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Source: *Philosophy & Public Affairs,* Vol. 19, No. 2 (Spring, 1990), pp. 158-194
Published by: Wiley
Stable URL: http://www.jstor.org/stable/2265408
Accessed: 20-06-2018 23:13 UTC

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RICHARD J. ARNESON

Liberalism, Distributive Subjectivism, and Equal Opportunity for Welfare

Should distributive shares be tailored to people's preferences? That is, if my preferences are more expensive to satisfy than yours, is this a good (though perhaps not conclusive) reason for society, striving to achieve distributive justice, to lavish more resources on me than on you? The most sweeping "No" to this question rests on the claim that the fact that one person's tastes are more easily satisfiable than another's is never in and of itself a good reason, from the standpoint of distributive justice, to assign a larger share of resources to either person. A possible example of a principle that meets this taste invariance requirement is the Rawlsian difference principle regulating individual shares of primary social goods.[1] Several of the considerations that spring to mind in support of this taste invariance requirement are practical in nature. Doubtless it would be extremely costly and difficult, perhaps impossible, to set up institutions that could effectively gather and deploy the information that would be needed to tailor distributive shares to preferences. Hoping to bring about an increase in their distributive shares, individuals would have an incentive to present false information about their preferences to these share-setting institutions. One pictures a bureaucratic nightmare. I ignore these practical feasibility issues in this article except for a brief discus-

An ancestor of this article was read at the Pacific APA meeting in March, 1985. I am grateful to Holly Smith for helpful criticism on this occasion. I also want to thank the Editors of *Philosophy & Public Affairs* for instructive criticisms of various drafts of this article. Research for this project was supported by a University of California President's Research Fellowship in the Humanities.

1. I say this is a "possible" example because in recent writings Rawls seems to treat the notion of a primary social good as relativized to people's fundamental interests in modern democratic societies. See John Rawls, "Kantian Constructivism in Moral Theory: The Dewey Lectures 1980," *Journal of Philosophy* 77 (1980): 515–72.

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sion in the penultimate section. In the rest of the article I assume that correct and full information regarding people's preferences is available at no cost to whatever institutions we establish to implement the principles of distributive justice that we accept.

Imagine an agency charged with the task of upholding some principle of distributive justice in the following way. The agency scans the situation of individual citizens in order to determine their holdings of various resources singled out by the principle and to develop an account of how they came to hold these resources couched in terms the principle stipulates as pertinent. If citizens' holdings diverge from what the principle prescribes, the agency is empowered to redistribute resources to bring the actual distribution into closer conformity with that norm.

The claim I wish to defend is that for purposes of determining what should count as fair shares from the standpoint of distributive justice, the appropriate measure of a person's resources is some function of the importance those resources have for that very person as weighted by her conception of her own welfare (perhaps corrected to accommodate the conception she would hold if she reflected with full information and full deliberative rationality). Following Thomas Scanlon, I will call this claim about the appropriate measure of fair shares *distributive subjectivism.*[2] Here "distributive subjectivism" labels the position that for the purposes of a theory of distributive justice the correct account of nonmoral value is one according to which the good for a person is the fulfillment of his (corrected) tastes and values. This is a claim about what is good insofar as what is good partially determines what is fair. Whether fairness requires maximizing the good, maximinning the good, providing equal (or some other appropriate set of) opportunities for the good, requiring equality of the good at as high a level as possible, tailoring people's shares of the good to some notion of what they deserve, or instituting some mix of the above policies or an altogether different one is left entirely open.

2. In "Preference and Urgency," *Journal of Philosophy* 72 (1975): 655–69, Thomas Scanlon defends objective criteria of judgments of well-being for use in deciding issues of distributive justice: "By an *objective criterion* I mean a criterion that provides a basis for appraisal of a person's level of well-being which is independent of that person's tastes and interests, thus allowing for the possibility that such an appraisal could be correct even though it conflicted with the preferences of the individual in question, not only as he believes they are but even as they would be if rendered consistent, corrected for factual errors, etc." (p. 658).

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For the most part I defend distributive subjectivism by working out one specific version of it, coupling that to a partial explication of fairness as provision of opportunities, and showing that the resultant position is capable of meeting several recent apparently powerful criticisms of subjectivist approaches to distributive justice. Among the criticisms I discuss are influential objections raised by Richard Brandt, Amartya Sen, John Rawls, and Ronald Dworkin. In effect I take distributive subjectivism to be the rational kernel within classical utilitarian doctrine, valid even if utilitarian maximizing accounts of distributive fairness are decisively rejected.

Both Rawls and Dworkin argue against the desirability in principle of any account of distributive justice that holds that an individual's fair share of resources varies with that individual's preferences. Their criticisms focus on the proposal that the proper measure (so far as distributive justice is concerned) of the share of resources of any given individual is the degree to which those resources in fact make a contribution to the individual's welfare, understood as the satisfaction of her preferences. Rawls, generalizing from the practice of religious tolerance, holds that liberal theory deems the various individual conceptions of the good pursued by citizens to be incommensurable, so as a matter of principle the state should make no attempt to rank citizens' differing levels of achievement of their good on a common scale in order to mold these achievement levels into some desirable overall pattern.[3] In a similar spirit, Dworkin identifies the political doctrine of liberalism with commitment to a conception of equality that supposes that "government must be neutral on what might be called the question of the good life."[4] From the standpoint of neutrality urged by Dworkin, even the austere theory that the good consists of people getting what they want is condemned as unfairly partisan. According to Rawls and Dworkin the proper job of the state—so far as economic distribution issues are concerned—is to secure a fair share of resources for each individual in an environ-

3. See John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971), p. 94; "Fairness to Goodness," *Philosophical Review* 84 (1975): 536–54, esp. pp. 551–53; "A Kantian Conception of Equality," *Cambridge Review* 96 (1975): 94–99; "Social Unity and Primary Goods," in *Utilitarianism and Beyond*, ed. Amartya Sen and Bernard Williams (Cambridge: Cambridge University Press, 1982), pp. 159–86; and "The Priority of Right and Ideas of the Good," *Philosophy & Public Affairs* 17, no. 4 (Fall 1988): 251–76.

4. Ronald Dworkin, "Liberalism," in *Public and Private Morality*, ed. Stuart Hampshire (Cambridge: Cambridge University Press, 1978), p. 127.

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ment that allows each to develop and pursue her own conception of the good. What, if anything, citizens do with these resources is their own business, not the government's proper concern.

With regard to the various criticisms of subjectivist conceptions of justice developed by Rawls and Dworkin, their central arguments, to my mind, do not rely on doubts about the possibility of interpersonal welfare comparisons. Of skepticism with respect to such interpersonal comparisons, Rawls writes that "the real difficulties with utilitarianism lie elsewhere."[5] In responding to their criticisms I shall follow this clue and assume that cardinal interpersonal welfare comparisons are possible at least in principle (though, as I mentioned above, in practice such comparisons may be difficult or unfeasible, and feasibility considerations may affect significantly the appropriate design of liberal institutions).[6]

Preference

One may prefer something for its own sake or as a means to further ends; my concern is with the former.

In a broad sense of "prefer," one may prefer x over y owing to a moral or religious commitment or one's sense that x is best from an impersonal standpoint though bad for oneself. In what follows I restrict the discussion to self-interested preferences—what one prefers insofar as one seeks one's own advantage. I take it to be obvious that, all things considered, a person may prefer to do what he believes to be morally required or what is nonmorally best from an impersonal standpoint while being perfectly

5. Rawls, *A Theory of Justice*, p. 91.

6. Scanlon, in "Preference and Urgency," writes, "It seems clear that the criteria of well-being that we actually employ in making moral judgments are objective" (i.e., independent of the tastes and interests of the particular person whose well-being is under consideration) (p. 658). It would no doubt be bad policy to try to implement an unemployment compensation law in which the amount of the dole an unemployed person received varied directly with the strength of her desire for employment. But notice that the utility information that would be needed to implement a policy directly incorporating subjective criteria is either unavailable or obtainable only at unacceptable moral cost, such as invasion of privacy. In many contexts these same feasibility considerations force us to rely on objective surrogates for utility information in making moral judgments. But this leaves open the issue of the theoretical primacy of subjective criteria. For an argument to the conclusion that arguments about distributive justice should not abstract from such inexorable features of the world as our lack of full knowledge regarding the situations of others, see Scanlon, "Equality of Resources and Equality of Welfare: A Forced Marriage?" *Ethics* 97 (1986): 111–18, esp. pp. 117–18.

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aware that this course is not in his own interest. Of course, in other cases, such as a parent acting on behalf of his child, it may be difficult to disentangle to what extent one is acting for one's own sake rather than for the sake of another. The test of self-interested preference is what a person would prefer if she were to set aside her sense of what is morally required or morally supererogatory, her altruistic concern for others, and her concern for what is nonmorally good from an impersonal standpoint.[7]

I suppose that preferences involve behavioral dispositions, feelings or desires of a certain sort, and judgments of personal value, these three elements being conceptually independent of one another but often found together. Normally, when I prefer x to y it is true of me that (a) I am disposed to choose x over y, all else being equal, when presented with a choice between them, (b) when the issue is on my mind I feel that I want x more than y, other things being equal, and (c) I judge that x would be more valuable for me than y. We feel most confident in ascribing preferences when a person's choice behavior, felt desires, and verbal judgments are all consonant. But in cases of conflict among (a), (b), and (c), I stipulate that (c) has priority: the criterion of preference is sincere judgment of what is best for oneself, provided there is behavioral evidence of a weakness-of-will explanation of the discrepancy between one's choice behavior and feelings, on the one hand, and one's evaluations, on the other.[8] The ascetic mounted on his pillar may experience strong waves of desire to dismount yet attach no value to dismounting. If he dismounts yet shows clear signs of regret or sadness at his own behavior, we may credit his claim that he really prefers staying on his post to abandoning it.

Why call such judgments preferences? Are value judgments not personal opinions as to what is objectively valuable?[9] I believe that the judg-

7. Cf. John Stuart Mill, *Utilitarianism*, in *Collected Works*, ed. J. M. Robson (Toronto: University of Toronto Press, 1969), 10:213. The suggested test of self-interested preference does not rule out the possibility that prior moral training may causally affect what an individual now wants, setting morality aside.

8. This stipulation does not settle what to say when a person's judgments of personal value are in conflict with her choice behavior and feelings of desire but she does not experience herself as divided. As Gary Watson points out in a related context, "When it comes right down to it, I might fully 'embrace' a course of action I do not judge best; it may not be thought best, but is fun, or thrilling; one loves doing it, and it's too bad it's not also the best thing to do, but one goes for it without compunction" ("Free Action and Free Will," *Mind* 96 [1987]: 150).

9. On this issue see Amartya Sen, "Well-being, Agency and Freedom: The Dewey Lectures 1984," *Journal of Philosophy* 82 (1985): 189–90.

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mental component of preference, which implies that error is possible, has to do with the gap between actual preferences, which may be ill-considered, and the preferences one would have after more careful consideration. Personal value judgments do not claim intersubjective validity. In advancing a personal value judgment one does not make a claim one must retract if other persons fail to converge toward agreement with the judgment as the ideal of reasonable deliberation with full information is approached.

On this account, the preferences that serve as the measure of an individual's welfare are hypothetical ideally considered preferences—those the individual would have if he were to engage in ideally extended deliberation about his preferences with full pertinent information, in a calm mood, while thinking clearly and making no reasoning errors.[10] (We can also call these ideally considered preferences "hypothetical rational preferences.")

The obvious difficulty with taking a person's actual preferences as the measure of her welfare is that actual preferences may be based on irrational belief. It seems strained to count the satisfaction of such preferences as enhancing welfare, for not only would the person disavow the preferences once she was enlightened, she also might deny that satisfying them would have had value even had she stayed unenlightened. But the equally obvious difficulty with the proposal to take hypothetical rational preferences as the measure of a person's welfare is that the person may never affirm these preferences and may in actual fact attach no value to their satisfaction. When my hypothetical rational preference is for champagne, it does not seem that you improve my welfare by seeing to it that I drink champagne even though my actual preference, steadfastly maintained until my death, is to guzzle beer.

A clarification of the idea of hypothetical rational preference may help. What determines the value of the satisfaction of any actual preference of mine is the valuation I would assign it after ideal deliberation. From this enlightened standpoint, *ex hypothesi* I would prefer champagne to beer.

10. See Richard B. Brandt, *A Theory of the Good and the Right* (Oxford: Oxford University Press, 1979), pp. 110–29; David Gauthier, *Morals by Agreement* (Oxford: Oxford University Press, 1986), pp. 21–59; and Derek Parfit, *Reasons and Persons* (Oxford: Oxford University Press, 1984), pp. 493–99.

On the definition of *hypothetical ideally considered preference* in the text, a preference based on more full information and greater deliberative rationality than the preference it supplants is not necessarily superior to it. What determines the value of satisfying a preference is the attitude the agent would adopt toward it after ideal deliberation.

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But from this standpoint, I might also prefer drinking beer with unenlightened gusto to drinking champagne with no appreciation of its subtle delight, so if these two options are the only ones available, from the enlightened standpoint I can make the second-best judgment that the better option for me is beer with gusto. It is my enlightened judgment of my perhaps unenlightened preferences that determines their value.[11]

In some cases the gap between a person's actual preferences and his hypothetical rational preferences may be strikingly apparent to the sympathetic observer, but in many cases observers will be in a poor position to determine whether any such gap exists, and in that broad range of cases a presumption of the rationality of an individual's actual preferences should hold.

Objections

First Objection: The Incoherence of the Idea of Lifetime Satisfaction

A subjectivist principle of distributive justice measures the resource share of each individual in terms of the contribution it might make to that individual's welfare. Presumably it is lifetime satisfaction that counts in this connection—it is not problematic that Smith's resources will do little for her today if they will do a lot for her in the future. The idea of welfare as lifetime preference satisfaction is the target of an ingenious objection raised by Richard Brandt.[12]

Brandt asks what it means to maximize preference satisfaction over

11. In this paragraph I attempt to solve a difficulty noted by James Griffin in "Modern Utilitarianism," *Revue internationale de philosophie* 36 (1982): 334–35. See also Amartya Sen and Bernard Williams, "Introduction" to *Utilitarianism and Beyond*, p. 10.

We should distinguish between "first-best" and "second-best" hypothetical rational preferences. First-best preferences are what one would want for oneself, to make one's life go best, after fully informed ideal deliberation, on the assumption that the results of this hypothetical deliberation can determine one's actual preferences. Second-best preferences are what one would want for oneself, to make one's life go best, after fully informed ideal deliberation, where full information includes knowledge about the real-world costs of changing one's actual preferences, the likelihood that attempts at change will be successful, the likelihood that such attempts will be made in one's actual life, and so on.

12. Brandt, *A Theory of the Good*, pp. 247–53. See also Allan Gibbard, "Interpersonal Comparisons: Preference, Good, and the Intrinsic Reward of a Life," in *Foundations of Social Choice Theory*, ed. Jon Elster and Aanund Hylland (Cambridge: Cambridge University Press, 1986), pp. 175–78. For another way of coping with Brandt's objection, see R. M. Hare, *Moral Thinking: Its Levels, Method, and Point* (Oxford: Oxford University Press, 1981), pp. 101–5.

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the course of a life given that people's preferences change over time. My preferences over time regarding what shall happen at a particular point in my life often conflict. I want to be a poet, take some steps toward this goal, then abandon it for another. I pursue some aims successfully, then later come to regret this pursuit. Still later I may change my mind again, abandoning this posture of regret. Since an individual's preferences change over time, there is an intrapersonal comparison of welfare problem with no obvious solution. Even if we know with certainty exactly what effect each of the possible actions we might perform now would have on the life of a person, we still do not know enough to know what to do if our only goal is to maximize the person's preference satisfaction. The idea of maximizing lifetime preference satisfaction is ambiguous until we are given explicit instructions for amalgamating the different and conflicting preferences held by the same person at different times in her life into one preference ordering. Brandt's surmise is that no remotely plausible and coherent elaboration of the idea of preference satisfaction maximization will be forthcoming.

The practical magnitude of this difficulty depends on how often preference change occurs. Some apparent preference change may conceal an underlying stability.[13] One instance of this involves preferences that are conditional on a false antecedent giving way to other preferences when the agent recognizes the falsity of the antecedent.[14] Suppose I want to be a poet only if I have poetic talent. Once I see that I lack poetic talent, I then see that I do not really want to be a poet. Even when an individual lacks knowledge of the truth-value of the antecedents of her conditional preferences, satisfying preferences that are conditional on false antecedents does not as such increase her preference satisfaction. Nor should we view the shift from thinking that I want to be a poet to realizing that I do not as a full-fledged change of preference. In this case my factual beliefs change. My underlying first-best preferences stay the same. The same is true whenever apparent change of preference is driven by cognitive considerations. Lacking full pertinent information, or after hasty or confused deliberation, I wanted to be a poet, but now after further deliberation with better information, I no longer have this desire. Here again there is no change in first-best preference. That is, there is

13. Gary Becker and George Stigler, "De Gustibus Non Est Disputandum," *American Economic Review* 67 (1977): 76–90.

14. See Parfit, *Reasons and Persons*, p. 151.

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no change in what one would choose with full deliberative rationality and full information (if one abstracts from the real-world likelihood that one's actual preferences can be made congruent with the revisions induced by hypothetical rational deliberation). The same is true if a person's preferences deteriorate cognitively.

Taking a person's hypothetical ideally considered preferences as the measure of her welfare does not gainsay the possibility of preference change. Life experiences and changes in one's circumstances may cause these ideally considered preferences to change, and indeed they may change over time while one's actually felt preferences stay constant. I suspect real preference change rarely occurs, but this is an empirical hunch which may well be wrong. To answer Brandt's worry, a way of calculating preference satisfaction across preference change is still needed.

To compute a person's lifetime preference satisfaction, let us stipulate the following procedure. For each moment of the person's life, determine the full set of the person's ideally considered preferences. These preferences may of course be concerned either with the agent's past, present, or future (for simplicity, ignore the possibility of self-interested preferences that involve states of affairs that might occur after the agent's death). The weight to be assigned to each preference is given by the importance it would have for the agent, considered as hypothetically rational, at that moment. Then determine the extent to which each of these myriad moment-by-moment preferences is satisfied in the course of the person's life. Sum the total. The higher the total, ceteris paribus, the better the person's life.

The foregoing account of welfare might seem implausible in virtue of its counting as increasing a person's lifetime welfare the satisfaction of preferences that the person once had but no longer has owing to bare preference change. Against this, Brandt observes that in deciding what it is prudent for us to do now, "we pay no attention to our own past desires."[15] However, this tendency may be partly due to belief on our part that our present desires are cognitively superior to our past desires. Consider a case where this belief is absent. Suppose my lifelong dominant ambition has been to be a successful poet, and I have worked steadily and made good progress toward this goal. I am now of advanced age and

15. Brandt, *A Theory of the Good*, p. 249.

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my magnum opus is nearly complete. I awake one morning to find that my poetic ambitions leave me cold. I care nothing for them. I have no reason to believe that this preference shift is other than a bare preference change. That is to say, the preference shift does not result from any sudden insight or new awareness on my part, nor, on the other hand, does it result from cognitive deterioration. Nor do I have reason to think that the preference change will be temporary unless I deliberately take steps to make it temporary. In this situation, I would say that my strong past preferences do give me reason now to work to complete my magnum opus. (Whether these reasons will be motivationally efficacious is another question. Strong reasons may or may not be strong motivators.)

There would be something odd in supposing that past preferences overridden by present preferences had no weight at all in determining a person's welfare. Suppose I undergo a complete transformation of preferences in the last moment prior to my death. I see no merit in the proposal that the individual's lifetime welfare is to be computed solely in terms of the degree of satisfaction of these last-moment preferences. But it should be noticed that on the view I am advancing, if Smith in 1969 wanted to climb Mount Rainier by a hard route in 1989 (and the preference is hypothetically rational), the satisfaction of this preference in 1989 thereby increases Smith's lifetime welfare even though she has not cared a fig for doing such a climb since 1979.

I tentatively conclude that the idea of lifetime preference satisfaction does make sense, though some may find the present explication counterintuitive in holding that the satisfaction of an individual's past preferences—preferences which have been supplanted by preferences that are not cognitively superior—should count equally with the satisfaction of the supplanting preferences in the calculation of that individual's welfare.

Second Objection: Malformed Preferences

Another familiar objection to measuring the value of resources for an individual by the degree to which they enable her to satisfy her preferences is that the person's preferences may have been formed by an unhealthy or stunting process. Amartya Sen writes, "The battered slave, the broken unemployed, the hopeless destitute, the tamed housewife, may have the courage to desire little, but the fulfillment of those disciplined desires is not a sign of great success and cannot be treated in the same

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way as the fulfillment of the confident and demanding desires of the better placed."[16] Desperate life circumstances can reduce an individual's aspirations, and a high degree of satisfaction of reduced preferences may be an unreliable indicator of living well, so a principle of distributive justice that is responsive only to levels of preference satisfaction may in fact be blind to matters that should be highly germane to findings of justice or injustice.

The process that formed the individual's preferences may or may not have included violation of that individual's rights, and may or may not have been an unhealthy mode of preference shaping. The preferences thus shaped may be remediable or irremediable. Moreover, these preferences may or may not be such that the individual would disavow them, or discount their satisfaction, after ideal deliberation with full information (including full information about how the preferences have been formed and sustained). These three distinct issues need to be kept straight in evaluating the objection.

Taken by itself, the concern about fair and healthy preference formation points toward the need for a supplement to a preference satisfaction principle, not the elimination of the latter. A preference satisfaction theory of justice needs an account of healthy preference formation together with a principle that determines rights pertaining to the education and nurturance of children and the nonmanipulation of adults. Suppose that account and that principle are given us. It would not follow that the satisfaction of preferences formed in an unhealthy or rights-violating way should not count as enhancing the welfare of the individual, or should be taken at a discount. For example, my unjust imprisonment may have been made even more grueling by daily mandatory mathematics lessons imposed upon me with the intent of altering my preferences, but in retrospect I resent the imprisonment and the preference-forming lessons yet continue to love doing math. I might well continue to avow my new math preference even if I were to engage in ideal deliberation with full information. If so, the unfortunate process by which the preference was acquired does not nullify the contribution that satisfaction of the preference should be reckoned to make to my welfare. On the other hand, after fully informed ideal deliberation, my hatred of the prison might encom-

16. Amartya Sen, "The Standard of Living: Lecture I, Concepts and Critiques," in Amartya Sen, John Muellbauer, Ravi Kanbur, Keith Hart, and Bernard Williams, *The Standard of Living*, ed. Geoffrey Hawthorn (Cambridge: Cambridge University Press, 1987), p. 11.

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pass hatred of the prison-formed preference. In this case, the satisfaction of the preference for mathematics does not contribute to my welfare (here, though, one must allow for the complications of first-best versus second-best preferences). If the battered slave, the timid housewife, and the other disadvantaged suffer cognitive impairment owing to their straitened life circumstances, and for this reason we are reluctant to take their preferences at face value, the hypothetical ideal deliberation test resolves our doubts (because the test has us imagine what the person would want if he could think clearly about his preferences).

A complication here is that the preference formation damage may be irremediable. Suppose a young nuclear physicist suffers a partial lobotomy, and from then on cares only for simple childish pleasures and cares nothing at all for her formerly dominant theoretical ambitions. It is a great misfortune for the former physicist that her welfare now derives entirely from playing marbles and eating lollypops and the like. Still, the childish pleasures are what she now wants, and presumably ideally rational deliberation by her about the situation would ratify those preferences as the best she can now have, while yielding a feeling of strong regret that the tragic brain damage occurred. No objection against preference-based views of welfare emerges from consideration of such cases.

Some of the examples listed by Sen suggest a sour grapes phenomenon—the person's preferences shrink and expand with contractions and expansions of her opportunities.[17] But the hypothetical ideal deliberation test accommodates this sort of case also. If the person were to deliberate with full information, she would decide whether she values more highly the satisfaction of the desires formed by the availability of a smaller or of a larger opportunity set. No appeal beyond the person's own preferences (as they would be if corrected by full information and clear deliberation) is needed to give a satisfactory account of welfare in the face of the sour grapes phenomenon.

However, consider the following possible scenario. The individual has suffered horrible preference-affecting injustice. The individual is so psychologically mutilated by this proceeding that even if she were capable of reflecting on her preferences in a cognitively unimpaired state and with full information, she would ratify unreservedly her existing warped desires. (If the timid housewife were to undergo ideal deliberation, her

17. See Jon Elster, *Sour Grapes* (Cambridge: Cambridge University Press, 1983), pp. 109–40.

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dominant ambition would be "tidy dusting," and the battered slave's chief goal would be "serving master.") But the psychological damage is correctable. If we force the individual to be free against his will, eventually his desires will blossom, his life will flourish, and he will thank us for the interference. In this case the individual's preferences—even after ideal correction—constitute a poor guide to the individual's welfare. We are then urged to draw the antisubjectivist conclusion that a theory of distributive justice must look beyond preferences.

Actually there is both a subjectivist and an antisubjectivist reading of the moral drawn above. I endorse the former. The antisubjectivist reading is that owing to unhealthy preference formation, some individuals' preferences become so distorted that even if we were to imagine them as ideally corrected, they would be an unsuitable basis for measuring an individual's well-being. The malformed preferences are so odd or bizarre that inspection of them reveals their inadequacy, and gives us reason to take humane steps in order to instill in the individual preferences that we know are better, more fully human. But of course if we have access to a standard for grading preferences as good or bad in this case, why not in other cases as well? This straightforwardly denies subjectivism.

We can interpret the severe preference malformation case differently. Let us assume that we could elaborate a standard of healthy preference formation that is neutral in the sense that it is not rigged by any prior judgment about what sorts of preferences this process ought to produce. In general, assessment of preference formation and assessment of preferences are separate and independent matters. But at the extreme, preference formation may have been so gruesomely unhealthy that we cannot count the resultant preferences of the individual as even minimally "his own" and we may be justified in trying to interfere in loco parentis in order to patch things up. This line of thought makes no concession to the perfectionist claim that some preferences can be judged inherently better or worse than others just by inspection of their content and comparison to a perfectionist preference rating scale.

Third Objection: Bare Persons

This objection holds that distributive subjectivism regards persons—and requires them to regard themselves—as mere containers of utility or sites where consumption of utility occurs. Rawls raises this objection against a version of utilitarianism, but if the objection holds true at all, it would

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seem to hold not merely against utilitarianism but more broadly against the class of subjectivist views. The difficulty emerges plainly given a certain characterization of the utilitarian conception of rationality for a single person alone in the world—the utilitarian theory of prudence for a Robinson Crusoe. Whatever problems beset utilitarianism's way of conceiving moral relationships among persons are irrelevant in this one-person context. Even if fairness considerations come into play only in many-person contexts, weaknesses in the utilitarian theory of prudence will carry over to any subjectivist maximizing view. Prudence specifies what it is rational for a person to do insofar as the person's only goal is his own self-interest. A subjectivist account of prudence just identifies a person's self-interest with the satisfaction of his self-interested preferences. According to Philip Bricker, who has ably expounded this conception of prudence to the point of appreciating its paradoxes, "On the one hand, prudence directs: Make the world conform to your preferences! On the other hand, prudence directs: Make your preferences conform to the world! These two principles of prudence are not independent of one another, but represent two facets of a single phenomenon; they must be jointly coordinated by the agent so as best to achieve the prudential goal, the maximal satisfaction of preferences. Taken together, the two principles epitomize the nature of prudence: to be prudent is to effect a reconciliation between oneself and one's world."[18]

This conception of prudence dictates that if one is choosing among actions some of which have as consequences either deliberately sought preference change or preference change as a foreseen by-product of seeking other goals, one ought to choose so as to maximize one's lifetime sum of preference satisfaction (or the expected sum of preference satisfaction, in case of risky choices). The oddity of this procedure strikes one forcibly if one imagines choosing whether to undergo a very efficient therapy that would entirely strip away one's existing preferences and replace them with new, easily satisfiable preferences. If undergoing this radical therapy would maximize one's lifetime sum of preference satisfaction, then this is the ideally prudent act. Adopting the perspective of prudence so construed entails alienating oneself in thought from one's deepest values. Everything about oneself is to be regarded as a mere means to the project of making a certain number—the level of one's pref-

18. Philip Bricker, "Prudence," *Journal of Philosophy* 77 (1980): 401.

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erence satisfaction—as large as possible. One is a bare person in the sense of being willing to strip off anything about oneself that turns out to be an obstacle to maximizing one's satisfaction score. Writing specifically of Kenneth Arrow's explication of a version of utilitarianism, but voicing a criticism that seems to attach to any welfarist view, Rawls observes, "The notion of a bare person implicit in the notion of shared higher-order preference represents the dissolution of the person as leading a life expressive of character and of devotion to specific final ends and adopted (or affirmed) values which define the distinctive points of view associated with different (and incommensurable) conceptions of the good."[19]

To my mind the "bare persons" objection has considerable force against the conjunction of subjectivism and a certain conception of prudence. The question then arises whether consistently with subjectivism one can elaborate a more satisfactory conception of prudence that is not vulnerable to Rawlsian criticism.

Part of the answer to the bare persons objection is implicit in the position that a person's hypothetical ideally considered preferences, not her actual preferences, are the proper measure of her welfare. The bare person has no aversion to acquiring new preferences by a process that is cognitively deficient, hence renders these preferences less well considered than those they supplant. But subjectivism as I conceive it does not countenance this attitude. Preference satisfaction enhances welfare only insofar as the preferences are well considered.

The bare persons idea contains a second criticism that is trickier to handle. The bare person is alienated from his preferences in that he has no attachment to them beyond his perception of their usefulness in maximizing his preference satisfaction score. This objection remains even if it is stipulated that one's preference satisfaction score is to be corrected for cognitive deficiency according to the norm of ideally considered preferences.

What appears to be causing the trouble is the idea that prudence includes the double injunction to make one's preferences conform to the world and to make the world conform to one's preferences to the greatest extent possible. What happens if we simply drop the first leg of this injunction? This will not do, because when an agent acts, her lifetime pref-

19. Rawls, "Social Unity and Primary Goods," p. 181.

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erences are not yet fully determinate and perhaps are partly to be determined by her choices.[20] To remove this indeterminacy, let us take prudence to be constituted by the command, "Make the world—considering your own future preferences as part of the world—conform to your preferences!" This command is to be interpreted as follows: (1) Maximize the satisfaction of your timeless preferences (that is, the preferences you had, have, and now know you will have), and (2) to the extent that your future preferences are alterable by actions you can choose, act so as to make your future preferences conform to your past, present, and already fixed future preferences (including your preferences about your preferences).

According to this stipulated notion of prudence, if nothing in my actual past, present, or known future preferences motivates me to take the slightest interest in radical therapy, prudence counsels me not to undergo such therapy. Or, to borrow an example from John Rawls, suppose a therapy is available that would transform me into a person whose dominant preference in life was to count the blades of grass on public lawns.[21] On my suggested view of prudence, the mere fact that as a grass-counter I would have higher lifetime expected utility does not give me a reason to undergo this grass-counter therapy. This conception of prudence leaves no room for prudentially recommended voluntary preference change that is motivated by no preference one actually has but merely by the consideration that inducing these preferences in oneself would increase one's preference satisfaction score.

Puzzles remain, however. Suppose that by mistake or under coercion I do undergo the therapy—let us say it is irreversible—that turns me into a grass-counter. At that point, the satisfaction of my grass-counting preferences surely enhances my welfare to some extent, even if these preferences are taken at a discount by the standard of ideally considered preference, owing to the process of their formation. If grass-counting preferences are very easily satisfiable, it is possible that acquiring them boosts my lifetime preference satisfaction score over what it would have been if my preferences had never changed. But then we may wonder how it could be imprudent to choose grass-counter therapy if that therapy renders me better off in the sense of increasing my welfare. Is it a

20. This point is made by Bricker, "Prudence," p. 384.
21. Rawls, *A Theory of Justice*, p. 432.

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misfortune for me that I became a grass-counter? A dilemma might seem to be looming: Either my welfare as a grass-counter and my welfare before undergoing grass-counter therapy are noncomparable, in which case the measure of preference satisfaction can never determine that resources should be redistributed in order to render more nearly equal the welfare of two persons with different preferences, or my welfare can be compared across these two states of affairs, in which case it looks as though I might be better off after undergoing grass-counter therapy and thus choosing the therapy seems the prudent choice after all.

What it is prudent for a person to choose at a given time depends on her current actual preferences (the preferences she had, has, and will have independently of the choice to be made). Prudence enjoins maximizing the satisfaction of these actual preferences, as they would be after ideal deliberation. So understood, the prudent choice need not be a maximizing choice—the choice that would bring about a maximal reconciliation of the set of one's preferences and the world à la Bricker. The gap between the prudent choice and the maximizing choice is a simple consequence of defining "prudence" in a way that is anchored to actual preferences and so avoids the bare persons problem. So far as I can see, no threatening dilemma looms from this gap.

A subjectivist principle of distributive justice enjoins a concern for each individual that tracks that individual's judgments of prudence. Fair shares of resources are measured in terms of the contribution those resources make to the individual's welfare as prudentially determined. Hence the imposition of grass-counter therapy would not be deemed valuable for an individual who had no prudential reason for wanting that therapy. Just as the individual can recognize (if not in the grass-counter example, which seems to involve severe cognitive deterioration, then in other cases) that his welfare expectation would be higher if he underwent preference-altering events that he had no prudential reason to seek, so too the citizen or bureaucrat seeking distributive justice can judge each individual's situation from that very individual's prudent perspective. Nobody need be treated as though he ought to conform to the ideal of a bare person.

Fourth Objection: Responsibility for Ends

Rawls urges that to expect that a just government tailor individual shares of social benefits to individual variations in preferences is to re-

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gard citizens merely as "passive carriers of desires," incapable of assuming responsibility for their goals. In contrast, "implicit in the use of primary goods is the following conception: since we view persons as capable of mastering and adjusting their wants and desires, they are held responsible for doing so (assuming the principles of justice are fulfilled)."[22]

Setting aside hard determinist worries, we note that the idea that persons are responsible for their preferences invites the response that as a matter of empirical fact, social circumstances and accidents of birth that are beyond the individual's power to control shape individual preferences to a very considerable degree. 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. The division of responsibility between society and individual that Rawls proposes needs more justification than he supplies.

The tack I shall follow avoids engagement with these empirical issues. A natural response to the claim that subjectivist accounts slight the importance of individual voluntary choice is the suggestion that we should measure each person's distributive share not by the contribution to his welfare it in fact makes but rather by the opportunities for increased welfare it provides. An opportunity standard of distribution leaves room for final outcomes to be properly determined by individual choices for which individuals are responsible, so that some inequalities of welfare are not even prima facie injustices because the inequalities arise by way of individual voluntary choice from an initial situation in which opportunities for welfare are fairly distributed. (In this formulation, talk of "opportunity" is a stand-in for whatever factors affecting preference formation we decide should be treated as matters of individual responsibility.) To see the import of developing a subjectivist conception of fair distribution in terms of an opportunity for welfare standard, I adopt the simplifying assumption that fairness just equals equality, and I work out an equal opportunity for welfare principle.

Whatever its ultimate metaphysical and empirical backing, it is a commonsense claim that individuals can arrive at different welfare levels owing to choices they make for which they alone should be held responsible. Individuals who otherwise would have identical expected welfare

22. Rawls, "Fairness to Goodness," p. 553. The phrase "passive carriers of desires" is from "Social Unity and Primary Goods," p. 169.

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may voluntarily engage in a game of pure chance with each other with a lot of money riding on the outcome. One wins, the other loses, and thereafter their welfare expectations are very different. The winner prudently invests her winnings and the loser never recoups his losses. But surely this inequality in expected welfare does not create any prima facie case for society to correct the inequality by transfer of resources. The same would be true if the two individuals could reach the same lifetime welfare level by trying equally hard to maximize their welfare, but one chose instead to devote his life to the care of the sick and dying, or to the preservation of aesthetically pleasing wilderness vistas, or to any cause viewed either as morally desirable or nonmorally valuable from an impersonal perspective—in the process willingly sacrificing his personal welfare on behalf of this chosen cause. Or consider Rawls's example of the individual who voluntarily and freely chooses to cultivate an expensive preference, and who for that reason alone needs more wealth to sustain the same preference satisfaction level as persons who have frugally refrained from such cultivation. The norm suggested by these examples is that distributive justice does not recommend any intervention by society to correct inequalities that arise through the voluntary choice or fault of those who end up with less, so long as it is proper to hold the individuals responsible for the voluntary choice or faulty behavior that gives rise to the inequalities. Notice that the judgment that it would be inappropriate to transfer resources to restore equality of welfare in the three examples mentioned need not involve any claim that the individuals making choices that generate inequality are behaving unreasonably. No imperative of practical reason commands us to maximize our personal welfare. The judgment is rather that the duty of the just state is to provide a fair share of opportunity to each citizen, not to guarantee the attainment of a particular pattern of outcomes.

An opportunity is a chance of getting a good if one seeks it. A first step toward seeing what equal opportunity for welfare might amount to is marking Douglas Rae's helpful distinction between prospect-regarding and means-regarding equality of opportunity. According to Rae, the former version of equality of opportunity holds that two persons "have equal opportunities for X if each has the same probability of attaining X." The means-regarding version holds that two persons "have equal opportunities for X if each has the same instruments for attaining X."[23] Neither

23. Douglas Rae, Douglas Yates, Jennifer Hochschild, Joseph Morone, and Carol Fessler, *Equalities* (Cambridge, Mass.: Harvard University Press, 1981), p. 81.

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version quite serves our purpose of carving out a space for individual choice to determine outcomes consistently with equality. Suppose a government had the policy of deciding by a fair random process what welfare level each citizen should reach and then arranging matters so that each person reached exactly that randomly determined level. Such a policy satisfies the standard of prospect-regarding equality of opportunity for welfare. But this policy that implements prospect-regarding equality of opportunity leaves no room for outcomes to be legitimately affected by individual voluntary choice. My lifetime welfare level is fixed by the outcome of a lottery that is independent of any choices I might make in my life (so if I make choices that, left uncorrected, would affect my lifetime welfare, government policy is to take exactly counterbalancing steps so that ultimately my randomly determined welfare is reached).

On the other hand, if personal characteristics, such as your problem-solving ability and my strong back, are not counted as instruments, then means-regarding equality of opportunity for welfare could be satisfied in a situation in which individuals have vastly different abilities to deploy given instruments in order to produce welfare for themselves.

In contrast to both of these suggested interpretations, the ideal of equal opportunity for welfare is roughly that other things equal, it is morally wrong if some people are worse off than others through no fault or voluntary choice of their own.[24]

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.[25] 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

24. Cf. Parfit, *Reasons and Persons*, p. 26.

25. This paragraph and the second and third paragraphs following it are borrowed from my "Equality and Equal Opportunity for Welfare," *Philosophical Studies* 56 (1989): 77–93.

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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—when the expected value of each person's best (most prudent), second-best . . . *n*th-best choice of options is the same. The opportunities persons encounter are ranked by the prospects for welfare they afford.

To illustrate, suppose that you and I have exactly two life options. Each of us could become either a banker or a missionary. The welfare we could expect from each of these options is the same for both of us, and known with certainty. If you become a banker and I become a missionary, you gain (say) high welfare and I gain low welfare, but equality of opportunity for welfare is satisfied, whichever choice either of us makes. But suppose instead that under your missionary option, you can choose Alaska (no mosquitoes) or Africa, whereas all of my missionary options involve mosquitoes and there are no other relevant differences between your missionary options and mine. In this case, equality of opportunity for welfare is violated, because on our second-best option path you have the option of mosquito-free missionary life, which I lack.

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, (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. When persons enjoy equal opportunity for welfare, any actual inequality of welfare in the positions that they reach is due to factors that lie within each individual's control and hence is nonproblematic from the standpoint of distributive justice. The norm of equal opportunity for welfare is distinct from equality of welfare only if some version

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of soft determinism or indeterminism is correct. If hard determinism is true, the two interpretations of equality come to the same thing.

When an individual's preferences change, the earlier and later selves will disagree regarding the value of the options faced by the individual over the course of his life. Which evaluations are to be used to decide how the person's opportunities for welfare compare with the opportunities enjoyed by other persons? In addressing this question I confine my attention to bare preference change, where neither the supplanting nor the supplanted preference is cognitively superior to the other. The equal opportunity norm as I understand it assumes that we can identify a canonical moment in a person's life such that the person is not responsible for her preference formation up to that point but can be deemed responsible for any further preference changes that are concomitants of life options she knowingly chooses. Here we simplify by assuming that opportunities then are fully known rather than gradually revealing their character with time. But even accepting this simplification, one might object on behalf of Rawls that if people are properly held responsible for their preferences, they are as much responsible for their preferences at that canonical moment as they are for their preferences that develop later. So the "responsibility for ends" criticism still holds, or so it might be thought.

The "canonical moment" simplifying abstraction of the equal opportunity principle is motivated by the thought that there is a nonarbitrary and morally significant line between childhood and adulthood and that children are not responsible for their preferences in the way that adults are deemed to be. The simplification is in representing as a sharp break what is in life a gradual and continuous transition. But this simplification could be relaxed. If we want to hold an adolescent responsible for a choice that will influence his preferences and prospects of welfare at maturity, we can stipulate that if equal opportunity for welfare would have obtained but for this choice, then in deference to the voluntary character of this choice equal opportunity is considered to be satisfied, all things considered. What justifies the simplification is the conviction that individuals are not (very much) responsible for their childhood preference formation. Moreover, if an acceptable childhood preference formation ethic is given to us and we abide by it in raising a generation of youths, the preferences of these fairly educated persons at maturity would provide a morally nonarbitrary starting point from which a distribute-according-to-preferences ethic can commence.

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Fifth Objection: Welfare Differences Reflect Differences in Beliefs, Not Differences in People's Lives

Discussing the issue of how it is best to interpret the ideal of equality of distributive shares, Dworkin opposes taking welfare levels to measure the relative size of shares for reasons that do not appeal to the idea that preferences are voluntary (about which he expresses sensible doubts).[26] Dworkin's objection is rather that differences in preference satisfaction levels may register quirky differences in people's beliefs that are completely unsuitable as a basis for assigning distributive shares.[27]

Dworkin imagines two persons, Jack and Jill, whose lives, as observed by an impartial third party, look to be pretty much identical in relevant respects (enjoyments, talents, achievements, success in meeting chosen goals). But Jack and Jill have very different cultural and philosophical beliefs about what constitutes a life of value, so that when asked, "How far is your life from the best it could be?" Jack, who thinks that with enough resources he could achieve grand things, answers "Very far," while Jill, more jaded or down to earth, answers "Not very far." Asked, "How far is your life from the worst it could be?" Jack, vividly aware of his achievements and keenly prizing them, answers "Very far," while Jill, who counts her achievements as dust in the wind, answers "Not very far." If we accepted one or the other of these questions as the correct measure of comparative welfare, we must then accept that the ideal of equality will recommend transferring resources from Jack to Jill (or vice versa, depending on which question we take to be the canonical measure) in order to render their welfare levels more nearly equal. Dworkin's objection then is that if we find this implication implausible—and I concur that we do—we must reject welfare as a measure of distributive equality. This objection to a welfare standard makes no appeal to the claim that preferences are voluntary, so I think that if it succeeds against a welfare standard it succeeds equally well against equal opportunity for welfare. Dworkin's objection assumes that we can find no better way of measuring people's overall welfare than his "How do you evaluate your life as a whole?" questions.[28] But we can. Hence, the objection fails.

26. Ronald Dworkin, "What Is Equality? Part 1: Equality of Welfare," *Philosophy & Public Affairs* 10, no. 3 (Summer 1981): 185–246; see esp. pp. 231–33.

27. Dworkin, "What Is Equality? Part 1," pp. 209–17.

28. Dworkin distinguishes judgments of *relative* from judgments of *overall* success, the latter being identified with answers to "How do you evaluate your life as a whole?" ques-

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I have proposed that the measure of individual welfare is the extent to which an individual's preferences are satisfied. The value of satisfying one or another of an individual's preferences depends on its relative importance as judged by the individual herself. The value of satisfying a preference also depends on the extent to which the process by which the preference was formed was free from defects—at the limit, a preference sustained by sheer delusion or by direct manipulation by other agents may be valueless, regardless of the strength of the agent's commitment to it. In Dworkin's artfully contrived example, the judgments that Jack and Jill make about the overall value of their lives seem (a) uncertainly related to the satisfaction-of-preferences criterion, (b) quite possibly based on failures of knowledge and imagination, and (c) quite likely to be nonserious or insincere. Each of (a), (b), and (c) erodes our confidence that the judgments of Jack and Jill are reliable indicators of their welfare levels; taken together, the three worries are devastating.

Take (a) first.[29] Suppose that my dominant preferences have been

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tions. As Dworkin uses it, the relative/overall distinction is not equivalent to the familiar distinction between what one values instrumentally and what one values for its own sake. Why does Dworkin think this new distinction is needed? I think the reason for suggesting this new distinction is spelled out more clearly in Parfit, *Reasons and Persons*, pp. 496–99. Parfit's line of reasoning is endorsed by Griffin in "Modern Utilitarianism," pp. 335–36. It goes as follows. Consider the view that an individual's welfare is greater the greater the aggregate sum of satisfaction of his desires. On this view, if you are subjected to a nonreversible addiction, which causes you each day intensely to desire injection of a drug which you can and do obtain, subjection to this addiction increases your welfare. This will be so if your desire not to be addicted is overall less strong than your desire to be injected each day. To avoid this result, Parfit suggests measuring the extent of a person's welfare by gauging the satisfaction only of his global preferences, where a "preference is global if it is about some part of one's life considered as a whole, or is about one's whole life" (p. 497). Dworkin's suggestion that welfare be measured by judgments of overall, not relative, success is similarly motivated. But, first of all, I do not see that the proposal solves the problem. For an individual could be subjected to a form of addiction which involves becoming obsessed with a series of silly but easily satisfiable and intensely felt desires about one's life as a whole. Second, the problem that troubles Parfit, Griffin, and Dworkin would not arise if one viewed welfare as satisfaction of one's personal value judgments. A person who becomes sick and greatly desires relief from pain, or who becomes addicted and desperately wants injections to alleviate the addictive craving, nonetheless still judges that he prefers the state of affairs in which he never becomes sick to the state of affairs in which he becomes sick and then gets relief, and similarly prefers the state of affairs in which he is not addicted to the state of affairs in which he is addicted and satisfies his addictive craving. The move to global judgments or judgments of overall success is ill-considered.

29. Dworkin rightly notes that it will not do to identify an individual's welfare level with his relative success—his success at meeting the life goals he has chosen to pursue. For

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overwhelmingly satisfied in my life, but I entertain skeptical philosophical doubts about whether anybody's values are really valuable, or whether my values are ultimately as valuable as anybody else's. In this case the satisfaction-of-preferences test and the query about the overall value of one's life will elicit conflicting measurements of my welfare. Here the satisfaction-of-preferences test looks to be more adequate, less liable to quirky fluctuations in response to changes in people's opinions about values in general, as opposed to genuine changes in their values. The differences between Jack's and Jill's opinions on values reported by Dworkin arguably have this quality of mere opinion dissociated from preference. Suppose on the other hand that while my dominant lifetime preferences have been overwhelmingly satisfied, I am unaware of this fact, owing to faulty epistemic scruples of some sort. Here too the satisfaction-of-preferences test and the query about the overall value of one's life will yield very different results, and again the preference test is the more adequate yardstick.

Turning to (b), we should notice that from what we can gather of Jack's and Jill's preferences from Dworkin's description, they appear to be shot through with cognitive defects. Dworkin mentions that Jack thinks that with enough resources he could solve the riddle of the universe. If this hope is utterly vain, catering to it will not improve Jack's welfare. Similarly, Jill's flip response that her life is not far from the worst it could be may simply reflect failure to appreciate what life in a concentration camp or in circumstances of abject poverty and illness could be like. We cannot take at face value preferences that are shrouded in illusion.[30]

There is a further difficulty, (c). Recall that a preference is normally a personal value judgment that one is prepared to live by (insofar as one is seeking personal advantage). Where there is a discrepancy between a person's verbal evaluations and his choice behavior, some explanation is called for, such as weakness of will or the like. A seriously held prefer-

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one's choice of life goals depends not just on one's underlying preferences but also on one's expectation of meeting favorable or adverse circumstances. Living in dire poverty, I might adopt as my main life goal merely gaining a tiny savings as protection against hard times. I do not see here any objection to taking satisfaction of basic preferences (what one prefers for its own sake) as the measure of individual welfare. Dworkin may be alluding also to the possibly detrimental effect of adverse circumstances on preference formation. On this, see the section on "Malformed Preferences" in the text above.

30. This point is made persuasively in Griffin, "Modern Utilitarianism," pp. 361–66.

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ence has implications for conduct. Now Jack's and Jill's responses to questions about the overall value of their lives are too far removed from any practical context of choice which could reveal whether they themselves take their judgments seriously. (We smile at café nihilism because we take it to be a pose utterly devoid of consequences for choice.) This defect remedied, our willingness to interpret their reports of their values as indicators of their welfare would increase. In principle we could set up situations that would test the seriousness of their commitment to the values they espouse. If Jack and Jill fail these tests, their purported value judgments are then revealed to be fishy indicators of welfare.

If the Jack and Jill cases are altered so that all worries on the score of (a), (b), and (c) are eased, these cases will no longer serve as counterexamples to my view that differences in beliefs giving rise to different personal values may themselves constitute important differences between people's lives, to which distributive theory should be sensitive. When preference is understood as hypothetical rational preference, differences in people's preference satisfaction levels are important differences between lives. Differences in people's large and woolly philosophical beliefs about the ultimate significance of preference satisfaction, insofar as they do not affect satisfaction levels, do not register as important differences in people's lives—as seems proper. Nor do people's irrational or uninformed beliefs about the extent to which their preferences are satisfied per se affect the extent to which their preferences are in fact satisfied. The Dworkinian charge that preference satisfaction fails to register what matters in people's fulfillment is unfounded.

Sixth Objection: Equality of Resources versus Equality of Welfare

Dworkin's case against equality of welfare includes his suggestion that a better standard than welfare for the measurement of fair shares is at hand: a resources standard.[31]

To illustrate the intuitive attraction of a resources ethic Dworkin constructs an expensive preferences example. Dworkin imagines a Jude who initially possesses few resources in a society that has achieved equality of welfare. Despite the paucity of his resources, Jude enjoys an average level of welfare because his wants are few and easily satisfiable. It is further stipulated that he then comes to believe that his life would

31. Ronald Dworkin, "What Is Equality? Part 2: Equality of Resources," *Philosophy & Public Affairs* 10, no. 4 (Fall 1981): 283–345.

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be richer if he cultivated an expensive taste for bullfighting, and does so. But suppose that even if Jude were given an extra allotment of resources to help him satisfy his new expensive taste, he would still have less than an equal per capita share of society's assignable resources. Now imagine an exactly parallel case involving Louis, who initially possesses a resource share that is far above average in a society that has achieved equality of welfare. Louis now cultivates a new expensive preference, like Jude's for bullfighting. Unless Louis is given an even greater share of resources to compensate for this new expensive preference, he will have a lower level of welfare than everybody else in society. If we wish to give Jude, but not Louis, the money he needs to satisfy his expensive preference, the reason can only be, Dworkin asserts, that we are inclining toward allegiance to the ideal of equality of resources. Whether a person's preferences are expensive or cheap does not in and of itself affect what he is justly entitled to in the way of a fair share of privately held resources.[32]

The example first of all raises preference formation worries. If we suspect that Jude's initial preferences are somehow distorted by his stingy resource holdings, we may endorse his liberation from these distorted preferences. This factor will distinguish our response to Louis, whose initial holdings are generous. Stipulating that Louis and Jude differ in amount of wealth possessed tends to carry further connotations. So Dworkin may be wrong to think that a response favoring Jude over Louis can be explained only by acceptance of an equality of resources ethic.

We can eliminate the preference distortion issue from the example by stipulating that Jude's initial preferences are formed in an environment just as favorable to preference formation as the environment in which Louis's initial preferences germinate. Suppose that initially equality of opportunity for welfare is satisfied—Louis and Jude (the one with expensive, the other with cheap preferences) initially face arrays of options that offer them the same welfare prospects. Jude then acquires an expensive preference, which will cause his welfare to plummet unless he is compensated for it. Should he receive compensation? From an equal opportunity standpoint, the answer turns on whether the preference was acquired in a substantially voluntary or a substantially involuntary way. If the expensive preference was deliberately chosen by Jude, or if his

32. Dworkin, "What Is Equality? Part 1," pp. 228–40.

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acquisition of it was a foreseeable by-product of a voluntarily chosen course of action, there is no case for redistribution, because equal opportunity for welfare is fulfilled, not violated, by the example thus described. Preference changes are just components of some of the options among which people choose in planning a life. If the option sets are ratified by an equal opportunity principle, then so far as that principle is concerned we ought to let stand the results of any voluntary choice of one or another option. Suppose, on the other hand, that Jude gains the preference by a chain of events for which he is in no way personally responsible. A chance event occurs which could not have been insured against. A meteor fragment hits Jude on the head, and his preferences unpredictably change in the course of his convalescence. Equal opportunity for welfare then demands compensation. Intermediate cases will be harder to resolve, but the point should be clear that the Louis/Jude variations on the expensive preferences theme do not provide any reason beyond the supposed voluntariness of preferences for rejecting a welfare standard of measurement of shares for purposes of a theory of just distribution. As we have seen, the claim that preferences can be voluntary gives reason not to reject all subjectivist views but to accept equal opportunity for welfare.

Seventh Objection: Why Compensate for Expensive Preferences?

Quite apart from doubts about the propriety of compensating people for voluntarily cultivated expensive preferences, many will feel that it cannot be fair to grant more resources to those with expensive tastes even if they are in no way personally responsible for those tastes.[33] This objection directly challenges the root idea of the distributive subjectivism I have been concerned to defend. The objectors might allow that a theory of distributive justice could legitimately recommend special compensation for individuals who are burdened with physical handicaps such as the lack of usable arms or legs. Compensation for physical disability may well be acceptable, but (the objection goes) it would be perverse to extend compensation to those who suffer from "preference handicaps"

33. The Editors of *Philosophy & Public Affairs* called my attention to the need to respond to this criticism. See also Scanlon, "Preference and Urgency," pp. 663–67, and "The Significance of Choice," in *The Tanner Lectures on Human Values*, ed. Sterling M. McMurrin (Salt Lake City: University of Utah Press, 1988), 8:149–216. For a clear statement of the antiresourcist position, see Paul Samuelson, *Foundations of Economic Analysis* (New York: Atheneum, 1965), p. 225.

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such as a taste for expensive champagne rather than cheap beer. From the fact that an individual is not rightly held morally responsible for having certain expensive preferences it of course does not follow that society is morally responsible for guaranteeing their satisfaction (or compensation in the event of their frustration).

The assertion that someone is not responsible for her preferences could mean either (1) that she is not responsible for their formation, although she might now be able to take steps to alter or eliminate them, or (2) that she is not responsible for their formation and that the preferences now are fixed, unalterable by anything she might do.[34] A further distinction is that someone might not be responsible for presently having an expensive preference either because (a) she is not responsible for having the preference or (b) she is not responsible for having a preference that has now become expensive. An example of type (b) nonresponsibility would be voluntarily cultivating a preference for spending one's leisure hours driving about in one's car at a time when gas is cheap, when it is unforeseeable that the price of gas will later skyrocket.

Recall that distributive subjectivism is the view that for purposes of a theory of distributive justice the proper measure of a person's goods or resources is the welfare level that these resources enable him to reach. Of course there would be no use for such a measure unless society—or a government acting as agent for society—was sometimes rightfully in the business of distributing resources to individuals and redistributing resources among individuals in order to achieve fair shares for all. My discussion presupposes that some government redistribution along this line is legitimate, so that there is some validity to the question of what measure of interpersonal comparison of people's resource shares is appropriate.

34. If someone finds himself with an expensive preference for which he is nonresponsible in sense (1), but which he can now alter if he chooses, would he not properly be held responsible for continuing to hold the preference (which he can now see puts a strain on scarce social resources)? Yes and no, according to the norm of equal opportunity for welfare. This principle requires that opportunities for welfare be initially equal, such that any later welfare inequalities will be traceable to choices and conduct for which it is fit to hold individuals responsible. But at the initial canonical moment my opportunities—including my opportunities to alter my expensive preferences—are to be evaluated from the standpoint of prudence, as explained above in the text. So if initially I have an expensive preference, which by dint of effort I could gradually replace with a cheaper preference, but I now evaluate that cheaper preference as worthless (it might be counting the grass on courthouse lawns), the option of exchanging the expensive preference for this cheaper preference will count for nothing.

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One way to measure the disparate resources held by various individuals is by market value—the price that each individual's goods would fetch if offered for sale to others. (This is the measure of resources that is in play when we characterize a person's preferences as expensive or cheap.) On this view, people would be deemed to hold equal resources if their resource holdings were of equal monetary value. The obvious objection to this way of measuring resource shares is that if Smith and Jones are accorded sets of resources that are equal in monetary value (for simplicity, just suppose they are given equal amounts of money) and Smith has normal eyesight and no other disabilities while Jones is afflicted with bad eyesight and must spend all his resources to purchase expensive eyeglasses to correct the condition, the "equality" of their resource shares intuitively seems illusory.[35] In these circumstances Jones has an involuntary expensive preference for normal vision, and true equality requires that he be given extra resources to compensate for the expense of correcting his vision. The point here is not just about distributive equality but about the appropriate measure of resource shares. We might hold that Smith is far more deserving than Jones and that distributive justice requires that Smith get a resource share that is greater in proportion to his greater deservingness. Still, the right measure of the resources they get, from the standpoint of distributive justice, is the extent to which they are enabled to fulfill their aims with these resources. In a nutshell, the case for distributive subjectivism involves a generalization from this particular example involving physical handicap to all other expensive preferences that individuals are not plausibly regarded as bearing any personal responsibility for.

This generalization is bound to encounter resistance. Intuitively it does seem to be more plausible to compensate people for physical disabilities such as blindness than for expensive preferences such as a taste for fancy champagne over cheap beer. To some extent, I claim, this intuition rests on the fact that these examples encourage the presumption that the individual can reasonably be held personally responsible for the taste, but not for the handicap. (If the person became blind through deliberate and fully informed participation in a dangerous sport that often gives rise to injuries that result in blindness, it becomes questionable whether compensation is owed for the handicap.) But to pursue the ar-

35. On this point, see my "Equality and Equal Opportunity for Welfare," p. 78.

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gument, let us suppose that both the handicap and the expensive taste of a given person are due entirely to a congenital condition. Beyond differential association with voluntary formation, an expensive taste for normal eyesight differs from an expensive taste for fancy champagne in that the former is more widely shared and likely to be comprehended and approved by more persons. Everyone can appreciate that eyesight is immensely valuable in the pursuit of a great many different life plans that all of us regard as worthy and sensible. In contrast, a taste for fancy champagne is more idiosyncratic and will strike people as more of a fluke. People need good eyes, but they do not need a high-status alcoholic drink.

Interestingly, some of the considerations just mentioned would count as good reasons from a distributive subjectivist standpoint for a public policy that compensates for handicaps but not for expensive tastes. These considerations that are reconcilable with distributive subjectivism point to the immense difficulties that any actual state agency would encounter in gathering accurate information about the nature, relative strength, and likely stability over time of any given individual's preferences. (These are factors that I have been ignoring in this article up to this point.) If people are almost sure to continue to want normal eyesight throughout their lives, but are likely to change their tastes, this is a perfectly good subjectivist reason for giving more weight to whether someone's resource bundle enables him to approximate normal vision than to whether it enables him to satisfy a taste of the moment. Also, if virtually everybody wants normal eyesight, but only some have fancy tastes, one is less likely to be making a mistake if one takes at face value an individual's claim to want normal vision compared to a claim to want exotic beverages. In many contexts of practical importance the best an agent of society can do in order to determine what a particular person prefers is to impute to that person the preferences that most people share. (Imagine a proposal to alter the federal income tax return by adding the following: "Do you like beer or champagne? Check one. [If you check champagne, your tax liability for the year will be lowered by $100.00.]")

My claim is that if we abstract from questions regarding the personal responsibility of individuals for their predicaments and from issues regarding the feasibility of social measurements, the idea that having more expensive preferences entitles one to a larger share of social resources is not counterintuitive. But it is hard to focus on the right questions, at the

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appropriate level of abstraction. It may be useful to consider the distribution of resources within families, because it is reasonable to assume that family members know a great deal about how any single preference of another family member fits into the overall economy of her preference ordering. Suppose that Sally is a child who very much wants to devote her spare hours to playing baseball and that to do this she requires a mitt—at a cost of five dollars. Her sister Judy has a similarly strong desire to play the piano, and to carry out this activity she needs a piano—at a cost of eight hundred dollars. Their parents provide each child the means with which to carry on her chosen avocation and each child gains a comparable benefit from this parental gift. In the example as described each child has been given equal consideration; it does not seem unfair that one child gets more because her preferences happen to be more expensive to satisfy. (In an alternate terminology, each child gets the same resource provision, because the right measure of resources provided is the contribution they make to one's welfare.)

The relevance of this example might be subject to doubt on the ground that distribution by parents to their children need not answer to any principles of distributive justice. I think the doubt is misplaced and that it is easy to think of examples in which the parents' allocation of scarce family resources among family members is grossly unfair. Be that as it may, one can find social justice examples in which variations in individual preference plausibly ground variations in treatment. Suppose that we know that workers who entered the steel industry and became dependent on its prosperity by developing firm-specific and industry-specific skills could not have predicted that world market conditions would eventually result in a large, sudden, and permanent contraction of employment within the industry. These workers who valued stable employment highly and made prudent career choices with a view to securing it are now faced with the prospect of long-term unemployment in their chosen field and the necessity of making a painful switch to some new career. The question arises whether the extent to which the objective circumstance of unemployment has a negative impact on a given individual's preference satisfaction prospects affects what society might owe to that individual by way of compensating him for this loss. Of course tailoring unemployment benefits to the full detail of a given worker's fundamental life aims is hopelessly impractical. But suppose we discover good psychological evidence for the assertion that middle-aged workers, 40 to 55

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years of age, tend to experience far more distress from sudden permanent job loss than either younger or older workers when objective features of their plight such as duration of unemployment and loss of income are held constant. On a subjectivist view, this is a good reason for an unemployment compensation policy that provides extra support to middle-aged beneficiaries.[36]

If we put aside practical difficulties about information-gathering and measurement of hypothetical rational preferences, what further good reasons could there be for treating involuntary expensive preferences due to handicaps differently than involuntary expensive preferences due to tastes? Practicalities aside, a subjectivist view insists on parity of treatment: Compensate for expensive preferences of either sort to the same extent. Surely the mere fact that one type of preference is widespread among citizens while another type is less common cannot in and of itself warrant favoring those whose preferences are more popular. Nor could the fact that one type of preference is more widely accepted and approved than another type justify (though it might well help explain) society's greater willingness to make good any deficits in the satisfaction of the more generally approved type of preference. The fact that more citizens admire chess than checkers (or the reverse) is not a good reason for the state to bring it about that devotees of one or the other pastime reach higher welfare levels.

The evaluation of a person's preferences by citizens generally rather than by the person who has the preferences can be a sensible basis for public policy only if we take the general evaluation to be a (perhaps rough) indicator of the objective worth of those preferences. To be justifiable, differences in the treatment by society of different categories of expensive preferences must then rest on perfectionist judgment. In other words, if we could discover a viable perfectionist theory that enabled us to assign points to any fundamental aim of a person according to the contribution its fulfillment would make toward her achievement of an objectively worthwhile life, we would then have good grounds for

36. This example is decisive only against the position that welfare deficits per se should never affect what people are owed under principles of distributive justice. Another possible position—which I do not address—is that preference satisfaction is a component of any reasonable conception of objective value and should count in distributive justice calculations to the extent that the satisfactions in question are ratified as significant in an adequate objectivist (perfectionist) view. See Scanlon, "Preference and Urgency," p. 658, and Amartya Sen, "Equality of What?" in his *Choice, Welfare and Measurement* (Oxford: Blackwell, 1982), pp. 363–64.

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discounting those preferences (whether cheap or expensive) that are subjectively overrated by the persons whose preferences they are. We could perhaps distinguish between expensive preferences due to physical handicaps and expensive preferences due to fancy tastes on the ground that satisfaction of the former contributes significantly to an objectively good life whereas satisfaction of the latter does not. We might hold that the objective value of intoxication at social gatherings is equally served by cheap beer or expensive champagne, so a preference for fancy drink per se does not give rise even to the slightest prima facie obligation on the part of society to supply the devotee of fancy drink the means to satisfy her specialized desire.[37]

In tracing the source of the intuition that just having an expensive preference does not give society any reason at all to lavish more resources on a person than he would otherwise be entitled to have, we are led back to a vast project of uncertain status: the construction of a perfectionist theory of worthwhile human life that is fit to serve as part of a theory of distributive justice in modern liberal society. I do not wish to be prejudicial in judging the prospects of such a project. It might prove viable.[38] But it is uncontroversially the case that we presently lack anything close to a viable theory of this kind and that a good deal of contemporary thought about the moral foundations of liberal society—by such writers as Rawls, Dworkin, and Bruce Ackerman[39]—self-consciously seeks to eschew any reliance on perfectionist doctrine. The "don't compensate for expensive preferences" intuition thus rests upon a large promissory note that contemporary moral theory has not redeemed and that may ultimately prove unredeemable. The conviction that mere preferences are analytically distinguishable from true human needs may prove to be illusory.

The reader may be unmoved by this argument owing to conviction

37. Notice that a perfectionist doctrine supports the "don't compensate for expensive preferences" intuition only to the extent that the doctrine judges that satisfying fancy tastes is no more objectively valuable than satisfying comparable unfancy tastes. "Perfectionism" labels the view that for purposes of distributive justice theory, objective knowledge of human good (what constitutes a good human life) is attainable, that institutions should be organized so as to give all citizens a fair share of the good, and that a person's resource share should be measured by the extent to which it enables that person to have a good life, a life exemplifying human perfection.

38. See, for example, Joseph Raz, *The Morality of Freedom* (Oxford: Oxford University Press, 1986), for a perfectionist approach to the issues discussed here.

39. Bruce Ackerman, *Social Justice in the Liberal State* (New Haven: Yale University Press, 1980).

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that there is conceptual space for a viable position intermediate between perfectionism and subjectivism that will be congenial to liberal theories of distributive justice. The subjectivist view holds that for purposes of determining fair shares we should measure a person's resource holdings by the level of self-interested preference satisfaction that they enable the person to reach. The perfectionist view holds that the proper measure of a person's resource holdings is the level of objective well-being that they enable the person to reach. Of course there are other possible positions. One could hold that the proper measure of persons' resource shares is a broad social consensus as to what the resources are worth.[40] But we have already challenged the appropriateness of using social consensus to determine what counts as the fair share of an individual who dissents from this consensus and embraces idiosyncratic evaluations of his resource share. The liberal theorists mentioned in the previous paragraph have not so far succeeded in articulating an intermediate position on how to measure resources for purposes of applying principles of distributive justice.

The measurement problem can be posed simply. Various goods will qualify as resources the distribution of which ought to be fair (according to whatever principle of distributive justice we accept). Presumably having more of one resource can be balanced by having less of another. But how is the measurement of an individual's overall resource share to be done? If Smith has a nice house, a clunky car, access to the beach, and a Ph.D. from Yale, whereas Jones has a spectacular house, a Jaguar, no beach access, and a high school diploma, who has the greater resource share? Ackerman abstracts from this issue by supposing that distributive justice is concerned with the allocation of a homogeneous "manna," an all-purpose resource.[41] Rawls proposes primary social goods as the basis of interpersonal comparison. Primary social goods are goods that are both distributable by society and such that every rational person wants more rather than less of them, whatever else she wants. According to Rawls there are several such primary social goods, so to determine people's primary social good shares an index is needed, but in none of his writings to date does he make any proposal as to how to construct such an index. Pending a proposal for constructing a primary social goods index, we

40. See Scanlon, "Preference and Urgency," p. 668.
41. Ackerman, *Social Justice in the Liberal State*, pp. 24, 188–89.

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lack a Rawlsian solution to the measurement problem.[42] The case of Dworkin is more complex, and I lack space to give his proposal adequate treatment here, but I wish to note and to endorse a conclusion reached by several of his critics: "Dworkin's attempt to jettison welfare as the concern of distributive justice and to replace it with resources is a failure."[43] To mention one other attempt to find a viable midway position, consider Amartya Sen's recommendation that for purposes of distributive justice the appropriate basis of interpersonal comparison of persons' situations is not the amounts of resources they hold, but rather the functionings of various sorts that they are enabled to achieve via these resources.[44] For example, distributive principles should be sensitive not to the individual's available food stock, but to the extent that the food enables him to be well-nourished, not to the instruction expended upon the individual, but to whether it enables him to read and write and do arithmetic, and so on. But Sen's proposal (as he recognizes)[45] does not suffice for interpersonal comparisons, because a given batch of resources at the disposal of an individual will always generate an indefinitely large number of functioning capabilities of various kinds, and the question arises how to amalgamate these various discrete functioning scores into an overall score that registers the overall functioning capability that the batch provides for that individual. I see no way to construct such an index except either in terms of the person's subjective rating of his various functioning capabilities (which brings us back to distributive subjectivism) or in terms of a perfectionist rating of those functioning capabilities (in which case the viability of a perfectionist doctrine is once again presupposed).

42. See Rawls, "Social Unity and Primary Goods"; Larry Alexander and Maimon Schwarzschild, "Liberalism, Neutrality, and Equality of Welfare vs. Equality of Resources," *Philosophy & Public Affairs* 16, no. 1 (Winter 1987): 89–90; and my "Primary Goods Reconsidered," forthcoming in *Nous*.

43. Alexander and Schwarzschild, "Liberalism, Neutrality, and Equality of Wefare," p. 109. (Alexander and Schwarzschild do not endorse equality of welfare, however.) For related criticisms of Dworkin, see John Roemer, "Equality of Talent," *Economics and Philosophy* 1 (1985): 151–86; Roemer, "Equality of Resources Implies Equality of Welfare," *Quarterly Journal of Economics* 101 (1986): 751–84; my "Equality and Equal Opportunity for Welfare"; and G. A. Cohen, "On the Currency of Egalitarian Justice," *Ethics* 99 (1989): 906–44.

44. Sen, "Equality of What?"; "Well-being, Agency and Freedom," pp. 185–203; and "The Standard of Living: Lecture I."

45. Sen, "Well-being, Agency and Freedom," p. 200.

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In short, I acknowledge that many will find it intuitively unfair to hold that persons who find themselves with more expensive preferences should be given more resources on this account even if they are not at all personally responsible for having those expensive preferences. But this intuition rests on sand. If we accept that it is wrong for a theory of distributive justice to be completely insensitive to all particular characteristics of the recipients of shares of resources that determine what benefit they can derive from those resources, where do we draw the line? I postulated an opponent of distributive subjectivism who proposes that fair shares of resources should vary with people's physical handicaps, but not their preferences. I grant that practical measurement difficulties might favor just such a policy, consistent with a subjectivist approach. But if we abstract from such difficulties, as we must to bring the theoretical issue into clear focus, it turns out that the only possible justification for discriminating in the treatment of physical handicaps and other expensive preferences is a perfectionist knowledge of human good. Rejecting a perfectionist approach to distributive justice while holding to the position that a just welfare state ought to help the handicapped thus requires acceptance of subjectivism.

Conclusion

I am sympathetic to the project of elaborating a liberal political philosophy that requires the state to be neutral on the question of the nature of the good life. In a diverse democracy, people differ in their fundamental aims, and it is plausible to require the state to be neutrally even-handed in its treatment of all such differences in aims among citizens. This requirement is susceptible to various interpretations. This essay has attempted to rebut objections that stand in the way of reasoned acceptance of distributive subjectivism as a plausible interpretation of what "neutrality on the good" should amount to.[46] To show that this view is not only initially plausible but deserves our allegiance requires working out its implications for policy and for institutional design on a lower level of abstraction than that on which this essay has been pitched. In this essay I have tried to motivate that further project.

46. For more on distributive subjectivism as an interpretation of neutrality on the good, see my "Primary Goods Reconsidered."

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