Chapter Five

Cracked Foundations of Liberal Equality*

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Introduction

Liberal egalitarianism is a variant of liberal political philosophy that emphasizes the obligation of society to enable its most poor and disadvantaged members to lead decent lives. Liberal egalitarianism fuses the traditional liberal theme of individual freedom and autonomy and a more radical theme of equal life prospects for all. Today the two foremost proponents of liberal egalitarianism are the philosophers John Rawls and Ronald Dworkin. The writings of both men have given liberal egalitarianism a pronounced anti-utilitarian cast, epitomized in Rawls' slogan that the correct theory of justice must uphold "the priority of the right over the good."[1] Perhaps surprisingly, in his essay 'Foundations of Liberal Equality' Dworkin partially reverses this priority, while making no concessions to utilitarianism, by undertaking to show that an individual who seeks a good life for herself and who conceives of the good life in terms of what Dworkin calls the "challenge model" would thereby have strong reasons to accept liberal egalitarian principles of justice.[2] In this way, according to Dworkin, ethics and political morality mutually reinforce one another – "ethics" being the theory of how to make one's life turn out best.

This way of justifying principles of justice stands in marked contrast to the procedure of the "original position" that Rawls has made famous. Dworkin himself calls attention to this comparison. The idea of the original position is to model the choice of principles of justice as a choice of terms of social cooperation made by parties who are

stipulated to be ignorant of all particular facts about themselves, including facts about their conceptions of the good, and who are asked to advance their interests as best they can by choice of principles that are to regulate their common life. In other words, one is asked to put aside all one's beliefs about what is choice-worthy and worthwhile in human life when thinking about fair terms of social cooperation with other people who may differ with each other fundamentally about the good but are thought to share an interest in co-operating with others on fair terms. This strategy of isolating controversy about the good from agreement on what is fair invites the objection that if one assumes reasonable people will be utterly in conflict about the good life, it is just as reasonable to suppose that they will also be utterly in conflict about what is fair or just. For one's convictions about what is fair or just are likely to be influenced at every turn by one's convictions about what is good, and so the proposal to ignore one's conceptions of good in trying to reach a common ground of agreement on justice looks like a proposal to ignore many of one's convictions that are crucially relevant to one's thinking about justice. Any agreement produced by this blinkered procedure would not and should not carry over to commitment once the blindfolds are removed. So at any rate goes the objection. But then the theorist of justice appears to be in a bind: given the evident fact of widespread disagreement on the good among members of a diverse modern society, to allow convictions about the good to influence choice of principles of justice threatens to defeat the search for broad and reasoned agreement on such principles.

Dworkin has an ingenious strategy for unraveling this knot. Granted that people disagree about what is valuable in life, what gods, so to speak, merit worship, it might still be the case that at a more abstract level reasonable people will agree about the nature

of the good. Moreover, there is the possibility that these abstract convictions about the good, which are generally shared, suffice to generate reasons that support one conception of justice. Dworkin's essay 'Foundations of Liberal Equality' elegantly explores these possibilities. He aims to develop what he calls a "challenge" model of ethics and to argue that it better captures our convictions about the good life than other views. In this effort he develops a foil for challenge that he calls the "impact" model. Dworkin further argues that if you accept the challenge model of ethics you thereby have strong reasons to accept the theory of distributive justice that he calls "liberal equality" and which he has defended in a series of essays. Dworkin's discussion of these matters clarifies and deepens this account of distributive justice and opens up a way of justifying a conception of the right as a means to promoting the good that is neither utilitarian nor contractarian.

I find the challenge model implausible and the argument from challenge to liberal equality unconvincing for many reasons. This essay states my objections. The moral of the story is that the theory of distributive justice must split the difference between utilitarian and Kantian accounts of morality in a different way than Dworkin or Rawls supposes.

I. Challenge

The challenge model, as Dworkin notes, is formal. According to the challenge model, a good life is a skillful performance, a skillful response by an individual to the challenge that is posed for each individual by the simple fact that she has a life to live. There are many substantively different views on the further issue of what should qualify as skillful performance in response to the challenge of life. Challenge does not assess

these views; it is a way of thinking about how we should live, not a standard for assessing how we should live.

The idea that a good life is a successful response to the basic human condition of having a life to live seems on the face of it to be mistaken. Dworkin's model is better suited to capture the idea of an admirable or praiseworthy life than the quite different idea of a desirable or choice-worthy life. An admirable life may be a disaster for the one who lives it. A poor peasant who finds himself in abject poverty might devote his life to the survival of his family, and act admirably to achieve this reasonable goal. The man's life is as skillful a performance, let's say, as one could wish. This does not suffice to show the man led a good life. Bad fortune might conspire to thwart his aims; poverty and disease destroy his family despite his best efforts. Even if the man should succeed in satisfying his ultra modest life goal, we would not say he led a good life, because we regret the grim circumstances in which he had to set such tragically limited aims. It would seem that unlucky circumstances make an individual's life go badly on the challenge view only if they inhibit or destroy her capacity to respond skillfully to the situation in which she finds herself.

As stated, this objection is not fair to Dworkin. Dworkin's elaboration of the challenge model has it that a good life is a successful response to favorable circumstances. He gives a moral twist to this qualification regarding favorable circumstances: the circumstances of one's life must be normatively appropriate if one's life can be judged a good one on the challenge model. A good life is then a good, i.e., skillful, response to a good challenge, i.e., a challenge constituted by a normatively appropriate set of life circumstances.

This carefully qualified challenge model is also inadequate. Consider a person who is blessed with favorable life circumstances, makes admirable, bold but risky, life choices, and carries out these choices with consummate skill. This person clearly leads a good life as understood by the challenge model. Yet for all that has been said, the individual might be cursed with unremitting bad fortune, so that all the risks she takes turn out badly, and her life becomes a shambles. To the end she responds with skill, grace, and dignity as her life crashes down about her head. The point here is simply that the concept of an admirable life, a life that is a successful response to challenge, is different from the concept of a life that is good for the person who lives it.

A possible line of reply to this objection would hold that a good life according to the challenge model is an admirable response to favorable and normatively appropriate circumstances, and in this formula "favorable circumstances" must be understood timelessly, so that if uninsurable bad fortune regarding sufficiently important matters strikes an individual at any time in her life, then it will turn out that her life was not lived in favorable circumstances, so was to that extent not a good life according to challenge. My response is a question: once this epicycle is added, what is left of the initial meaning of the concept of challenge?

A life that is a successful response to challenge, one would think, can be had even in unenviable circumstances. In a card game, whatever cards have been dealt, one can play admirably in the sense of doing the best one can with the hand at one's disposal. The challenge model most naturally interpreted would have it that the good or admirable life is a life that skillfully deploys whatever hand one has been dealt by fate. But this is not the good life in the sense in which parents would wish a good life for their children.

Even as heavily qualified by Dworkin, his challenge model does not match our intuitive pre-theoretical idea of a good life. In a nutshell, challenge holds that a good life consists in both facing good circumstances and responding well to those circumstances.

Consider a person who is blessed with fortunate circumstances but does not respond well to the challenge of her circumstances. Yet by good luck she satisfies her most important aims. She does a poor job of interpreting her life situation and of settling on convictions, values, and aims, but by sheer good luck she manages to settle on convictions, values, and aims that would withstand thorough rational scrutiny with full information. With respect to central issues of her life that matter crucially for her, she makes bad decisions (that is, decisions with low expected utility compared to feasible alternatives), but things generally turn out very well for her. In the crucial areas of life where she might perform well or badly, she performs badly, but again good luck prevents bad performance from giving rise to bad outcomes.

This person unequivocally fails to lead a good life according to the challenge conception. She does not respond skillfully to the favorable and normatively appropriate challenge posed by her life circumstances. But by good luck she gets what she most wants from her life, and again by good luck, her wants are sensible, choice-worthy. Challenge must judge the woman's life a failure, and in a way it is. Her performance in response to the challenge of life is very far from admirable. But luck can be an effective substitute for prudence and other self-regarding virtues, and luck plays this role to the hilt in the nonadmirable but prosperous life we have imagined. In response to the question, is it better to be virtuous (skillful in response to life's challenge) or lucky, the answer is that it depends on how lucky and how virtuous one is.[3] In principle, at least very good luck

can compensate for any deficit of prudential virtue. The conclusion to draw is that Dworkin's challenge model of the good life subtly conflates the notion of a choice-worthy or valuable life with the quite different idea of an admirable life that emerges from favorable circumstances.

The criticism against the challenge model developed above might seem to rely on a rational preference satisfaction account of the good.[4] If so, that would weaken the criticism, because rational preference satisfaction accounts of the good are problematic.[5] But, the criticism can instead lean on the less problematic family of 'Objective List' accounts of the good - accounts that identify the good life for a person with the attainment of conditions that are valuable for the person independently of her own convictions and desires even as they might be after ideal deliberation.[6] A person who failed to perform well in response to the challenge of her life circumstances could nonetheless by good luck lead a good life according to any of these Objective List theories of the good (provided that the List did not specify that skillful performance in response to life's challenge is a necessary condition of a good life).

II. Challenge Versus Impact

Dworkin's challenge model of ethics is presented as superior to an alternative "impact" model of a good life. The impact model "holds that the value of a good life consists in its product, that is, its consequences for the rest of the world." In contrast, the challenge model holds "that the value of a good life lies in its inherent value as a performance."[7]

Dworkin does not say whether or not he thinks that the challenge and impact models are exhaustive of the possibilities. But he does not stop to consider whether there

are plausible alternatives, so to that extent the significance of a showing that challenge is better than impact is unclear. In my judgment the impact model is a nonstarter, but inasmuch as there are better alternatives, the manifest inadequacy of impact does little to render the challenge view attractive.

According to Dworkin's conception, the impact of my life is the difference it makes to the objective value of the world. So if we add to the impact view (for example) the thesis that what is objectively valuable is pleasure and only pleasure, this augmented impact model would then hold that the value of my life can be identified with the amount of pleasure that it produced for myself and for others. The implausibility of this conception emerges into view if we imagine a life that is thoroughly miserable for the individual who lives it. She experiences minimal pleasure throughout her life, and generates no pleasure for others, but by chance one day she finds herself placed to prevent a worldwide nuclear war or comparable human catastrophe by a thoroughly humdrum action, say picking some chewing gum off the floor when leaving the gum on the floor would give a signal to terrorists to unleash nuclear carnage. Let us add that this unheroic world-saving action gives no pleasurable satisfaction to the individual, so her life remains as devoid of pleasure as it had been up to this point. This life is extremely valuable according to the impact conception, because the individual's impact on the world's hedonic level turns out to be immense, but we would balk at saying the individual led a good life. This is after all not the sort of life one would wish for someone one cared about. A good life we suppose must be good for the person who lives it. This "good for the agent" requirement might be satisfied by a person whose life is altruistically dedicated to the good of others, if the pattern of altruistic action satisfies a

plausible perfectionist standard. But the mere fact that the impact of your life happens to be good for others does not entail that the good for the agent requirement is satisfied.

The implausibility of impact does not ensure the plausibility of challenge by default. There are other well-known contenders not mentioned by Dworkin. For one example, consider a rational preference satisfaction view, as characterized in footnote 4 in this essay. If you get what you want from life, and your wants are not based on ignorance or cognitive error, then you have achieved a good life, according to this model of the good life. The rational preference satisfaction view is opposed to the impact model, because one might lead a life that has a good impact on the world without wanting to have any such impact. The rational preference satisfaction view is opposed also to the challenge model, because the fact that one leads a life that is a successful response to life's challenge does not guarantee that one succeeds in satisfying one's important self-interested preferences to a reasonable extent (and that these preferences would withstand rational scrutiny). Nor for that matter does satisfying one's major rational preferences guarantee that one's life is a success as judged by the challenge model of ethics.

For another example of an account of human good that does not fall into Dworkin's categories of challenge or impact, consider an Objective List view, with these items on the list: friendship and love, pleasure and the avoidance of pain, athletic attainments, meaningful work, systematic understanding of the natural world, ethical and moral wisdom, and creative artistic, cultural, and scientific accomplishments. Again, one might score high by attaining the items on this objective list without leading a good life according to either the challenge or the impact model. The conclusion one should reach

is that neither of Dworkin's models is capturing the notion of a life that is truly good for the one who lives it.

III. Parameters and Limitations

Dworkin develops a further distinction which he takes to be critical for the task of forging links between liberal ethics and liberal equality, the liberal theory of justice. This is the distinction between parameters and limitations.

Among the circumstances an individual faces, some are limits on the extent to which she can respond successfully to the challenge to live well. If a circumstance that is a limit is altered for the better, the individual is enabled to lead a better life. Other circumstances are not like this; they are partly constitutive of the challenge that an individual faces, successful response to which qualifies as leading a good life. The latter type of circumstance Dworkin calls a parameter. A further complication in this picture is that the distinction between limits and parameters is not completely fixed independently of individual interpretation and decision. According to Dworkin, an individual in considering the circumstances she faces can to some extent define her identity by deciding that some circumstances will count as parameters, whereas she might have decided differently. To borrow Dworkin's own example, she might decide that being Jewish and being American are facts that partially define her life challenge, or she might define her identity and hence her life challenge in another way. Depending on what she decides, being Jewish and being American could be either parameters or limits for her. Moreover, the act of self-definition that partly determines the line dividing limits and parameters in one's own life can itself be more or less successful. Part of living well on the challenge view is recognizing the challenge one faces and interpreting the challenge

intelligently to the extent that it admits of variable construal. Finally, Dworkin adds that some parameters of our lives are normative. There are some circumstances that ought to be part of the set of circumstances we face. If we do not face these circumstances, our life is to that extent worse. Having the opportunity to live through a normal lifespan is a normative parameter in this sense.

In effect, Dworkin has two nonequivalent ways of drawing the distinction between parameters and limitations. One way is to define a parameter as a circumstance, a part of an agent's situation, that could not be altered in such a way that the change improves the quality of the agent's life. Circumstances that could be altered in this way are limits. The other way of drawing the distinction is to define a parameter as a circumstance that partially constitutes the challenge to which a good response qualifies as living a good life. These alternative characterizations of the distinction are not equivalent. Living in Europe during the Nazi years might be a circumstance that partially constitutes my life challenge, so that living well is for me responding appropriately as a European to the Nazi experience. Yet it might unequivocally be the case that I would have been better off if my circumstances had been different in this regard and my life challenge had been differently constituted. It should also be noted that what an individual regards as a parameter of his life may not be that. I may identify wholeheartedly with my conviction that responding to fearful situations with brutality is noble and that my life would be to that extent worse if I lost this conviction, but in fact my conviction is profoundly mistaken and it would improve my life if I corrected this mistaken belief.

The distinction between parameters and limitations does not sharpen the challenge model so that it either constitutes a viable alternative to a suitable objective list conception of the good or poses a serious difficulty for this conception. From the objective list standpoint, some features of the world are not limits on people's prospects of valuable accomplishment but are instead conditions for certain types of accomplishment. Gravity is not a limit of a rock climber's achievement; the force of gravity must be present as an obstacle or the climber's success in getting to the top is not meaningful. But not every objectively valuable human good can be shoehorned into the category of a successful performance. By sheer good luck one can gain such goods as a long satisfying life and the pleasure of a hot bath, and these goods are not construable as aspects of a successful response to the challenge posed by basic defining features of one's life.

Dworkin holds the view that justice is a parameter of the good life. He means by this that living a good life is responding in the appropriate way to the right challenge, hence one's life is automatically worse if the wrong challenge is faced, and life circumstances that include injustice constitute one sort of wrong challenge. Dworkin's idea is not only that one who is disadvantaged by unjust conditions is thereby made worse off but also that one who is privileged by unjust conditions is thereby made worse off. According to Dworkin, living under a regime that does not conform to the requirements of justice is *ipso facto* a misfortune.

Dworkin characterizes his position as a moderate revision of a Platonic doctrine: Plato is said by Dworkin to have held that all things considered, living under injustice always makes one's life go worse, whereas Dworkin holds that other things equal, living

under injustice always makes one's life go worse. In Dworkin's terms, he takes justice to be a soft parameter and Plato takes it to be a hard parameter of the good life. To this account Dworkin adds a claim that narrows the gap between his view and Plato's. Dworkin holds that living in unjust circumstances is always a grave misfortune, one which for most people in most circumstances will outweigh any good that accrues to them by way of unjust advantages. Dworkin writes, "Plato was nearly right"[8] to think that advantages that are consequent upon serious injustice cannot improve anyone's life on the whole. Let us call Dworkin's position on this point "quasi-Platonism" to signal its affinity to Plato's stringent view.

I find Dworkin's quasi-Platonism counterintuitive, but I do not wish to press this point, because none of my criticisms of Dworkin's account of the relationship between the challenge view of ethics and liberal equality turns on it. Notice that what is most problematic about quasi-Platonism is its least defended aspect. Even if it is assumed that justice is a soft parameter, it would still be the case that one can improve an individual's life by providing her benefits in excess of what justice permits, if the benefits add more to the goodness of the individual's life than the injustice subtracts. Dworkin does not propose, and a fortiori does not defend, any procedure for determining how to weight the contribution of just circumstances as against the contribution of other factors when the task is to measure the goodness of a person's life. His claim that injustice nearly always outweighs any combination of countervailing factors is just a claim without backing by argument.

There are many possible contingent connections between enjoying unjust privileges and failing to lead a choice-worthy life. Injustice can give rise to an ideological

perspective that is especially tempting to those who benefit from injustice but that thoroughly distorts the understanding of the world of those who adopt the perspective. Unjust privileges can generate snobbery and the wasted pursuit of false values, as well as envy and resentment among those who might otherwise live in harmony. But these are all contingent links that might or might not materialize. What I find unpersuasive is the claim that living under circumstances of injustice is always per se a grave misfortune for any person regardless of such contingencies and quite independently of that person's own evaluative convictions on these matters. Rationality might require the admission that one's situation is unjust, without forcing the further belief that one's situation *qua* unjust is inconducive to one's welfare.

There is a tension between Dworkin's moralistic view that any injustice in the circumstances of an individual's life considerably lessens the goodness of her life quite independently of her own conviction on this matter and his assertion of the priority of ethical integrity. This assertion is discussed in the next section of this essay. Roughly, the priority of ethical integrity holds that it cannot be better for a person to lead a life other than the life she thinks best even if she is mistaken. The question arises why one's conviction about the value of one's own plan of life and course of action matters so much in the determination of the goodness of one's life whereas one's conviction about the morality of one's circumstances matters so little. If class relations in my society are unjust, according to Dworkin that makes my life substantially worse whether or not I know or care about this, but if I think surfing is the best life for me, then surfing really is the best life for me, given my conviction, even if the conviction is wrong.

IV. Tolerance, Neutrality, and Antipaternalism

Liberal equality as conceived by Dworkin significantly includes an ideal of tolerance which he defines as follows: The government "must not forbid or reward any private activity on the ground that one set of substantive ethical values, one set of opinions about the best way to lead a life, is superior or inferior to others."[9] Tolerance or neutrality so defined has controversial implications regarding the issue of paternalism, the restriction of an individual's liberty against her will for her own good. Tolerance takes no stand for or against <u>weak paternalism</u>, restriction of a person's liberty against her will for her own good where that involves promoting her attainment of a goal that she endorses and is seeking to fulfill. Weak paternalism overrides an individual's judgment about the best means to fulfill a goal that she is herself seeking to fulfill in the belief that fulfillment will be in her interest. In contrast, <u>strong paternalism</u> is restriction of a person's liberty against her will for her own good where that involves promoting her attainment of a goal that she neither endorses nor is seeking to fulfill. Strong paternalism overrides an individual's judgment about what goals are worthy of pursuit in order to improve the quality of her life. Strong paternalistic policies for the most part violate tolerance and in this way conflict with liberal equality.

A suspicion of paternalism is part of the ethos of liberalism. Liberals ranging from Immanuel Kant to John Stuart Mill have condemned paternalism. But common-sense liberal conviction includes reason to favor as well as reason to oppose paternalism. On the one side, paternalism appears to involve meddlesome interference in what ought to be an area of individual freedom protected from social control. On the other side, if we are not skeptics, we will sometimes believe that strangers and personal acquaintances

are ruining their lives by acting on blatantly unreasonable conceptions of their good, and if we accept some obligations of benevolence, we will believe that at least when the ratio of the cost-to-us to the benefit-to-the-beneficiary is sufficiently favorable, we are obligated to act to prevent the lives of these men and women from falling to ruin.

These autonomy and Good Samaritan intuitions are at odds.

Welfarist liberalism resolves this tension in liberalism by renouncing a principled commitment to autonomy.[10] Welfarist liberalism accommodates our inclination to respect autonomy by treating it as a rough and ready rule justified in many circumstances by expediency. Often when we are tempted to paternalism, our conviction of our own rightness is excessively confident, and in fact the person we would impose on paternalistically knows his own good better than we do. In other circumstances our belief that we know another's good better than he himself is correct, but our belief that we can intervene effectively to improve the situation is false. In still other circumstances our beliefs that we know better than another person what is good for him and that we know how to intervene effectively on his behalf are both correct, but we incorrectly judge the motivations of those who would be called on to act paternalistically under our scheme of intervention, so that trying to put our scheme in action would make matters worse from the standpoint of the one we are trying to help. In all of these cases paternalism would be wrong according to a welfarist liberal position.

Dworkin supposes that the challenge model requires that the liberal should take a stronger stand against most strong paternalism. This requirement takes shape through a series of interpretations of challenge. First, Dworkin believes that if the good life is constituted by a skillful performance, then you it is impossible to improve a person's life

by coercing her to do what she thinks valueless, because the intention of the agent qualifies the performance, so a performance cannot acquire value for an agent against her conviction. For example, even if the life of prayer is superior to the life of surfing, coerced mimicry of prayer has to be inferior to freely chosen surfing. Second, Dworkin asserts that on the challenge view rightly understood, ethical integrity conditions the value of any person's life. Ethical integrity is achieved by someone who believes "that his life, in its central features, is an appropriate one for him, that no other life he might live would be a plainly better response to the parameters of his ethical situation rightly judged."[11] Dworkin further asserts that in judging the value of someone's life, the achievement of integrity takes lexical priority, so that no life an individual leads that lacks integrity could be better overall than any life the individual might lead that would include achievement of integrity.

The third step of the interpretation is the application of the priority of integrity to the issue of the justifiability of strong paternalism. Dworkin acknowledges that strong paternalism that results eventually in a genuine endorsement by the individual of the life that, initially, she had been coerced into performing, would not be ruled out by the priority of integrity. Dworkin also acknowledges that there are several possible causes other than paternalism of failure of integrity in a person's life. For example, an individual might suffer from weakness of will or fecklessness, and fail to live the life she regards as most worthy for her. If the individual in the absence of paternalism would fail to achieve integrity, then the priority of integrity does not rule out even strong paternalism that does not lead to a life of integrity, provided that there is no alternative paternalist policy that would enable the individual to achieve integrity. But despite these

qualifications, Dworkin believes that by supporting the priority of integrity, the challenge model provides a nuanced and strengthened understanding of the grounds and limits of liberalism's principled hostility to paternalism. According to Dworkin, forbidding individuals to engage in a way of life they regard as best for themselves cannot improve their lives even if they then follow a second-best choice of life that the paternalist agency correctly views as objectively more worthwhile than the preferred forbidden way of life. In the same vein, consider a subtle paternalism that holds "that people should be protected from choosing wasteful or bad lives not by flat prohibitions of the criminal law but by educational decisions and devices that remove bad options from people's view and imagination."[12] Dworkin is of the opinion that bowdlerizing people's choices of how to live in this way cannot improve their lives because the good life is an appropriate response to nonbowdlerized circumstances. In other words, the priority of integrity includes a priority of choice-making and value selection consistent with integrity. Manipulating people's choices so as to undermine the rationality of the choice destroys integrity just as much as does blocking people coercively from acting on their considered choices and values.

In response: Welfarism is in principle pro-paternalist, and is opposed by versions of liberalism that elevate autonomy to independent status. I have no argument against versions of liberalism that give priority to autonomy over benevolence.[13] But Dworkin's challenge model does not afford a perspective that gives any special insight into this familiar conflict within the soul of liberalism. Moreover, the priority of integrity that Dworkin asserts does not plausibly organize our intuitions about the pros and cons of

paternalism. Nor does the challenge model support the priority of integrity, an extreme and implausible doctrine.

Integrity as Dworkin defines it is clearly good for a person to achieve, other things being equal. What is objectionable in Dworkin's account of ethical integrity is the strict lexical priority over all other values that he assigns it. Why believe that the slightest loss of integrity should outweigh any threatened loss of any size in any other value and even any threatened combination of losses in other values? So far as I can see Dworkin gives no reason to support this extreme priority weighting, so his assertion of it is dogmatic. There are some goods that either are unachievable without a conviction of their value or even if achievable, lose all value in the absence of the conviction that they are valuable. In the case of goods of this sort, paternalistic forcing cannot improve the life of the intended beneficiary unless it somehow causes the person being coerced to value the activity he is being induced to perform. But other goods are not plausibly viewed this way. If cultural achievement is a great good, it is doubtful that a person who writes a great novel nonetheless fails to achieve a great good just because she has eccentric philosophical beliefs that rank cultural achievement as of no value.[14]

I have urged that Dworkin's priority of integrity doctrine yields implausible verdicts about cases in which strong paternalism could improve a person's life dramatically, perhaps along many dimensions of assessment, but at the cost of a small loss of integrity. Dworkin's posited priority of ethical integrity yields implausible implications for paternalism in another range of cases. Consider lives in which ethical integrity is lacking, and will not be achieved in the absence of paternalistic intervention. Here the priority of ethical integrity endorses paternalism, and moreover endorses

paternalistic intervention at any cost to the agent's values just so long as ethical integrity is thereby achieved. Once again, the priority relation that Dworkin asserts is too extreme.

Elaborating the challenge model he favors, Dworkin asserts, "my life cannot be better for me in virtue of some feature or component I think has no value."[15] But why should we hold that a central component of my life would have no value just because I hold a silly opinion that it is valueless?[16] Dworkin's claim that no aspect of a person's life can have intrinsic value for her unless she believes it has intrinsic value is implausibly extreme.

Imagine that a government imposes a strongly paternalistic policy on its citizens and that this policy eventually causes some citizens to reject those views of the good life that the government coercively disapproves. It might be held that the priority of integrity doctrine would condemn this sort of paternalism and would be right to do so. After all, giving priority to people's living their lives according to their convictions must include giving priority to maintaining conditions in which people can decide freely on their convictions. Changes in conviction brought about through coercion or manipulation of the agent violate integrity, one might suppose.

This line of thought does not support the claim that ethical integrity generates reasons to reject all strong paternalism. Coercion that is paternalistically motivated can affect the processes by which people's convictions are formed in many ways, not all of which vitiate or lessen the rationality and authenticity of these processes. Being forced to eat chocolate ice cream may lead me to appreciate hitherto unnoticed aspects of this dessert and to revise my evaluation of chocolate ice cream. Being based on experience, this post-coercion assessment may well be more reasonable than my earlier ignorant

negative view of chocolate ice cream. The connections between being the object of paternalism and holding convictions in a way that is worse from the standpoint of deliberative rationality are too complex to allow any simple inference to the conclusion that paternalism must always lessen the autonomy of the agent's convictions that are affected by paternalism.

Dworkin has one further argument linking the challenge model of ethics to a thoroughgoing rejection of strong paternalism that I have not yet examined. Dworkin imagines an interlocutor who asserts that paternalism that improves the chances that an individual will choose a good life thereby improves the value of the life challenge the individual faces. Dworkin then offers a rebuttal: "This reply misunderstands the challenge model profoundly, because it confuses parameters and limitations."[17] According to Dworkin, we have no grip on the idea of what is a good life for someone apart from specifying the challenge-constituting circumstances that individuals ought to face, and then reflecting on what it would be to respond well to that challenge.

Here as elsewhere the distinction between parameters and limitations is able to do less work than Dworkin assigns it. Let us grant straightaway that other things equal, it is better that individuals should choose their life goals from a wider rather than from an artificially narrowed set of options. A challenge that is more complex and interesting by virtue of including more options is to that extent a better challenge. But nothing in the challenge model as Dworkin conceives it blocks us from considering what would be better and worse responses by individuals to given challenges. Other things equal, a person leads a better life when she chooses a better rather than worse option when faced with a given challenge. But now we have two different values, both internal to the

challenge model, and the possibility of tradeoffs between them. Other things equal, it is better to choose from a wider rather than narrower range of options, and other things equal, it is better for an individual to choose better rather than worse options when faced with a given range of them. But then if an individual would choose the worse option if presented with a wider range, and would choose a better option if presented with a narrower range, the worsening of the individual's challenge by culling alternatives paternalistically might be outweighed by the greater value of the individual's response to the smaller challenge, and if such cases exist, then nothing in the challenge model gives any reason to deny that strong paternalism can improve the life that a person leads who faces a paternalistic imposition. This discussion has presupposed that the lives that individuals lead can be graded better or worse and that in principle an observer might know better than an individual contemplating a choice which option is better for her. One might reject this sort of objectivism with respect to the valuation of types of lives, but Dworkin does not reject it, and instead defends an absolutist stand against a type of paternalism without any appeal to skepticism about the possibility of objective valuation in this domain. This defense does not succeed and in my view cannot.

V. Equality

There are at least two controversial elements in Dworkin's assertion of equality of resources: the claim that the currency of distributive justice should be resources and the claim that distribution of resources should be rendered equal. I discuss the latter claim in this section and the former claim in the next section.

I believe that the essence of Dworkin's egalitarianism is that unchosen good and bad fortune call for redress.[18] The case for egalitarian redistribution does not require a

background of reciprocal social cooperation, so we can imagine that persons are living entirely isolated lives on separate islands. In view of the fact that no one can take personal credit for her good or bad fortune in finding herself blessed with much or little talent and inhabiting an island with rich or poor resources, no one is morally entitled to the talents of her body or the resources of her island. Redistribution of resources to compensate for disparities in individuals' resource and talent holdings is morally required. How far should redistribution proceed? Dworkin's answer is that resources should be redistributed to the point at which everyone's wide resource holdings are the same (as judged by the hypothetical auction and insurance markets).[19] Taken literally, this implies that if some of the resources of the better-off islanders cannot be transferred, so that full initial equality of resources across island inhabitants cannot be achieved by transfer, then some nontransferable resources should be destroyed until equality by transfer becomes feasible. This implication of equality, that it requires wastage of resources in some circumstances, remains even if equality of resources is amended so that it calls for equality of resources at the highest feasible level for all.

Suppose instead that transfers of any and all resources are feasible but costly. When well-endowed Smith puts resources in a boat that is to deposit the resources on poorly-endowed Jones's island, some of the resources will be washed overboard or spoil while the boat is drifting with the ocean currents. The cost to Smith in resources of making a transfer is then less than the gain in resources that the transfer makes possible for Jones. If we suppose that the resources available for transfer differ in their susceptibility to loss during transportation, and that less susceptible resources are transferred first, then the ratio of the cost-to-the-giver to the benefit-to-the-recipient

increases as equality of resources is more closely approximated. Many of us would say that as this cost-to-benefit ratio becomes more unfavorable, at some point the obligation to give ceases, because the moral disvalue of the lost resources outweighs the moral value of increasing the resource share of the worse-off person. Dworkin's equality of resources principle is committed to making no allowance for this cost consideration.

The objection then to equality of resources is that it undervalues the moral significance of having more resources in people's hands. If we are concerned with equality of resources, this must surely be because resources are good for people, and more resources are better for an individual (in general) than fewer. If this were not accepted, why care about the distribution of resources at all? Equality of resources embodies an extreme priority weighting that assigns no moral value at all to any above-average holdings of resources by persons.

More can be said that challenges the moral significance of equality by interpreting in other terms the common moral intuition that it is morally a more urgent matter to get more resources to those who have less than to those who already have more. Consider again the generic situation in which some individuals have more resources than others and transfers to the worse off are feasible. If the moral flaw in the situation is absence of equality, it would seem that as increments of resources are transferred to those below average until equality is achieved, the transfer of the last increment that establishes equality is no less morally valuable than the transfer of the first same-sized increment. But some of us who have the generic egalitarian intuition that resources should be transferred think that if everyone is at very nearly the same level, it matters hardly at all

that one further incremental transfer divided among all those below average takes place, so exact equality is achieved. On the other hand, it matters far more, when some are much worse off than others, that the first incremental transfer should take place, which divided among all those who are worst off, raises them a bit from their great distance from the average. On this way of regarding the situation, what matters morally is not equality per se but giving priority to helping the worst off. Moreover, a further slight refinement of the example shows that it is not being worst off per se that matters. What matters is not one's ordinal position, the comparison to others, but rather the absolute level of one's resource allotment.[20] After all, in a thousand-person variant of the generic situation, the person who is worst off might be hardly at all worse off in absolute terms than the best off. It is not whether one is second-worst off or thousandth-worst off that matters, but rather the amount of the absolute gap separating one's resource level and the resource level of the best off.

The preceding discussion has suggested an explanation of the intuition that when some individuals have more resources and others less through no fault or voluntary choice of their own, resources should be transferred from better off to worse off. This explanation appeals to a noncomparative principle of distributive justice. What fundamentally matters morally on this view is not what one person has compared to what other persons have. The imperative of redistribution is to help the person who in absolute terms is badly off, by the relevant standard of judgment, not to bring about some preferred relation between what one person has and what others have.

On this noncomparative conception of distributive justice, comparisons take on derivative and instrumental importance..[21] If the absolute level of resources you

command dictates the moral value of increasing your level of resources, then it will turn out to be morally more valuable to achieve a gain in resources for Smith, whose resource holding measured on an absolute scale is low, than to achieve a same-sized gain for Jones, whose resource holding is not so low.

I have raised two criticisms of Dworkin's liberal equality ideal. One is that distributive equality has nothing to do with justice, because no essentially comparative principle has anything to do with justice, not at least at the level of fundamental moral reasons for picking one rather than another justice conception.

A second criticism concedes for the sake of the argument that comparisons matter, but charges that in Dworkin's ideal comparisons enter in the wrong way and with the wrong force. Wrong force: Dworkin's equality of resources principle like Rawls' difference principle is too absolutist. Rawls' principle permits no tradeoffs between resource gains and losses to better off and worse off. According to the difference principle, if we can achieve a gain of a penny for the worst off we should do so, no matter what the cost to the better off. Similarly, Dworkin's equality of resources implies that if we can transfer resources to create equality, we should do so, whatever the cost to the better off. Wrong way: There is a further aspect of this second criticism that applies to Dworkin and not to Rawls. Dworkin's equality of resources principle would have it that the relationship between one person's resource shares and the resource shares of others is intrinsically morally important. The relationship matters even if the alteration that produces the improved relationship is not better for any person. Equality is morally desirable even if no person's life is improved by equality. Rawls' difference principle does not have this unattractive feature. Any transfer of resources recommended by the

difference principle will improve the resource holding of some person who is worse off than the person who suffers by the transfer. Changing the relationship between one person's resource share and another's when no one is helped by the change is not recommended or even permitted by Rawls' principle. In other words, Dworkin's principle but not Rawls' conflicts with the Pareto norm when that norm is understood in terms of resources. Let us call this version of Pareto the Pareto-resource principle: If a change can be made that renders someone better off in resources and no one worse off, either that change should be made or some other such that after that alternative change no one can be given more resources without taking resources from someone else. The Pareto family of principles embodies a minimal but important aspect of fairness, one that Rawls honors and Dworkin's principle of distributive justice does not.

In a footnote, Dworkin expresses himself in a confused way on just this point, so some explanation is in order. Dworkin writes that "equality of resources, grounded in an opportunity-cost test and based on a sharp distinction between personality and circumstance, may not be inefficient and is not open to the charge that it allows the lazy to profit."[22] Liberal equality proposes that it is morally desirable to equalize everyone's circumstances, but not to compensate individuals for differences in their ambitions or for differences in their resource holdings that are brought about by people's different ambitions as they give rise to actions the expectable consequences of which are these resource inequalities. We can imagine implementing equality of resources according to this distinction by pretending that all members of a generation are the same age. When the cohort comes of age, an initial distribution is established that compensates each member of the cohort for all differences in their circumstances, but once this equal

distribution is set, individuals are then free to live out their lives as they choose. Circumstances having been adjusted to establish equality, the stage is set for ambitions to express themselves without triggering further redistribution.

The easiest way to see that equality of resources so understood would fall afoul of a resource efficiency norm is to consider a simple two-generation example. Equality of resources constrains transfers across generations, which would upset equality among the members of a generation. Suppose there are two classes in society, each class containing identical members. We name the classes "rich" and "poor." Rich individuals would work hard at lucrative jobs if they could pass their gains on to their children. But such bequests would produce unequal inheritance, which would frustrate equality of resources, so they are forbidden. Unable to pass along advantages to their children in the next generation in the form of bequest, the rich save less, and the resources available for initial equal distribution to the next generation are less than they would otherwise be. If this effect is sufficiently strong, there are inheritance tax policies that would result in more resources going to each member of the second generation and no fewer resources going to each member of the first generation, compared to the amount of resources each would get under a regime of equality of resources. In other words, policies that deviate from equality of resources can yield more resources for some and fewer resources for none compared to what each would get under equality of resources.

Dworkin advances the interesting suggestion that the challenge model of ethics supports the insistence on equality of resources by the liberal equality ideal of justice. The aspect of challenge to which Dworkin appeals to support equality is the idea I have called "quasi-Platonism." According to this idea, a person leads a good life insofar as

she responds in the best way to the challenge of life that is posed by ideal conditions. Conditions can be nonideal by failing to pose an interesting and complex challenge. Conditions can also be nonideal because they are normatively inappropriate. In particular, Dworkin asserts that if the resources at one's disposal are different from what justice would assign, one's challenge is ill posed and to that extent one's life must be worse according to the challenge model. This means that I cannot tell whether more resources would be better or worse for me independently of determining what resource share would be just. If more resources would involve injustice, the largesse that bestows these resources on me is a hindrance, not a help to leading a good life.

I cannot see how the line of thought that Dworkin advances is supposed to help his case for equality of resources. Let us concede for the sake of the argument that Dworkin's quasi-Platonism is correct, and that if justice requires equal shares, then an individual cannot correctly claim that if he were given more resources above his just share, then he would be better off. This claim has no impact at all on the quite different issue, whether equal shares really are just. The line of thought I have urged understands the right as a fair distribution of the good. On this view, the Pareto norm (or more exactly, the Pareto family of norms) is an element of fair distribution. The root idea here is that we should deny someone a claim to a benefit only if granting the claim imposes a cost on someone else, where a "cost" is interpreted very broadly, so that giving the benefit to you imposes costs on me if the benefit could have been given to me instead. But if a sausage is available to you, but would spoil if we try to give it to anyone else, you should get the sausage. You don't have to be specially deserving to be entitled to get a benefit that only you can enjoy. This line of thought might be found persuasive or

unpersuasive. A hard-headed egalitarian might opt for equality over Pareto when they conflict. What I do not see is how it could be relevant at this point in the discussion to claim, as Dworkin does, that you cannot appeal to considerations such as the wastage of good involved in letting someone suffer to no one's benefit because whether an extra resource is really a benefit depends on what is just, and only equality is just. This would beg the question if the issue before us is precisely to decide what is just.

Dworkin is arguing (*inter alia*) against the welfarist view that the right is a fair distribution of good across persons on the ground that if one accepts quasi-Platonism, one cannot define the right independently of the good. Moreover, since the challenge model of ethics includes quasi-Platonism, the challenge model blocks any criticism of equality of resources that assumes that the right can be defined independently of the good. But the flaw in this argument is that quasi-Platonism does not have the implications Dworkin claims for it.

Let us then accept quasi-Platonism for the sake of the argument. We are then committed to accepting the idea that other things equal, getting an unjust share of resources is bad for an individual whether the unjust share is larger or smaller than the just share. A good life is a life that responds to just circumstances.

In order to develop a welfarist view of justice compatible with this quasi-Platonism, we adopt a multi-stage procedure. First, we decide what constitutes people's non-moral good. Setting moral obligation aside, what is good for a person, what will make her life go best? Moral rules including rules of justice are then designed so that their operation will promote the achievement of a maximal fair distribution of what is good for people. That is, moral rules are set so as to maximize a function that includes a

specification of what is good for each person and a norm of fairness in the distribution of good across persons. This concludes the first stage. The second stage introduces quasi-Platonism. We correct the computation of people's welfare by taking at a discount the fulfillment of their interests that conflict with the moral rules developed in stage one. We then recalculate what moral rules are best. Now we try to design moral rules that maximize an appropriate function of people's welfare interests corrected by the stage one moral rules. The process then is iterated until it comes to a halt in that the adjustments called for by recalculation are too small to be worth bothering about. The multi-stage procedure that I have sketched satisfies quasi-Platonism but allows the broadly welfarist critique of Dworkin's insistence on straight equality of resources as the norm of distributive justice. If this makes sense, then Dworkin is incorrect to dismiss these criticisms of equality of resources by appealing to quasi-Platonism. Quasi-Platonism has no power to insulate equality of resources from this line of criticism.

VI. Resources Versus Welfare

Resourcist theories of distributive justice hold that the aim of the enterprise is to gain for each individual a fair share of resources and opportunities, rather than to attempt to bring about any pattern of outcomes that results from people's uses of resources. This view involves holding individuals responsible for their ends in the sense that an individual who has received a fair share of resources is not entitled to further compensation on the ground that his chosen way of life turns out to be expensive so that he cannot achieve much satisfaction of his ends without aid from society. What counts as a fair resource share is determined independently of the aims and ambitions an individual happens to affirm. In contrast, welfarist principles of distributive justice in principle hold

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that individual resource shares should be adjusted to enable each to achieve a fair extent of well-being or welfare.

Dworkin is the prince of resourcists, and perhaps the theorist who has reflected most deeply on what is at stake in the choice of an interpersonal standard of comparison of people's condition for the purposes of a theory of justice.[23]

Despite the arguments Dworkin marshals, the idea that what justice fundamentally requires is providing each individual a fair share of resources or opportunities is implausible. If what morally mattered fundamentally were securing fair shares of resources, then it would be morally right and required by justice to provide these resources, if we can do so, even in a hypothetical scenario in which it is known for certain that the resources will do nobody any good. Suppose we can supply Smith his fair share of resources, but we happen to know that he will let them rot, make no use of them to benefit himself or anybody else. Still, even in this case, justice as fair resource provision insists that one ought to get these resources in Smith's hands. The welfarist by contrast holds that what matters morally at the fundamental level is enhancing the quality of people's lives and doing so in a way that distributes the good of welfare most fairly. If resource provision would do nobody any good, the welfarist holds that we should not waste the resources but should deploy them elsewhere.

We can give up the idea that justice fundamentally requires provision to all individuals of fair shares of resources or opportunities while still holding individual responsibility to be intrinsically morally important and to be a partial determinant of what we morally owe to each other. Welfarist justice can be responsibility-catering. I have discussed this issue in prior writings and will not rehearse those arguments here.[24]

Dworkin contends that the challenge model of the human good supports the position that "the justice of an economic distribution depends on its allocation of resources rather than of welfare or well-being."[25] If government were to try to arrange circumstances so that everyone attains some set level of welfare according to some particular conception of what welfare genuinely is, the government would be usurping the individual's nondelegable responsibility to interpret her own life circumstances, to define the challenge of her life, and to identify for herself what constitutes her good.

I have argued against Dworkin's challenge model, but even if one were to accept the core of this idea, one would then identify individual welfare with successful response to life's challenge. One would have an argument for construing welfarist justice in a particular way and not for rejecting welfarism and instead embracing resourcism.

Suppose the good life is responding well to the challenge given by the fact that one has a life to live. One's good then requires a good performance. But many features of one's environment can affect whether one performs well or badly, and the just society might (for all that has been said so far) be one that arranges the environment to maximize the chances that one performs well consistent with provision of a boost to other people's similar prospects. Here is a simple analogy. Suppose that living well is playing football well.[26] No one can live well without performing well, and each individual bears an ineliminable responsibility for the quality of her own performances. Still, society might be able to do many things - providing coaching, training, adequate football playing fields and high-quality equipment, and so on - that enhance people's prospects of playing football well, and on a welfarist view of distributive justice, would be morally required to

do so (if excellent football playing constituted the human good). The welfarist conception of justice is fully compatible with a challenge model of ethics.

Dworkin offers an additional argument from challenge to resourcism. He supposes that welfarist justice must hold the good to be prior to the right in the sense that it identifies what is good independently of the right and then takes justice to consist in maximizing some function of the good. But according to Dworkin, the welfarist here is making a mistake. Ethical liberals, those who accept the challenge model of the good, "cannot separate ethics from justice," because they "must rely on assumptions or instincts of justice - about whether what we have or do is fair given its impact on our neighbors' and fellow citizens' lives - in order to decide which ways of living are ways of living well."[27]

These words recall Dworkin's master argument against the ideal of equality of welfare, which in fact generalizes to an argument against any welfarist ideal of justice.[28] Dworkin had argued that, in order to fix how well my life has gone, I need some notion of reasonable regret to anchor my assessment. I cannot reasonably regret that my life has not lasted for a thousand years or that I have not achieved what I would have achieved if I had had all the world's material resources at my disposal. According to Dworkin, what I can reasonably regret is my failure to achieve welfare I might have achieved if a fair share of society's resources had been made available to me. But the idea of "fair shares" here presupposes that one has some idea of what resource distribution is fair independently of what distribution of welfare it generates. So there is a dilemma: without a notion of reasonable regret, we cannot develop a welfarist measure of what people are owed in justice, but any attempt to articulate such a conception of reasonable regret

presupposes an independent idea of fair distribution of resources, which renders otiose the welfarist measure we were trying to construct.

This clever argument fails. I submit that an Objective List account of the good is, for all that Dworkin asserts, a viable approach to the measurement of welfare, and one that avoids the dilemma he poses. A full specification of the entries on the list indicates what weight any level of achievement on any dimension of achievement of any entry should get (this specification may allow for partial commensurability). But now we have a measure of what welfare or well-being level individuals attain, that allows us to compare different individuals' welfare condition without appeal to any notion of reasonable regret. Against this assertion, one might make the skeptical claim that in fact interpersonal comparisons of welfare or well-being of this sort are not meaningful, cannot be well-defined, but Dworkin himself does not rely on such skepticism, and rightly so, because if applied even-handedly and consistently it would sweep aside theories of the right along with theories of the good.[29] As we have seen, Dworkin's project in "Foundations of Liberal Equality" is to show how (1) the reasoned conviction that some ways of life and some putative goods are intrinsically superior to others and (2) resourcist egalitarianism can be mutually supportive. So Dworkin needs his master argument against welfarism, and his doctrine is punctured by its failure.

As for Dworkin's claim about the good not being independent of the right, as welfarism requires, two responses strike me as cogent. One would simply resist the claim of quasi-Platonism entirely. I think that if a Mafia chieftain or a fierce warrior in an unjust war achieves the items on the objective list to a high degree - friendship, love, meaningful and satisfying work, cultural and scientific achievement, systematic

knowledge, ethical wisdom, and the like - she leads a good, though very immoral, life. What is the problem here? An alternative and equally cogent response would be to accept Dworkin's quasi-Platonism and determine what is good and what is fair for people via the multi-stage procedure described in the previous section. Either way, welfarism still looks viable.

Conclusion

The upshot of this critical discussion can be summarized as follows:

1. The challenge conception of ethics confounds the notions of an admirable life and a choice-worthy or desirable life. Therefore, even if the challenge view did support Dworkin's view of justice as liberal equality, the support of challenge would be worthless because the challenge view is unsatisfactory.

2. Dworkin contrasts the challenge model of ethics with the model of "impact," and argues that challenge is superior. But the impact model is so implausible that it is hardly a recommendation of challenge to claim it is better than impact.

3. One aspect of Dworkinian liberal equality is tolerance or neutrality. Dworkin associates liberal tolerance with a principled rejection of strong paternalism and argues that the challenge conception of ethics dictates the priority of integrity and integrity in turn requires rejection of strong paternalism. But the priority of integrity doctrine is wrongheaded, and should not be accepted even by someone who otherwise is favorably disposed to the challenge model. Liberal tolerance, interpreted by Dworkin to include a rigid antipaternalism, is an extreme and illiberal position, which should be rejected for the same reason that the priority of integrity should be rejected.

4. Liberal equality holds the norm of equality of resources to be the core principle of distributive justice. Equal distribution of resources is a coherent but implausible norm. It conflicts with the Pareto norm which holds that it is wrong to deny someone a benefit when conferring the benefit would impose no costs on anyone else. More broadly, the norm of equality of resources conflicts with the insight that the moral value of achieving a benefit for someone or preventing someone from suffering a loss depends on the losses and gains that such achievement or prevention would impose on others. The intuitive implausibility of equality of resources is not outweighed by the reasons for equality of resources that are generated by the challenge model of ethics, for challenge generates no such reasons.

5. Liberal equality upholds the distributive justice norm of equality of resources. Liberal equality is then committed to the view that principles of distributive justice should be concerned at the fundamental moral level with the distribution of resources not of welfare. Dworkin argues that the challenge model of ethics with its distinction between parameters and limitations supports the idea that principles of distributive justice should be resource-oriented not welfare-oriented. But (a) resourcism is implausible and (b) the choice for or against challenge when properly conceived is in fact completely irrelevant to the resources versus welfare issue.

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*. This essay was written for this volume in 1993 and revised in 2002.

[1] . John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, Rev. Ed., 1999), pp. 27-8. Rawls' most recent statements of his version of liberal egalitarianism are his *Political Liberalism* (New York: Columbia University Press, 1996) and *Justice as Fairness: A Restatement*, Erin Kelly, ed., (Cambridge: Harvard University Press, 2001).

[2] . Ronald Dworkin, 'Foundations of Liberal Equality' in Grethe B. Peterson ed., *The Tanner Lectures on Human Values, Volume 11,* (Salt Lake City, Utah: University of Utah Press, 1990), pp. 1-119; reprinted for the most part in Ronald Dworkin, *Sovereign Virtue: The Theory and Practice of Equality* (Cambridge, Mass.: Harvard University Press, 2000), ch. 6.

[3] . The question and my answer to it are modeled on Brian Barry's question: "Is It Better To Be Powerful or Lucky?", in his essay with that title, published in two parts, *Political Studies*, Vol. 28, 1980, pp. 183-94 and 338-52.

[4] . According to a rational preference satisfaction view of the good, an agent's life intrinsically goes better for her, the greater the extent to which she satisfies preferences or life aims that she regards as important and that would withstand ideally extended rational scrutiny with full information.

[5] . For criticism of rational preference satisfaction accounts of the good, see Richard Arneson, 'Human Flourishing versus Desire Satisfaction', *Social Philosophy and Policy*, Vol. 16, no. 1, Winter 1999, pp. 113-42, along with the references cited therein.

[6] . On the characterization of 'Objective List' accounts of the good, see Derek Parfit, *Reasons and Persons* (Oxford: Oxford University Press, 1984), pp. 493-502. See also Thomas Hurka, *Perfectionism* (Oxford: Oxford University Press, 1993).

[7] . Dworkin, *Sovereign Virtue*, op. cit., p. 251.

[8] . Ibid., p. 267.

[9] . Dworkin, 'Foundations of Liberal Equality' , op. cit., p. 41. This phrase does not occur in the version of this essay reprinted in *Sovereign Virtue.*

[10] . I use "welfarist liberalism" as a name for liberal theories of justice that suppose that the goods whose distribution among persons a theory of justice regulates are to be measured by their contribution to individual welfare (or by the welfare level they make it possible for an individual to reach). Welfarist liberalism competes with resourcist liberalism, which supposes that the proper measure of an individual's condition for purposes of the theory of justice is not her welfare but rather her holding of goods, liberties, and opportunities. See Dworkin, *Sovereign Virtue*, chs. 1 and 2.

[11] . Dworkin, *Sovereign Virtue,* op. cit., p. 270.

[12] . Ibid., p. 272.

[13] . A clear discussion of this issue is in Allen E. Buchanan and Dan W. Brock, *Deciding for Others: The Ethics of Surrogate Decision Making* (Cambridge: Cambridge University Press, 1989), pp. 29-47.

[14] . See Thomas Hurka, 'Indirect Perfectionism: Kymlicka on Liberal Neutrality' *The Journal of Political Philosophy*, Vol. 2, no. 3, 1994. The views of Kymlicka that Hurka criticizes in this essay are for the most part the same as the views of Dworkin I criticize in this section.

[15] . Dworkin, *Sovereign Virtue*, op. cit., p. 268.

[16] . Notice the tension between what Dworkin asserts here and his discussion of the Jack and Jill example in ch. 1 of *Sovereign Virtue* op. cit. He illustrates the implausibility of identifying the extent to which a person leads a life good for her with the extent to which overall she satisfies her life aims that she regards as important. Jack and Jill lead lives that to an impartial observer look just the same, but idiosyncratic differences in their beliefs about the importance of their life aims bring it about that their lives are

significantly unequal in their welfare construed as overall success (on several possible interpretations of this notion). Dworkin comments that "the differences between Jack and Jill we have noticed are still differences in their beliefs but not differences in their lives" (p. 38). To avoid this difficulty one needs a measure of individual welfare that measures the individual's genuine quality of life rather than her subjective opinions or attitudes about her quality of life.

[17]. Dworkin, *Sovereign Virtue*, op. cit., p. 273.

[18]. The statement in the text bowdlerizes Dworkin's position to some extent. Dworkin holds that the egalitarian obligation to treat all individuals impartially, with equal concern and respect, applies only to governments, since any government claims legitimately to coerce all who inhabit its territory and claims to act in the name of all those under its jurisdiction. The equality of resources ideal would not then be binding in individuals living on separate islands and not joined under a common government.

[19]. For elucidation of these important details of the account, see *Sovereign Virtue*, ch. 2.

[20]. The view counterposed to Dworkinian equality in the text is the priority view. For clear explication of this notion, see Derek Parfit, *Equality or Priority?* (Lawrence, Kansas: Department of Philosophy, University of Kansas, 1995).

[21]. I believe the view sketched in the text concedes what is most plausible in the criticisms of the norm of equality of resources in Harry Frankfurt, 'Equality as a Moral Ideal', *Ethics*, Vol. 98, no. 1, October 1987, pp. 21-43. For further discussion see my 'Egalitarianism and Responsibility', *The Journal of Ethics*, Vol. 3, 1999, pp. 225-47.

[22]. Dworkin, 'Foundations of Liberal Equality', op. cit., fn. 32, p. 41. This statement is not included in the version of the essay reprinted in *Sovereign Virtue.*

[23] . See Dworkin, *Sovereign Virtue*, op. cit., chs. 1 and 2.

[24] . See Richard Arneson, 'Equal Opportunity for Welfare Defended and Recanted', *The Journal of Political Philosophy*, Vol. 7, 1997, pp. 488-97; and Arneson, 'Egalitarianism and Responsibility,' *Journal of Ethics*, vol. 3 (1999), pp. 225-324; Arneson, 'Luck Egalitarianism and Prioritarianism', *Ethics*, Vol. 110, pp. 339-49; Arneson, 'Welfare Should Be the Currency of Justice', *Canadian Journal of Philosophy*, Vol. 30, 2000, pp. 497-524; and Arneson, 'Luck and Equality,' *Aristotelian Society Proceedings*, supp. vol., 2001, pp. 73-90.

[25] . Dworkin, *Sovereign Virtue*, op. cit., p. 279.

[26] . The analogy might be thought inadvertently to illustrate the incompatibility of welfarism and a serious account of individual responsibility. If the good is postulated by society, and institutions are arranged to secure it, this inevitably displaces individual responsibility for choosing one's conception of value and constructing a valuable and fulfilling life. So the objection goes. In reply: Individual responsibility and social responsibility can coexist. My boss's responsibility to prevent me from stealing from the company does not eliminate my own personal responsibility to avoid stealing. My own responsibility to choose and seek my good does not preclude a back-up responsibility (obligation) on the part of society to help save me from the bad consequences for my life my choices engender. In addition, nothing in welfarist justice doctrine privileges any particular society's collective judgments concerning the nature of good and the valuable ways of living.

[27] . Ibid.

[28] . Dworkin, *Sovereign Virtue*, op. cit., pp. 38-41 and 46.

29. But see economic "fairness theory," e.g. Hal Varian, 'Equity, Envy, and Efficiency',

Journal of Economic Theory, Vol. 9, September 1974, pp. 63-91.