three main claims about the nature and role of the principle of self-ownership, which I think it is helpful to distinguish.

[2] In what follows, by 'libertarianism' *simpliciter*, I refer to right-libertarianism, which is characterized by an anti-redistributivist stance and the commitment to a minimal state.

[3] From now on, when I talk of self-ownership I refer to *full* self-ownership.

https://doi.org/10.1017/S0266267113000072 Published online by Cambridge University Press

First, Cohen suggests that self-ownership is the distinctive normative assumption libertarians make, in that it is what characterizes the libertarian position as distinct from other forms of liberalism, including those laissez-faire ones which support many of the same political and economic institutions favoured by libertarians.

Second, Cohen claims that the notion of self-ownership is basic for libertarians, in the sense that it is a fundamental normative assumption (one from which many other libertarian commitments flow) and, more specifically, in the sense that it is both definitionally and normatively prior to that of freedom. Libertarians, Cohen argues, do not endorse the value of freedom *defined independently from self-ownership*, such as freedom as non-prevention; rather, self-ownership sets the criteria for ascriptions of freedom, as well as for determining what types of interference with individuals are morally objectionable. That is: on Nozick's view, whether someone counts as free to do something, or whether he does it freely or voluntarily, depends on whether he has a right to act in that way. Conversely, someone who is prevented from doing something he has no right to do, or who finds himself in limited choice circumstances that are the result of others' acting within their rights, does not count as having had his freedom constrained in any way.[4]

Third, Cohen argues that, as a result of the two points just mentioned, libertarianism presents a coherent – albeit in his view unattractive – anti-egalitarian view. More precisely – and here it is in my view helpful to make a further distinction – Cohen's argument is that by appealing to the principle of self-ownership libertarians can make both a defensive and an offensive move.

Defensively, they can shield themselves from the challenge that their own fundamental principles condemn libertarian arrangements as much as egalitarian ones, since a commitment to freedom would not justify Nozick's stance on the justice of market-generated inequalities. As is well known, Nozick attempts to argue in favour of an unbridled market and against any redistributive taxation on the grounds that the latter would be a curtailment of individuals' freedom and 'on a par with forced labour' (Nozick 1974: 169). People's exercise of freedom disrupts equality (or patterned distributions such as merit-based ones), according to Nozick, as is illustrated by the example of the inequality arising between basketball

[4] In my view, there is an important distinction between two senses of freedom identified in the two above-mentioned disjunctions. These are freedom as a property of our options (whether certain options are available to us), and freedom as a property of our choices, or voluntariness (whether we choose freely or voluntarily among whatever options are available to us). Elsewhere I have argued that this distinction is important, and that it has been ignored by both libertarians and their critics, including Cohen (Olsaretti 2004: ch. 6). I will come back to this distinction in what follows, as my central remarks concern the importance of the notion of voluntariness for defining self-ownership.

https://doi.org/10.1017/S0266267113000072 Published online by Cambridge University Press

player Wilt Chamberlain, who agrees to play basketball on condition that 25 cents of each ticket purchased go to him, and the many people who happily pay the ticket fee in order to watch him play (Nozick 1974: 160–162). Redistributive taxation aimed at restoring equality would interfere with the results of adults' voluntary choices.

In response, Cohen famously argues that Nozick's favoured laissez-faire state and private property regime also curtails some people's freedom. A person's freedom to ramble is undeniably limited by other people's private property rights, on a neutral definition of liberty on which we are unfree to do something if others prevent us from doing that thing or would prevent us from doing it if we attempted it (Cohen 1988: chs. 12 and 14; Cohen 1995: chs. 1 and 2; for this definition of liberty, see Steiner 1994: 29). On such a definition of freedom, there is no relevant difference between the situation of the rambler, or the situation of a propertyless worker who accepts a hazardous job because the alternative is to starve, and that of Wilt Chamberlain and other talented citizens who, by Nozick's own reckoning, would count as having their freedom constrained by being forced to pay redistributive tax.

As Cohen suggests, Nozick can avoid such a challenge by taking self-ownership, rather than freedom defined independently of self-ownership, to be fundamental, and by defining freedom through (ownership) rights. On this rights-defined conception of freedom, on which only rights-infringing preventions are freedom-curtailing, preventing a rambler from trespassing others' private property is not freedom-infringing, while preventing someone from retaining his pre-tax income is. Cohen also goes on to show that this definition is problematic and Nozick's reliance on it renders his arguments circular: a commitment to freedom is supposed to be what justifies a certain set of rights, namely, private property rights, but his notion of freedom already presupposes precisely those rights. So Nozick would do better without the appeal to freedom altogether: all he needs to assert, in order to present a coherent view that is not susceptible to an internal critique in the name of freedom, is to insist that self-ownership is fundamental. Notions of freedom and of voluntariness, on Cohen's reconstruction of Nozick's libertarianism, are argumentatively redundant.

The second part of Cohen's third claim concerning the role of the principle of self-ownership in Nozick's view regards that view's offensive strength. Cohen affirms that that strength is boosted by the endorsement of self-ownership, for according to him, libertarians are essentially right in holding that self-ownership justifies inequality. If people have exclusive rights over their own mental and bodily powers and to whatever they can reap by exercising them and exchanging them in ways that do not violate the equal self-ownership rights of others, then, given that people are endowed with unequally valuable powers, potentially very large

https://doi.org/10.1017/S0266267113000072 Published online by Cambridge University Press

inequalities are going to be justified. Admittedly, Cohen argues at length that these inequalities need not be as large as those envisaged by Nozick, since a justification of them also presupposes a particular view about world ownership which Nozick offers little support for, and which Cohen shows we have reason to question.[5] However, Cohen remains convinced that the principle of self-ownership itself is inequality-generating, for it is inconsistent with a tax 'on earned market income as such' (Cohen 1995: 216). In what follows I will suggest that even this limited concession to Nozick is too concessive. My argument is different from Cohen's and left-libertarians', in that I am suggesting that particular and questionable assumptions about what self-ownership itself consists in (rather than assumptions about world-ownership) must be made in order to yield a justification of inequality.

That self-ownership is libertarianism's distinctive assumption has, since Cohen first starkly formulated the point, been widely accepted as an accurate characterization of libertarianism, including by libertarians themselves (e.g. Vallentyne 2000), and I will not question that point here. I think, however, that the second and third points Cohen makes, as I have identified them above, can be questioned. I believe it is not the case that self-ownership is, or can be, basic. Both definitionally and normatively self-ownership is *not* prior to the notion of liberty. In particular, I suggest that self-ownership must, in its most plausible formulation, presuppose a notion of *voluntariness* or *freedom as a quality of our choices*. Furthermore, and relatedly, the principle of self-ownership need not play the pro-inequality role libertarians claim for it, and which Cohen grants them. The inequality-generating potential of self-ownership varies depending on what counts as *forced* interference with someone, or as a *voluntary or free* choice to deploy one's powers in a particular way. Only a particular interpretation of forcings and voluntariness, and consequently, so I argue, of what self-ownership amounts to, tells in favour of large inequalities. We need not accept that interpretation, and Cohen should have resisted it. In the next section I develop these two points.

3. HOW INEQUALITY-ENGENDERING IS SELF-OWNERSHIP?

The definitional and normative priority of self-ownership over freedom which Cohen has defended and others have embraced (Vallentyne 2000, Otsuka 2003), [6] is, I now suggest, called into question by any full definition

[5] Cohen 1995: chs. 3 and 4. Left-libertarians like Hillel Steiner, Michael Otsuka and Peter Vallentyne agree and exploit this claim to attempt a reconciliation of self-ownership and equality.

[6] One important exception is Hillel Steiner's view. Steiner argues that rights of self-ownership (together with rights to an equal share of natural resources) are derived from

https://doi.org/10.1017/S0266267113000072 Published online by Cambridge University Press

of self-ownership or explication of the thesis of self-ownership (which states what the acceptance of the value of self-ownership commits one to). More specifically, I hold that the notion of self-ownership presupposes, and is partly defined through, a concept of *voluntariness* (or freedom as a quality of our choices and actions), and the converse notion of force. This is because integral to the very concept of self-ownership are notions of choice or consent, so we cannot specify when an individual enjoys self-ownership, and when she does not, without assuming, at least tacitly, a standard whereby the individual is deemed to have chosen or consented in the relevant sense. Moreover, the normative appeal of the ideal of self-ownership is dependent upon that of the idea that individuals should be able to make free or voluntary choices with regard to their bodily and mental abilities.

To see the point I am making, consider the following statements concerning self-ownership (all emphases are mine). According to Nozick, a self-owner is viewed 'as having *a right to decide* what would become of himself and what he would do, and as having a right to reap the benefits of what he did' (Nozick 1974: 171). Richard Arneson states that '[s]elf-ownership is the moral principle that one ought to be left free to do whatever *one chooses* so long as *non-consenting* other persons are not thereby harmed, in specified ways' (Arneson 1991: 36). Peter Vallentyne holds that self-owning agents have 'moral authority to *decide* how to live their lives (. . .)' (Vallentyne 1997: 321). Michael Otsuka explains that self-ownership includes '(. . .) A very stringent right of control over and use of one's mind and body that bars others from intentionally using one as a means *by forcing one* to sacrifice life, limb, or labour (. . .)' and '(. . .) [a] very stringent right to all the income that one can gain from one's mind and body (. . .) either on one's own or through unregulated and untaxed *voluntary exchanges* with other individuals (. . .).' (Otsuka 2003: 15). And Cohen himself states that 'the polemically crucial right of self-ownership

a commitment to equal freedom, where the latter is pure negative freedom (Steiner 1994). According to Steiner, '[a] set of rights assigns an interpersonal distribution of freedom' (Steiner 1994: 76), and to be a self-owner is to have the fullest set of pure negative freedoms, or the largest amount of pure negative freedom, compatibly with others' having an equal amount of freedom, in the space of one's body and mind. The claim I develop here is different from Steiner's, since I argue that the notion of voluntariness, as distinct from that of freedom, is constitutive of self-ownership. Indeed, as I have suggested elsewhere (Olsaretti 2004: ch. 4), Steiner too has ignored the importance of voluntariness and its necessary role in a libertarian theory, and has not offered a criterion of the conditions under which an individual's exercise of her rights counts as voluntary in the relevant sense, that is, for her powers and immunities with regard to the object of a right to count as having been respected. So the claim I go on to develop here has some relevance for Steiner's view, as well as for Nozick's and other left-libertarian views like Otsuka's and Vallentyne's. I thank Ian Carter for pressing me on this point.

https://doi.org/10.1017/S0266267113000072 Published online by Cambridge University Press

is the right not to (*be forced to*) provide product or service to anyone' (Cohen 1995: 215).

As these claims illustrate, it is undeniable that libertarians and non-libertarians alike provide statements of self-ownership which explicate the latter in terms of *being able to make free or voluntary choices, or not being forced to choose* how to use one's mind and body. Notions of voluntariness and force are constitutive of that of self-ownership.

Moreover, things could not be otherwise, and to see why it is helpful to refer to Wesley Hohfeld's classic analysis of rights (Hohfeld 1919). Self-ownership rights, being full private property rights, are in fact a bundle of *claims* (centrally, claims against interference), various *liberties* (that is, lack of duties not to perform various actions involving what one has rights over, which in the case of self-ownership include liberties to use one's mental and bodily resources as one sees fit), and – crucially for my purposes here – *powers* (the ability to change one's moral relation to what one has claims over, such as the power to exchange, donate, lend, etc. one's property) and *immunities* (against others changing one's position with respect to the object of one's rights).

Now, we need an account of the circumstances under which an action that seems to consist in the exercise of a power is indeed such. Your full property rights in your computer, for example, consist, among other things, in your having a power to hire it out; in order to know whether a particular transaction in which someone else has come to control and use your computer and you have come to earn £10 weekly in exchange for that respects your property rights, we need to know whether that transaction occurred voluntarily. (We would think it a breach of your property rights if someone removed your computer without your consent and then paid £10 weekly into your bank account.) Similarly with self-ownership. We could not make sense of the idea of full private ownership over something without the idea of what counts as a *choice* to use or transfer that thing in the relevant sense (so that the use or transfer of that thing is deemed to be rights-respecting), and correspondingly, of what counts as choice-disrupting, and hence rights-breaching, interference. The notion of consent, or that of the power to exercise or waive a right, are integral to all libertarian rights, and any full statement of these notions will implicate some notion of voluntariness, or freedom as a quality of our choices.

One important implication of this point, which is relevant for the prospects of a defensible formulation of libertarianism, is that libertarians need a conception of voluntariness that is defined independently of self-ownership, *since it is needed to define self-ownership*. Yet, as I have argued elsewhere, this is precisely what libertarians like Nozick fail to provide, since they define voluntariness through rights. On Nozick's rights-conception of voluntariness, an individual's choice counts as forced

https://doi.org/10.1017/S0266267113000072 Published online by Cambridge University Press

only if she faces options which others brought about in violation of her (self-ownership and world-ownership) rights (Nozick 1974: 262). But now note that, since rights of self-ownership are rights *not to be forced* to use one's mind and body to assist others, we cannot establish whether someone's self-ownership rights were violated unless we know what counts as a voluntary choice.

The fact that the very concept of self-ownership is defined through voluntariness means that Nozick's deployment of a rights-based definition of voluntariness is viciously circular, and that his libertarian view, in the absence of a non-rights-based definition of voluntariness, remains groundless. There are then compelling reasons for Nozick himself, given his commitment to self-ownership, to formulate and adopt a convincing non-rights-based account of voluntariness.

Furthermore, once we see that some notion of voluntariness is integral to the notion of self-ownership, it is open to us to challenge the contention that the idea of self-ownership has the inequality-engendering potential which Nozick claims for it. Whether or not it does will depend on what notion of voluntariness defines self-ownership, and, if that notion is of a certain kind, then the commitment to self-ownership itself tells against some of the inequalities generated by a free market. This is the internal critique of Nozick which Cohen did not move, but which, I believe, is both powerful and well aligned with much of what Cohen did say about Nozick and about the subject of force and freedom. In the rest of this section I unfold this critique.

The core idea at the heart of self-ownership, which partly defines the rights which self-ownership comprises, is that individuals should not be forced to choose what happens to their mind and body. In formulating what counts as being forced to choose, defenders of self-ownership must provide an account that meets certain requirements; in particular, the notions of force and voluntariness at hand must both reflect ordinary usage of the concept to a reasonable degree, and square up with independently defensible accounts of cognate notions, such as that of autonomy or what is required in order to be self-governing and responsibility. As I have argued elsewhere,[7] a candidate conception of voluntariness which meets these requirements is one on which a choice

[7] See Olsaretti (2004: chs. 5 and 6). In my earlier discussion of this issue, I put pressure on Nozick's use of the notion of voluntariness in the context of a discussion of his principle of justice in transfer, which posits that transfers of justly held holdings are just provided they are free of force and fraud. I now think that an account of voluntariness is needed not (only) to settle the issue of whether the choices of agents whose self-ownership rights are assumed to be intact preserve the justice of the holdings the agents transfer, but to determine whether those self-ownership rights are secured in the first place. In light of this, I would now press my critique of Nozick in somewhat different terms than I did then, as I partially do in the main text of this section.

https://doi.org/10.1017/S0266267113000072 Published online by Cambridge University Press

is voluntary if it is not forced, and a choice is forced if and only if it is made only or mainly because the alternatives are unacceptable. Adoption of this conception of voluntariness would support libertarians' claims that individuals' self-ownership is breached when individuals are assaulted or battered, but also when they are coerced, as coercion can be characterized as the intentional forcing of agents through the use of threats.

But adopting this conception of voluntariness would also support the claim that individuals' self-ownership is undermined when individuals transfer to others the rights over their minds and body because they face only unacceptable alternatives. This view contrasts with two competing views about what constitutes voluntary, and hence self-ownership-respecting, choice or action. The first is the minimally demanding one on which the voluntary is equated with the volitional, and on which self-ownership would only be threatened by physical or psychological compulsion or other similarly disabling interference. This view would have the counter-intuitive and distinctly non-libertarian implication that coercion does not undermine self-ownership. The second view is one which allows for the unacceptability or ineligibility of options to affect judgements of voluntariness, but also insists that an action would only count as non-voluntary in the self-ownership-affecting sense if the ineligible options agents wanted to escape were brought about intentionally by other agents. On this view, while coercion undermines self-ownership, someone's choice to accept an offer of a hazardous job does not. A defender of this interpretation of self-ownership might adduce, in its favour, the claim that property rights protect *interpersonal relations*, so the relevant notion of force should also be interpersonal.[8] For my purposes here, I need not deny that claims about an agent's self-ownership are claims about her relationship with others; but I do not think that this justifies accepting a relational account of force, on which I am only ever forced *by other agents*. This is because, while self-ownership rights protect a relation, the sources or causes of that relation's being impaired need not be relational themselves. To illustrate, *you* may not be forcing me to work for you for a miserly wage in exchange for rescuing me from drowning in a freezing river for me; but the fact that I am forced to work for you seems enough to render the ensuing relationship between you and me as one in which my standing as a self-owner is undermined.[9]

[8] I owe this suggestion to Gordon Barnes and to Ian Carter. A fuller defence of my definition of voluntariness as the conception of voluntariness needed to spell out a plausible notion of self-ownership could attempt to show that the reasons for valuing the absence of coercion and for being attracted to the principle of self-ownership are in fact reasons that favour the account of self-ownership I sketch here.

[9] This is compatible with holding that you yourself may be forced to make this offer to me – suppose that if you did not have me work for you at a miserly wage, you would

https://doi.org/10.1017/S0266267113000072 Published online by Cambridge University Press

So, a conception of self-ownership which used the view of voluntariness I favour would not tell in favour of all and any inequalities generated by the free market, no matter how great and no matter what the circumstances in which they would leave people. In fact, it would arguably tell in favour of some redistributive taxation. The latter would be congruent with self-ownership to the extent that it would be needed to provide individuals with a social minimum, justified in the name of securing people some acceptable options: only under these conditions would 'the prohibition on forcing a person to bestow his service or product on another' (Cohen 1995: 117), which is at the heart of the principle of self-ownership, be heeded. True, the levying of this redistributive taxation would constitute an interference with individuals. But such interference, would, morally speaking, be analogous to the interference with individuals exercised in order to prevent people from assaulting or maiming others. In both cases, the interference in question is necessary to protect everybody's self-ownership rights equally, and sets the parameters within which each person's self-ownership rights extend.

This, in a nutshell, is the internal critique of Nozick's assumption that the endorsement of full or stringent self-ownership tells against redistributive taxation and in favour of free market inequalities. Cohen does not raise this critique and instead states that, on the libertarian view,

> (. . .) the proletarian forced daily to sell his labour power is nevertheless a self-owner, indeed must be one in order to sell it (. . .) (Cohen 1995: 68)

This is too concessive to Nozick, as it grants to him that the fact that someone is forced (where force is defined independently of self-ownership) does not show that his self-ownership is undermined; in fact, Cohen says, it establishes quite the contrary. I have argued that this cannot be right. If self-ownership requires that one not be forced to work for others, and the proletarian is forced to do just that, then this is an affront to his self-ownership.[10]

starve – and therefore, on the view I am sketching here, with maintaining that preserving your self-ownership may come at the price of mine. If we accepted this relational restriction on when my being forced to do something counted as a breach of self-ownership, this would provide a further reason why a concern with self-ownership should not be equated with a concern with the voluntariness of choice in general. For example, Robinson Crusoe may be forced to fish to stay alive, but his self-ownership is not impaired as a result. (The other reason why the two concerns are not one and the same lies in the fact that only the forced transfer of *bodily and mental* abilities counts as a breach of self-ownership.) Thanks to Francesco Guala for pressing me to clarify this point.

[10] In light of the points I have developed thus far, I also take issue with Michael Otsuka's reconstruction of Nozick's claim that redistributive taxation is on a par with forced labour. According to Otsuka, that contention is best seen as amounting to the claim that taxation violates people's self-ownership and justly acquired world ownership rights, and is consequently not vulnerable to critiques that put pressure on his conception of force

https://doi.org/10.1017/S0266267113000072 Published online by Cambridge University Press

4. EQUAL ACCESS TO ADVANTAGE AND JUSTIFIED INEQUALITIES

I think that Cohen was too concessive to defenders of the free market not only when subjecting their views to critical scrutiny, but also in formulating his own egalitarian position. In particular, Cohen's version of egalitarianism – equal access to advantage, or socialist equality of opportunity – seems needlessly tolerant of some inequalities which, by Cohen's own reckoning, will seem troubling to socialists. In particular, that ideal is open to tolerating too many too large inequalities in the name of the commitment to holding individuals responsible for the consequences of their choices. In fact, I argue, the commitment to responsibility itself does not justify those inequalities, but only a particular, laissez-fairist view of what the *stakes* of people's choices should be, a view Cohen implicitly adopts but need not adopt. I also suggest, drawing on Cohen's remarks in some of his most recent work, that socialist equality of opportunity is not only compatible with, but calls for, constraints on inequality that are best seen as ways of fleshing out, rather than as limits on, that very same ideal. Those constraints are provided by the principle of community which Cohen sketches at various stages in his work.

Let me begin, in this section, by first presenting and then raising some worries about Cohen's views on justified inequalities. In a simple and rough formulation, Cohen believes that egalitarians should be concerned with people's relative positions in terms of opportunity to attain resources and both subjective and objective welfare (Cohen labels this mix of various dimensions 'advantage'), where one's opportunity is relevantly equal to others only if inequalities in what advantage one attains track or result from one's own genuine choices, so that one is responsible for those inequalities (Cohen 1989, 2004, 2009). This view seems to support more redistributive measures than some main egalitarian competitors', such as Ronald Dworkin's and John Rawls's. In particular, equality of access to advantage is more demanding than what Cohen calls liberal equality of opportunity in that it unequivocally views relative disadvantage resulting from natural, as well as social, causes as raising concerns of justice. For Cohen there is an injustice in the fact that someone is born with less lucrative endowments than others, which injustice is analogous to that of someone's being disadvantaged as a result of having received worse parental care or being discriminated against by social institutions or as a result of prevailing norms. Furthermore, Cohen believes, against both Rawls and Dworkin, that equality requires that people be subsidised for 'expensive tastes' – those preferences and ends individuals have such that

(Otsuka 2003: 16). I claim that the contrast Otsuka is relying on cannot be maintained: to submit that someone's self-ownership rights have been breached *is* to show that labour has been forcibly extracted from him.

https://doi.org/10.1017/S0266267113000072 Published online by Cambridge University Press

it costs more to provide them than others with a given level of satisfaction – if those tastes are unchosen and/or could not be given up and/or could not be given up without violating one's judgement.[11]

Yet Cohen's egalitarianism demands equality of *opportunity*, not outcomes, and it does not view as unjust inequalities that result from people's genuine choices. Individuals may end up unequally well off (along dimensions which for Cohen would, absent people's exercise of responsibility, be grounds for egalitarian redistribution), and egalitarian justice will not tell in favour of reducing or eliminating these inequalities of advantage: '(. . .) socialist equality of opportunity tolerates inequalities of benefit, where the inequality reflects the genuine choices of parties who are initially equally placed and who may therefore reasonably be held responsible for the consequences of those choices' (Cohen 2009: 25–26; see also Cohen 2009: 12; Cohen 1989: 920). In fact, Cohen sometimes claims that egalitarian justice does not just tolerate, but *requires*, these inequalities. He says, for example, that it is an *egalitarian* objection to equality of welfare (vs. equality of opportunity for welfare) that it would require some to pay for the *chosen* expensive tastes of others (Cohen 1989: 911), and that 'the primary egalitarian impulse is to extinguish the influence on distribution of *both exploitation* and brute luck' (Cohen 1989: 908, emphasis mine), where a person 'is *exploited* when unfair advantage is taken of him' (Cohen 1989: 908, emphasis mine), and where, so Cohen intimates, unfair advantage is taken of a person when he is requested to relieve others' chosen relative disadvantage (see also Cohen 2009: 33). Cohen is not always consistent, as far as I can see, with regard to which of these two positions he upholds, and the above-quoted passages offer statements of both. My points in what follows are relevant whichever of these two stances a defender of equality of opportunity takes.

Let us now consider what follows from the commitment to holding people responsible for the consequences of their choices. That commitment, I suggest, is compatible with a number of different views concerning just *which* consequences choices should or may have. There is no unique or self-evidently justified set of consequences which constitute 'the consequences of people's choices', such that, provided that people meet the conditions for being responsible for their choices, it follows that they will have to bear those consequences. Different things can be at stake when someone makes a choice, and we need an independent justification of why the stakes of people's choices should be such-and-such. However, choice-sensitive egalitarians like Cohen seem to have neglected to treat

[11] From now on I refer to 'inequalities that result from choices' to refer to all of these, arguably relevantly different, conditions. Cohen's formulation of what sort of choice is necessary for responsibility for what tastes changed between 1989 and 2004, but that change is not relevant for my discussion.

https://doi.org/10.1017/S0266267113000072 Published online by Cambridge University Press

the question of stakes and to have assumed a particular answer to it that is in fact more congenial to a libertarian than to an egalitarian outlook.[12]

While everyday talk and egalitarians' writings about responsibility commonly refer to the consequences of people's choices as if it were obvious what these were, a simple example suffices to show that this is not so. We may agree that the paradigmatically imprudent motorcyclist, Bert, who chooses quite deliberately to ride at high speed without a helmet, should be held responsible for the consequences of his choices, but, I have suggested, what these consequences are is not self-evident at all.[13] They could include any of the following, and more: being left, unaided, by the road-side; having one's motorbike and other scattered possessions appropriated by passers-by; being denied a licence to ever drive a motorbike, or indeed any motor vehicle, again; being required to pay for the emergency treatment costs; being required to pay for the costs of treating hitherto unknown health deficiencies triggered by the accident; being denied employment in virtue of the fact that his accident caused limpness, or because the imprudence he displayed in exposing himself to this sort of risk makes him an unattractive employee; being denied life insurance henceforth; etc. Any of these could constitute a consequence of Bert's choice – the background of choice could be set up differently, thus making it the case that some rather than other or all of these consequences would come to be the consequences of Bert's choice – and we need a justification for making it the case that some rather than other or all of these consequences will be attached to Bert's choice, and thus for declaring it just that Bert bear whatever consequences will be the consequences of his choice.

Most discussions of responsibility and its role in distributive justice have neglected the question of stakes, and focused predominantly, or exclusively, on the question of the grounds of responsibility. The latter asks: 'Which are the features of people that we can hold them responsible for (so that they are liable to bear some costs on the basis of those features)?'. The question of stakes, by contrast, asks: 'Just what costs (or benefits) should or may be attached to whatever features constitute the justifiable grounds of responsibility?'. In order to yield determinate judgements about responsibility, we must answer both these questions. We need a principle that determines who should bear responsibility, and in virtue of what features of his or hers, and a principle that determines what those who bear responsibility bear responsibility for. Discussions about whether voluntariness, and in what sense, is a necessary and/or

[12] I have developed these points at greater length in Olsaretti (2009), and in what follows I draw on my earlier arguments.

[13] Character Bert is Marc Fleurbaey's (1995); the list of varied consequences that may attach to Bert's choices is mine.

https://doi.org/10.1017/S0266267113000072 Published online by Cambridge University Press

sufficient condition of responsibility concern the grounds of responsibility. But all discussions of responsibility, even those that neglect the question of stakes, must actually assume an answer to it. If they did not, they would be incomplete and could not tell us which inequalities are justified.

Cohen's discussion is a case in point. In the debate between him and Ronald Dworkin on the question of whether people should be held responsible for their expensive tastes, the focus is on whether genuine choice, choice of the tastes the costs of which are at issue, is necessary for the attribution of responsibility (Cohen 1989, 2004; Dworkin 2000, 2004). Cohen believes so, and opposes Dworkin's view that identification with those tastes is sufficient. But he does not raise and address the further question of just what individuals who display the relevant grounds of responsibility – be these genuine choice or identification – should be responsible for. This, however, is a further question that warrants discussion. For independently of whether we agree with Dworkin that genuine choice is not necessary for responsibility, we may take issue with his assumption that when the relevant grounds of responsibility – whatever these are – are present, then individuals should bear the *market price* of their tastes. Even when he explicitly takes issue with Dworkin's pro-market stance, and affirms his endorsement of non-market pricing of many activities people pursue, Cohen grounds this endorsement in the unchosen character of people's preferences for which activities they find fulfilling (Cohen 2004: 17).

Cohen, then, could, but does not, take issue with Dworkin's view of stakes, as well as with his view on the grounds of responsibility. Instead he accepts a laissez-fairist conception of what the stakes of someone's choice may be: others' choices and preferences, whatever these are, determine the consequences of one's choice. More generally, Cohen's discussion of responsibility neglects the question of stakes. When he mentions the inequalities that equality of opportunity would permit, Cohen remains vague as to what they would or may consist in. For example, in a passage I have already quoted, he states that socialist equality of opportunity will tolerate inequality that reflects '(. . .) the genuine choices of parties who are initially equally placed and who may therefore reasonably be held responsible *for the consequences of those choices*' (Cohen 2009: 25, emphasis mine). Cohen does mention that the inequalities in question would include both those that directly reflect choices and those that result from 'option luck', which is luck which people choose to expose themselves to. With regard to the former, he asks how large these inequalities 'are likely to be' (Cohen 2009: 29), not how large they *should* be; and with regard to neither type of inequality does he ask just what they should consist in.

In my view, Cohen comes closest to identifying the question of stakes as one that is distinct from that of the grounds of responsibility when he considers cases of the sort discussed by Thomas Scanlon of a religious

https://doi.org/10.1017/S0266267113000072 Published online by Cambridge University Press

person who suffers disutility as a result of the guilt-inducing beliefs she holds. In order to accommodate the intuition that we should not compensate this person, Cohen distinguishes between different types of costs (Cohen 1989: 935–939), and suggests that equality of access to advantage would not demand redress for those costs that are 'integral' to the religious person's commitments, the cost of guilt being one such. But Cohen then goes on to incorporate this suggestion into his view as if it were a qualification of his principle of the grounds of responsibility, so that equality of opportunity would require not that we 'compensate for disadvantages which are not traceable to the subject's choice', but, more narrowly, as Cohen puts it: 'compensate for disadvantages which are not traceable to the subject's choice *and* which the subject would choose not to suffer from' (Cohen 1989: 937). I think it would have been more helpful to say that, when certain consequences are at stake, choice is not a necessary condition for holding individuals responsible, and to engage explicitly and more extensively with the question of when and why choice is necessary with regard to what other consequences.

Cohen's discussion does not identify the issue of stakes as worthy of discussion, and moreover, like the discussion of some other egalitarians, it hides it from view by assuming that, with regard to a person's relative deficit in advantage, the only question for egalitarian justice is a comparative one, in the following two related senses: first, in the sense that egalitarians are only concerned with the justice of people's being *better off or worse off than others*,[14] and second, in the sense that we should ask, with regard to any relative deficit, whether it should be *eliminated*, so that equality is restored.

Now if, for egalitarians, any concern of justice could only be comparative in the two senses sketched above, then the question of stakes would not be a further question to the ones egalitarians typically already discuss (i.e. those concerning the necessary and sufficient conditions for opportunities to count as equal), and any criticism of a set of stakes of choice would be in conflict with the commitment to allowing for responsibility-tracking inequalities. To see these points, consider the following example, adapted from the one provided by Brian Barry, of an equal opportunity system in which everyone faces the same opportunity of belonging to any one of the various castes or out-casted groups in a caste system (Barry 1989: 224). (In Barry's original example, individuals were allotted to different castes by lot. In my version, membership of a caste clearly tracks a choice individuals make.) The commitment to providing everyone with *an equal opportunity* would obviously have some

[14] Others have already noticed that comparative considerations of this kind are not enough for formulating an egalitarian theory. See Vallentyne (1995), Williams (2006) and Fleurbaey (2008).

https://doi.org/10.1017/S0266267113000072 Published online by Cambridge University Press

implications concerning what the stakes of people's choices should or may be. In particular, we could insist that people's opportunities count as equal only if the stakes of people's choices are exactly the same. We would then condemn a system in which the stakes of an individual's – let us call her Punam – prudent or imprudent conduct were membership of only the top two castes while the stakes of another individual's – Sanjeev – comparable forms of conduct were membership of two lower castes, on the grounds that it is unjust *because the stakes are unequal*.

If egalitarian justice were thought to be concerned only with the comparative considerations sketched above, it might seem that everything that needs to be said about the justice of stakes would have been said at this point, and that there would be no need for a further, independent discussion about stakes, that is, a discussion about the merits of a set of stakes that did more than specify what the commitment to equalizing opportunities already specifies.[15]

But now suppose we want to say, as it seems to me plausible to say, that even if Punam and Sanjeev faced the same option set, either's ending up a member of a low caste would be unjust. Unless we recognize that non-comparative considerations about the just stakes of choice are necessary to fill out our account of equality of opportunity, any criticism of the inequality of outcome between Punam and Sanjeev would have to be moved out of commitment to a virtue other than egalitarian justice, and be in tension with it. If in the name of egalitarian justice we could only ever require the elimination of involuntary inequalities (alongside whatever dimension we thought was relevant), then we could not insist that some consequences of choice along our preferred dimension are unjust compatibly with permitting or requiring inequalities that track responsibility.

However, it seems to me that Cohen need not be committed to either viewing inequalities as unjust and therefore as ones we should eliminate (because they constitute involuntary disadvantage), or as ones such that, since we should not eliminate them (because they constitute voluntary advantage) must therefore be just.[16] Comparative considerations do not exhaust the commitments of egalitarian justice: non-comparative considerations about the justice of stakes are also relevant. Going back to the caste system example, egalitarians like Cohen can and should insist that a system in which the consequences of people's choices to engage

[15] Arguably even this is not quite right, since equality of opportunity (for welfare, for example) can be achieved at different levels of welfare, and any determinate formulation of that ideal will require that we specify what level of welfare everyone should have equal opportunity to achieve.

[16] Cohen writes: 'When deciding whether or not justice (as opposed to charity) requires redistribution, the egalitarian asks if someone with a disadvantage could have avoided it (. . .). If he could have avoided it, he has no claim to compensation, from an egalitarian point of view' (Cohen 1989: 920).

https://doi.org/10.1017/S0266267113000072 Published online by Cambridge University Press

in prudent or imprudent conduct is membership of different castes (as opposed to, say, a higher tax liability) is unjust; and that it is unjust even if everybody faces equal opportunities under that system. They should insist that, while people should be held responsible for some consequences of their choices, that commitment does not entail that *these* consequences should be the ones they are responsible for, and that the interpretation of equality of opportunity they favour is congruent with a principle of stakes on which no differences in status like those of a castes system obtain. In saying this – it is worth reiterating this point – egalitarians would not be limiting the role of responsibility, but rather filling out the criterion of responsibility in a way that best expresses their underlying egalitarian commitments. In the next section I develop this point more fully.

5. RESCUING EQUALITY FROM LIBERTARIANISM: THE RELEVANCE OF COMMUNITY

Cohen's neglect of the question of stakes leads him to grant more to defenders of the market than he needs to. As I mentioned earlier, in his debate with Dworkin, Cohen assumes that the market would set the stakes of those tastes which people are reasonably held responsible for. Dworkin is not a libertarian, although his theory of equality integrates market-friendly commitments with an egalitarian framework. This libertarian-friendly aspect of Dworkin's theory is something that Dworkin embraces explicitly and argues for: roughly, equality requires that other people's preferences should set the price of what I get, because what I get should reflect the opportunity costs to others of my getting it. The market is integral to equality on Dworkin's view; whereas on Cohen's, as Cohen himself remarks, it is not: equality is specified independently of what the market delivers, and the latter is something which equality tolerates when certain conditions are satisfied (Cohen 2004: 17).[17] But, I have suggested, Cohen need not grant that equality tolerates market-generated inequalities in the name of holding individuals responsible, since that is a conclusion that rests on the adoption of a particular principle of stakes that Cohen, as a socialist, has reason to reject.

If Cohen had raised and addressed the question of stakes, not only would he have an even stronger case against Dworkin, but, I now suggest, he would also be led to a slightly different formulation of his own view. In particular, he could have upheld the value of community, which he thinks is constitutive of the socialist view alongside with his favoured version of equality of opportunity – as a value that helps fill out and render

[17] To put this point in terms of my discussion so far: for Dworkin the stakes of people's choices – what they are responsible for – represent their *equal* shares; for Cohen they represent *inequalities* allowed by his egalitarian principle.

https://doi.org/10.1017/S0266267113000072 Published online by Cambridge University Press

determinate the demands of socialist equality of opportunity, rather than as a value external to justice that may in fact contradict it. Let me explain.

As Cohen makes explicit in *Why Not Socialism?*,[18] as a socialist he endorses two principles: an egalitarian principle and a principle of community. I have already sketched Cohen's egalitarian principle. The principle of community is a principle asserting the value of, and enjoining, certain types of attitudes and relations between people: people should care about, and for, each other, and also care that they care about each other (Cohen 2009: 34–35). Furthermore they should be willing to engage in truly reciprocal relations – relations that display a non-instrumental valuing of being a party in mutually beneficial relationships. Cohen notes that the first aspect of the value of community is salient when considering how inequalities affect community:

> We cannot enjoy full community, you and I, if you make, and keep, say, ten times as much money as I do, because my life will then labour under challenges that you will never face, challenges that you could help me to cope with, but do not, because you keep your money. To illustrate. I am rich, and I live an easy life, whereas you are poor, because of regrettable choices and/or bad option luck (. . .). You have to ride the crowded bus everyday, whereas I pass you by in my comfortable car. One day, however, I must take the bus, because my wife needs the car. I can reasonably complain about that to a fellow car-driver, but not to you. I can't say to you: 'It's awful that I have to take the bus today.' There is a lack of community between us of just the sort that naturally obtains between me and the fellow car-driver. And it will show itself in many other ways, for we enjoy widely different powers to care for ourselves, to protect and care for offspring, to avoid danger, and so on. (Cohen 2009: 35–36)

This ideal of community needs further refinement, and Cohen's view of its relation to equality of opportunity and to justice is, Cohen states, not fully worked out. But he does make two important remarks on this subject.

First, it is clear that on Cohen's view, community and equality of opportunity are entirely independent of one another, in the sense that neither enters into the specification of the other; as a result, their demands may pull in different, indeed conflicting, directions. Cohen states: '[t]he community principle constrains the operation of the egalitarian principle by forbidding certain inequalities that the egalitarian principle permits' (Cohen 2009: 13); equality of opportunity, Cohen says, tolerates inequalities that are 'repugnant to socialists when they obtain on a sufficiently large scale because they then contradict community' (Cohen 2009: 34), so socialist equality of opportunity must be 'tempered

[18] Cohen had defended this view in earlier writings, too, mostly through his criticism of Rawls' liberal egalitarianism. See Cohen (2000, 2008), where Cohen elaborates some arguments made in previously published articles.

https://doi.org/10.1017/S0266267113000072 Published online by Cambridge University Press

by a principle of community', and '(. . .) certain inequalities that cannot be forbidden in the name of socialist equality of opportunity should nevertheless be forbidden in the name of community' (Cohen 2009: 37).

Second, Cohen remains uncertain over what *justice* had to say about the potentially conflicting claims of equality of opportunity and of community. He writes:

> (. . .) is it an *in*justice to forbid the transactions that generate these inequalities? Do the relevant prohibitions merely define the terms within which justice will operate, or do they sometimes (justifiably?) contradict justice? I do not know the answer to that question. (It would, of course, be a considerable pity if we had to conclude that community and justice were potentially incompatible moral ideals). (Cohen 2009: 37)

I now suggest that, once we revisit Cohen's conception of equality of opportunity keeping in mind the discussion about the need to formulate a principle of stakes developed in the previous section, we find in his views the potential for a more egalitarian and more internally harmonious version of justice than Cohen himself realises. In particular, given his socialist commitments, Cohen could have defended a community-friendly version of equality of opportunity. He could then have embraced the more internally cohesive and, by his own lights, appealing view of the relation between justice and community.

The steps towards this conclusion should be predictable by now. If, as I have argued above, the ideal of equality of opportunity can justify a different set of inequalities depending on which principle of stakes one favours, then there are reasons, for a socialist, to call upon the value of community to fill out and render determinate the demands of socialist equality of opportunity. To recall: anybody who accepts the importance of holding individuals responsible for some consequences of their choices needs to specify what those consequences should include. Socialists' commitment to the value of community justifies their selecting, among the various competing principles of stakes, one that expresses that commitment. What is socialist about socialist equality of opportunity is also, partly, this: that it requires *community-friendly* equal opportunities.

The inequalities that the socialist equality of opportunity principle would permit or require, then, would not be ones which the principle of community would need to indict. Community is not a principle that is called upon to temper or compromise the former, but rather to fully specify its requirements. Accordingly, community does not contradict justice, but it defines its very demands.[19] Cohen's egalitarianism, freed from the pro-market bias that infuses discussions of responsibility and

[19] In a recent paper on Cohen on community, Nicholas Vrousalis argues that the tension between justice and community in Cohen's thought goes deeper than Cohen thinks, and that an endorsement of community indicts Cohenite justice as much as Rawlsian justice (Vrousalis 2012: 12). What I argue here does not contradict those claims. What

https://doi.org/10.1017/S0266267113000072 Published online by Cambridge University Press

equality of opportunity, has the resources of being more distinctly and more consistently socialist than Cohen suggested.

REFERENCES

Arneson, R. J. 1991. Lockean self-ownership: towards a demolition. *Political Studies*: 36–54.

Barry, B. 1989. *Theories of Justice*. Berkeley, CA: University of California Press.

Cohen, G. A. 1988. *History, Labour, and Freedom. Themes from Marx*. Oxford: Clarendon Press.

Cohen, G. A. 1989. On the currency of egalitarian justice. *Ethics* 99: 906–944.

Cohen, G. A. 1995. *Self-Ownership, Freedom, and Equality*. Cambridge: Cambridge University Press.

Cohen, G. A. 2000. *If You're An Egalitarian, How Come You're So Rich?* Cambridge, MA: Harvard University Press.

Cohen, G. A. 2004. Expensive tastes ride again. In *Ronald Dworkin and His Critics*, ed. J. Burley. Oxford: Blackwell.

Cohen, G. A. 2008. *Rescuing Justice and Equality*. Cambridge, MA: Harvard University Press.

Cohen, G. A. 2009. *Why Not Socialism?* Princeton, NJ: Princeton University Press.

Dworkin, R. 2000. *Sovereign Virtue: The Theory and Practice of Equality*. Cambridge, MA: Harvard University Press.

Dworkin, R. 2004. Ronald Dworkin replies. In *Ronald Dworkin and His Critics*, ed. J. Burley. Oxford: Blackwell.

Fleurbaey, M. 1995. Equal opportunity and equal social outcome? *Economics and Philosophy* 11: 25–55.

Fleurbaey, M. 2008. *Fairness, Responsibility and Welfare*. Oxford: Oxford University Press.

Hohfeld, W. 1919. *Fundamental Legal Conceptions*, ed. W.W. Cook. New Haven, CT: Yale University Press.

Murphy, L. 2007. Review of *Liberty, Desert and the Market*. *Economics and Philosophy* 23: 125–138.

Nozick, R. 1974. *Anarchy, State and Utopia*. Oxford: Blackwell.

Olsaretti, S. 2004. *Liberty, Desert and the Market. A Philosophical Study*. Cambridge: Cambridge University Press.

Olsaretti, S. 2009. Responsibility and the consequences of choice. *Proceedings of the Aristotelian Society*, Vol. CIX, Part 2: 165–188.

Otsuka, M. 2003. *Libertarianism Without Inequality*. Oxford: Oxford University Press.

Steiner, H. 1994. *An Essay on Rights*. Oxford: Wiley-Blackwell.

Vallentyne, P. 1997. Self-ownership and equality: brute luck, gifts, universal dominance, and leximin. *Ethics* 107: 321–344.

Vallentyne, P. 2000. Left-libertarianism: a primer. In *Left Libertarianism and Its Critics: The Contemporary Debate*, ed. P. Vallentyne and H. Steiner. Basingstoke: Palgrave.

Vallentyne, P. 2002. Brute luck, option luck, and equality of initial opportunities. *Ethics* 112: 529–557.

Vrousalis, N. 2012. Jazz bands, camping trips and decommodification: G.A. Cohen on community. *Socialist Studies* 8: 1–20.

Williams, A. 2006. Liberty, equality and property. In *The Oxford Handbook of Political Theory*, ed. J. S. Dryzek, B. Honig and A. Phillips. Oxford: Oxford University Press.

I argue is that Cohen could have revised his conception of justice so as to avoid the tension with community, without contradicting his commitment to understand equality as a responsibility-sensitive ideal.

https://doi.org/10.1017/S0266267113000072 Published online by Cambridge University Press