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Equality, Responsibility, and the Balance of Interests

Keith Hyams

I

Egalitarians believe that we have a *pro tanto* moral reason to avoid leaving some people worse off than others. At the same time, many contemporary egalitarians accept that we should sometimes hold people responsible for the consequences of their choices, even when doing so requires us to leave them worse off than others.[1] The realization that both of these commitments might be conjunctively affirmed, first suggested by Dworkin in 1981, brought about an enduring shift in the argumentative landscape of political theory, in the form of a new and very influential theory of justice: choice-sensitive egalitarianism.[2] Reflecting the importance of this shift, it is hardly surprising that one of the most frequently quoted lines of recent political theory is G. A. Cohen's claim that Dworkin has "performed for egalitarianism the considerable service of incorporating within it the most powerful idea in the arsenal of the anti-egalitarian right: the idea of choice and responsibility."[3]

What is, perhaps, more surprising, is that despite the major impact that Dworkin's move has had on political theory, and despite the multifarious variations on Dworkin's theory that have since emerged, there has been very little written on *why* egalitarians ought accede to the right's demand that we hold people responsible for their choices. That is, while there has been plenty of discussion about how egalitarians might combine a commitment to equality with a commitment to holding people responsible for their choices, there has been almost no discussion of the underlying justification for doing so, and even less discussion of whether the underlying justification is genuinely consistent with a commitment to egalitarianism.

One apparently persuasive rationale for holding people responsible for their choices is as follows.[4] If we fail to hold people responsible for their choices, if we remedy all disadvantage which it is possible to remedy, then people would be able to take advantage of others for their own benefit. They would be able to do so by making risky, reckless, or imprudent choices, in the knowledge that others will burden the cost of bailing them out of any misfortune they suffer as a result of their choice. Since the choices that agents would make under such a system would often not give due weight to the interests of others, such a system would fail to ensure that an optimal balancing of people's interests is achieved.[5] To illustrate the rationale, consider the following example, described by one of the principal

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advocates of the view, Zofia Stemplowska. Stemplowska poses the question, should society offer free leg-mending operations to those who break their legs while bungee jumping uninsured in order to remedy the disadvantage suffered by such agents (notwithstanding any additional temporary disadvantage in the form of uncompensated pain and inconvenience)?[6] If society were to offer free leg-mending operations, then we could expect that bungee jumpers would take advantage of the offer by bungee jumping uninsured, safe in the knowledge that, if they break their legs, others will bear the cost of repairing them. But by choosing to bungee jump uninsured, they would fail to give due weight to the potentially weightier interest that other members of society have in not having to pay the cost of leg-mending operations for uninsured bungee jumpers. If that interest is indeed weightier, then society should protect the interest by declining to offer free leg-mending operations to those who break their legs while bungee jumping uninsured. Doing so will leave such agents disadvantaged relative to others, but, on the interest-based account, their disadvantage will be justified, because the balance of interests requires that such agents should be held responsible for their choices.

The interest-based rationale appears to provide a powerful reason to hold agents responsible for their choices. By so doing, it offers an apparently persuasive case for preferring choice-sensitive egalitarianism to a form of egalitarianism that treats all disadvantages, whether or not the result of choice, as unjustified. Moreover, the rationale suggests an attractive answer to the question, *when* should choices be treated as justifying disadvantage? According to the rationale, we should treat choices as justifying disadvantage (provided that certain additional considerations relating to duties and rights are satisfied), when, and only when, doing otherwise would allow agents to make choices that fail to give due weight to the interest-based entitlements of others. In cases that do not meet this criterion, egalitarians would have a reason to treat disadvantage arising from choice as unjustified, grounded in the undefeated interest that the choice bearer has in being able to pursue a particular activity while limiting his exposure to attendant risks.[7] As Segall notes, the interest-based rationale therefore suggests a criterion for disadvantage-justifying choice along the following lines: choices justify disadvantage only when it would be reasonable for society to expect the agent to choose otherwise.[8] The reference to the reasonable expectations of others in this formulation would, according to the interest-based rationale, denote the importance of taking into account, when deciding whether to treat a choice as justifying disadvantage or not, not only the interests of the choice-bearer, but also the interests of those who would have to bail the choice bearer out, if the choice were treated as failing to justify disadvantage.[9]

Attractive though the interest-based rationale appears to be, I shall argue that it faces a deep structural problem. The problem is this. Egalitarians—including advocates of the interest-based rationale—explicitly endorse the claim that agents ought, prior to making any choices that might justify disadvantage, start from a position of equal options.[10] Such a commitment seems central to egalitarianism: at a minimum, egalitarians care about inequalities that are due to unchosen circumstance, and inequalities in initial choice sets certainly fall into that category. If agents do not even start from equal starting points, it is hard to see why an egalitarian should be concerned from the point of view of equality about what happens thereafter. Egalitarians who endorse the interest-based rationale maintain that there is no conflict between a commitment to equality of options and her interest-based rationale for treating some choices as justifying disadvantage. But the interest-based rationale is, I shall argue, quite incompatible with a commitment to equality of options. Egalitarians must therefore, upon pain of abandoning their egalitarianism, reject the interest-based rationale.

II

To see why the interest-based rationale is in conflict with a commitment to equality of options, consider a further example, also taken from Stemplowska's discussion of the rationale. Suppose that all agents face the same, equally valuable set of options. They can choose whether or not to own a car. If they choose to own a car, then they all face an equal risk that the car will break down, and that it will be costly to repair. Car owners can reduce the risk that their car will break down by sending it for regular servicing. Nevertheless, car owners cannot avoid the danger of disadvantage altogether, without some intervention on the part of other agents: whether or not they get their car serviced, there is a risk that the car will break down.

Suppose that some cars break down. Should we treat the owners of these cars as having suffered *unjustified* disadvantage, and so as having a claim for repair at the expense of society? As Stemplowska argues, the interest-based rationale will claim that whether or not we should do so depends on the balance of interests. Suppose, then, that the interest that car owners have in being able to drive a *serviced* car without bearing the risk of a costly repair outweighs the interest that other agents have in not having to pay for such repairs. And suppose that the interest that cars owners have in being able to drive an *unserviced* car without bearing the (greater) risk of a costly repair does *not* outweigh the interest that other agents have in not having to pay for such repairs. As such, the interest-based rationale recommends that society commit to treating the disadvantage suffered by those agents whose cars break down as unjustified, and so to repairing their cars for free, if and only if they have serviced their car.

So far so good. But this is where the interest-based rationale runs up against a commitment to equality of options, despite the claim of its advocates that there is no conflict between the two. To see why it does so, we need to take a step back and consider what it means for agents to face equally valuable options. One view about what a commitment to equality of options requires is that it requires only that agents' best options are equally valuable.[11] Another view claims that we ought also take into account the value of agents' suboptimal options.[12] Whichever of these interpretations of equality of options one prefers, what is important to the present argument is that they all share one key feature, by virtue of which they all end up being incompatible with the interest-based rationale for distinguishing between justified and unjustified disadvantages. The feature is that, when any of the views claim that an option faced by one agent is as valuable as an option faced by another agent, whether that option is the optimal option or a suboptimal option, they need not—and indeed cannot—mean that the option to φ is as valuable for one agent as the option to φ is for another. This is because agents have different preferences, and so will rank options differently. In the present example, the best option for some agents might be to own a serviced car. For others, the best option might be to own an unserviced car. For others, no car at all. Equality of options merely requires, at a minimum, that each agent's best option, *whatever that option is*, is as good as other agents' best options. And, if suboptimal options are also to be taken into account, then it may also require that their second best option is as good as other agents' second best options, and so on.[13] So, for example, equality of options could be satisfied if owning a serviced car is as good for some agents as owning no car is for others, and owning no car is as good for the former group of agents as owning an unserviced car is for the latter group, and owning an unserviced car is as good for the former group as owning a serviced car is for the latter group.

Consider now what effect the introduction of a commitment to repair serviced cars for free would have on the comparative value of agents' options. The commitment has the effect of making the option to own a serviced car rather more valuable than it would have been without the commitment, because the commitment increases the expected benefit of owning a serviced car by removing any risk of having to pay to repair a broken down serviced car oneself. The value of all other options is unaffected by the commitment. As such, the commitment will disproportionately benefit those agents for whom owning a serviced car was, without the commitment, the best option. Such agents now enjoy a much better best option than do agents for whom owning a serviced car was not, without the commitment, the best option.[14] We cannot, therefore, guarantee that a distribution of options that is equal before the commitment to repairing serviced cars is introduced will remain equal after it is introduced. The interest-based rationale is not compatible with the preservation of equality of options.

III

Advocates of the interest-based rationale claim that the rationale is compatible with the preservation of equality of options. Against this claim, I have thus far argued that it is not. But one might object that the interest-based rationale need not, in order to be amenable to egalitarians, be compatible with the *preservation* of equality of options, *relative to a situation in which equality of options obtained but no indemnities were offered*. Rather, one might think that the interest-based rationale need only be compatible with equality of options in the sense that it must be possible for society to adopt an indemnity scheme that both reflects the balance of interests and offers equal options to all agents. Such a scheme need not *preserve* equality of options, goes the objection, it need only ensure that equality of options now obtains, whatever went before. Stemplowska herself does seem to endorse the claim that a scheme that can be justified by the interest-based rationale will *preserve* equality of options, but let us consider nevertheless whether this weaker way of being compatible with equality of options can rescue the interest-based rationale.[15]

Can the weaker version of compatibility rescue the interest-based rationale from the complaint that it is not compatible with equality of options? The problem with the weaker version is that, while it rejects the use of a no-indemnity equal options scenario as the comparator against which interests are to be measured, the putative interpretation offers no alternative comparator scenario. But we need a comparator scenario in order to make sense of the claim that it would be in some agents' interests if society were to adopt an indemnity scheme. We cannot simply stipulate that the comparator scenario be such that, if an indemnity scheme were offered that reflected the balance of interests, then equality of options would obtain. Aside from the obvious argumentative fallacy of making such a stipulation, doing so would leave the interest-based rationale redundant, since adoption of the scheme would need no more justification that provided by a commitment to equality of options.

It does not help, then, to argue that the interest-based rationale need only be compatible with equality of options in the sense that it must be possible for society to adopt an indemnity scheme that both reflects the balance of interests and offers equal options to all agents. Nor does it help to suppose that the interest-based rationale need only be compatible with bringing about equality of options, *relative to whatever pattern of options would in fact obtain without the scheme*. The problem with this interpretation is that whether or not it is possible for society to adopt an indemnity scheme that both reflects the balance of interests and leaves all agents facing equal options will depend on contingent facts about how options actually turn out to be distributed in the real world. It is *possible* that without the scheme, agents might face a pattern of options such that if the scheme were adopted, then this would happen to coincide exactly with the pattern of interventions that would be required to bring about equality of options. But such a coincidence would be extremely unlikely. In any case, the contingent nature of the possible coincidence is enough to reject the claim that the interest-based rationale is compatible with equality of options, since that claim requires a non-contingent guarantee that the two will not conflict.[16]

IV

The interest-based rationale for distinguishing between justified and unjustified disadvantage requires us to remedy misfortune in a way that is incompatible with the preservation of equality of options or, more generally, with any plausible interpretation of a commitment to equality of options. Note that my claim is not merely that a commitment to distinguishing between justified and unjustified disadvantage arising from choice is in conflict with the preservation of equality of options. Rather, my claim is that a commitment to distinguishing between justified and unjustified disadvantage arising from choice *grounded in the interest-based rationale* is in conflict with the preservation of equality of options. The former claim, in fact, would be false. We *can* imagine a scheme that treats some disadvantages arising from choice as unjustified, but not others, without threatening equality of options. In the car case, for example, consider the following insurance scheme, along the lines of (but not quite identical to) that which Otsuka thinks is required by a commitment to egalitarianism.[17] The insurance scheme is such that car owners are able to insure against the risk that their car will break down in return for a premium paid to society that offsets the unequalizing additional benefit that the offer of free repair provides. The disadvantage borne by agents who take out the insurance is treated as unjustified, and their cars are repaired at no further cost. The disadvantage borne by agents who decline the insurance is treated as justified, and their cars are not repaired at society's expense. Equality of options is preserved by such a scheme, provided that the premium is set such that the option to pay the premium and receive the insurance against breakdown is, for the agent concerned, as good as, but no better than, the option not to pay the premium and not to receive any insurance against breakdown.[18] But such a scheme would not be compatible with the interest-based rationale for distinguishing between justified and unjustified disadvantage. This is because the interest-based rationale relies on recipients of the indemnity having an interest in being so indemnified. And under the putative insurance scheme, agents have no interest in being insured, since the cost of the premium to them perfectly offsets the benefit of the indemnity.[19]

The argument thus far suggests that the problem with the interest-based rationale for holding agents responsible for some of their choices is as follows. The rationale supposes that choice bearers have an interest in being indemnified against certain risks: the rationale then has us ask whether, in any particular case, the choice bearer's interest outweighs the interest that others have in offering such indemnity. If the indemnity is offered at no cost to choice bearers, then choice bearers will indeed have an interest in being offered the indemnity, so the rationale initially appears to succeed. But the success is illusionary, because if the indemnity is offered at no cost to choice bearers, then the provision of the indemnity would fail to preserve equality of options, which advocates of the interest-based rationale rightly identifies as a key egalitarian commitment. On the other hand, equality of options could be preserved if choice bearers are offered an indemnity in return for a premium that fully offsets the additional benefit that they gain from the indemnity. But if choice bearers are charged a fully offsetting premium, then the interest-based rationale would not then apply, because choice bearers would have no interest in such a scheme. Since egalitarians cannot, on pain of abandoning their egalitarianism, dispense with the commitment to equality of options, the argument thus far suggests that they should endorse the latter scheme over the former and reject the interest-based rationale.[20]

V

If egalitarians must reject the interest-based rationale for holding agents responsible for their choices, then where does this leave the project of justifying choice-sensitive egalitarianism? One option is for choice-sensitive egalitarians to follow G. A. Cohen in insisting that their commitment to holding agents responsible for their choices, like their commitment to remedying disadvantages for which agents are not responsible, is a fundamental moral conviction which does not admit of further justification.[21] Such a position is possible, but somewhat unsatisfactory, in that it leaves choice-sensitive egalitarians with nothing to say in defense of their view to those who do not to share the supposedly fundamental moral conviction. Perhaps more damaging still, such a position leaves choice-sensitive egalitarians with nothing to say to those who insist that the intuitions that support choice-sensitivity are not fundamental, but do in fact reflect the sorts of interest-based considerations that have attracted some to the interest-based rationale—and that, since such considerations are incompatible with egalitarianism, we should reject egalitarianism. An alternative rationale for holding agents responsible for their choices, one which *is* compatible with equality of options, would allow choice-sensitive egalitarians to answer both of these critics. Moreover, so little has thus far been written on the reasons for holding agents responsible for their choices that it is too early to give up on the search for a justification that is compatible with egalitarianism. Much has been written on the question, "*when* should egalitarians hold agents responsible for their choices?" If nearly as much attention were to be directed to the prior question, "*why* should egalitarians hold agents responsible for their choices," doubtless a better picture of the underlying justificatory terrain would start to emerge.[22]

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Notes

1 By *responsible* I mean *substantively responsible* in the Scanlon's sense that a choice bearer ought to bear the benefits and burdens associated with the outcome of his choice. T. M. Scanlon, *What We Owe to Each Other* (Cambridge, MA: Harvard University Press, 1998), 248.

2 R. Dworkin, "What is Equality? Part 2: Equality of Resources," *Philosophy and Public Affairs* 10, no. 4 (1981): 283–345.

3 G. A. Cohen, "On the Currency of Egalitarian Justice," *Ethics* 99, no. 4 (July 1989): 906–44 at 933.

4 See, in particular, Z. Stemplowska, "Making Justice Sensitive to Responsibility," *Political Studies* 57, no. 2 (June 2009): 237–59; Z. Stemplowska, "Harmful Choices: Scanlon and Voorhoeve on Substantive Responsibility," *Journal of Moral Philosophy* 10, no. 4 (2013): 488–507; Z. Stemplowska, "Luck Egalitarianism," in G. Gaus and F. D'Agostino, eds., *The Routledge Companion to Social and Political Philosophy* (New York: Routledge, 2012). A similar position is

endorsed by G. Lang, "Luck Egalitarianism, Permissible Inequalities, and Moral Hazard," *Journal of Moral Philosophy* 6, no. 3 (2009): 317–38. Other rationales, which it is beyond the scope of the present paper to discuss, are described by Scanlon, *What We Owe to Each Other*, 248–67, and by A. Voorhoeve, "Scanlon on Substantive Responsibility," *The Journal of Political Philosophy* 16, no. 2 (June 2008): 184–200.

[5] Stemplowska's argument is that we, considered collectively, have a reason to adopt a scheme that achieves an optimal balancing over a suboptimal one. Alternatively, one might argue that agents who choose without giving due weight to the interest-based entitlements of others *deserve* to be held substantively responsible for their choices. See S. Olsaretti, "Introduction: Debating Desert and Justice," in S. Olsaretti, ed., *Desert and Justice* (Oxford: Oxford University Press, 2003), and other essays in that volume.

[6] Stemplowska, "Making Justice Sensitive to Responsibility," 249–50.

[7] E.g., Stemplowska, "Making Justice Sensitive to Responsibility," 248–49. The argument as presented assumes that the interests of choice bearers are supposed to justify treating certain disadvantages as unjustified, when those interests outweigh the contrary interests of non–choice bearers. Alternatively, one might endorse some independent reason for treating all disadvantages as unjustified, and use the balance of interests account only to justify the existence of a competing reason not to treat disadvantage as unjustified in cases where doing so would allow choice bearers to benefit by failing to give due weight to the interest-based entitlements of others. The original version draws normative conclusions both from the fact, when it obtains, that the choice bearer's interest outweighs the interests of others, and from the fact, when it obtains, that the interests of others outweigh the interests of choice-bearers; the alternative version, in contrast, draws normative conclusions only from the fact, when it obtains, that the interests of others outweigh the interests of choice bearers. The alternative version would not, however, avoid the objection that follows, since it still assumes that a choice bearer has an interest in being indemnified against the consequences of his choice, such that we may ask whether or not that interest is outweighed by the interest that others have in not offering such indemnity.

[8] S. Segall, *Health, Luck, and Justice* (Princeton NJ: Princeton University Press, 2009), 177.

[9] Segall's own understanding of what "reasonable" requires differs slightly from what Stemplowska's account would suggest. See S. Segall, "Health, Luck, and Justice *Revisited*," *Ethical Perspectives*, 19, no. 2 (June 2012): 326–32 at 330.

[10] E.g., Stemplowska, "Making Justice Sensitive to Responsibility," 238, 243–44. In fact, Stemplowska goes one step further and maintains not only that agents ought to enjoy equal options but that choice-sensitive egalitarians should treat equality of options as a prerequisite for disadvantage-justifying choice. This is a widely endorsed and plausible claim. If agents face worse options than others through no fault of their own then one might reasonably suppose that this fact should, for an egalitarian, count against holding them responsible for disadvantage brought about by their choosing one of those options. But note that, while the further claim is perhaps suggested by the lesser claim, and while it is in fact widely endorsed by egalitarians, nevertheless the further claim is not straightforwardly entailed by the original claim: egalitarians could maintain that agents ought enjoy equal options without committing to any particular view about what should happen if they don't. One need only endorse the lesser claim that agents ought to enjoy equal options in order to object to the interest-based rationale on the grounds that it is in conflict with such a commitment. One need not also endorse the further claim that, when agents do not enjoy equal options, they should not be held responsible for disadvantages brought about by their choice.

[11] E.g., M. Otsuka, *Libertarianism without Inequality* (Oxford: Clarendon Press, 2003), 27.

[12] E.g., R. Arneson, "Equality and Equal Opportunity for Welfare," *Philosophical Studies* 56, no. 1 (May 1989): 77–93 at 85–86; P. Vallentyne, "Brute Luck, Option Luck, and Equality of Initial Opportunities," *Ethics* 112, no. 3 (April 2002): 529–57 at 542; Voorhoeve, "Scanlon on Substantive Responsibility," 195–200. Voorhoeve thinks that we ought to also take into account agents' dispositions to choose suboptimally. This addition does not help us

to avoid the conflict between the interest-based rationale and a commitment to equality of options.

[13] Cf. R. Arneson, "Liberalism, Distributive Subjectivism, and Equal Opportunity for Welfare," *Philosophy and Public Affairs* 19, no. 2 (Spring 1990): 158–94 at 178. "Equal opportunity for welfare obtains among persons when all of them face equivalent decision trees—when the expected value of each person's best (most prudent), second best. . .n-best choice of options is the same."

[14] It might be the case that for some agents, owning a serviced car was not, without the commitment, the best option, but that owning a serviced car is now, with the commitment, the best option. But the fact that owning a serviced car was not their best option without the commitment suggests that even with the commitment, owning a serviced car will not be as good an option for such agents as it now is for agents for whom owning a serviced car was the best option even before the commitment was introduced.

[15] Stemplowska, "Making Justice Sensitive to Responsibility," 246–47.

[16] Notice that the same objection could be made to Stemplowska's claim that a commitment to respecting rights is also compatible with a commitment to equality of options. Again, it will be a contingent matter if moving from a non-rights-respecting distribution of options to a rights-respecting distribution of options happens to coincide with bringing about equality of options. To the extent that one endorses a relatively minimal set of rights, however, this objection can be avoided, by claiming that there is wiggle room within a rights-respecting distribution of options to make further adjustments in the direction of equality of options.

[17] M. Otsuka, "Equality, Ambition, and Insurance," *Proceedings of the Aristotelian Society* supplementary volume 78, no. 1 (July 2004): 151–66 at 155–56; see also M. Otsuka, "Luck, Insurance, and Equality," *Ethics* 113, no. 1 (October 2002): 40–54. The putative insurance scheme differs from Otsuka's criterion in two respects. First, it says only that the option to insure must be as good as the option not to insure, whereas Otsuka claims that the option must also clear some absolute sufficiency threshold. Second, it says that the option to insure must be as good *but no better than* the option not to insure, whereas Otsuka says that the option to insure must be *at least as good as* (and so potentially better than) the option not to insure. Without these modifications, we cannot guarantee that equality of options will be preserved. Notice that Otsuka himself defends his criterion only by appeal to intuition, without supplying a deeper rationale for the criterion. He claims that his criterion is required by equality of resources or what he calls the "egalitarian ideal" but does not say what it is supposed to equalize.

[18] And that, by offering insurance and receiving a share of the premium, all agents are either expectably no better or worse off than they were before, or they are expectably equally better or worse off than they were before.

[19] Can one justify such a scheme by appeal to the balance of interests on the ground that it might be in the interest of those who offer the insurance (if they are less risk averse to the risk in question than the insured agent), even if it cannot be justified on the ground that it is in the interest of those who receive the offer of insurance? Perhaps, but this does not seem to be the sort of justification, and by extension the sort of scheme, that choice-sensitive egalitarians would want to endorse. A concern with the interests of those who suffer misfortune, and not merely with the interests of those who would benefit by offering insurance against misfortune, seems central to their view.

[20] The putative dichotomy between these two schemes, and the resultant claim that an interest-based rationale could never be compatible with equality of options, is in fact a slight simplification of the deeper terrain. For there is actually a range of schemes between the two extremes described, where choice bearers are required to pay a premium in return for indemnity against risk, but where the premium is smaller than that which would leave them entirely indifferent between insuring and facing the risk. Moreover, where some agents are more risk averse than others to particular risks, those who are less risk averse toward the risk will be able to insure the agent who faces the risk in return for a premium such that all parties, both the providers and the recipients of the insurance, are left expectably better off (provided that the costs of setting up the scheme are not too high).

There will be a range of values that the premium could take in order to satisfy this constraint, but at least one of these values will be such that all agents are rendered equally better off for the existence of the insurance, thereby ensuring that equality of options is preserved. Such an insurance scheme, one in which agents are offered insurance in return for a premium set at a level that leaves everyone equally better off, can be recommended both on the ground that it preserves equality of options and on the ground that it is in all agents' interests (although one might object that the justificatory work is not done by the mere fact that it is in agent's interests, but by the fact—when and only when it obtains—that agents would in fact consent to the scheme). Given these virtues, it is tempting to suppose that choice-sensitive egalitarians might endorse such a scheme as the most defensible version of their position and that, contrary to the main line of argument of the paper, choice-sensitive egalitarianism might indeed be justified by an interest-based rationale. But while the scheme certainly has much to recommend it, it cannot properly be regarded as a version of choice-sensitive egalitarianism. For the scheme does not manage to capture something else which does seem central to choice-sensitive egalitarianism: the thought that agents ought to sometimes collectively insure other agents against misfortune, even if it is not in their interests to do so. That is, the badness of the *ex post* misfortune provides a reason for agents to assist those who suffer misfortune, even if it is not in their interests (they were not paid a suitably large premium) to do so. The attraction of Stemplowska's original argument was that it appeared to show that one could endorse this thought while at the same time endorsing both a commitment to equality of options and an interest-based rationale for insurance. The main thrust of this paper has been to show that a premium-less free-repair scheme, is not in fact compatible with equality of options, while another possible scheme, the fully offset insurance scheme, is not compatible with an interest-based rationale. But even if this third scheme is compatible both with equality of options and with an interest-based rationale, it remains unable to accommodate the thought that agents ought to sometimes collectively insure other agents against misfortune even if it is not in their interests to do so, since it suggests that agents should insure others only when it is in their interests (they are paid a suitably large premium) to do so. Moreover, it will not be possible on any scheme to render *that* thought compatible with the former pair of commitments, because the former pair of commitments can be reconciled only by a scheme that requires agents to offer insurance in a way that is beneficial and equally beneficial to all (both *qua* insurers and *qua* insured), whereas the latter thought can be accommodated only by a scheme that that requires agents to offer insurance in a way that is not beneficial to some (*qua* insurers).

[21] G. A. Cohen, *Rescuing Justice and Equality* (Cambridge, MA: Harvard University Press, 2009), 7.

[22] As noted above, Scanlon and Voorhoeve have also suggested answers to this question, but published criticism of both these answers suggests that there is certainly much more to be said in response to the question than has thus far been said. Moreover, it is unclear whether Scanlon's or Voorhoeve's rationales fare any better from the point of view of egalitarianism, since one might argue that, like the Stemplowskan interest-based rationale, their recommendations pull against the egalitarian commitment to equality of options.