

RICHARD J. ARNESON

EQUALITY AND EQUAL OPPORTUNITY FOR WELFARE

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Insofar as we care for equality as a distributive ideal, what is it exactly that we prize? Many persons are troubled by the gap between the living standards of rich people and poor people in modern societies or by the gap between the average standard of living in rich societies and that prevalent in poor societies. To some extent at any rate it is the gap itself that is troublesome, not just the low absolute level of the standard of living of the poor. But it is not easy to decide what measure of the "standard of living" it is appropriate to employ to give content to the ideal of distributive equality. Recent discussions by John Rawls¹ and Ronald Dworkin² have debated the merits of versions of equality of welfare and equality of resources taken as interpretations of the egalitarian ideal. In this paper I shall argue that the idea of equal opportunity for welfare is the best interpretation of the ideal of distributive equality.

Consider a distributive agency that has at its disposal a stock of goods that individuals want to own and use. We need not assume that each good is useful for every person, just that each good is useful for someone. Each good is homogeneous in quality and can be divided as finely as you choose. The problem to be considered is: How to divide the goods in order to meet an appropriate standard of equality. This discussion assumes that some goods are legitimately available for distribution in this fashion, hence that the entitlements and deserts of individuals do not predetermine the proper ownership of all resources. No argument is provided for this assumption, so in this sense my article is addressed to egalitarians, not their opponents.

1. EQUALITY OF RESOURCES

The norm of equality of resources stipulates that to achieve equality the agency ought to give everybody a share of goods that is exactly identical to everyone else's and that exhausts all available resources to be distributed. A straightforward objection to equality of resources so understood is that if Smith and Jones have similar tastes and abilities except that Smith has a severe physical handicap remediable with the help of expensive crutches, then if the two are accorded equal resources, Smith must spend the bulk of his resources on crutches whereas Jones can use his resource share to fulfill his aims to a far greater extent. It seems forced to claim that any notion of equality of condition that is worth caring about prevails between Smith and Jones in this case.

At least two responses to this objection are worth noting. One, pursued by Dworkin,³ is that in the example the cut between the individual and the resources at his disposal was made at the wrong place. Smith's defective legs and Jones's healthy legs should be considered among their resources, so that only if Smith is assigned a gadget that renders his legs fully serviceable in addition to a resource share that is otherwise identical with Jones's can we say that equality of resources prevails. The example then suggests that an equality of resources ethic should count personal talents among the resources to be

distributed. This line of response swiftly encounters difficulties. It is impossible for a distributive agency to supply educational and technological aid that will offset inborn differences of talent so that all persons are blessed with the same talents. Nor is it obvious how much compensation is owed to those who are disadvantaged by low talent. The worth to individuals of their talents varies depending on the nature of their life plans. An heroic resolution of this difficulty is to assign every individual an equal share of ownership of everybody's talents in the distribution of resources.⁴ Under this procedure each of the N persons in society begins adult life owning a tradeable $1/N$ share of everybody's talents. We can regard this share as amounting to ownership of a block of time during which the owner can dictate how the partially owned person is to deploy his talent. Dworkin himself has noticed a flaw in this proposal, which he has aptly named "the slavery of the talented."⁵ The flaw is that under this equal distribution of talent scheme the person with high talent is put at a disadvantage relative to her low-talent fellows. If we assume that each person strongly wants liberty in the sense of ownership over his own time (that is, ownership over his own body for his entire lifetime), the high-talent person finds that his taste for liberty is very expensive, as his time is socially valuable and very much in demand, whereas the low-talent person finds that his taste for liberty is cheap, as his time is less valuable and less in demand. Under this version of equality of resources, if two persons are identical in all respects except that one is more talented than the other, the more talented will find she is far less able to achieve her life plan than her less talented counterpart. Again, once its implications are exhibited, equality of resources appears an unattractive interpretation of the ideal of equality.

A second response asserts that given an equal distribution of resources, persons should be held responsible for forming and perhaps reforming their own preferences, in the light of their resource share and their personal characteristics and likely circumstances.⁶ The level of overall preference satisfaction that each person attains is then a matter of individual responsibility, not a social problem. That I have nil singing talent is a given, but that I have developed an aspiration to become a professional opera singer and have formed my life around this ambition is a further development that was to some extent within my control and for which I must bear responsibility.

The difficulty with this response is that even if it is accepted it falls short of defending equality of resources. Surely social and biological factors influence preference formation, so if we can properly be held responsible only for what lies within our control, then we can at most be held to be partially responsible for our preferences. For instance, it would be wildly implausible to claim that a person without the use of his legs should be held responsible for developing a full set of aims and values toward the satisfaction of which leglessness is no hindrance. Acceptance of the claim that we are sometimes to an extent responsible for our preferences leaves the initial objection against equality of resources fully intact. For if we are sometimes responsible we are sometimes not responsible.

The claim that "we are responsible for our preferences" is ambiguous. It could mean that our preferences - have developed to their present state due to factors that lay entirely within our control. Alternatively, it could mean that our present preferences, even if they have arisen through processes largely beyond our power to control, are now within our control in the sense that we could now undertake actions, at greater or lesser cost, that would change our preferences in ways that we can foresee. If responsibility for preferences on the first construal held true, this would indeed defeat the presumption that our resource share should be augmented because it satisfies our preferences to a lesser extent than the resource shares of others permit them to satisfy their preferences. However, on the first construal, the claim that we are responsible for our preferences is certainly always false. But on the second, weaker construal, the claim that we are responsible for our preferences is compatible with the claim that an appropriate norm of equal distribution should compensate people for their hard-to-satisfy preferences at least up to the point at which by taking appropriate adaptive measures now, people could reach the same preference satisfaction level as others.

The defense of equality of resources by appeal to the claim that persons are responsible for their preferences admits of yet another interpretation. Without claiming that people have caused their preferences to become what they are or that people could cause their preferences to change, we might hold that people can take responsibility for their fundamental preferences in the sense of identifying with them and regarding these preferences as their own, not as alien intrusions on the self. T. M. Scanlon has suggested the example of religious preferences in this spirit.⁷ That a person was raised in one religious tradition rather than another may predictably affect his lifetime expectation of preference satisfaction. Yet we would regard it as absurd to insist upon compensation in the name of distributive equality for having been raised fundamentalist Protestant rather than atheist or Catholic (a matter that of course does not lie within the individual's power to control). Provided that a fair (equal) distribution of the resources of religious liberty is maintained, the amount of utility that individuals can expect from their religious upbringings is "specifically not an object of public policy."⁸

The example of compensation for religious preferences is complex, and I will return to it in section II below. Here it suffices to note that even if in some cases we do deem it inappropriate to insist on such compensation in the name of equality, it does not follow that equality of resources is an adequate rendering of the egalitarian ideal. Differences among people including sometimes differences in their upbringing may render resource equality nugatory. For example, a person raised in a closed fundamentalist community such as the Amish who then loses his faith and moves to the city may feel at a loss as to how to satisfy ordinary secular preferences, so that equal treatment of this rube and city sophisticates may require extra compensation for the rube beyond resource equality. Had the person's fundamental values not altered, such compensation would not be in order. I am not proposing compensation as a feasible government policy, merely pointing out that the fact that people might in some cases regard

it as crass to ask for indemnification of their satisfaction-reducing upbringing does not show that in principle it makes sense for people to assume responsibility (act as though they were responsible) for what does not lie within their control. Any policy that attempted to ameliorate these discrepancies would predictably inflict wounds on innocent parents and guardians far out of proportion to any gain that could be realized for the norm of distributive equality. So even if we all agree that in such cases a policy of compensation is inappropriate, all things considered, it does not follow that so far as distributive equality is concerned (one among the several values we cherish), compensation should not be forthcoming.

Finally, it is far from clear why assuming responsibility for one's preferences and values in the sense of affirming them and identifying them as essential to one's self precludes demanding or accepting compensation for these preferences in the name of distributive equality. Suppose the government has accepted an obligation to subsidize the members of two native tribes who are badly off, low in welfare. The two tribes happen to be identical except that one is strongly committed to traditional religious ceremonies involving a psychedelic made from the peyote cactus while the other tribe is similarly committed to its traditional rituals involving an alcoholic drink made from a different cactus. If the market price of the psychedelic should suddenly rise dramatically while the price of the cactus drink stays cheap, members of the first tribe might well claim that equity requires an increase in their subsidy to compensate for the greatly increased price of the wherewithal for their ceremonies. Advancing such a claim, so far as I can see, is fully compatible with continuing to affirm and identify with one's preferences and in this sense to take personal responsibility for them.

In practise, many laws and other public policies differentiate roughly between preferences that we think are deeply entrenched in people, alterable if at all only at great personal cost, and very widespread in the population, versus preferences that for most of us are alterable at moderate cost should we choose to try to change them and thinly and erratically spread throughout the population. Laws and public policies commonly take account of the former and ignore the latter. For example, the law caters to people's deeply felt aversion to public nudity but does not cater to people's aversion to the sight of tastelessly dressed strollers in public spaces. Of course, current American laws and policies are not designed to achieve any strongly egalitarian ideal, whether resource-based or not. But in appealing to common sense as embodied in current practises in order to determine what sort of equality we care about insofar as we do care about equality, one would go badly astray in claiming support in these practises for the contention that equality of resources captures the ideal of equality. We need to search further.

II. EQUALITY OF WELFARE

According to equality of welfare, goods are distributed equally among a group of persons to the degree that the distribution brings it about that each person enjoys the same welfare. (The norm thus presupposes the possibility of cardinal

interpersonal welfare comparisons.) The considerations mentioned seven paragraphs back already dispose of the idea that the distributive equality worth caring about is equality of welfare. To bring this point home more must be said to clarify what "welfare" means in this context.

I take welfare to be preference satisfaction. The more an individual's preferences are satisfied, as weighted by their importance to that very individual, the higher her welfare.

The preferences that figure in the calculation of a person's welfare are limited to self-interested preferences - what the individual prefers insofar as she seeks her own advantage. One may prefer something for its own sake or as a means to further ends; this discussion is confined to preferences of the former sort. The preferences that most plausibly serve as the measure of the individual's welfare are hypothetical preferences. Consider this familiar account: The extent to which a person's life goes well is the degree to which his ideally considered preferences are satisfied.⁹ My ideally considered preferences are those I would have if I were to engage in thoroughgoing deliberation about my preferences with full pertinent information, in a calm mood, while thinking clearly and making no reasoning errors. (We can also call these ideally considered preferences "rational preferences.")

To avoid a difficulty, we should think of the full information that is pertinent to ideally considered preferences as split into two stages corresponding to "first-best" and "second-best" rational preferences. At the first stage one is imagined to be considering full information relevant to choice on the assumption that the results of this ideal deliberation process can costlessly correct one's actual preferences. At the second stage one is imagined to be considering also information regarding (a) one's actual resistance to advice regarding the rationality of one's preferences, (b) the costs of an educational program that would break down this resistance, and (c) the likelihood that anything approaching this educational program will actually be implemented in one's lifetime. What it is reasonable to prefer is then refigured in the light of these costs. For example, suppose that low-life preferences for cheap thrills have a large place in my actual conception of the good, but no place in my first-best rational preferences. But suppose it is certain that these low-life preferences are firmly fixed in my character. Then my second-best preferences are those I would have if I were to deliberate in ideal fashion about my preferences in the light of full knowledge about my actual preferences and their resistance to change. If you are giving me a birthday present, and your sole goal is to advance my welfare as much as possible, you are probably advised to give me, say, a bottle of jug wine rather than a volume of Shelley's poetry even though it is the poetry experience that would satisfy my first-best rational preference.¹⁰

On this understanding of welfare, equality of welfare is a poor ideal. Individuals can arrive at different welfare levels due to choices they make for which they alone should be held responsible. A simple example would be to

imagine two persons of identical tastes and abilities who are assigned equal resources by an agency charged to maintain distributive equality. The two then voluntarily engage in high-stakes gambling, from which one emerges rich (with high expectation of welfare) and the other poor (with low welfare expectation). For another example, consider two persons similarly situated, so they could attain identical welfare levels with the same effort, but one chooses to pursue personal welfare zealously while the other pursues an aspirational preference (e.g., saving the whales), and so attains lesser fulfillment of self-interested preferences. In a third example, one person may voluntarily cultivate an expensive preference (not cognitively superior to the preference it supplants), while another person does not. In all three examples it would be inappropriate to insist upon equality of welfare when welfare inequality arises through the voluntary choice of the person who gets lesser welfare. Notice that in all three examples as described, there need be no grounds for finding fault with any aims or actions of any of the individuals mentioned. No imperative of practical reason commands us to devote our lives to the maximal pursuit of (self-interested) preference satisfaction. Divergence from equality of welfare arising in these ways need not signal any fault imputable to individuals or to "society" understood as responsible for maintaining distributive equality.

This line of thought suggests taking equal opportunity for welfare to be the appropriate norm of distributive equality.

In the light of the foregoing discussion, consider again the example of compensation for one's religious upbringing regarded as affecting one's lifetime preference satisfaction expectation. This example is urged as a *reductio ad absurdum* of the norm of equality of welfare, which may seem to yield the counterintuitive implication that such differences do constitute legitimate grounds for redistributing people's resource shares, in the name of distributive equality. As I mentioned, the example is tricky; we should not allow it to stampede us toward resource-based construals of distributive equality. Two comments on the example indicate something of its trickiness.

First, if a person changes her values in the light of deliberation that bring her closer to the ideal of deliberative rationality, we should credit the person's conviction that satisfying the new values counts for more than satisfying the old ones, now discarded. The old values should be counted at a discount due to their presumed greater distance from deliberative rationality. So if I was a Buddhist, then become a Hindu, and correctly regard the new religious preference as cognitively superior to the old, it is not the case that a straight equality of welfare standard must register my welfare as declining even if my new religious values are less easily achievable than the ones they supplant.

Secondly, the example might motivate acceptance of equal opportunity for welfare over straight equality of welfare rather than rejection of subjectivist conceptions of equality altogether. If equal opportunity for welfare obtains between Smith and Jones, and Jones subsequently undergoes religious conversion

that lowers his welfare prospects, it may be that we will take Jones's conversion either to be a voluntarily chosen act or a prudentially negligent act for which he should be held responsible. (Consider the norm: Other things equal, it is bad if some people are worse off than others through no voluntary choice or fault of their own.) This train of thought also motivates an examination of equal opportunity for welfare.

III. EQUAL OPPORTUNITY FOR WELFARE

An opportunity is a chance of getting a good if one seeks it. For equal opportunity for welfare to obtain among a number of persons, each must face an array of options that is equivalent to every other person's in terms of the prospects for preference satisfaction it offers. The preferences involved in this calculation are ideally considered second-best preferences (where these differ from first-best preferences). Think of two persons entering their majority and facing various life choices, each action one might choose being associated with its possible outcomes. In the simplest case, imagine that we know the probability of each outcome conditional on the agent's choice of an action that might lead to it. Given that one or another choice is made and one or another outcome realized, the agent would then face another array of choices, then another, and so on. We construct a decision tree that gives an individual's possible complete life-histories. We then add up the preference satisfaction expectation for each possible life history. In doing this we take into account the preferences that people have regarding being confronted with the particular range of options given at each decision point. Equal opportunity for welfare obtains among persons when all of them face equivalent decision trees--the expected value of each person's best (= most prudent) choice of options, second-best, . . . nth-best is the same. The opportunities persons encounter are ranked by the prospects for welfare they afford.

The criterion for equal opportunity for welfare stated above is incomplete. People might face an equivalent array of options, as above, yet differ in their awareness of these options, their ability to choose reasonably among them, and the strength of character that enables a person to persist in carrying out a chosen option. Further conditions are needed. We can summarize these conditions by stipulating that a number of persons face effectively equivalent options just in case one of the following is true: (1) the options are equivalent and the persons are on a par in their ability to "negotiate" these options, or (2) the options are nonequivalent in such a way as to counterbalance exactly any inequalities in people's negotiating abilities, or (3) the options are equivalent and any inequalities in people's negotiating abilities are due to causes for which it is proper to hold the individuals themselves personally responsible. Equal opportunity for welfare obtains when all persons face effectively equivalent arrays of options.

Whether or not two persons enjoy equal opportunity for welfare at a time depends only on whether they face effectively equivalent arrays of options at that time. Suppose that Smith and Jones share equal opportunity for welfare on Monday, but

on Tuesday Smith voluntarily chooses or negligently behaves so that from then on Jones has greater welfare opportunities. We may say that in an extended sense people share equal opportunity for welfare just in case there is some time at which their opportunities are equal and if any inequalities in their opportunities at later times are due to their voluntary choice or differentially negligent behavior for which they are rightly deemed personally responsible.

When persons enjoy equal opportunity for welfare in the extended sense, any actual inequality of welfare in the positions they reach is due to factors that lie within each individual's control. Thus, any such inequality will be nonproblematic from the standpoint of distributive equality. The norm of equal opportunity for welfare is distinct from equality of welfare only if some version of soft determinism or indeterminism is correct. If hard determinism is true, the two interpretations of equality come to the same.

In actual political life under modern conditions, distributive agencies will be staggeringly ignorant of the facts that would have to be known in order to pinpoint what level of opportunity for welfare different persons have had. To some extent it is technically unfeasible or even physically impossible to collect the needed information, and to some extent we do not trust governments with the authority to collect the needed information, due to worries that such authority will be subject to abuse. Nonetheless, I suppose that the idea is clear in principle, and that in practise it is often feasible to make reliable rough-and-ready judgments to the effect that some people face very grim prospects for welfare compared to what others enjoy.

In comparing the merits of a Rawlsian conception of distributive equality as equal shares of primary goods and a Dworkinian conception of equality of resources with the norm of equality of opportunity for welfare, we run into the problem that in the real world, with imperfect information available to citizens and policymakers, and imperfect willingness on the part of citizens and officials to carry out conscientiously whatever norm is chosen, the practical implications of these conflicting principles may be hard to discern, and may not diverge much in practise. Familiar information-gathering and information-using problems will make us unwilling to authorize government agencies to determine people's distributive shares. on the basis of their preference satisfaction prospects, which will often be unknowable for all practical purposes. We may insist that governments have regard to primary good share equality or resource equality as rough proxies for the welfarist equality that we are unable to calculate. To test our allegiance to the rival doctrines of equality we may need to consider real or hypothetical examples of situations in which we do have good information regarding welfare prospects and opportunities for welfare, and consider whether this information affects our judgments as to what counts as egalitarian policy. We also need to consider cases in which we gain new evidence that a particular resource-based standard is a much more inaccurate proxy for welfare equality than we might have thought, and much less accurate than another standard now available. Indifference to these considerations would mark

allegiance to a resourcist interpretation of distributive equality in principle, not merely as a handy rough-and-ready approximation.

IV. STRAIGHT EQUALITY VERSUS EQUAL OPPORTUNITY; WELFARE VERSUS RESOURCES

The discussion to this point has explored two independent distinctions: (1) straight equality versus equal opportunity and (2) welfare versus resources as the appropriate basis for measuring distributive shares. Hence there are four positions to consider. On the issue of whether an egalitarian should regard welfare or resources as the appropriate standard of distributive equality, it is important to compare like with like, rather than, for instance, just to compare equal opportunity for resources with straight equality of welfare. (In my opinion Ronald Dworkin's otherwise magisterial treatment of the issue in his two-part discussion of "What Is Equality?" is marred by a failure to bring these four distinct positions clearly into focus.¹²)

The argument for equal opportunity rather than straight equality is simply that it is morally fitting to hold individuals responsible for the foreseeable consequences of their voluntary choices, and in particular for that portion of these consequences that involves their own achievement of welfare or gain or loss of resources. If accepted, this argument leaves it entirely open whether we as egalitarians ought to support equal opportunity for welfare or equal opportunity for resources.

For equal opportunity for resources to obtain among a number of persons, the range of lotteries with resources as prizes available to each of them must be effectively the same. The range of lotteries available to two persons is effectively the same whenever it is the case that, for any lottery the first can gain access to, there is an identical lottery that the second person can gain access to by comparable effort. (So if Smith can gain access to a lucrative lottery by walking across the street, and Jones cannot gain a similar lottery except by a long hard trek across a desert, to this extent their opportunities for resources are unequal.) We may say that equal opportunity for resources in an extended sense obtains among a number of persons just in case there is a time at which their opportunities are equal and any later inequalities in the resource opportunities they face are due to voluntary choices or differentially negligent behavior on their part for which they are rightly deemed personally responsible.

I would not claim that the interpretation of equal opportunity for resources presented here is the only plausible construal of the concept. However, on any plausible construal, the norm of equal opportunity for resources is vulnerable to the "slavery of the talented" problem that proved troublesome for equality of resources. Supposing that personal talents should be included among the resources to be distributed (for reasons given in section I), we find that moving from a regime of equality of resources to a regime that enforces equal opportunity for resources does not change the fact that a resource-based approach causes the person of high talent to be predictably and (it would seem)

unfairly worse off in welfare prospects than her counterpart with lesser talent.¹³ If opportunities for resources are equally distributed among more and less talented persons, then each person regardless of her native talent endowment will have comparable access to identical lotteries for resources that include time slices of the labor power of all persons. Each person's expected ownership of talent, should he seek it, will be the same. Other things equal, if all persons strongly desire personal liberty or initial ownership of one's own lifetime labor power, this good will turn out to be a luxury commodity for the talented, and a cheap bargain for the untalented.

A possible objection to the foregoing reasoning is that it relies on a vaguely specified idea of how to measure resource shares that is shown to be dubious by the very fact that it leads back to the slavery of the talented problem. Perhaps by taking personal liberty as a separate resource this result can be avoided. But waiving any other difficulties with this objection, we note that the assumption that any measure of resource equality must be unacceptable if applying it leads to unacceptable results for the distribution of welfare amounts to smuggling in a welfarist standard by the back door.

Notice that the welfare distribution implications of equal opportunity for resources will count as intuitively unacceptable only on the assumption that people cannot be deemed to have chosen voluntarily the preferences that are frustrated or satisfied by the talent pooling that a resourcist interpretation of equal opportunity enforces. Of course it is strictly nonvoluntary that one is born with a particular body and cannot be separated from it, so if others hold ownership rights in one's labor power one's individual liberty is thereby curtailed. But in principle one's self-interested preferences could be concerned no more with what happens to one's own body than with what happens to the bodies of others. To the extent that you have strong self-interested hankerings that your neighbors try their hand at, say, farming, and less intense desires regarding the occupations you yourself pursue, to that extent the fact that under talent pooling your own labor power is a luxury commodity will not adversely affect your welfare. As an empirical matter, I submit that it is just false to hold that in modern society whether any given individual does or does not care about retaining her own personal liberty is due to that person's voluntarily choosing one or the other preference. The expensive preference of the talented person for personal liberty cannot be assimilated to the class of expensive preferences that people might voluntarily cultivate.¹⁴ On plausible empirical assumptions, equal opportunity for welfare will often find tastes compensable, including the talented person's taste for the personal liberty to command her own labor power. Being born with high talent cannot then be a curse under equal opportunity for welfare (it cannot be a blessing either).

V. SEN'S CAPABILITIES APPROACH

The equal opportunity for welfare construal of equality that I am espousing is similar to a "capabilities" approach recently defended by Amartya Sen.¹⁵ I shall now briefly sketch and endorse Sen's criticisms of Rawls's primary social goods

standard and indicate a residual welfarist disagreement with Sen. Rawls's primary social goods proposal recommends that society should be concerned with the distribution of certain basic social resources, so his position is a variant of a resource-based understanding of how to measure people's standard of living. Sen holds that the distribution of resources should be evaluated in terms of its contribution to individual capabilities to function in various ways deemed to be objectively important or valuable. That is, what counts is not the food one gets, but the contribution it can make to one's nutritional needs, not the educational expenditures lavished, but the contribution they make to one's knowledge and cognitive skills. Sen objects to taking primary social goods measurements to be fundamental on the ground that persons vary enormously from one another in the rates at which they transform primary social goods into capabilities to function in key ways. Surely we care about resource shares because we care what people are enabled to be and do with their resource shares, and insofar as we care about equality it is the latter that should be our concern.

So far, I agree. Moreover, Sen identifies a person's well-being with the doings and beings or "functionings" that he achieves, and distinguishes these functionings from the person's capabilities to function or "well-being freedom."¹⁶ Equality of capability is then a notion within the family of equality of opportunity views, a family that also includes the idea of equal opportunity for welfare that I have been attempting to defend. So I agree with Sen to a large extent.

But given that there are indefinitely many kinds of things that persons can do or become, how are we supposed to sum an individual's various capability scores into an overall index? If we cannot construct such an index, then it would seem that equality of capability cannot qualify as a candidate conception of distributive equality. The indexing problem that is known to plague Rawls's primary goods proposal also afflicts Sen's capabilities approach.¹⁷

Sen is aware of the indexing problem and untroubled by it. The grand theme of his lectures on "Well-being, Agency and Freedom" is informational value pluralism: We should incorporate in our principles all moral information that is relevant to the choice of actions and policies even if that information complicates the articulation of principles and 'precludes attainment of a set of principles that completely rank-orders the available alternative actions in any possible set of circumstances. "Incompleteness is not an embarrassment," Sen declares.¹⁸ I agree that principles of decision should not ignore morally pertinent matters but I doubt that the full set of my functioning capabilities does matter for the assessment of my position. Whether or not my capabilities include the capability to trek to the South Pole, eat a meal at the most expensive restaurant in Omsk, scratch my neighbor's dog at the precise moment of its daily maximal itch, matters not one bit to me, because I neither have nor have the slightest reason to anticipate I ever will have any desire to do any of these and myriad other things. Presumably only a small subset of my functioning capabilities matter for moral assessment, but which ones? We may doubt whether

there are any objectively decidable grounds by which the value of a person's capabilities can be judged apart from the person's (ideally considered) preferences regarding those capabilities. On what ground do we hold that it is valuable for a person to have a capability that she herself values at naught with full deliberative rationality? If a person's having a capability is deemed valuable on grounds independent of the person's own preferences in the matter, the excess valuation would seem to presuppose the adequacy of an as yet unspecified perfectionist doctrine the like of which has certainly not yet been defended and in my opinion is indefensible.¹⁹ In the absence of such a defense of perfectionism, equal opportunity for welfare looks to be an attractive interpretation of distributive equality.

NOTES

1 John Rawls, 'Social Unity and Primary Goods,' in Amartya Sen and Bernard Williams, eds., *Utilitarianism and Beyond* (Cambridge: Cambridge University Press, 1982), pp. 159-185.

2 Ronald Dworkin, 'What Is Equality? Part 1: Equality of Welfare,' *Philosophy and Public Affairs* 10 (1981): 185-246; and 'What Is Equality? Part 2: Equality of Resources,' *Philosophy and Public Affairs* 10 (1981): 283-345. See also Thomas Scanlon, 'Preference and Urgency,' *Journal of Philosophy* 72 (1975): 655-669.

3 Dworkin, 'Equality of Resources.'

4 Hal Varian discusses this mechanism of equal distribution, followed by trade to equilibrium, in 'Equity, Envy, and Efficiency,' *Journal of Economic Theory* 9 (1974): 63-91. See also John Roemer, 'Equality of Talent,' *Economics and Philosophy* 1 (1985): 151-186; and 'Equality of Resources Implies Equality of Welfare,' *Quarterly Journal of Economics* 101 (1986): 751-784.

5 Dworkin, 'Equality of Resources,' p. 312. It should be noted that the defender of resource-based construals of distributive equality has a reply to the slavery of the talented problem that I do not consider in this paper. According to this reply, what the slavery of the talented problem reveals is not the imperative of distributing so as to equalize welfare but rather the moral inappropriateness of considering all resources as fully alienable. It may be that equality of resources should require that persons be compensated for their below-par talents, but such compensation should not take the form of assigning individuals full private ownership rights in other people's talents, which should be treated as at most partially alienable. See Margaret Jane Radin, 'Market-Inalienability,' *Harvard Law Review* 100 (1987): 1849-1937.

6 Rawls, 'Social Unity and Primary Goods,' pp. 167-170.

7 Thomas Scanlon, 'Equality of Resources and Equality of Welfare: A Forced Marriage?', *Ethics* 97 (1986): 111-118; see esp. pp. 115-117.

8 Scanlon, 'Equality of Resources and Equality of Welfare,' p. 116.

9 See, e.g., John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), pp. 416-424; Richard Brandt, *A Theory of the Good and the Right* (Oxford: Oxford University Press, 1979), pp. 110-129; David Gauthier, *Morals by Agreement* (Oxford: Oxford University Press, 1986), pp. 29-38; and Derek Parfit, *Reasons and Persons* (Oxford: Oxford University Press, 1984), pp. 493-499.

10 In this paragraph I attempt to solve a difficulty noted by James Griffin in 'Modern Utilitarianism,' *Revue Internationale de Philosophie* 36 (1982): 331-375; esp. pp. 334-335. See also Amartya Sen and Bernard Williams, 'Introduction' to *Utilitarianism and Beyond*, p. 10.

11 Here the most prudent choice cannot be identified with the choice that maximizes lifelong expected preference satisfaction, due to complications arising from the phenomenon of preference change. The prudent choice as I conceive it is tied to one's actual preferences in ways I will not try to describe here.

12 See the articles cited in note 2. Dworkin's account of equality of resources is complex, but without entering into its detail I can observe that Dworkin is discussing a version of what I call "equal opportunity for resources." By itself, the name chosen matters not a bit. But confusion enters because Dworkin neglects altogether the rival doctrine of equal opportunity for welfare. For a criticism of Dworkin's objections against a welfarist conception of equality that do not depend on this confusion, see my 'Liberalism, Distributive Subjectivism, and Equal Opportunity for Welfare.'

13 Roemer notes that the person with high talent is cursed with an involuntary expensive preference for personal liberty. See Roemer, 'Equality of Talent.'

14 As Rawls writes, ". . . those with less expensive tastes have presumably adjusted their likes and dislikes over the course of their lives to the income and wealth they could reasonably expect; and it is regarded as unfair that they now should have less in order to spare others from the consequences of their lack of foresight or self-discipline." See 'Social Unity and Primary Goods,' p. 169.

15 Amartya Sen, 'Well-being, Agency and Freedom: The Dewey Lectures 1984,' *Journal of Philosophy* 82 (1985): 169-221; esp. pp. 185-203. See also Sen, 'Equality of What?', in his *Choice, Welfare and Measurement* (Oxford: Basil Blackwell, 1982), pp. 353-369. 16 Sen, 'Well-being, Agency and Freedom,' p. 201.

17 See Allan Gibbard, 'Disparate Goods and Rawls' Difference Principle: A Social Choice Theoretic Treatment,' *Theory and Decision* 11 (1979): 267-288; see esp. pp. 268-269.

18 Sen, 'Well-being, Agency and Freedom,' p. 200.

19 However, it should be noted that filling out a preference-satisfaction approach to distributive equality would seem to require a normative account of healthy preference formation that is not itself preference-based. A perfectionist component may thus be needed in a broadly welfarist egalitarianism. For this reason it would be misguided to foreclose too swiftly the question of the possible value of a capability that is valued at naught by the person who has it. The development and exercise of various capacities might be an important aspect of healthy preference formation, and have value in this way even though this value does not register at all in the person's preference satisfaction prospects.

Department of Philosophy, University of California, San Diego, La Jolla, CA 92093, U.S.A.

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POSTSCRIPT (1995)

My 1989 essay contains an unclear presentation of the norm of equal opportunity for welfare and hence might convey the impression to the reader that the idea is inherently confused. It is not. For the sake of clarity it might be of use to restate the idea in several stages.

Roughly, we can say that equal opportunity for welfare obtains among a group of persons at a time just in case the highest level of expected welfare that each person could gain if she were to behave with perfect prudence is the same for all persons. But it would be implausible for the norm of equal opportunity for welfare to require that people have equal opportunity throughout their lives, because people who are initially equally favorably situated can make choices that result in some having diminished opportunities for welfare compared to the opportunities enjoyed by the rest. The intuitive idea that lies behind the equal opportunity norm is that each individual makes choices that affect her life prospects, and it is morally legitimate that each should bear the consequences of her choices, at least when society has provided a fair menu of options from which to choose. So the equal opportunity norm may provisionally be formulated so: equal opportunity for welfare obtains among a group of persons just in case at the onset of adulthood each person can choose among a set of life strategies, and if the person chooses prudently from this set, her expected welfare over the course of her life is the same as everyone else's.¹

One further refinement is needed to capture the equal opportunity norm. Two people may have equal opportunity as defined above even though their abilities to make use of these opportunities efficiently to advance their welfare are quite different. For example, suppose that in order to choose prudently one must carry out a mathematical calculation. One person can do it easily, a second cannot do it, a third can do it only with great difficulty, or with acute discomfort. In order to carry out the prudent choice, one must resist a certain temptation, and again we may imagine that people differ markedly in their native "choice-following" talents. I will say that *true equal opportunity for welfare* obtains among a number of persons when society compensates and adjusts for individuals' different abilities to negotiate options, so that if from the onset of adulthood each person behaved as prudently as could reasonably be expected in the light of her choice-making and choice-following abilities, she would have the same expected welfare over the course of her life as anyone else.

Society might compensate for differential choice-making and choice-following ability by providing extra resources to those with lesser abilities. Such compensation can take many forms besides provision of money. Guardrails and warning signs in front of obvious cliff edges at national parks provide no benefit to alert and prudently cautious park visitors but may prevent some injuries to the dull-witted, inattentive, and negligent. Compulsory government programs that require savings for old age tend to equalize opportunities for welfare among myopic and far-sightedly prudent citizens. In some cases paternalistic restrictions of liberty such as bans on dangerous recreational

drugs serve a similar function. Since there are various dimensions of personal decision-making talent, and given the difficulty of separating a person's native endowment of prudential talent from the part of a person's present disposition to prudence that is due to her own hard-earned efforts at character transformation for which she should be given credit, it may be unclear what constitutes the level of prudent conduct that it is reasonable to expect of someone. In the simplest case, imagine that individuals differ only in their native willpower, so that individuals who make equal good faith efforts to be prudent may via unequal willpower end up behaving with different degrees of prudence. In this case compensation and adjustment produce equal opportunity for welfare when it is the case that if each person made good faith efforts to be prudent, all would have equal expected welfare.

In 1989 I wrote that when people enjoy equal opportunity for welfare as characterized just above, "any actual inequality of welfare in the positions they reach is due to factors that lie within each individual's control." But this is obviously false. Equality of opportunity for welfare obtains between Smith and Jones if their expected welfare given reasonably prudent conduct is the same. Facing these equal prospects. Smith and Jones may make exactly the demanded reasonably prudent choices, yet one enjoys better luck, and Smith ends up leading a miserable existence, while Jones lives well. Equal prospects prior to choice are compatible with unequal welfare as individuals lead their lives that comes about through sheer brute luck. (A lightning bolt strikes Smith and misses Jones, who is standing next to her.) Hence equal opportunity for welfare can obtain among a group of persons even though it also turns out to be the case that some of these persons are worse off than others through no fault or voluntary choice of their own.

This discussion suggests an alternate ideal of equal opportunity, call it *equal opportunity for welfare in the strict sense*. Strict equal opportunity obtains among a number of people just in case at the onset of adulthood they face option sets such that if each behaves as prudently as could reasonably be expected, all will attain the same level of welfare over the course of their lives. When strict equal opportunity obtains, no one is worse off than others through no fault or voluntary choice of her own.

Which version of the equal opportunity for welfare norm is ethically more appealing? This is a tricky matter. One might object to strict equal opportunity on the ground that it is violated if two individuals have identical initial prospects and identical tastes and abilities, then engage voluntarily in high-stakes gambling, a game of sheer chance, from which one emerges with high welfare prospects and the other with low welfare prospects. Even though strict equal opportunity is violated here, one might argue that in the morally relevant sense, these two individuals did have equal Opportunities for welfare, because the eventual differences in their welfare prospects came about only through a process that both mutually agreed to undergo under conditions of full information against a background of equal initial prospects.

On the other hand, equal opportunity as I characterized it in 1989 (what I am calling here *true equal opportunity for welfare*) can be fully satisfied in circumstances in which some people become worse off than others through processes that entirely bypass their own choice. This difficulty is described three paragraphs back. A vivid illustration of the possibility is provided by an example suggested by Brian Barry: Imagine that in a class-stratified capitalist society marked by great inequalities in life prospects social science researchers discover that for many years nurses in hospitals have been conspiring to switch babies randomly just after birth so that at birth each person faces equal lifetime prospects of welfare, which resolve into very unequal prospects as soon as the nurses' lottery is concluded and you are placed either with a poor family or a rich family. After discovering this odd fact, would we then say that we had thought the society was terribly unjust, but now we see that since everyone had initially equal prospects, the society was just in its distributive practices after all? The inegalitarian society adjusted by the nurses' conspiracy seems to me far from just in its distributive practices, but more nearly just than an otherwise similar society minus the nurses' conspiracy. The implication of this story does not carry over in a completely smooth way to a society regulated by the norm of what I am calling "true" equal opportunity for welfare, because of the wrinkle about requiring equal prospects at the onset of adulthood. But it would be easy to invent a similar story about true equal opportunity for welfare that shows it vulnerable to Barry's criticism. As mentioned above, the point is that in a society in which the norm of true equal opportunity for welfare is perfectly satisfied, it may yet be the case that some people end up worse off than others through no fault or voluntary choices of their own. The ethical imperative of undoing the effects of unchosen luck on the quality of human lives is only incompletely satisfied in a society that fully satisfies true equal opportunity for welfare.

Up to this point I have been engaged in an intramural dispute among rival versions of equal opportunity for welfare. This family of equal opportunity for welfare norms has been subjected to attack, and the question arises to what extent the criticisms discredit the norm. One criticism charges that the ideal of equal opportunity for welfare is utopian. We could not actually design and operate a society that would fulfill it. This criticism inflicts no significant damage. The ideal that everyone in the world should enjoy good health and longevity is also utopian, but this does not gainsay the desirability of the state of affairs posited as ideal. If a goal is worthwhile but unattainable, but we can approach it to greater or lesser extent, then a utopian ideal may dictate the eminently practical imperative that we ought to act so that we come as close to achieving the goal as is feasible.

A more significant worry is that given that some unfortunate persons could not be fully compensated for bad luck in their genetic endowments by any means, a serious attempt to attain equal life prospects for all would involve channeling all available resources to a few extremely unfortunate individuals, leaving these resource basin individuals still very badly off and the rest of the human race scarcely better off. The world being as it is, the average level of human

welfare prospects would plummet if we tried to make welfare prospects as close to equal for all as possible. This point indicates that the norm of equal opportunity for welfare is one value among other values and that in practice many of these values conflict, so that more of one value means less of the others, and it is arguable that no single value should be given unqualified priority. At least, no version of the value of distributive equality is a likely candidate for the role of the single fundamental value to which all other values are to be subordinated. Any norm of equality, including equal opportunity for welfare, competes with other values and should sometimes lose the competition. My aim in my 1989 essay was not to gauge how important distributive equality is as it competes with other values, but to provide a plausible interpretation of the norm of distributive equality.

Some objections against equal opportunity for welfare are really objections against subjectivist conceptions of welfare. Consider Tiny Tim, the cripple in Charles Dickens's story *A Christmas Carol*. Being extremely cheerful and prone to appreciate small blessings, Tiny Tim can attain a high level of welfare construed as satisfaction despite his grave handicap and poverty. Yet we may judge he is one of society's unfortunates, entitled to compensation to offset his imposed poverty and physical disability. If equal opportunity for welfare cannot ratify this judgment, so much the worse for this ideal (so runs the objection). In this example there is an implicit appeal to objectivist convictions about human welfare or well-being. We believe that there are some goods are important constituents of a good human and that if one lacks too many of these constitutive elements one does not enjoy a good life, whatever one's level of preference satisfaction. With respect to this worry, my 1989 essay could have been more clear by stating that the conception of welfare I employed in formulating the equal opportunity norm is an objectivist conception--one according to which the measure of the welfare level that a person reaches is not fixed by that very individual's actual beliefs, desires, and values. After all, the individual could be dead wrong about these matters. At any rate, the issue of whether an objectivist or a subjectivist conception of welfare is more adequate does not impugn the ideal of equal opportunity for welfare as such. This is merely an issue about how best to interpret the ideal.

A more direct challenge to equal opportunity for welfare challenges the normative plausibility of any conception of distributive equality. Perhaps distributive justice is not concerned with equality at all, beyond the formal equality that requires that whatever the rules in place, they should be applied equally and impartially to all persons within their jurisdiction. Insofar as we are committed to distributive justice, perhaps instead of trying to make everyone's condition the same in any sense we should be trying to make the condition of the worst-off person in society as favorable as it can be made. Or perhaps justice requires arranging social practices so that each person is kept above some minimally acceptable threshold of well-being and beyond this floor, human well-being in the aggregate is maximized. Or, to mention an alternative that strikes me as plausible, perhaps justice requires that practices be set so as to maximize some function of aggregate human well-being that gives extra

weight to improving the welfare of those who are badly off and that also gives extra weight to securing improvements for more deserving individuals. To suggest a quite different line, perhaps justice is simply refraining from violating anyone's individual rights understood in a neo-Lockean fashion. None of the ideas of social justice just mentioned includes any distributive equality requirement--that all persons' conditions be kept equally desirable. The issues raised here are delicate, complex, tangled, and fundamental. I would note only that the issue of the moral weight of the value of distributive equality is independent of the issue of how best to interpret the ideal of distributive equality. My 1989 essay explores the latter issue.²

Notes.

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