
Individual Well-Being and Social Justice

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Justice is bringing about genuinely good lives for people, with good fairly distributed across persons. This slogan needs clarification. On its face, it looks to be a plausible version of act consequentialism, which says one ought always to do whatever would bring about the best reachable outcome, impartially assessed. (Here “justice” simply refers to fundamental, enforceable moral principles.)

Act consequentialism also strikes some of us as a plausible doctrine, but to put it mildly, not everyone agrees. In an ecumenical spirit, let’s also put on the table a plausible nonconsequentialist doctrine: Justice is bringing about good lives for people, with good fairly distributed, while respecting people’s legitimate freedom to live as they choose and their rights not to be wrongfully harmed or denied benefits in certain ways.

This second suggestion differs from consequentialism by accepting options and constraints. Options: one is not always morally required to do what would bring about the best outcome, because each person to some degree is morally at liberty to live as she chooses, pursuing her own projects. Constraints: one is not always morally permitted to do what would bring about the best outcome, because sometimes one ought to refrain from wronging another person even though doing so would bring about the best.

These slogans are watercolor sketches and need a lot of filling in. But even as rough slogans, the proposed principles share features. One is that justice includes a significant beneficence requirement. Our moral duties include significant duties to bring about better states of affairs, make the world better. Another is welfarism: what makes a state of

affairs better is increasing the welfare of individual persons or more fairly distributing it.

The “welfare” in welfarism is individual well-being, what in itself makes a person’s life go better for that very person. Welfare is prudential good—what a person aims at insofar as she is being prudent.

Welfare so construed is not necessarily the good that a person achieves in living a good life. A good life might be an admirable life, virtuous or otherwise morally commendable. But a morally good life might be miserable, grim, utterly lacking in welfare. For that matter, a life might be a good life along other dimensions—aesthetically exemplary, for example—without thereby being high in welfare. An example of an aesthetically good life would be one that exhibits a satisfying narrative that makes a good story.

Welfarism holds that insofar as morality demands that we bring about better states of affairs, what makes a state of affairs better is increasing the welfare of persons or more fairly distributing it. A further possibility to be discussed is that insofar as morality demands that we avoid wronging persons (violating directed duties owed to them), wronging consists either in mistreating the person in a way that wrongfully harms that person or that wrongfully fails to benefit the person, where harm and benefit involve welfare losses and gains. Welfarism should allow that the welfare of beings that are person-like in some ways also partly determines what we ought to do. For simplicity this complication, despite its importance, is ignored in what follows.

There are different accounts of what is in itself good for one, what in itself makes one’s life go better for one rather than worse—desire satisfactionism, hedonism, perfectionism, objective list views, and so on. Here we should simply note that to give welfarism a fair hearing one should conjoin the idea with the most plausible available conception of good for an individual. In passing, I mention that to my mind the most plausible conception is a bare unstructured objective list account.¹ There is just a list of types of stuff that are in themselves good for anyone. The more you gain stuff that appears as entries on the list, the better your life goes for you. What’s on the list? That’s a big question, but in broad outline, enjoyment, achievement in sports, culture, administration, science and other inquiries, possession of knowledge (especially general knowledge of what causes what in the universe and perhaps self-knowledge), love, and friendship are likely candidates. Philosophers like to opine that there is intractable disagreement about what is in itself good, but my guess is that disagreement about the good

is far less deep and widespread than, say, conflicts of opinion on most other moral topics.

It should be noted that one might affirm a duty of beneficence and agree that the aim of benefiting people should involve advancing their welfare but deny that what we ought to advance is what is objectively prudentially good for people. Instead we might hold that our duty of beneficence is to increase people's prudential good by their own lights or alternatively to boost whatever each person subjectively cares about.²

A strong welfarist doctrine, in its consequentialist version, would affirm both (1) the good is defined independently of the morally right and (2) what is morally right is maximizing the good.³ The weaker version under review holds (1) and also holds that what is morally right is to maximize some function of the good, but adds that the function incorporates independent moral right factors, the ones that together define fair distribution. In its nonconsequentialist version, welfarism allows that whether harming someone is wronging depends on moral right factors independent of welfare so that, for example, harmful lying might be wrongful harming whereas harmful truth-telling is not that.

1. WEAK WELFARISM

The welfarism that I want to identify as worth defending is even weaker than the descriptions of it provided so far. Take the consequentialist version. One might suppose that to apply it, the only information one needs is the lifetime welfare total of each individual person (absent the impact of the act one might now choose) plus a specification of a fair distribution principle. This could be maximize aggregate welfare summed across persons, or maximize the average, or maximin welfare, or equalize, or equalize at the highest possible level, or achieve sufficiency of welfare for all, or "prioritize" (maximize a function of welfare that gives extra weight to attaining gains for an individual, the worse off she would otherwise be in lifetime terms), or something else entirely. Or if the outcomes of acts one might choose are not known in advance with certainty, one maximizes the probability-weighted value of choice according to one of the fair distribution principles.

The view adumbrated so far might be compatible with the welfarism asserted by Roger Crisp. He affirms "the thought that, if some action is of no benefit, there can be no reason to perform it. It is well-being—and only well-being—that gives point to what we do."⁴ But weak welfarism allows more.

Imagine our action and policies might bring about states of the world in which virtuous and vicious persons, saints and sinners, end up variously well off. We might hold that a fair distribution of welfare across persons should be sensitive to a norm that holds that rewarding the deserving is a *pro tanto* consideration that matters for the determination of all things considered fair distribution. It is morally more important, all else equal, that the saints fare well than that the sinners do so. Imagine for simplicity that people can be unambiguously classified in binary fashion as either virtuous or nonvirtuous, and we are choosing between two sets of policies, which would do equally as well by a selected one of the fair distribution standards mentioned in the preceding paragraph. The upshot of one set of policies is that the virtuous do well and the nonvirtuous do poorly, and the upshot of the alternative policies is the reverse—the nonvirtuous thrive and the virtuous do poorly. We might think that at least in principle, justice should favor the policies that favor the virtuous over the nonvirtuous.⁵

If we take that line, we cannot apply our fair distribution norms without having at our disposal more information than merely a list of individuals with each person paired with the lifetime well-being level toward which she is now heading. We will need in addition some information about whether the individual is a saint or a sinner.

This idea of incorporating deservingness into fair distribution can be cashed out in many different ways. Here's a simple prioritarian version.⁶ Assume the pluses and minuses of each person's character can be aggregated into an overall lifetime deservingness score. The higher the person's virtue score, the greater the moral value of obtaining for that person an additional well-being gain, and the worse off the person would otherwise be in lifetime well-being, absent this gain, the greater the moral value of obtaining that gain for that person.

Now suppose in addition that the fair distribution of welfare might require priority for obtaining gains or preventing losses for the more deserving. The outcome in which saints fare well and sinners less well is on this view a morally better outcome, more fair, than an outcome with the same aggregate well-being total, but such that the sinners fare better than the saints. Now imagine a scenario in which you could act in a way that would promote someone's becoming more deserving. Your act has no effect on the production or distribution of welfare, but brings it about that the welfare gains of the more deserving person have somewhat greater moral value. Your act, according to weak welfarism, can have a point, and there can be reason to perform it, even though for

sure the act will have no impact ever on how much welfare in aggregate is produced or on who gets what amounts of welfare.

Your act, inducing an increase in someone's deservingness, has a point, by bringing it about that the moral value of whatever welfare she obtains in her life is increased. At the extreme, the weak welfarist position sketched so far could endorse a policy that brings about lower lifetime well-being for each and every person on Earth, and also brings it about that some persons are more deserving. We are all worse off than we might have been, but some are more virtuous, hence their getting bread and water, or getting whatever welfare gains they accrue, has greater moral value, so the state of the world that results is better, impartially assessed, than the alternative state of the world in which we all get cakes and ale and have higher welfare. So, to reiterate for emphasis, weak welfarism is compatible with endorsing as morally required an act or policy that results in everyone's being made worse off in welfare than they would have been had an alternative been chosen instead.

A few remarks aimed at clarification: First, I have slipped into describing a particular type of consequentialist view (prioritarian), but any moral position, whether consequentialist or not, that includes a significant beneficence component will admit of a similar desertitarian construal. All that's needed is that (1) beneficence gives us an agent-neutral duty to make the world better, and (2) the impartial standard for assessing states of the world registers value for welfare gains for persons and for deservingness gains for persons. Second, in affirming deservingness I do not intend to take any stand on free will and moral responsibility issues. Perhaps moral responsibility is never instantiated. The assertion here is conditional: If either human choices are not caused events or their being caused events is compatible with moral responsibility, then it is morally better that welfare gains go to saints, truly deserving individuals, all else equal. Third, the position as stated takes no stand on the comparative moral importance of bringing about welfare gains for the deserving as against bringing about larger rather than smaller welfare gains for whoever benefits. Fourth, no assumption is made here that it is possible for anyone ever to act in a way that increases the chances that someone will become deserving rather than undeserving. If this is possible, then it could be due to moral luck beyond my power to control that I become deserving rather than undeserving, so if there is no moral luck, then these deservingness-boosting causal impacts cannot occur.

You might object: Whether one becomes virtuous or not surely depends to a large extent on factors that are entirely beyond one's power to

control. My genetic endowment may make it impossible for me, or unreasonably difficult, to be steadfast in the face of the fearful. So I am cowardly, not courageous. Why is it fair to label me undeserving and regard me as on this basis less eligible for prosperity and flourishing than others luckier in their genetic endowment? And by sheer luck I may never find myself in a situation in which some of my better dispositions get expressed in action. Why is it fair to regard me as on this basis less deserving than an exact replica of me who happens to have better luck in the decision problems circumstances provide him?

In reply: "depends to a large extent" leaves room for holding that some part of what shapes the disposition of my will does lie within my power to control, so that to this extent the shaping reflects credit or discredit on me. The idea of control might be best interpreted in either a free will libertarian or compatibilist framework; that's left open. At least notionally, one can adjust a person's deservingness score to offset the background luck that affects it and arrive at a true deservingness score. If what is scored is the disposition of one's will, then luck in the decision problems one faces does not vitiate the assessment. My claim is not that any notion of deservingness developed along this line will turn out to be coherent or plausible, just that so far as we know, it might be that, so morality for now should incorporate the desertitarian possibility.⁷

2. INITIAL STIPULATIONS

In its nonconsequentialist guise, weak welfarism allows constraints and options, leaving open the possibility that a violation of a constraint must involve wrongful harming or wrongful failure to benefit, harm and benefit being construed as welfare gain or loss. The even weaker welfarism this essay affirms will also allow that corruption of character, bringing it about that someone becomes less deserving, without adequate reason, also can violate a constraint, even though no person suffers any welfare loss as a result. Nonconsequentialist welfarism allows that people might have options, meaning they are morally at liberty to act as they choose, so long as they violate no moral constraints, even though their acts will not bring about the best reachable outcome impartially assessed. The duty of beneficence limits but does not eliminate options.

To give the view slightly more structure, and perhaps make it more tractable for discussion, I stipulate initially that weak welfarism as construed here includes further commitments. These are no difference, aggregation, and morality's having the form of multi-level structure.

No difference says that if doing one act rather than another makes no difference to anyone's welfare, it can't be morally required to do one but not the other, nor can it be morally permissible to do one but not the other. It can't be required that one do, rather than not do, an act that will deliver a benefit to a person, if the benefit does not affect her or anyone else's well-being. And it can't be morally required not to harm a person, rather than harm her, if the harming will not affect her or anyone else's well-being level. A slight complication here that, as stated just above, it is to be understood that if what one does renders a person more or less deserving, and being more or less deserving affects the moral value of a well-being increase or decrease that will anyway befall the person, this counts as making a difference.

Aggregation says that no matter how large a gain or loss in welfare that may befall any person, any moral requirement to bring about the gain or prevent the loss can be overridden by some number of very small gains or losses in welfare that another act one might instead do would bring about. For nonconsequentialist views, aggregation says that any moral constraint that tells one not to do some act that would wrongfully harm another can be overridden if doing some act that violates the constraint would bring about a large enough gain for nonrightsholders, even if the gain is produced via the sum of gains, no matter how small, enjoyed by a large enough number of individuals. In other words, any constraint can be overridden if the ratio of *how-badly-off-nonrightsholders-in-aggregate-would-be-if-the-right-is-not-violated* to *how-badly-off-rightsholders-in-aggregate-would-be-if-the-right-is-violated* is sufficiently favorable.⁸

Morality has the form of multiple-level structure just in case morality prescribes lower-level norms that are instrumental to bringing about conformity with the fundamental moral principles. The lower-level norms are guides to doing what will better fulfill the higher-level norms, and the lower-level norms provide reasons for action only in an instrumental role. This structure is at least hinted at in writings by J. S. Mill, and clearly articulated in more recent writings by R. M. Hare (1982) and by Peter Railton (1984).⁹

These writings were developing a consequentialist framework, but a nonconsequentialist deontology might prescribe a similar multi-level structure. The fundamental deontological truth about truth-telling or property owning or killing the innocent might be very complicated, so that we need legal norms, social norms, or public morality that asserts simple rules that are to function as guides to doing what will better fulfill the fundamental moral principles. As Hare noted, for these lower-level norms to do good instrumental work, they must be internalized. We

must come to accept them and develop allegiance to them. We must be motivated to comply, and this motivation will persist in decision problems in which the instrumental rationale for these norms has petered out: in the particular situation we face, there is nothing morally to be gained by following the rules and something to be gained by acting against them. This situation is tricky to characterize, but it is not one of conflict between fundamental-level moral reasons.

3. WHY WEAK WELFARISM?

Why accept weak welfarism? I admit, it's not an especially stirring claim. We aren't likely to emblazon it on placards or march under its banner. I hope it has the homely virtue of truth. Here I just aim to show it in an attractive light, suggest its plausibility. The rough idea is that what morality seeks is fair resolution of conflicts of interest among persons. That much is just built into the concept. Welfarism says the measure of people's condition, for purposes of determining fair resolution, is their welfare or well-being.¹⁰ Conflicts of interest at bottom are conflicts among individuals' welfare interests. Here's a statement of the position in its consequentialist guise.

1. Outcomes are morally good to the extent that they incorporate fair distribution of *good, period*.
2. *Good, period* is always *good for* some individual or individuals.
3. Outcomes are morally good to the extent that they incorporate fair distribution of *good for* some individual or individuals.

The claim made by 2 is not that nothing can be good in itself except individual welfare, prudential good for persons. There are standards of merit for many types of activity and thing. There are standards of beauty for art works and sunsets. A good strawberry is red and juicy and tasty. A good assassin is one that scores high on an appropriately weighted combination of traits that contribute to successful assassination. The claim is simply that the only good, period that contributes to making states of affairs morally better or worse is what is good for, fairly distributed.

Imagine two worlds, identical in the people who shall ever live, and in who gets what welfare, and in the degree to which the distribution of welfare satisfies fair distribution standards. The two worlds differ in some other value respects. Perhaps assassins are better in one world, but by

luck this makes no difference to anyone's welfare levels. Perhaps there is a sublimely beautiful distant planet, never observed by anyone, in one world, but not the other. Perhaps knives and forks are better quality in one world, but not by way of any human achievement that enhances anyone's welfare, and moreover, by a fluke, the better quality knives end up sitting in a warehouse, and never improve anyone's welfare. There is more value in one world than in the other, maybe, but the worlds are identical in *good for*, and if what is good, period (for purposes of assessing states of affairs or outcomes) is identical to good for, and the good, period in the two worlds is identically fairly distributed, then the welfarist says there is no reason to try to bring about the one world or the other.

In the idiom of social justice, the welfarist will reject views that take as morally fundamental the arrangement of society to bring about resources or opportunities for people. To see the plausibility of this stance, suppose justice at the fundamental level required some provision of equal (or fair) opportunities to each person. This has the implication that if one can provide opportunities at reasonable cost to oneself to Smith, whose opportunities are now subpar, one ought to do so, even if it is certain that Smith will waste or ignore the opportunities, or will misuse them so they do him harm not good. Call this pointless opportunity provision. If providing opportunities according to some standard of fair shares were in itself morally a justice requirement, one would be required to provide pointless opportunities, as in the example just mentioned. We should doubt this is so.

Weak welfarism needs defense along two fronts. True welfarists such as Roger Crisp will find the doctrine insufficiently welfarist, too concessionary. Along this front the best reply is simply to affirm that if (big if, maybe) the empirical facts allow that someone can be morally responsible for the orientation of her will, to some degree, then it is morally better that those who try as they might to orient their will toward the right and the good thereby become morally deserving and as such become morally more apt recipients of well-being increases. It's a further question whether morally cost-effective, non-counterproductive actions and policies can be identified that will tend to bring it about the deserving tend to fare better than the undeserving. If (another big if) the answer to this further question is Yes, then policies and actions should follow this path. It's a better world, *pro tanto*, if so to speak Martin Luther King and his ilk fare better than Adolf Hitler and his ilk.

Along a more battle-scarred front, the main questions are (1) whether beneficence is a large component of justice principles and (2) whether

beneficence has as its proper aim individual well-being/welfare fairly distributed. In the remainder of this essay question (2) is explored. Also, for the nonconsequentialist version of weak welfarism, a contested issue is whether violations of moral constraints must involve wrongful harming or wrongful failing to benefit in welfare terms or wrongful corrupting of character. This issue will hardly be worth discussing if the notion of welfare under scrutiny proves to be intractably elusive, incoherent, or lacking in integrity, or if once the idea of welfare is clarified, we see it is unimportant.

4. IS WELFARE SUCH A BIG DEAL, MORALLY SPEAKING? THREE CRITICS

a. Kasper Lippert-Rasmussen

Suppose one takes the line that the measure of people's condition for social justice purposes should not be their holdings of resources, opportunities, liberties and so on, and instead should be what they should really care about, their welfare outcomes. What one sensibly cares about is how well one's life is going. It does not and should not be regarded as important in itself what my bank account wealth is, or what liberties or resources are available to me. Even my opportunities for welfare/well-being should not be what I ultimately care about. I care about what I do and what happens to me and what life outcome I reach, not whether along the way I happen to have access to a bigger or smaller pile of opportunities for welfare. To think otherwise is to make a fetish of things that do not in themselves really matter.

This fetishism concern may not obviously push one all the way to welfarism. There surely are things other than one's own welfare that matter non-instrumentally to an individual. So insofar as governments should act with equal concern for each of their members, then perhaps what governments should strive to advance is what each person non-instrumentally values and cares about. Kasper Lippert-Rasmussen takes this line. Discussing the issue, what is the most plausible form of egalitarianism, he proposes that "what people should be equal in terms of is that which they care about non-instrumentally, and not unreasonably so."¹¹ His proposal readily generalizes. Whatever turns out to be the correct distributive principle, be it maximize, or equalize, or equalize at the highest possible level, or maximin, or get everyone enough, or something else, the proper standard for assessing each individual's condition is that which each cares about non-instrumentally and reasonably so.

This proposal sounds attractively ecumenical and deferential. Let each individual's values and motivations set that person's standard for evaluating her condition for purposes of determining what we owe to her.

However, the proposal merits rejection. Consider this example. Suppose two children are arguing about how to divide a pile of found candy to which none has any property ownership claim. Asked what each ultimately cares about regarding this situation, one child says he wants most of the candy, within reason, for himself, and a minimally morally acceptable share to go to the other child. The other reports she wants above all a fair division in which each gets half of the candy. If we interpret a fair division of candy as one that seeks to fulfill to an equal degree each person's reasonable ultimate concerns, we will be led to endorse what intuitively is an unfair division, since people's ultimate concerns are heterogeneous. Give to each a fair share of what each reasonably ultimately cares about is not a plausible fundamental social justice norm.

What one ultimately cares about may be reasonable and may point to goals that social arrangements should strive to fulfill. But to unravel disparate categories we need to distinguish people's aims so far as they are seeking their prudential advantage and their broader aims. Suppose some people, facing the question what to do with available government funds, hold that policy should strive to advance some function of the well-being of all citizens, and others hold that what ultimately matters includes saving the whales. Perhaps the latter are right. But if so, policy should cater to the whales for the sake of their welfare, and the fair distribution of resources across people who do and do not care about the whales should take the measure of people's welfare as the relevant measure of their concerns that determines what constitutes fair distribution.

These points do not exert leverage against someone already committed to the opposed view. I am simply appealing to the reader's intuitions about examples and anticipating they will line up with my own.

Consider then a variant of this case, in which some people have moralized noninstrumental preferences for some state of affairs that do not involve any prevention of well-being loss or promotion of well-being gain for any sentient being. Susan prefers strongly that the beauty of the Grand Canyon be preserved, for its own sake, not as a means to the future well-being of humans or other animals or extraterrestrials who might view the Grand Canyon and benefit from aesthetic appreciation of that sight.

Here any welfarist moral doctrine will draw a line in the sand. There simply are no impersonal moral goods of the sort that Susan envisages. What is good in itself or good, period is always good for some individual person or other sentient being. If there are two possible futures, in one of which the Grand Canyon is destroyed and there is no welfare change for any individual, except that one small rat gains a twitch of extra enjoyment, whereas in the other the Grand Canyon is preserved, but is never viewed and has no impact on any individual's well-being, and the only other difference is that the small rat does not gain the tiny twitch in enjoyment, any welfarist morality should rank higher the future in which aggregate well-being is greater by this one-twitch margin.

b. T. M. Scanlon

T. M. Scanlon has urged that the idea of individual well-being plays no fundamental role in ethics. It's an idle wheel. He takes it to be commonly believed that there is a single notion of well-being that plays three roles in practical reasoning. First, it determines what an individual should do insofar as she is striving to be prudent and especially when choosing in contexts where no one else's interests are relevant. Second, the idea of well-being "is what a concerned benefactor . . . has reason to promote."¹² Third, the idea of a person's welfare determines how a person's interests should register in moral argument that determines what we morally ought to do. Moreover, the idea of an individual's welfare admits of quantitative comparison so that, at least in principle, the impact of the different courses of action we might take on the welfare levels of the people who might be affected can be measured. Weak welfarism agrees with these claims so is targeted by Scanlon's skepticism. Scanlon doubts there is any such notion of well-being ready to hand and holds that anyway we have no use for such a notion.

He invites us to consider examples in which a parent is called on to make a sacrifice in order to provide expensive specialized education for her child. If individual well-being were an idea that is pivotal for figuring out what we ought to do, one might suppose the advisability of the parent's action must depend in part on the extent to which the child benefits from the specialized education provision, compared to the cost to the parent. But all one needs to know is that there are good and sufficient reasons to provide the needed education. Sorting out who exactly benefits and how much would be an irrelevant and distracting exercise.

In reply: there are cases and cases. Often judgments about what to do depend on a rough measure of whose welfare would be advanced,

whose set back, and to what degree. We distinguish between a spouse's virtuous devotion to her family and self-abnegating vice; the latter involves seeking tiny gains for family members at large cost to oneself. The same holds in friendship interactions. The friend who demands that you sacrifice a lot so that he can gain a little, and is oblivious of the magnitude of side effect gains and losses falling on others, is probably not a true friend. Be that as it may, to determine what you ought to do all things considered, when faced with your greedy friend's demands, you will need to assess the welfare effects on those who might be affected by one's action. Of course, appropriate personal relations to others require one not to be continuously adding up gains and benefits and keeping as precise a running total as one can, but this is fully consistent with being disposed to notice gross discrepancies. Moreover, we need not assume, implausibly perhaps, that welfare is finely measurable, to make sense of our common sense judgments that rely on rough comparisons. A nonconsequentialist may hold that a person is not always required to be maximizing overall benefit, so is permitted to make larger sacrifices of his well-being to gain smaller net benefits for others up to a point—but the last four words in this formulation are crucial. *Up to a point.*

Scanlon's misguided dismissal of the moral importance of well-being is facilitated by his understanding of what it is. He suggests that a component of well-being consists in experiential goods such as pleasure. With this suggestion we should concur. He adds that "well-being depends to a large extent on a person's degree of success in achieving his or her main ends in life, provided these are worth pursuing."¹³ However, this proposal blurs the line between two sorts of rational aims, moral and prudential. One might rationally choose self-sacrificing rational aims and make them central to one's life—for example, fighting in a just war effort in a role that does not develop and exercise one's talents and that involves miserable experiential states. Here the life aim is rational because the ratio of good-for-others to harm-to-self is sufficiently favorable and self-sacrificing because it does not boost one's own well-being.

Scanlon holds that moral judgments regarding what we owe to one another do properly seek to balance people's interests fairly when they conflict, but the notions of individual interest that should figure in these judgments are morally constrained and conditioned. He opposes the idea that there is a notion of individual well-being, not itself shaped by moral considerations, that is a key input into the determination of what we ought all things considered to do and what policies and practices we should endorse. He cites as illustrative John Rawls's idea of social primary goods as the measure of people's condition for purposes of

social justice theory as well as Amartya Sen's proposal that justice involves efforts to secure fair shares of capabilities for individuals.¹⁴

In the same spirit, Rawls observes of the role of primary goods in his theory of justice that justice as fairness "does not look behind the use which persons make of the rights and opportunities available to them in order to measure, much less to maximize, the satisfactions they achieve." And further, "it is assumed that the members of society are rational persons able to adjust their conceptions of the good to their situation."

In reply: There is rock-bottom disagreement here. A welfarist conception of social justice requires us to look beyond the means and rights and opportunities available to people to gauge the outcomes for the quality of people's lives that ensue. This allows that in a multi-level theory, consequentialist or nonconsequentialist, there may well be a level of subordinate norms or principles that are insensitive to individual welfare outcomes, when such principles are functional for advancing fair shares of individual well-being outcomes over the long run. To get the rock-bottom disagreement in focus, we need to consider examples in which by adopting one set of policies, we will certainly bring about fair shares defined in terms of individual welfare, and by instead adopting a different set of policies, we will certainly bring about fair shares defined in terms of resources, means, opportunities, rights, and so on. Example: Individuals differ significantly in their susceptibility to pleasures and pains. All make exactly the same choices, starting from fair shares of primary goods, but some end up with much better lives in experiential terms, and much higher well-being overall. A welfarist justice norm adjusts for this factor so that those who are worse off in well-being in the scenario with justice dictating fair primary good shares are significantly better off in the scenario with justice dictating distributions that induce fair shares of well-being. Example: All persons have normal competence, but some are significantly better at financial calculation and personal financial planning, so end up with much higher lifetime savings than others and more rewarding old age, under a primary goods allocation. Welfarist justice adjusts social rules so the financially less able have much more rewarding retirement (or pre-retirement) years than they would under a primary goods regime.

However, although I stand by the framing of the issue just stated, I should acknowledge that it may seem question-begging from the opponent's perspective. My framing of the question assumes that individual welfare is a coherent free-standing notion and admits of sensible interpretations that plausibly command our allegiance. The opponent denies one or

more of these assumptions. Writing about much the same issue, Ronald Dworkin frames the fundamental ethical question as simply how to live, or perhaps better, how to live well. He also affirms a principle that says that “it is important, from an objective point of view, that human lives be successful rather than wasted, and this is equally important, from that objective point of view, for each human life.”¹⁵ The welfarist insists that a life can be successful in at least two quite different ways, as morally admirable or virtuous and as prudentially successful or advantageous for the one who lives it. Dworkin is not oblivious of this claimed distinction; he clearly suspects it is bogus. The reasonable person will reject the purported distinction between doing the right thing and gaining self-interested advantages. A reasonable person will give pride of place to her interest in doing what is morally right and will treat the former as not just taking priority over her other interests but as conditioning them, so one does not regard as a contribution to one’s true welfare any supposed welfare gains that one could advance by immoral behavior. And doing what is morally right toward others requires knowing what is in itself good for them. According to Dworkin, the ethical question, how to live well (not live a life good for oneself), and the moral question, how to conduct one’s life with due consideration for others, are distinct questions, but they are necessarily intertwined, so that answering the one must involve answering the other.

But we should still be perplexed. One can imagine a life in which one is disposed firmly to do the right thing and always does do the right thing. By luck, say, this exemplary moral life could be accompanied by great welfare goods, so one’s life is high in well-being by any standard. (Doing the right thing will involve achievements of perfection, rational choice-making, and choice execution, and these will qua achievements show up as pluses on the welfare ledger. Understanding what morality requires is an objective list accomplishment, whether or not one cares for doing that. And doing what one takes there to be most reason to do, against obstacles, is another such accomplishment, whether or not one has correctly recognized the reasons there are. But for the welfarist, although what is good overlaps what is moral, the two ideas are distinct.) But now one can imagine the great welfare goods (or almost all of them) retained in a life that involves overall doing the morally wrong thing over and over. By luck, one avoids anguished recrimination, huge guilt, experiential bads. One steals the marble that one then uses to create a magnificent sculpture, one cheats to get admission to a fantastic law school, one tricks a rival and gains the great love of splendid Freddie, and so on. Unless one just stipulates that living morally trumps any other considerations that might enter into a good life, or stipulates that what would otherwise be well-being benefits do not qualify as such if

immorally obtained, it is hard to see why the distinction Dworkin takes to be bogus cannot be sustained.

c. Amartya Sen

In a justly famous discussion, Amartya Sen urges that moral rights matter in themselves; the fulfillment of an individual's right is in itself a good outcome of an action that brings this fulfillment about, even if this does not make any difference to the right-holder's welfare or anyone else's. Hence any version of welfarist consequentialism is incorrect and unacceptable. Sen adds that rights fulfillment sometimes partly determines what is right and wrong to do in the guise of an outcome that ought to be promoted.¹⁶ This claim opposes views such as those of Robert Nozick, who holds that moral rights are determiners of what it is right and wrong to do only as side constraints to be respected.

Sen develops an elaborate scenario that is to serve as a counterexample to welfarist consequentialism (and also to Nozick's constraint-based deontology). Since welfarist consequentialism is affirmed as necessarily and universally true, a single decisive counterexample suffices to refute the doctrine. The story concerns the decision problem of Donna, a friend of Ali, a shopkeeper in London menaced by a gang of thugs, the Bashers. They have planned to waylay Ali this afternoon and beat him up, violate his serious right not to be physically assaulted. Donna can prevent this large rights violation only by herself perpetrating a small rights violation, acting against someone's right to privacy. The duty to prevent the large rights violation in this situation outweighs the duty not to act against the small right of privacy. This is the verdict Sen expects his readers to affirm given the facts he stipulates. Moreover, we can imagine the welfare impact of what Donna does, in preventing the violation of Ali's right not to be bashed, on all affected parties, to be surprisingly such that no extant welfarist consequentialism would endorse what she does, but instead would be required to condemn it. Furthermore, if the bashers' only choices are to bash Ali or refrain from bashing, the bashing alternative leads to a superior outcome as assessed by any plausible welfarist consequentialism, so they should bash not refrain. Sen urges *inter alia* that pondering the example should persuade us to reject welfarism consequentialism.

In reply to Sen: The example contains features that color our response but that under scrutiny are not reasons to reject welfarist consequentialism as defended in this essay.

The Bashers in the example have an evil, sadistic disposition. Their welfare gain from bashing Ali consists in sadistic pleasure. But a plausible conception of individual well-being might well count sadistic pleasure either as having zero well-benefit or as appropriately sharply discounted. If the latter, the numbers might be such that a counterexample can still be constructed. For example, each Basher might be imagined to gain millions of units of well-being, equivalent to the normal lifetime enjoyment accrued in aggregate by hundreds of thousands of persons. But then we seem to be in a science fiction world, which would need to be carefully described, if it is to elicit reliable moral intuitions.

The Bashers in the example, by virtue of having evil, sadistic dispositions, appear to be highly undeserving. But then a weak welfarist consequentialism will register as reduced, to some degree, the moral value of welfare gains that an action would bring about for them.

These points invite a revised version of the example. In this revision, the Bashers can gain a once-in-a-lifetime opportunity to attend an excellent opera performance, but only if they forcibly take tickets to the performance away from Ali.¹⁷ Forcibly extracting the tickets from Ali in the gentlest way possible regrettably brings about a harm equivalent to a bashing. But in the revised example, the well-being benefit the Bashers will get is genuine and large, and the moral value of their getting that benefit is enhanced by their deservingness, and the moral disvalue of Ali's harm suffered is reduced a bit by slight negative deservingness on his part, stemming from his stinginess in refusing to donate the tickets to the poor lads.

One might still insist that the revised example involves the violation of a significant moral right not to be bashed. But in a multi-level weak welfarist consequentialism, for familiar reasons, it will likely be desirable that subordinate level social norms against bashing, laws against criminal assault and burglary, and a public morality that includes moral rights against being bashed be put in place. Doing so increases the degree to which people are likely to conform to fundamental level consequentialist moral principles. If so, the act consequentialist has a familiar account of how it might be that, in a society like ours that has such norms, laws, and public morality in place, we will if well socialized be moved by a disposition to judge that the Bashers are acting wrongly and that Donna would act wrongly if she were to refrain from subverting their scheme—even if according to fundamental level moral principles we should accept, these judgments would be mistaken. And *mutatis mutandis*, the same point holds for weak welfarist nonconsequentialisms.

In the example as given, Ali suffers a significant well-being loss via the violation of his right not to be bashed. But his moral right not to be bashed might be violated even if he suffers no such loss. Amend the revised version of the example so that Ali at the time of the bashing is en route to submit himself to punishment therapy, a worthless psychiatric therapy he is willingly undergoing. Punishment therapy essentially amounts to his being bashed, severely physically beaten, and nothing more. So, knowing this, if Donna prevents the bashing, she prevents the violation of Ali's right not to be bashed, but in welfare terms Ali will suffer the same harm whether the bashing occurs or not. (If he misses his punishment therapy appointment, it cannot be rescheduled.) Again, in weak welfarist consequentialist accounting, the details of the example can render it the case that Ali loses no (or hardly any) welfare if bashed, and the Bashers gain significantly. So from this perspective the moral decision is not a close call. If one holds that the moral value of Ali's welfare loss is amplified or dampened, depending on whether he suffers welfare loss via a rights violation, in the revised example there is still reason for a consequentialist view that takes moral rights fulfillment and nonfulfillment to affect the impartial assessment of outcomes for purposes of determining what it is right to do) to condemn the bashing and Donna's acquiescence in it. However, I submit that there is no such reason.

5. IS WELFARE IMPACT A NECESSARY CONDITION FOR WRONGING?

Why accept the idea that all wrongdoing is wrongful harming (or wrongful failing to benefit; I ignore this qualification for the most part)? Consider:

DEATHBED LIE. My father is on death's door. I am at his bedside. He asks, "Have I been a good father?" He has not. Assume this is a serious question on his part; he is not simply looking for feel-good reassurance. But providing slight feel-good reassurance is the best I can do for him now.

Notice that this is not a situation in which the stakes are high, and there is a great benefit that might be generated from telling a lie. My father will at most gain a few moments of mild pleasure tinged with some uneasiness about how to interpret our exchange. He is not gaining a large benefit, just a marginal one. So if one holds that the right course of action is for me to tell a lie to my father, this cannot be interpreted as an instance of a significant wrong (the harmless lie) overbalanced in this particular case due to very large offsetting benefits. If it is right,

that is, permissible, to tell the lie, this is because the lie is harmless, so any slight benefit accruing from it suffices to justify it. No wrong could be outweighed here, so if telling the lie is morally permissible (or even required), then there is no wrong to outweigh. And of course telling the lie is unquestionably the right thing to do in the circumstances.¹⁸ If one agrees with this, one has reason to accept that all wronging is wrongful harming. No harm here, so no wrong.

In many cases of wrongful lies and wrongful broken promises, even if the wrong does not harm the targeted person—the one to whom the lie is told or to whom the promise has been given—there is significant indirect harm to others, via diffuse weakening of the atmosphere of mutual trust and mutual willingness to keep such obligations and consequent diffuse weakening of social cooperation. These indirect losses can make it the case that there is wrongful harm being done. In these cases welfarist deontology forbids the wronging. Bernard Williams has poured scorn on the tendency to make too much of such indirect effects, sneering at “the standard fantasy that one of the effects of one’s telling a particular lie is to weaken the disposition of the world at large to tell the truth.”¹⁹ J. S. Mill’s instinct on this issue is better, though he lapses into hyperbole in expressing it: “inasmuch as any, even unintentional, deviation from truth does that much toward weakening the trustworthiness of human assertion. . . we feel that the violation, for a present advantage, of a rule of such transcendent expediency is not expedient.”²⁰ Mill is urging that telling a lie almost always fails to be utility-maximizing and, when this is so, is wrong on that basis. The welfarist deontologist will hold that some harmings of people are wrongful and are generally impermissible even if telling the lie would all things considered be utility-maximizing. When indirect effects are in play, the basis of the wrong is a violation of fair play: others are cooperating at cost to themselves to sustain valuable conventions such as promise-keeping and truth-telling; and failing to do one’s part by acting in ways that tend to degrade the schemes is wrongful harming of some of the cooperators, those who are in the network affected by these indirect effects of one’s violation.

Here for consideration is another example of “harmless wrongdoing,” which according to the weak welfarist deontologist cannot be wrongdoing by virtue of its being harmless.

JOINING IN THE UNJUST EXECUTION OF AN INNOCENT PERSON CONDEMNED TO CAPITAL PUNISHMENT AFTER AN UNFAIR TRIAL. Smith will be executed at dawn. He is for sure innocent of the crime for which he will be executed, and he was convicted after an unfair trial. On a lark, the officer in charge of the execution offers to send a dollar to

Doctors without Borders on your behalf if you will participate in this unjust murder.²¹ No one will know you have participated. The deal is that to bring about the sending of the charitable dollar you must fire the first shot, and so your firing will be the cause of death, but your bullet will not impose any harm on the condemned prisoner by depriving her of life that she wants to live; your bullet will just cut short a few seconds of pre-death anxiety since the bullets aimed by the rest of the firing squad will hit home a few moments later, whether or not you shoot.

A welfarist deontologist should judge that in this case your act does no harm to the unfortunate victim of unjust execution so a fortiori is not a wrongful harming and is morally permissible. To reach this conclusion cleanly it must be stipulated that there definitely are no harmful indirect effects of one's shooting. One will not thereby become more disposed to shoot innocent persons or in other ways violate the rights of persons not to be wrongfully harmed. Nor will the other members of the firing squad be caused by one's participation to become more prone to wrongdoing. Nor will news of the event leak out, causing scandal, or causing bereaved family members of the unjustly executed person to suffer any extra pain from the knowledge that you joined in the unjust proceedings. And so on.

Christopher Kutz flatly rejects the no-difference claim. He affirms "The complicity principle: I am accountable for what others do when I intentionally participate in the wrong they do or harm they cause."²² But suppose a mob is rampaging through town causing injury to persons and property. I participate, just to keep a watchful eye on my little brother, who is swept up in the crowd psychology and might if left unsupervised do serious wrong. I throw a brick through an already smashed window and join in an angry chant, to blend in and prevent mob members turning on me. My intentional participation in the wrongdoing is nested in a larger intention to do good, and is anyway harmless. This case is relevantly similar to the unjust execution example. If I am not doing wrong, I am not accountable for the wrongful harming others are doing.

But consider a simple overdetermination case. Ten men, angry at a woman, throw large rocks at her simultaneously. Each acts independently, each man's act would be sufficient to kill her, each acts with the intention of killing her for no good reason, and none of the ten rock-throwing acts is necessary to bring about the death that ensues. Given the facts, surely all ten have committed wrongful murder. No-difference denies this, but isn't this an absurd claim?

The advocate of no difference must bite this bullet. But several things can be said. (1) On a multi-level view, the rock-throwings are wrongful murders in law, social norms, and by standards of public morality. (2) As described, each of the rock-throwers is trying to kill for no good reason, so each acts in a way that is wrongful murder on the available evidence. In anything like a real-world version of such an event, each man will not know for sure that he cannot prevent the crime that is unfolding. Perhaps some rock-throwers will miss. He can attack some rock-throwers, which might stop their attacks and distract the rest. He might yell “Thou shalt not kill” in a loud voice, perhaps to good effect. Not taking some such alternative act is horribly wrong. (3) It remains true, according to no-difference, that the ten taken together could prevent the murder simply by refraining from rock throwing and the ten taken together are doing what is wrongful murder.²³ (4) On the facts as stated, to understate the point, each of the rock-throwers reveals that he has failed and is failing to make good-faith efforts to orient his will toward doing what is right, and in this way renders himself horribly undeserving, morally blameworthy. This requirement to orient one’s will is arguably what we fundamentally owe one another by way of due consideration and concern. Whether these four comments adequately soften the bullet is a further issue left open here.

6. THE WRONG OF INTERFERING IN SOMEONE’S LIBERTY INDEPENDENTLY OF WELFARE RESULTS.

It’s possible that some restricted version of the claim, offered in a nonconsequentialist framework, that wronging must involve wrongful harming can be identified and defended. But as an across-the-board claim, it cannot be sustained. Consider this:

TOM’S VACATION. Suppose that Tom is exercising his right to live as he chooses by taking a vacation in August in Fresno. He’s not doing what would bring about the best outcome he could achieve in the circumstances, but he is morally at liberty not always to be doing what brings about the best—this is the idea of having moral options. However, suppose Fresno is a bad spot for a vacation in August. Someone could interfere with his liberty to vacation as he chooses, in ways that would intuitively count as wrongful interference, without lowering his welfare at all. But if wronging is always wrongfully harming or wrongfully failing to provide a benefit one has a duty to provide, and harms and benefits are to be interpreted as well-being gains and losses, then someone who dragoons Tom into working in a children’s hospital in LA and going to the beach on alternate days, during the time he would have been vacationing

in Fresno, at no welfare loss, cannot be wronging him. The person is not depriving Tom of a benefit to which he has a right. Ex hypothesi Tom's welfare gain is just as great if he is conscripted into beneficent work with days off, rather than allowed to live as he chooses. Or suppose that the person who interferes with Tom's liberty does it for his own good, wrenching him from Fresno and depositing him in Yosemite where a better vacation awaits. Insistence on welfarism seems to preclude the nonconsequentialist from being able to endorse people's rights to wide freedom to live as they choose as we intuitively understand those rights. Such preclusion is mistaken. So welfarism must be rejected.

Let's take stock.

At issue here is not the weak welfarist claim that justice (fundamental morality) principles include a significant beneficence requirement—a duty to bring about good lives for people with good fairly distributed. Tom's vacation example rather challenges the ancillary further claim that doing what is morally wrong must involve imposing welfare loss or failing to provide welfare gain to someone (or alternatively doing what affects someone's deservingness). Challenge is the wrong word here; accepting a moral constraint against interfering in certain ways with someone's liberty to live as she chooses *just is* rejecting this ancillary claim. The worrying challenge is that pulling on this thread unravels further twined claims that weak welfarism presupposes or implies.

Accepting an agent-relative moral constraint against interfering with people—let's say with restricting their freedom to live as they choose so long as they conform to moral constraints in their dealings with others and also to whatever beneficence duties require—is just that. This constraint does not carry with it any commitment to accept an agent-neutral outcome assessment principle according to which people's conforming to such constraints in itself constitutes a morally valuable state of the world. Nor does the constraint carry with it any acceptance of a duty to promote such states of the world even if they are morally valuable.

(One could go further. Upholding moral options at a minimum just is affirming that one is morally at liberty to live as one chooses, act as one wishes, within the limits of constraints and beneficence duties, even if one's acts do not bring about the best reachable outcome impartially assessed that one could attain. One violates no moral duty if one chooses to bring about less than best. So far this does not say one has a claim right against others that they leave one alone, refrain from interfering with these actions one is morally at liberty to do. But going further in

this way lands us in an unappealing moral ditch. If Tom's moral options include taking the suboptimal vacation in Fresno, then he has claim rights that others not interfere in certain ways. To spell out the certain ways would require specifying the content of moral constraints beyond present purposes. Let's focus on one way: restricting someone's liberty against her will for her own good.)

What's looming: maybe even if morality includes a significant welfarist beneficence duty, it might be accompanied, or overshadowed, by a broader beneficence duty to bring about impartially better states of the world, fulfillment of constraint and option duties being a major determiner of better and worse states. This just revisits the criticism of Sen just concluded. I have nothing to add to that.

As already noted, if there is a moral duty to interfere, in certain ways and up to a point, with people's living as they choose, then one can morally wrong someone without doing anything that necessarily has any impact on anyone's welfare. The question then becomes, can something of what I have called the ancillary thesis be maintained, or does this concession leave standing no bar against considering harmless trespass, harmless theft, harmless homicide, and the like to be violations of moral constraints?

Raising the paternalism issue opens the door to considering what some might hold to be an objection to welfarism, even the weak tea version being defended here, that cuts even deeper than the difficulties just considered. The thought is simply that a welfarist will countenance the possibility that restriction of a person's liberty might be justified, even if the person is violating no rights of others and doing nothing that imposes harm on others, and even if nothing would be gained for other people by this restriction of someone's freedom. Instead the restriction of a person's liberty, against her will, is justified by gains the restriction achieves for that very person's welfare. But it might be held to be a fundamental moral obligation that one should respect other persons as rational agents and that respecting their agency entitlements at least must involve a binding moral constraint against interfering with their competent and substantially voluntary choices about how to live. In a slogan, respecting persons has to involve respecting a broad sweep of agency rights, not merely catering for their welfare interests.²⁴

So, for the antipaternalist, wronging a person need not involve wrongfully harming the person, for the simple and decisive reason that one wrongs a competent agent voluntarily choosing a course of action for her own reasons when one coercively interferes with it or manipulatively

interferes with it not to protect the right or entitlements or welfare of others but merely to boost that very individual's welfare in ways she is choosing not to further. This is simply a paradigm of acting in a way that is wrongfully disrespectful toward a person who is an agent and thus morally wrong.

In reply: the principles adopted to regulate conflicts of interest among persons will have implications for what one morally ought to do when nothing one could do would affect anyone's interests but one's own. Robinson Crusoe alone on an island can do what is morally wrong. Morality in this way engenders duties to oneself.

Suppose the beneficence requirement has the shape of a Scheffler prerogative. An individual is not required to do what would bring about the best, but is rather permitted to choose what would bring about any outcome whose shortfall from the best is not excessive. For any decision problem, what counts as "excessive shortfall" depends on the absolute moral disvalue of the shortfall, the disvalue of any agent-relative constraint violations one would have to undertake in order to bring about a particular better outcome, and the cost to the agent of bringing about a superior outcome. In calculating the disvalue of the shortfall one counts equally benefits and harms to any person who might be affected by what one does.

If what we morally owe to one another by way of due consideration is importantly set by such a beneficence requirement, then beneficence sets limits to the freedom to do what one chooses when no one's else's interests other than one's own could be affected by one's choices. One's choices might run afoul of the prerogative and hence violate the moral requirement of beneficence.

If we are bound by moral duties owed to other persons, the duties can bring it about that some people come to have legitimate authority over our choices of actions. For example, suppose we are bystanders to some looming catastrophe, and duty-bound to rescue catastrophe victims from grave harm if we can do so at reasonable cost. Suppose also: we can fulfill this duty to rescue only if some competent persons divide necessary tasks by command. Here the competent acquire a moral permission to issue commands and coerce our compliance, and we are not wronged by being subjected to such commands and may become liable to a duty to comply with them.

This situation can arise when the peril is caused by my self-harming proclivities, the harm threatened is sufficiently large to trigger a duty on

the part of those nearby, me included, to cooperate to avert the peril, and the only effective means of averting the peril is complying with the commands of some competent persons who recognize that the situation is as just described. The peril might be that I will be eaten by a shark if I wander too near him, the situation triggers a duty to rescue that falls on nearby beachgoers, me included, and the only effective means to avert the peril is to obey the lifeguard's command to swim to shore.

The upshot: Weak welfarism in its consequentialist guise has survived the counterarguments considered in this discussion. It might be vulnerable to other difficulties this discussion ignores, but so far, so good.

The advocate of weak welfarism in its nonconsequentialist guise is forced to make concessions. We should concede: if people are morally at liberty to live as they choose, within certain limits and up to a point, then they have moral claims on others to the effect that the others refrain from interfering with their liberty in certain ways within that protected sphere. Such moral claim-violating interference morally wrongs those who suffer the interference, quite independently of whether or not anyone's welfare is thereby negatively affected. So what I called the ancillary thesis to the effect that all wrongdoing is wrongful harming, with harm understood as welfare loss, has to be rejected. Also, the initial "no difference" stipulation will also need to be revised. The permissibility status of available action A and that of B might be different, one permissible and one forbidden, even if A and B are identical in welfare impact.

This concession raises a question about the interpretation of the morality of beneficence in nonconsequentialist morality. Even if we accept that we are duty bound by a narrow beneficence duty to bring about good lives for people, with good fairly distributed, and that this duty has significant weight, there might still be a wider beneficence duty to bring about better states of the world, better states of the world including states in which people's nonwelfarist moral claims are fulfilled to a greater rather than to a lesser degree. And who knows, maybe wide beneficence has priority over narrow beneficence. We can argue by examination of examples and reflective equilibrium methods (1) that the only beneficence duties are narrow ones or (2) even if there are wide beneficence duties, they are small potatoes morally speaking. But so far it is open how this discussion would go.

Finally, there is the threat that conceding that in a restricted set of cases, acts can be wrongful without being wrongful harmings (or wrongful denials of benefits to anyone), leaves no reasoned barrier against

accepting that across the board, the set of acts that nonconsequentialist morality rightly prohibits will include an open-ended diverse array of types of harmless acts that violate moral constraints. My hunch is that the category of harmless wrongdoing can be tightly cabined, but I'm unsure how to do the cabining. The sketchy discussion of paternalism at the end of this essay suggests that harmless paternalism can be wrong but only up to a point, and beyond that point, can be permissible or even mandatory. My hope is that this account somehow generalizes.

NOTES

1. On the objective list conception of welfare, see Derek Parfit, *Reasons and Persons* (Oxford: Oxford University Press, 1984), 493–502 ("What Makes Someone's Life Go Best?"). A recent survey of accounts of well-being that favors the objective list account is Guy Fletcher, *The Philosophy of Well-Being: An Introduction* (Abingdon: Routledge, 2016). This account is defended also in Richard Arneson, "Does Fairness Require a Multidimensional Approach?" in *The Oxford Handbook of Well-Being and Public Policy*, eds. Matthew Adler and Marc Fleurbaey (Oxford: Oxford University Press, 2016), 588–614. Objections to the objective list account are pressed in Ben Bradley, *Well-Being and Death* (Oxford: Oxford University Press, 2009); and in Bradley, *Well-Being* (Cambridge: Polity Press, 2015). A different approach is elaborated in Richard Kraut, *What Is Good and Why?: The Ethics of Well-Being* (Cambridge, MA: Harvard University Press, 2007); another in L. W. Sumner, *Welfare, Happiness, and Ethics* (Oxford: Oxford University Press, 1996).
2. Marc Fleurbaey defends the latter proposal in "The Importance of What People Care About," *Politics, Philosophy, and Economics* 11, no. 4 (2012): 415–47.
3. John Rawls characterized a *teleological doctrine* as one that combined 1 and 2. See John Rawls, *A Theory of Justice*, rev. ed. (Cambridge, MA: Harvard University Press, 1999), 26.
4. Roger Crisp, *Reasons and the Good* (Oxford: Oxford University Press, 2006), at 61.
5. Matthew Adler denies this claim in "Prioritarianism: Room for Desert?" *Utilitas* 2018), 1–26. The sticking point, for Adler, is conflict with the Pareto norm.
6. Suggested in Richard Arneson, "Desert and Equality," in *Egalitarianism: New Essays on the Nature and Value of Equality*, eds. Nils Holtug and Kasper Lippert-Rasmussen (Oxford: Oxford University Press, 2007), 262–93.
7. In passing, I note that the assumption that one can act to make a person more deserving or increase the chance that she will be deserving might be false. See comments in the text at the end of this section. Suppose one accepts a moral luck constraint: One can be morally praiseworthy or blameworthy, in the sense that renders one especially deserving of welfare boosts, (at most) only for what lies within one's power to control. On this basis one might hold that one that (at most) one can only be responsible for making good faith efforts to act rightly by disposing one's will as best one can. If one's parents' childrearing efforts directed at improving one's character, or not, make it more easy and pleasant, or more difficult and onerous, to dispose one's will toward the right and the good, that is a circumstance that lies beyond one's power to control. So maybe all such character-forming efforts and similar features of one's life belong in the ensemble of circumstances, one's response to which determines one's true deservingness. Deservingness is a matter of how one plays the cards that fate has dealt one; what fate dishes out does not affect one's deservingness. Insistence on no-moral-luck might yield the result that no one is truly more deserving or

undeserving than anyone else: everyone's deservingness score is zero. I take no stand on that issue. See Derk Pereboom, "Determinism al Dente," *Nous* 29 (1995): 21–45; also Pereboom, *Living without Free Will* (Cambridge: Cambridge University Press, 2001); also Michael McKenna and Derk Pereboom, *Free Will: A Contemporary Introduction* (London and New York: Routledge, 2016). Roughly, deservingness can matter intrinsically, and not merely instrumentally, if either free will libertarianism or some robust version of compatibilism can be vindicated. For discussion of non-robust compatibilism, see Richard Arneson, "The Smart Theory of Responsibility and Desert," in *Desert and Justice*, ed. Serena Olsaretti (Oxford: Oxford University Press, 2003), 233–58.

8. This formulation echoes a formulation of what Judith Thomson has called "The Tradeoff Idea," that "it is permissible to infringe a claim if and only if infringing it would be sufficiently much better for those for who infringing it would be good than not infringing it would be for the claim holder." These words are from Thomson, *The Realm of Rights* (Cambridge, MA: Harvard University Press), at 158. Person X has a claim against person Y that Y stay off X's land, for example, just in case X has a right that Y stay off X's land. Acting against a claim wrongfully is violating it, and infringing a claim is acting against it whether wrongfully or not. I am bowdlerizing the tradeoff idea for my own purposes, as I suppose any claim, however stringent, can be overridden (so it is permissible to act against it) if the welfare consequences for others of one's not acting against it would be sufficiently bad. Thomson asserts a hard limit on tradeoffs, the high-threshold thesis, at 167.
9. See John Stuart Mill, *Utilitarianism*, ed. George Sher (Indianapolis, IN: Hackett Publishing, 2001), esp. chapter 2 (originally published 1861); Richard M. Hare, *Moral Thinking: Its Levels, Method, and Point* (Oxford: Oxford University Press, 1981), chapters 2 and 3; Peter Railton, "Alienation, Consequentialism, and the Demands of Morality," *Philosophy and Public Affairs* 13, no. 2 (1984): 134–71.
10. The elephant in the room here is the challenge of relational egalitarianism, as articulated in writings by Elizabeth Anderson and Samuel Scheffler and others. In a strong formulation, the relational doctrine affirms that what matters morally, at the fundamental level, is relating as equals, and that the distributive concerns the welfarist mistakenly regards as primary are instead either of purely instrumental importance or to be interpreted as a subordinate element of relating as equals and partly constitutive of that. See Elizabeth Anderson, "What Is the Point of Equality?" *Ethics* 109, no. 2 (1999): 287–337; also Samuel Scheffler, "What Is Egalitarianism?" *Philosophy and Public Affairs* 31, no. 1 (2003): 5–39; also Scheffler, "Choice, Circumstance, and the Value of Equality," *Politics, Philosophy, and Economics* 4, no. 4 (2005): 5–28; and Scheffler, "The Practice of Equality," in *Social Equality*, eds. C. Fourie, F. Schuppert, and I. Walliman-Helmer (Oxford: Oxford University Press, 2015), 21–44. An ecumenical discussion is in Kasper Lippert-Rasmussen, *Relational Egalitarianism* (Cambridge: Cambridge University Press, 2018). A start at an uncompromising, nonecumenical response is in Richard Arneson, "Luck Egalitarianism and Prioritarianism," *Ethics* 111, no. 2 (2000): 339–49; also in Arneson, "Democratic Equality and Relating as Equals," *Canadian Journal of Philosophy*, supp. vol. 40 (2010): 25–52, but these two essays just scratch the surface. Clearly, more needs to be said.
11. Kasper Lippert-Rasmussen, *Luck Egalitarianism* (London and New York: Bloomsbury Academic, 2015).
12. T. M. Scanlon, *What We Owe To Each Other* (Cambridge, MA: Harvard University Press, 1998), chapter 3; the quote is from 108.
13. Scanlon, *What We Owe to Each Other*.
14. For primary goods, see Rawls, *A Theory of Justice*, rev. ed., section 15, "The Basis of Expectations." The quoted words from Rawls in the next paragraph in

the text are from *A Theory of Justice*, 80–81. For Senian capabilities, see Amartya Sen, *Inequality Reconsidered* (Cambridge, MA: Harvard University Press, 1992); also Amartya Sen, *The Idea of Justice* (Cambridge, MA: Harvard University Press, 2009).

15. Ronald Dworkin, *Sovereign Virtue: The Theory and Practice of Equality* (Cambridge, MA: Harvard University Press, 2000), 5. See also chapter 6 of that work, “Equality and the Good Life.” Critical discussion is in Richard Arneson, “Cracked Foundations of Liberal Equality,” in *Ronald Dworkin and His Critics*, ed. Justine Burley (Oxford: Basil Blackwell, 2004), 79–98. See also Ronald Dworkin, *Justice for Hedgehogs* (Cambridge, MA: Harvard University Press, 2011).
16. Amartya Sen, “Rights and Agency,” *Philosophy and Public Affairs* 11, no. 1 (1982): 3–39.
17. On the value of opera, see Bernard Williams, *On Opera* (New Haven and London: Yale University Press, 2006) (published posthumously). Or just listen to some.
18. “Unquestionably.” So some of us would maintain, but see Seana Shiffrin, “Lies and the Murderer Next Door,” in her *Speech Matters* (Princeton and Oxford: Princeton University Press, 2014), for a defense of a qualified but absolute prohibition on lying.
19. Bernard Williams, “A Critique of Utilitarianism,” in *Utilitarianism—For and Against*, eds. J. J. C. Smart and Bernard Williams (Cambridge: Cambridge University Press, 1973).
20. Mill, *Utilitarianism*, chapter 2, p. 23.
21. This is a version of an example introduced by Bernard Williams in “A Critique of Utilitarianism,” 98–100.
22. Christopher Kutz, *Complicity: Ethics and Law for a Collective Age* (Cambridge: Cambridge University Press, 2000), 122. He immediately adds: “I am accountable for the harm or wrong we do together, independently of the actual difference I make.” What we do together as he conceives it involves willing and knowing participation in joint or collective action, which is the main focus of his discussion.
23. A point stressed in Frank Jackson, “Group Morality,” in *Metaphysics and Morality: Essays in Honour of J. J. C. Smart*, eds. Philip Pettit, Richard Sylvan, and Jean Norman (Oxford: Basil Blackwell, 1987), 91–110. This essay contains a clear articulation of what I am calling no-difference. See also the references cited in Jackson’s paper. My discussion here adds nothing to his. Note that Jackson leaves it open what sorts of differences are the ones that matter. I am filling in by insisting individual well-being and its fair distribution are all that matter.
24. On paternalism, see Jonathan Quong, *Liberalism without Perfectionism* (Oxford: Oxford University Press, 2011), chapter 3. A broadly welfarist take on perfectionism is explored in Richard Arneson, “Joel Feinberg and the Justification of Hard Paternalism,” *Legal Theory* 11 (2005): 259–84; Arneson, “Nudge and Shove,” *Social Theory and Practice* 41, no. 4 (2015): 668–91; also Arneson, “Egalitarian Perspectives on Paternalism,” in *Routledge Handbook of the Philosophy of Paternalism*, eds. Kalle Grill and Jason Hanna (London: Routledge, 2018), 194–205. On external freedom as the currency of public morality and justice, see Arthur Ripstein, “Beyond the Harm Principle,” *Philosophy and Public Affairs* 34, no. 3 (2006): 216–46.