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BOOK REVIEW

Review of Joseph Fishkin's *Bottlenecks: A New Theory of Equal Opportunity*

Academic discussions regarding equality of opportunity are among the rare debates that scholars from different disciplines have been able to profitably participate. Not surprisingly, a number of theoretical advances in this field have been achieved thanks to cross-fertilization among different disciplines, ranging from economics and political philosophy to sociology and pedagogy. *Bottlenecks: A New Theory of Equal Opportunity*, by Joseph Fishkin, is a contribution to the philosophical debate. The book's aim is to propose a new theory of equal opportunity defined by Fishkin as opportunity pluralism. In proposing his theory, Fishkin extensively discusses the philosophical bases of opportunity pluralism and a number of pragmatic aspects of its implementation. For example, he states that to achieve opportunity pluralism it is necessary both to equalize existing opportunities and to modify their structure. The structure of opportunity is the system of mechanisms that allocate valuable outcomes (such as consumption, income or health) and social roles. This structure is relevant because it affects the intensity of rivalry in a society. As Fishkin comprehensively explains, a high degree of rivalry, even in the ideal situation of perfect equal opportunity, severely limits social welfare. The book is well written and provides food for thought for all economists interested in exploring equal opportunity from a novel perspective.

In the last decades, the concept of "equality of opportunity" has gained increasing space both in the economic debate and in the field of policy discourse. This recent flowering in the equality of opportunity literature has emerged from two parallel lines of research. On one side is Roemer's (1998) seminal contribution which proposed an operational way to quantify the degree of equality of opportunity in a given society. Roemer's approach is easily implementable and has been largely adopted in empirical assessments of inequality of opportunity (Ferreira and Peragine, forthcoming). On the other side, a number of contributions have explored the possibility of defining equality of opportunity as responsibility-sensitive egalitarianism. This principle calls for compensation of inequalities but holds individuals responsible, at least in part, for their preferences (Fleurbaey, 2008; Fleurbaey and Maniquet, 2011). Both approaches have triggered a growing number of theoretical and empirical studies.

Over the past several years, the measurement of inequality of opportunity has become so common an exercise that in a recent meta-analysis it has been possible to compare inequality of opportunity estimates for 41 different countries (Brunori *et al.*, 2013). A variety of inequality of opportunity indexes have begun to be used by policy institutions, notably the World Bank (Kanbur and Wagstaf, 2014). It is therefore unsurprising that the *Handbook of Income Distribution* (Adler and Fleurbaey, forthcoming 2015) and the *Oxford Handbook of Well-Being and Public*

Policy (Atkinson and Bourguignon, 2014) devote more than one chapter to different aspects of equal opportunity.

Over the years, the economics literature has probably concentrated more on trying to correctly measure particular, and in some cases narrow, ideas of equal opportunity, rather than discussing the meaning and consequences of implementing such ideas. In this context *Bottlenecks* by Joseph Fishkin represents an important contribution to the legal philosophy debate that will influence the way in which economists think and measure inequality of opportunity. The reader should not expect any axiomatic formalization of the theory. Fishkin proposes an innovative concept of equal opportunities but does not introduce an alternative approach to measure inequality of opportunity. He suggests directions to reform our institutions but does not introduce a formal framework for evaluating the degree of equal opportunities in a society.

The main contribution of Fishkin's book is to show how a given degree of equality of opportunity in a society can lead to very different levels of social welfare depending on how opportunities are structured. To illustrate the point he compares two ideal types of society: unitary and pluralistic. In a unitary society, social roles and desirable goods are assigned according to a few select criteria, e.g. class of origin or education achievements. Such structure of opportunity leads everyone to conform their ambitions and to exert effort in the attempt to satisfy these criteria. Conversely, in a society characterized by a pluralistic structure of opportunity, there are many criteria and many paths that lead to valuable goods. This implies that people living in a pluralistic society tend to hold diverse views about what constitutes a good life and the ways in which it can be obtained. In his book Fishkin explains why a pluralistic structure of opportunity is to be preferred to a unitary society in terms of social welfare. Thus, a society aiming to maximize human flourishing and social welfare should not only attempt to equalize opportunities but also to make more pluralistic the structure of such opportunities.

The book is divided into four chapters. The first one reviews a number of prominent definitions of equality of opportunity and focuses on four problems intrinsic to those definitions. The second chapter is devoted to a discussion of the development of talents, ambitions, and individual opportunities from birth. This approach to human development represents the basis of the author's theory of opportunity pluralism and is illustrated in chapter three. The last chapter contains a number of policy implications.

Fishkin begins his book by examining various meanings attributed to the term "equal opportunity". He reviews definitions ranging from what he calls the principle of "formal equal opportunity", in which outcomes are allocated according to talent and merit, to fully egalitarian interpretations of the same principle. Fishkin suggests that the term equality of opportunity assumes completely different meanings depending upon how one assumes that talent and merit develop. This explains why the largest part of the chapter is devoted to theories that focus on the development of talent and aspirations, including contributions by Rawls, Cohen, Dworkin and Roemer. The rest of the chapter contains a discussion of four problems challenging all theories of equal opportunity: role of the family, definition of merit, identification of a proper starting gate, and differences in individual aspirations.

The role of the family represents a problem for equality of opportunity because parents act continuously to give advantages to their offspring. Fishkin suggests that it is impossible to fully compensate individuals for disadvantages owing to their families and suggests, in line with Dworkin, that "mitigation" rather than elimination of the unfair inequality should be the objective of redistribution.

The second problem concerns the definition of merit. To implement equal opportunity we should distinguish the objects of compensation from reward. Generally, effort and talent are identified as characteristics that deserve reward. However, Fishkin claims that it is impossible to disentangle these individual characteristics from other circumstances such as socioeconomic background or race:

> This project turned out to be like peeling away layers of an onion. [. . .] There is no way to separate a person from the accumulated effects of her interactions with her circumstances, including her opportunities, because the product of those accumulated interactions is the person. (p. 64)

The third problem severely affecting all theories suggests to equalize opportunity into two steps, and is called the "starting gate" mechanism by Fiskin. These theories propose that inequalities until the age of reason must be fully compensated, followed by the implementation of fair contests in order to allocate advantages later in life. To explain the weaknesses of this approach, Fishkin introduces an example, the big test society, a society in which at a certain age all individuals are asked to compete in a test that determines what kind of job they can obtain. In Fishkin's view such an opportunity structure is perfectly consistent with the starting gate mechanism to equalize opportunity. However, even in the ideal situation in which before the test all pupils are fully compensated for unfair disadvantages, because of the existence of this bottleneck, the big test society defines a problematic structure of opportunity. In effect, as he goes on to discuss in depth throughout the book, bottlenecks impose substantial welfare costs on society because they incentivize zero-sum competition for positional goods.

The fourth and final problem of equal opportunity is also connected to the bottleneck structure. Theories of equality of opportunity generally model life as a race and call for interventions to level the playing field. However, to represent life as a race implies the assumption that all participants aim at the same objective: to outpace rivals. Fishkin claims that human development and flourishing are not about winning a race but about developing our capacities and defining who we are. Yet, bottlenecks create a system of incentives that modifies individual aspirations and makes life more similar to a race. A bottleneck, such as the big test, constrains and channels individuals' ambitions and goals, limiting an important value of human life: individual autonomy. Indeed if opportunities crucially depend on the ability to pass through the bottleneck:

> [. . .] there is little room and no good reason for anyone to develop in other directions, devote themselves to other goals, or to carve out new path on their own. (p. 78)

On the basis of these four problems, Fishkin rejects all existing theories of equal opportunity and proposes his own approach. To do so, in the second chapter he discusses what he considers to be the preliminary question that needs to be

answered in order to define equal opportunity: How do human traits such as talents and ambitions develop? As any definition of equal opportunity divides individuals' characteristics into those deserving of reward and those calling for compensation, one should take into serious consideration how individual characteristics and environmental factors combine to create differences in observed ambitions and talents.

Fishkin rejects both environmental and genetic determinism and claims that it is impossible to disentangle the effect of individual talent, ambitions, and environmental factors on individual outcomes. In his view, the idea of two distinct components is based on an oversimplified conception of how human development works. He refers especially to theory such as Rawls' *fair equal opportunity* which assumes that human differences can be, at least in theory, decomposed into a component that is natural and a component that is socially produced. He reviews a number of theories about human development, showing how natural and social sources of differences cannot be disaggregated, not only in practice but also in theory.

In Fishkin's view, human development arises as a continuous series of interactions between a person and her environment. A student performing well on a test at a certain age will gain the opportunity to access a favorable environment and will develop ambition for the future. Her ambitions and preferences are the result of the iterative interaction between previous conditions and the environment which cannot be distinguished. If one endorses Fishkin's view about human development, any definition of equal opportunity based on the compensation of socially-determined inequalities loses much of its appeal.

In chapter three Fishkin proposes an alternative principle of distributive justice: opportunity pluralism. To implement opportunity pluralism a society should complement the principle of opportunity equalization with the principle of pluralism. Individuals should, not only have fair access to valuable outcomes, but should also be able to decide for themselves which dimensions of a flourishing life matter to them and have the opportunity to develop in these dimensions of their life.

The author moves on to explain how such a pluralistic society can be realized. In order to achieve opportunity pluralism a society should focus on four main requirements: 1. there should be a plurality of values and goals in the society in the sense that people should disagree about what their goals are in life, 2. Individuals' preferences should favor non-positional goods, 3. there should be a plurality of paths leading to valued goods and roles in the society; and 4. the power to enable a person to pursue a path should not be concentrated in a few decision makers.

The most important requirement is the first one: people should have different objectives in life. The other three requirements are direct consequences of the first. In fact, the more individuals have different objectives in life the less they will compete in a zero-sum game to get access to the same goods. A plurality of paths to obtain valuable goods is the structure of opportunity necessary to avoid positional competition for some instrumental good, such as money, or top performance on a test. If people have different objectives in life, yet to achieve any of them those people must pass through a bottleneck (get money or succeed on a test), then the structure of opportunity will remain unitary. Finally, the decentralization

of the power that enables people to obtain valuable goods is the only way to avoid bottlenecks, because the concentration of such power implies a higher degree of homogeneity in the criteria used to allocate valuable goods. Therefore a society willing to implement opportunity pluralism should reform the mechanisms that allocate social roles, removing bottlenecks and any other system of incentives that tend to orient individual aspirations toward the same objectives.

The last chapter is devoted to applications: best practices and possible ways to improve the opportunity structure of a society. Bottlenecks can be solved both by helping a larger part of the population to pass through them and, most importantly, by creating paths around the bottlenecks. For example, selective tests to access a university education represent a very common bottleneck. To solve this issue, one might implement strategies to allow individuals with poor socioeconomic backgrounds to succeed on the big test or for those not able to pass the big test, grant them alternative paths to get valuable jobs. The Texas Ten Percent Plan, implemented by the University of Texas in the late 1990s to increase the number of students coming from rural and poor schools is an example of the former strategy. Apprenticeships in Germany are examples of the latter strategy; they provide paths around a bottleneck but opening a wide range of opportunities to students to develop technical careers even if they missed the opportunity to obtain university degrees.

In concluding his book, Fishkin proposes a reinterpretation of the role of anti-discrimination laws. He endorses a number of provisions and decisions that represent an improvement in anti-discrimination jurisprudence, the role of which should be to remove or discourage bottlenecks unless they are legitimated by clear efficiency requirements. Recently passed "ban the box" ordinances, that prohibit the inclusion on employment application forms of a check box indicating whether an applicant has a criminal conviction, is an example of bottlenecks being removed. Similar to this is the New Jersey 2011 law that prohibits the inclusion of employment status among the information used to screen applicants at initial stages. These rules do not prohibit discrimination on the basis of criminal conviction or employment status, rather they impel employers to consider the qualifications of convicted and unemployed applicants before deciding if they are the best applicants for the jobs or not. In other words each one reduces the impact of a bottleneck which would otherwise severely limit the employment opportunities of many people.

Fishkin suggests that these decisions ban behaviors that would not have been considered discriminatory in the past. Historically, anti-discrimination law was connected with the issue of race and this explains why it has traditionally more easily protected groups of individuals with visible characteristics such as minorities. Unemployment and criminal conviction, by contrast, do not define a recognizable group and moreover are strongly dependent on individual choice and talent. However, in Fishkin's view, interventions preventing discrimination against these conditions have ameliorated important bottlenecks in the opportunity structure.

Fishkin's conception of human flourishing is not particularly innovative. It retraces Sen's capabilities approach and it is close to the view of many economists who have integrated individual freedom into the definition of well-being. Marc Fleurbaey, surprisingly never cited in *Bottlenecks*, has often stressed how equality and freedom are the normative justifications of the two principles, compensation and reward, at the base of many definitions of equality of opportunity (Fleurabey,

2008). Fishkin's opportunity pluralism and Fleurbaey's responsibility-sensitive egalitarianism share the idea that the opportunity to freely develop a personal view of what is a good life is a fundamental dimension of individual well-being:

> [. . .] part of the distinctive appeal of equal opportunity is that it enables people to pursue goals in life that are to a greater degree their own, rather than being dictated by the limited opportunities that were available to them. (p. 121)

Nevertheless, *Bottlenecks* is an important contribution to the debate surrounding equal opportunity. Fishkin proposes an approach which, instead of focusing on the problem of equalization, places at its center the promotion of human flourishing. The book suggests that a crucial issue in the achievement of human flourishing is the structure of opportunities people face, an aspect often neglected by the economics literature. The opportunity structure is relevant because it interacts with individual goals in life. The more the opportunity structure is unitary, the more individual preferences will be homogeneous, which implies, *ceteris paribus*, a higher degree of rivalry and a lower level of welfare. This crucial point of the theory can be accused of both paternalism and perfectionism. Nonetheless, Fishkin's theory is less paternalistic than it may seem at first glance: it does not suggest what people should pursue but recommends that they ought not all seek the same things.

In the last chapters of the book, Fishkin highlights the role of bottlenecks in reducing the pluralism of a society. The focus on some bottlenecks, such as achievement tests or employment screening methods, is fascinating because we are used to considering these mechanisms as tools for the implementation of meritocracy and equality of opportunities. From Fishkin's discussion we learn that, in the attempt to recognize merit, these big tests modify individuals' incentives and aspirations and can severely limit the opportunities of many. A mechanism intended to implement equal opportunity may eventually lead to fewer opportunities for people to choose and pursue their conception of a good life. In this perspective, Fishkin's view of the "big test society", the perfect example of meritocracy, appears closely related to Michael Young's critique of a meritocratic society. "A social revolution has been accomplished by harnessing schools and universities to the task of sieving people according to education's narrow band of values" (Young, 2001). Moreover, it is an interesting coincidence that the widespread use of achievement tests in the U.S. has recently been challenged on a more pragmatic ground by Heckman, Humphries and Kautz (2014). In their view, if on the one hand the General Educational Development test (GED) correctly measures some dimensions of individual development, on the other it fails to measure other relevant skills like motivation, persistence, self-esteem and self-control. Applying the Fishkin approach this may not be considered a merely technical problem about how correct is the use of a test to proxy the many dimensions of individual development. These findings may be also related to the incentives faced by students, that instead of graduating from high school, decide to take the GED test.

Although Fishkin does not propose a formal framework to evaluate the effect of different institutional arrangements on the degree of opportunity pluralism, his theory calls for a reduction in the degree of rivalry which is intrinsic to any

non-public good and is particularly sharp for positional goods (often defined as double-rival goods). This is why the presence of major bottlenecks, like in case of the big test, represents a problem. In order to pass through a bottleneck people engage in a positional competition. The economic literature has shown the costs in terms of double-rivalry implicit in the positionality of the goods and have suggested an increase in the progressivity of taxation or the imposition of higher tax rates on positional goods in order to avoid efficiency costs (Frank, 2011; Vatiero, 2013). From a similar perspective, Fishkin suggests the modification of the mechanisms that give access to valuable goods. In particular, he recommends the implementation of a structure of opportunity in which a plurality of paths can lead to valuable goods, avoiding bottlenecks. To agree on this point we do not need to believe that individuals naturally value different things in life; it is sufficient to acknowledge that any environment shapes, at least in part, individuals' preferences and that the more pluralistic the environment we construct, the less individuals will compete one against each other to obtain positional goods.

The focus on the structure of opportunity in Fishkin's theory widens our understanding of the meaning of equal opportunity, and challenges existing methods to measure it. The most intriguing question for economists is whether it will be possible to formalize and measure the degree of pluralism of a society. Today, when measuring inequality of opportunity, economists focus on the degree to which desirable outcomes are determined by circumstances beyond an individual's control. The definition of a "desirable outcome," how to account for individual preferences in measuring opportunities, and understanding how preferences develop are long debated and still pertinent issues in the literature.

Roemer's approach solves the first issue by imposing homogeneous preferences. Whereas the alternative models *à la* Fleurbaey evaluate unfair inequality allowing for heterogeneous individual preferences. The imposition of common individual preferences allows Roemer to integrate into his approach the role of opportunities in the formation of individual aspirations: given that preferences are uniform, differences in individual behavior can only derive from different circumstances beyond individual control. Therefore, the share of inequality owing to differences in behavior correlated with circumstances is to be considered part of inequality of opportunity. Conversely, Fleurbaey's approach, explicitly considering preferences, makes it much more complex to model the process of preferences formation. For those adopting this latter approach, preferences are exogenously given. The problem of the effect of circumstances on preferences is resolved by specifying that the preferences taken into consideration are "the representation of a life project therefore [that] do not coincide with the traditional economic concept of revealed preferences" (Decancq *et al*., 2014). However, neither approach takes into consideration the role of the structure of opportunities in shaping preferences. This is why making the existing methods used to measure unequal opportunity sensitive to bottlenecks and pluralism represents an important challenge for the development of literature in this area.

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