Public Reason 8 (1-2): 91-95

Book Reviews

Joseph Fishkin, Bottlenecks. A New Theory of Equal Opportunity, Oxford University Press, Oxford, UK, 2014, Pp. 1+258, ISBN: 9780199812141

The theoretical landscape in which equality of opportunity occupies a central place has recently been enriched by the challenging perspective Joseph Fishkin presents in his book *Bottlenecks. A New Theory of Equal Opportunity*. The author, whose expertise lies in the area of political and legal theory, with a focus on discrimination and equal opportunity laws in contexts such as employment or voting rights, is defending an innovative interpretation of equal opportunity through the key concept of *bottlenecks*.

By "bottlenecks" Professor Fishkin understands the sensitive spots of the social structure where obstacles (many of them endogenous and not easily visible) are likely to block one's pursuit of socially valuable goals. For example, the specific screening procedures used by schools and employers to select individuals, as well as the criteria behind such procedures are likely to become "bottlenecks", unless regulated with a broader concern for social justice. In the author's own words, a "bottleneck" is defined as "a narrow place in the opportunity structure through which one must pass in order to successfully pursue a wide range of valued goals." (13) Therefore, not only the structure of college examinations and the content of admission tests or job interviews are likely to become "bottlenecks", but, more importantly, so is the weight given to morally arbitrary criteria such as race or social status.

The innovative character of Fishkin's view, however, lies in attempting to restructure the whole way philosophers and political theorists have taught us to interpret the topic of equal opportunities. In order to do so, he identifies the core reasons for which we are still facing arbitrary barriers blocking our access to opportunities, despite the professed commitment of many liberal democracies for substantive equality of opportunity.

According to Fishkin, the mainstream perspective on equal opportunities, shared by both scholars and policy makers is trapped within a "unitary model", where social order is mostly monolithic and characterized by a high degree of inertia. People have identical hierarchies of preferences and goals, which means they are competing for virtually the same prize. The same criteria are operational to define performance and desert with reference to this very narrow set of goals, and individual aspirations are nipped in the bud by social conformism and lack of significant alternative options. Because individuals are trapped in an opportunity structure which is "wholly external and fixed" (15), they are very vulnerable to incur losses as a result of zero-sum contests. Given that most desirable social goods and positions are accessible via the same paths for all individuals, and individuals are immensely diverse in terms of their capacities and initial life chances, the competition tends to favor those already favored by various contingencies. In fact, as he shows, this model would be very similar to the famous example of the warrior society given by the philosopher Bernard Williams in *The Idea of Equality*.

Simply adjusting local criteria of selection without aiming at comprehensively and profoundly addressing inequality of opportunity at its core fails to yield a just result, and, in contrast to the unitary model, Fishkin presents his own theoretical offer, *opportunity pluralism*. The pluralistic model is, first of all, sensitive to the real diversity

of individual capacities and aspirations (in fact, it is also an environment very conducive to maximizing this diversity, by encouraging individuals to manifest their potential knowing there would be ways for them to reap the fruit of their talents). It is also sensitive to the multitude of ways in which individuals shape their own goals, how they decide what to concentrate their energies for.

Unlike the pyramid structure of the unitary model, opportunity pluralism consists, in Fishkin's view, of four principles: (i) the necessity of having a plurality of social values and goals, (ii) reducing as much as possible the positionality of goods, and ensuring that the great majority of desirable social positions are non-competitive or less competitive, (iii) offering a diversity of paths which enable individuals to attain their goals, unlike in the unitary model, where they are constrained to follow the same path towards social success, and (iv) the existence of *"a plurality of sources of authority* regarding the elements described in the other principles." (131-32).

Much could be said of the feasibility of applying such a model in societies which do not function according to ideal conditions, and Fishkin is well aware of the difficulties faced by traditional democracies to ensure even a reasonable standard of social mobility. He is also aware of the challenge of limiting the conversion of goods so that there should not be dominant standards governing vast areas of social life, as made explicit by the case of instrumental – good bottlenecks, echoing Michael Walzer's concerns about dominant goods which alter the pluralism of a just society. Nevertheless, an important advantage of Professor Fishkin's theoretical proposal is that it helps the reader better understand why equality of opportunity should really matter.

This achievement should not be overlooked, since it is, in my opinion, one of the key contributions of Fishkin's theory. The reason we have been, so to speak, misled into defending various views of equal opportunities which are ineffective and generate untenable implications is because we have been lured by the perspective of distributive fairness. Two main authors whose views Fishkin describes and criticizes, John Rawls and Ronald Dworkin, have discussed equality of opportunity within theories of distributive justice, focusing on its significance for social cooperation and social cohesion, as well as for facilitating access to primary goods or resources. Nevertheless, such interpretations fail to capture the deeper relevance of equal opportunities, which Fishkin attempts to revitalize with the help of opportunity pluralism.

This relevance has to do with viewing opportunities not merely as a means of accessing resources, socially valuable goods and positions of advantage, but first and foremost as a means of expressing human individuality, a matter of one being capable to choose the life one really wants to live according to one's genuine values and aspirations. In other words, we should care about opportunities not only as an expression of distributive justice, but, perhaps more importantly, as an expression of human freedom, as a form of autonomy. This is how Fishkin invites us to think about opportunities:

Opportunities open up the freedom to do and become things we otherwise could not. […] Second, opportunities have a distinctive value because of the roles they play in shaping who we are. Opportunities shape not only the paths we pursue, but also the skills and talents we develop and the goals we formulate. We do not come into the world with fixed preferences, ambitions, or capacities, but develop all of these through processes of interaction with the world and with the opportunities we see before us. (2-3).

It is worth emphasizing that these two ideas, which form the basis of Fishkin's innovative contribution, were not alien to John Rawls, whose *Fair Equality of Oppor-*

tunity is, perhaps, the most complex normative model designed in political philosophy to this end. Although he accepted as legitimate the use of natural talents, efforts and motivation as criteria to distinguish between deserving and non-deserving individuals, Rawls could not fail to notice that, to some extent, even the ability to strive and make an effort, that is, to set goals, formulate a plan of life and develop the necessary motivation to pursue it, depends much on favorable circumstances. Moreover, he was well aware that addressing natural and social contingencies by mechanisms of equalization would inevitably clash with parental autonomy, and he expressed doubts that equality of opportunity could be feasible insofar as the institution of family exists. His strategy for tackling such issues was of restricting the scope of *Fair Equality of Opportunity*, but complementing it with the *Difference Principle*, designed as a mechanism to maximize the life prospects of the worst off after the lexically prior principles have been applied.

Although Professor Fishkin acknowledges Rawls's merits, he still thinks that he leaves large distributive inequalities to persist, and argues that mitigating these is not enough in terms of social justice. In fact, Fishkin argues for a possible way out of the conceptual problems affecting both Rawls and Dworkin by shifting the focus from the equalization paradigm to that of broadening opportunities (his inspiration seems to come here mainly from the liberal individualism of John Stuart Mill).

More importantly even, both Rawls and Dworkin are criticized for working with the underlying assumption of natural talents which we could identify and isolate with precision from various layers of interaction between individuals and the environment. From this perspective, Fishkin is radical in his suggestion that all there may be for theorists to compare are, in fact, "only different individuals with different combinations of characteristics and potentialities *every one of which* is the product of layers of past interaction between a person and her environment, with her developmental opportunities playing a central role in this interaction" (99).

In order to substantiate this hypothesis which would authorize the rejection of the distinction between natural and social talents, otherwise central in the arguments constructed to defend equality of opportunity, he relies, among others, on James Flynn's survey on the evolution of social intelligence and the criteria considered socially relevant for measuring QI. As a related step, he draws attention to the fact that assessing and recognizing others' capacities is likely to be encumbered by various cognitive biases and unconscious stereotyping, which affect not only social psychology, but also the labor market (111).

The third and fourth chapters of the book offer valuable insight into the mechanism of opportunity pluralism, which should reconcile the concern for social justice with cultivating human autonomy, as expressed by one's aspirations to flourish and one's genuine capacity of choice.

The third chapter takes a closer look at the distinction between the unitary and pluralistic opportunity structure. Unlike the unitary model, opportunity pluralism should create not only diverse motivations which would duly honor the individuality of human beings, but also diverse incentives, encouraging individuals to follow various paths in order to reach their goals. Anticipating perhaps the objection that, no matter how many paths society could open to individuals in order to satisfy the diversity of preferences entering life plans and the diversity of means they use in order to fulfill these, there is still no escape from competitive and positional goals, he uses the example of education in order to make his views clearer.

Opportunity pluralism will not diminish the value of education in a society where professional success is predicated on some amount and type of education, but, unlike in the unitary model, parents will make different choices in order to give their child advantage over other children. They will tend to pursue child development in an absolute, rather than relative sense, and will choose various combinations of means that help them reach such goals. They will have more flexibility and more independence in making choices for their children, because the level of social conformism has reduced and society offers at least a reasonable range of options to satisfy various aggregates of preferences.

Professor Fishkin also gives the example of advanced secondary schools in the German educational system, i.e. the Gymnasium, which is crucial in the path towards higher education. As he explains, this institution is conducive to bottlenecks because there are no alternative preparatory options along the road to higher education. Admission into Gymnasium is based on "strong academic performance and teacher recommendations in primary school", and the institution "dominates the path to higher education" (147-48). This virtually means that a child's academic prospects are more or less decided at a very early age, due to the fact that the educational system is such shaped, that it does not leave room for catching up on lost opportunities. Advantages or disadvantages capitalize and replicate many social contingencies which could not be properly leveled at entry stage, but which could be adequately and legitimately addressed once children have genuine opportunities to demonstrate their achievements without the constraints of such contingencies.

The example of US community colleges, which provide general education on a non-competitive admissions basis, so that those not willing or not able to enter a university could still benefit by a form of higher education and have access to better jobs is meant to contrast the case of the German Gymnasium. Such colleges respond better to an ideal of diverse preferences, as well as diverse capacities and are better equipped to support individuals which have not reaped the benefits of using their opportunities.

The chapter continues with a distinction between arbitrary and legitimate bottlenecks, and Professor Fishkin argues here that we should contextualize each time we are faced with this distinction by inquiring, for example, into the mission of a certain institution. The same requirement or criterion could function as a legitimate bottleneck if it mirrors a legitimate aim in the specific context of a competitive interaction but, on the other hand, it would be arbitrary should it exceed its sectorial application. This way of looking at bottlenecks helps us preserve the value of social efficiency occupying its own place in a theory which, having discarded the notion of natural talents, has nevertheless preserved those of competition and individual merit.

Going to the core of the problem, the chapter discusses control over the opportunity structure – again, one can appreciate the author's concern for a more practically-oriented discussion, testing the confines of normative theory. Merely claiming that pluralism should be observed as a core liberal value is not enough, Fishkin suggests, to generate genuine opportunity paths for individuals. It would be necessary to decentralize the opportunity structure, so as to avoid monopoly and misuse of power, rigidity and scarcity of the options that individuals should enjoy. Many different institutions should contribute to shaping the opportunity structure available to individuals, and, in fact, this role should not be restricted to institutions alone: individuals too should be allowed to use their creativity and capacity for autonomous decision-making in order

to define "new paths and even new roles and goods that did not exist before" (154). Such a measure, practically feasible, would also function as an additional guarantee that the value of ensuring broad opportunities to individuals would not be compromised by the same conservative interpretation which often sabotaged the equalization paradigm.

The last chapter of the book is dedicated to discussing various applications of opportunity pluralism. In presenting the implications of this theory for policy making, law and institutional design, Fishkin has mobilized a large quantity of fresh material from sociological studies, discrimination case law, empirical findings and theories in education. This is, doubtlessly, a significant advantage of his work, in that it helps the reader represent rather accurately some dilemmas likely to affect opportunity pluralism. Of particular interest is the section where Professor Fishkin discusses integration and segregation in schooling, as a salient example of how the effects of bottlenecks replicate across sectors, and also of the concatenation of developmental opportunities which shape one's life path.

The justice in education debate has much to gain from this part of the book, where Fishkin provides valuable insights into the complex interdependences which affect the opportunity structure: the peer effect problem and the "geography of opportunity" by which some residential locations are privileged in terms of resources, parents' input, the existence of networks spreading information and shaping choice, etc. Nevertheless, the complexity of the problems addressed does not find a correspondent in normative theory, but rather in a concatenation of practical measures: "an important part of the solution to inequality of opportunity may lie in public policy choices, such as progressive taxation, social insurance, and the provision of non-monetary endowments, that either reduce material inequalities or temper their practical importance, making the bottleneck they create less severe." (219).

It may be that this approach, attempting at a balance between theory and practical input, between the coherence of a conceptual framework and the interdisciplinary perspectives which opportunity pluralism opens, is at the same time the main innovation and the sensitive spot of Fishkin's work. A consistent theoretical commitment along the whole book, other than that of liberal individualism and human flourishing as a basis for broadening opportunities is difficult to identify. At the same time, the deeper the implications of opportunity pluralism in various areas of life, the more difficult it is to avoid the paradigm of distributive fairness against which the author has designed his own view.

Whether these difficulties are inherent in opportunity pluralism or, on the contrary, tend to affect any other conceptualization of the long cherished ideal of equal opportunities is open to debate. In this respect, Professor Fishkin's perspective is a significant achievement that not only reformulates the debate on such a salient issue, but by the diversity and quality of factual material gathered to illustrate the dilemmas of opportunity pluralism it has definitely enriched the interpretation of classical authors such as John Rawls and Ronald Dworkin.

Reviewed by Ileana Dascălu
University of Bucharest
ileana.dascalu83@gmail.com