Primary Goods Reconsidered

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Among the more noteworthy initial lines of criticism provoked by John Rawls's theory of justice is a challenge to his claim that the advantages and disadvantages of social cooperation should be reckoned in terms of shares of primary goods. The challengers assert that using primary goods shares to compare individual situations is unfair to those individuals for whom primary goods will not be particularly useful for the successful pursuit of their life plans. In *A Theory of Justice* Rawls stipulates that primary goods are those that any rational person prefers more rather than less of, whatever her final aims.[1] Rawls's challengers assert that it is nonetheless the case that primary goods can be expected to be differentially useful to people depending on their final aims, and in particular that a primary goods standard of distributive justice will be biassed in favor of people with individualistic goals and against those whose fundamental goals are communal in nature.

I call this line of criticism the Nagel-Schwartz objection, after Thomas Nagel and Adina Schwartz, who in separate articles first vigorously stated it (Nagel, p. 228; Schwartz, pp. 298-304). The present article reconsiders the objection, examines to what extent Rawls's more recent writings successfully respond to it, and concludes that a principle of distributive justice in a liberal theory ought to use individual opportunities for preference satisfaction rather than primary goods as the basis of interpersonal comparisons.[2] The root issue at stake here is in what sense, if any, a theory of distributive justice could be and ought to be neutral with respect to the conceptions of the good upheld and pursued by its citizens.

Nagel and Schwartz formulate their objections as doubts about the viability of the project of justifying conceptions of justice by

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the "original position" argument, but for my purposes this aspect of the matter can be ignored. We can suppose for the sake of the argument that it is agreed that one cannot successfully justify principles of justice by demonstrating that they would be chosen by rational, self-interested, and extremely ignorant individuals given the task of choosing principles of social cooperation for a society they expect to inhabit. This supposition still leaves it entirely open that one might vindicate Rawls's proposed principles of justice by showing that they fit our considered judgments in wide reflective equilibrium.[3] And in this same way the primary goods idea might turn out to be morally acceptable.

The proposal is that for purposes of a theory of distributive justice the appropriate measure of individuals' resource holdings is their shares of primary goods, as defined above. According to Rawls, there are several primary goods, so the question arises how to aggregate a person's holdings of the various primary goods into a measure of her overall share of them. For now I assume that this indexing problem can be solved; in section IV I query this assumption.

An initial ambiguity in the Nagel-Schwartz criticism is that it is not entirely clear whether what is being urged is (1) that the particular goods that Rawls takes to be primary ("rights and liberties, opportunities and powers, income and wealth," and social props to self-respect [TJ, p. 92]) are not really so, or (2) that the full list of goods that is genuinely primary according to Rawls's stipulated definition is an unfair or biassed measure of people's resource shares for purposes of a theory of distributive justice.[4] The second construal of the objection evidently cuts deeper.

To see how (2) might hold, consider a simple world in which each of three persons wants above all to play a different game. All three of these games require a playing field; two require a ball; one also requires a net. Nothing else would be needed for fulfillment of the three persons' aims. Assume also that each person believes correctly that his aims will not change. In the situation as described, playing fields are primary goods and nets and balls are not. The complaint that it would be unfair for a principle of distributive justice to evaluate persons' resource holdings solely in terms of their primary goods shares rests on the idea that getting primary goods will enable only one of the three to fulfill his aims.

Of course the assertion of (2) is compatible with the denial of (1). Defending the primary goods idea, Allen Buchanan argues that a rational person must recognize that it is possible that at some future time he will face conclusive reasons to abandon his concep-

tion of the good for another. A rational person's plans for the future must allow for this uncertainty. Moreover, a rational person has an interest in maintaining conditions that enable him to reappraise and perhaps to revise his conception of the good. But the goods that Rawls calls primary are either maximally flexible assets such as wealth, or conditions of pursuing almost any goal, or conditions that facilitate the rational reappraisal of one's goals. So Buchanan concludes that the goods that Rawls calls primary really are such that any rational person will want more rather than less of them (Buchanan, pp. 398-405). But even if one were completely to accept this argument against (1), that would not gainsay the possibility of (2). Suppose that an individual with "individualist" and an individual with "communal" goals both qua rational want primary goods in order to hedge their bets against future reason-driven shifts in their fundamental aims. Nonetheless it might still be that the communalist's expectation of fulfillment is far lower than the individualist's expectation.

One might wonder: Is it in fact true that the communalist would expect a lesser proportionate fulfillment of her aims than the individualist in a society regulated by Rawlsian principles of justice that measure fair shares in terms of primary goods? But this is not the issue. Even if the answer were Yes, this would be fortuitous. Nothing in Rawls's principles of justice guarantees any minimal degree of satisfaction of any individual's aims. The point of the Nagel-Schwartz criticism as I read it is to query whether upon reflection we would wish to assent to principles of justice like Rawls's with this feature.

It may be worthwhile to mention another possible construal of the objection just to set it aside.[5] It might be objected that each citizen has the right that the state extend her a fair opportunity to achieve fulfillment according to the objectively best conception of the good. The adoption of a primary goods standard of distributive justice makes no pretense of directing persons toward what is deemed truly worthwhile in human life. If some version of communalism (or individualism) could be known objectively to outclass all other conceptions of the good, then Rawls's theory of justice, professing neutrality, would not be fair to the good. However, a ground-level assumption of Rawls's approach to the subject is the denial that knowledge of what conception of the good is objectively best is available for a theory of justice. (It is partly for this reason that denying parties in the original position knowledge of their conception of the good is not denying them any knowledge that is needed for sound choice of basic principles of social cooperation.) This anti-

perfectionism is one of Rawls's starting points. In the absence of a compelling demonstration by the perfectionist that his favorite conception of the good is uniquely rationally acceptable, we are entitled to proceed on the assumption that no rational consensus on the good is to be anticipated. So from this point on I suppose that the communalist critic of Rawls is not saying "My conception of the good is correct and should prevail" but rather "My conception of the good determines my final aims in life; like all other persons I should have a fair opportunity to achieve these aims in a just society."

We can note three ways in which it might be claimed that advocates of communalist conceptions of the good would fail to have a fair opportunity to satisfy them in a Rawlsian regime.

1. Some people's final aims are just more expensive to satisfy than the aims of others. A poet needs only pen-and-ink, while an astronomer needs fancy telescopes in order to pursue her good successfully. Other things being equal, a poet and an astronomer with similar shares of primary goods will face dissimilar prospects of fulfillment.

2. More complex coordination is needed for the satisfaction of some aims, compared to others. One person wants only to be left in solitude, for work or meditation; another person needs to engage in complex team production, or wants to worship as one member of a large congregation.

A special case of differing coordination requirements is worth a mention. A person's "communal" aspirations may involve the desire to live in a community in which the (overwhelming) majority of one's neighbors share one's way of life and affirm the same goals. In contrast, "individualist" aspirations may be those that are satisfiable by a single individual who has them regardless of whether or not they are shared by his neighbors.

3. A person's commitment to a conception of the good may include the aim of infusing this commitment into members of future generations, and especially into one's children or close kinfolk. It could be held that organizing a society so that it conforms to a primary goods standard would unfairly prevent adherents of some conceptions of the good from sustaining their cause over the long run. This is a worry about fair socialization processes, fair preference formation.

Rawls's recent writings comprise a rich, dense, and fascinating argument against the claim that justice as fairness is unfair to individuals seeking to fulfill diverse conceptions of their good. Three strands of this argument are especially noteworthy. One involves a Kantian gambit—redefining the notion of primary good by

reference to the stipulated interests of Kantian persons who care far more for securing their rational autonomy than for satisfying whatever aims they happen to embrace at the moment (KCE, pp. 94, 96; KC, p. 525; BL, pp. 15-16). A second idea is that conceptions of the good are voluntarily chosen, or are at any rate alterable by the voluntary choice of individual citizens or by their rational reflection, so it is reasonable to hold individuals and not society responsible for the level of fulfillment that any individual happens to reach in a society that steadily guarantees all citizens fair shares of primary goods (FG, p. 553; KC, pp. 544-545; SU, pp. 168-169). A third strand of argument begins with what Rawls calls "the fact of pluralism" and proceeds to assert the reasonableness of excluding controversial conceptions of the good from the class of acceptable reasons for public policy in order to avert tyranny (JF, p. 249; OC, p. 4). I analyze these three arguments in sections II, III, and V of this essay. In each case my response will be that while Rawls's point is contestable, even full acceptance of it would not suffice to justify the use of a primary goods standard of interpersonal comparison for the task of construction of principles of distributive justice. Before examining Rawls's specific arguments bearing on the Nagel-Schwartz criticism, I use the next section to explore the case that welfare or preference satisfaction is a better standard of interpersonal comparison than a primary goods standard. (Later in this essay, in response to a powerful Rawlsian objection, the welfare standard is modified to an opportunity for welfare standard.)

I. WELFARE VERSUS PRIMARY GOODS

Rawls in effect observes that the Nagel-Schwartz criticism presupposes that primary goods can be no more than a proxy for the satisfaction of citizens' final ends, with which society and social principles must be ultimately concerned.[6] Rawls denies this presupposition. He is articulating a different notion of what fairness requires. But I think there is a *prima facie* implausibility about Rawls's stipulation that justice "does not look behind the use which persons make of the rights and opportunities available to them in order to measure, much less to maximize, the satisfactions they achieve" (TJ, p. 94). The ball is in Rawls's court; some further defense is needed. When principles specify the requirements of justice entirely in terms of primary goods shares, nothing is guaranteed about the quality of individual lives as judged in ways that these individuals themselves care about. Justice for Rawls is a matter of the proper distribution of handy means. But rational and moral individuals will view their government as a device for helping them achieve their goals, sub-

ject to constraints of fairness. Whatever goods may turn out to count as primary according to Rawls's definition, a rational person would always prefer to have less rather than more of primary goods along with the assurance that her ultimate aims[7] will be fulfilled to a greater degree (where one's expectation of fulfillment takes into account the probability that one's ultimate aims will change in unexpected ways due to the operation of free inquiry procedures that as a rational agent one is bound to affirm).

The worry is that Rawlsian primary goods are like the merely formal bourgeois liberties decried by Marxists. A "merely formal liberty" is one such that securing it to an individual does not guarantee (or sufficiently raise the likelihood) that the individual will achieve the substantive value that is the rationale of the liberty, motivating support of it. Though generally desirable to have, primary goods may be expected to be differentially useful, and even counter-productive for some people in some circumstances. This worry suggests the proposal that government policies are to be judged ultimately by their impact on the welfare of all affected citizens. When citizens seek to achieve goals that conflict in the sense that one person's fulfillment causes another to be frustrated, a fair policy is one that organizes a fair distribution of individual satisfactions. In the domain of distributive justice, what distribution of means is fair depends on the outcomes that individuals reach under that distribution.

Within this broad frame there may well be room for a "social division of responsibility" (SU, p. 170) under which society for the most part limits its concern to provision of resources to individuals and leaves to those individuals themselves the primary responsibility for achievement of their fundamental aims. After all, an obvious efficiency rationale for such a division of responsibility is that individuals are usually in a much better position than governments or large institutions to contrive and execute plans in order to accomplish their own individual goals. Consider for example the principle of equal proportionate satisfaction. Rawls perhaps hints that this principle might be the norm underlying the Nagel-Schwartz objection and that if so, the manifest inadequacy of the norm undermines the plausibility of the objection (FG, pp. 551-553). "Equal proportionate satisfaction" requires that institutional arrangements should be ordered so that each individual fulfills her fundamental aims, weighted by their intensity, to the same proportionate extent. For a government to act according to this norm would set up perverse incentives for individuals who would know that whether or not they make a determined effort to achieve their goals, government redistribution and regulation will ensure that they will ultimately

realize their goals to the same extent in either case. Also, equal proportionate satisfaction requires that society continues to lavish resources on individuals who can derive but little benefit from them, so long as some tiny benefit accrues to those who are below average in satisfaction levels. The evident gross inefficiency of the norm counsels against adopting it.

But efficiency considerations of this sort could not plausibly justify wholesale reliance by society on primary goods comparisons for purposes of monitoring its distributive justice performance. For one thing, in some situations some persons may predictably make poor judgments about how to use primary goods to advance their goals, so there may be a paternalistic argument for direct state provision of measures that will lead to outcomes boosting the welfare of poor choosers. A principled refusal on the part of government to look behind primary goods distributions to the welfare distributions resulting from them would be callous.[8] In another range of cases individuals assigned what on Rawlsian grounds would seem to be fair shares of primary goods may face collective action problems that prevent them from attaining desired outcomes, and state intervention to solve the collective action problem may be justifiable only by reference to the desired preference satisfaction outcomes it promotes, not by reference to any resource share adjustments it incidentally delivers.[9] In short, in some contexts a social division of responsibility between individual and society of the sort that Rawls embraces looks to be justifiable, but in other contexts this is not so. In order to draw the line properly between contexts in which insisting on the division of responsibility is and is not appropriate, recourse must be had to a principle that countenances interpersonal comparisons beyond primary goods or for that matter any resource measures.

To clarify this point, I must introduce some detail regarding the Rawlsian construction of a full doctrine of justice from the original position perspective. Rawls envisages a four-stage process in which the veil of ignorance is gradually lifted as principles of justice chosen in the original position are successively applied at the constitutional, legislative, and judicial stages (TJ, pp. 195-201). At the constitutional stage, facts about the history of one's society and the level of development it has reached are presumed known to constitution-makers who are motivated to fashion an ideal constitution that facilitates satisfaction of the principles of justice as fairness. At the legislative stage, the results of both the original position and the constitutional deliberations are known, and the task of legislators is to enact just legislation that implements the principles of justice

within the frame of the just constitution. Here it is assumed that legislators have access to complete knowledge about the society and its inhabitants except for any particular individual's place (or likely place) within it.

The device of the four-stage sequence does not significantly alleviate the formality objection to basing interpersonal comparisons on primary goods shares. For example, at the legislative stage, where particular information regarding citizens' aims is available, the task is to implement principles already at hand that register only primary goods comparisons. In the Rawlsian scheme it would be impermissible at the legislative stage, for example, to construct laws that in their sensitivity to individual preference differences among citizens would violate the difference principle (SU, p. 168).

One instance of social conflict whose just resolution requires the determination of policy with an eye to the individual satisfactions and frustrations that result is individual liberty versus community solidarity. When citizens' goals are simultaneously satisfiable only if citizens with different aims are separated into disjoint spaces, fair policies will facilitate such separation and administer it so as to promote a fair distribution of individual satisfaction. Property rights in land exemplify this strategy. Your cultivation of monastic peace and solitude would be disturbed by my impromptu dancing in your vicinity but for the fact that you purchased a private expanse of land for your monastery and posted "No Trespassing" signs (which I then respect). A related strategy is to permit small-scale political jurisdictions to enforce locally varying laws. For example, a zoning ordinance may forbid more than two persons not related by blood or marriage to live in the same dwelling unit in a small pocket of Long Island, while heterogeneous cohabitation is permitted elsewhere.[10] The laws regulating the distribution of pornography or the market provision of sex-related services may vary from state to state, county to county, or township to township. And so on. Bruce Ackerman calls this approach the "federal solution" (Ackerman, p. 191). The idea is simply that a liberal society need not enforce one single set of laws throughout its territory. The pluralism of citizens' aims and loyalties may give rise to a patchwork quilt of legal jurisdictions each of which caters somewhat to local values. But such arrangements may strike the observer as a variety of local tyrannies rather than an expression of fairness. The test would be whether the various legal jurisdictions, considered together, offer each citizen a fair opportunity to satisfy her fundamental aims to a comparable extent. On this approach, what legal restrictions are permissible in any single jurisdiction depends on what related

freedoms and restrictions are enforced by law in neighboring jurisdictions. The approach thus takes for granted a propensity to geographical mobility among citizens. For the legal freedom in Times Square to be relevant to the justifiability of tighter restrictions in, say, rural Iowa, it must be assumed that citizens are legally free to move in order to reside in their preferred jurisdiction, that the costs of such moves are not prohibitive, and that where it is morally inappropriate for individuals to bear the costs of their moves, they are compensated for them.

At the limit, the federal solution approach probably ought to recognize a generalized right of political secession. If any group of citizens strongly wishes to pursue a conception of the good that is incompatible with maintaining a common political life with the remainder of the citizenry, and if the gains to this group from secession would outweigh its administrative costs and the loss of economies of scale that is involved in splitting a larger nation into two smaller ones, and if gainers from the secession fully compensate losers (to whatever extent fairness requires), then in principle secession ought to be allowed.

Rawls states, ''. . . the hope of political community must indeed be abandoned, if by such a community we mean a political society united in affirming a general and comprehensive doctrine . . . Liberalism rejects the state as a community because, among other things, it leads to the systematic denial of basic liberties and to the oppressive use of the state's monopoly of (legal) force'' (OC, p. 10 [the quoted material following the second ellipses occurs in a footnote]). The hope (or fear) that no disagreement on the good should divide the members of a modern nation-state is indeed a chimera. But this does not foreclose the possibility that agreement on the good sufficient to constitute a nation-wide community regarding some important aspect of life (e.g. a norm of proper sexual conduct) might be sustained by a modern state without violating the rights of stray citizens who come to dissent from the consensus. To decide this question one would have to consider questions of international morality and particularly of rights of secession, emigration, and immigration that would set the options of a dissenter from community norms legally enforced. I don't mean to embark on such a discussion here. My point is simply that without broadening the discussion Rawls is not entitled to his conclusion about the inadmissibility of community that spans an entire nation, whatever its size and the extent of its cultural and linguistic ties with neighboring nations.

To consider the bearing of this line of thought on the Nagel-

Schwartz objection directly, suppose that a society is sharply divided into a communal and an anticommunal faction, say fans of communist harmony and fans of free-market individualism. There are more alternatives than just exalting one faction and suppressing the other. Both can win. Either a secession or a federal jurisdiction solution might offer a fair compromise of what otherwise would be intractable conflict. The aim is to adjust political jurisdictional boundaries so as to give as many persons as possible a fair chance to achieve their most cherished goals. What fairness means in this context can be variously understood, and it is not part of my purpose to espouse a particular account.[11] What is important to notice is that fairness may require the government directly to consider the implications of its policies on the distribution of citizens' expectations of fulfilling their dearest personal values, and to adjust its policies accordingly.

II. THE KANTIAN GAMBIT

In his recent writings, beginning with the Dewey Lectures of 1980, Rawls's views on primary goods—and other matters—shift somewhat. Two changes are especially significant. One is a restriction of the scope of his theoretical ambitions: The aim now is not necessarily to erect a theory of justice valid for all times and places, but to articulate convincingly the moral premises underlying constitutional democracy under modern conditions (KC, p. 518). A second change anchors the argument for Rawls's principles in a Kantian ideal of the person. The parties in the deliberations of the original position are stipulated to be Kantian persons (KC, p. 527). By accepting the reasoning of such persons as appropriate for the choice of basic social principles, we express our conviction that this ideal fits our self-understanding so far as our public role as citizens in a democratic society goes. In private life we may see ourselves differently; the Kantian ideal is put forward as an ideal for public life (KC, p. 545). In the citizen role each of us adopts the standpoint of a person with highest-priority interests in developing and acting from a sense of justice and in forming, continually evaluating, and perhaps revising a conception of the good, and with a second-priority interest in fulfilling whatever conception of the good we may embrace.

Primary goods are now defined to be goods that such Kantian persons will always prefer more rather than less of (up to a fully adequate share), whatever else they may want (BL, pp. 21-23). Although the definition of "primary good" has changed, Rawls presents a similar list of what goods are primary: "(i) basic rights

and liberties, also given by a list; (ii) freedom of movement and free choice of occupation against a background of diverse opportunities; (iii) powers and prerogatives of offices and positions of responsibility in the political and economic institutions of the basic structure; (iv) income and wealth; and finally, (v) the social bases of self-respect'' (PR, p. 7).

So far as I can see, the new account of primary goods does not escape the Nagel-Schwartz criticism. It remains true that primary goods, though by definition beneficial to all, will benefit some more than others. And it remains true that some policies implemented by the basic structure will have important consequences for people's lives that do not register in a primary goods standard of institutional accountability.

Consider a simple sample. Suppose Smith has one fundamental aim in life: maximizing his leisure time to play golf. Jones also has one fundamental aim: working to produce goods that are, by his lights, beneficial to consumers in a democratic association of likeminded fellow workers. Being Kantian persons, Smith and Jones want above all to conform to requirements of justice (whatever they might be) and to preserve the conditions for continual rational scrutiny of their fundamental aims. Still, given the high information and transaction costs associated with Jones's aim, her expected lifetime welfare is low compared to Smith's. Factoring in uncertainty about reason-driven changes in fundamental aims does not appreciably alter the situation. Adult individuals do after all tend to stand by their present values; values are more likely to change at the margin than by a radical conversion experience. Taking into account a difficult-to-estimate (but fairly small) probability that they will abandon their present fundamental aims, Smith and Jones still find a large disparity in their expected welfare ranges. Positing a Kantian ideal of the person does not automatically enable Rawls to rebut the Nagel-Schwartz objection.

The point made so far is that even if we follow Rawls in giving top priority to our interests in being just and in achieving rational autonomy, whether we should accept a primary goods standard of interpersonal comparison for purposes of distributive justice is still an entirely open question. The Kantian ideal of the person perhaps contributes to the Rawlsian justification of the priority of civil liberties.[12] The bearing of this ideal on the proper basis of interpersonal comparison is less clear. But suppose that I am wrong in this judgment of relevance and that from the acceptability of the Kantian ideal the acceptability of a primary goods standard is demonstrable. The question then arises whether the Kantian ideal is plausible in

its own right. On this point Rawls should be credited with posing a fundamental issue: How does a theory of justice appropriately balance such disparate interests as the concern to maximize the rationality of one's fundamental aims as against the concern to maximize the satisfaction of one's current fundamental aims as against the concern to abide by the constraints of fairness? But Rawls's suggested resolution is too one-sided. In the Dewey Lectures Rawls supposes that we would find acceptable political principles chosen by persons who give strict lexical priority to their Kantian interests in acting justly and achieving rational autonomy (KC, p. 525).[13] Such principles would reject tradeoffs that common sense would readily accept. If my desire for rational autonomy has lexical priority over other desires, then I would not choose a policy that secures any gain, however great, in the prospect that I will fulfill my fundamental aims if the cost is even the tiniest marginal loss in my likely achieved level of rational autonomy. Just stating this implication of the position exposes its inadequacy. Regarding the desire to conform to principles of justice come what may, the same difficulty arises. Suppose that a government could enact a policy that would bring about a very slight increase in citizens' propensity to act from a sense of justice at the cost of a very great loss of ordinary liberty or opportunity for citizens to achieve all their other goals. For example, the state might secure such a marginal increase in the sense of justice by requiring that all citizens attend daylong secular Sunday school lessons in civility each weekend. Rawls's Kantian persons making choices in the revised original position would endorse such policies, as by assumption they give strict lexical priority to their Kantian interests above all others. For liberal common sense, however, there comes a point beyond which the state ought not to sacrifice further resources to achieve marginal gains in citizens' allegiance to their sense of justice or in citizens' achievement of rational autonomy.

I have already mentioned that Rawls advances the Kantian ideal of the person as a guide for the public realm, not for private life. The Kantian ideal is supposed to express how we on reflection wish to be treated by public officials and fellow citizens concerned with the exercise of state power. According to Rawls, accepting the ideal so understood is fully consistent with expecting associates in private life to regard our devotion to a common cause, romantic attachments, and so on to be fixed and unalterable. This gloss on the meaning of the Kantian ideal does not, however, alleviate the difficulties noted in the previous paragraph, for two reasons. First, the distinction between public and private is drawn in many different ways for

various theoretical purposes and almost any way of drawing it is bound to be controversial. Appealing to so contentious a distinction to avoid what would otherwise be a difficulty looks arbitrary and *ad hoc*. *Why* should Kantian interests so fundamental to the self, matter so differently in public and private? It would seem that an acceptable construal of the distinction between public and private must be derivable from more fundamental principles. Second, the difficulties I have raised concern the implications of the Kantian ideal in its public, not private application.

III. VOLUNTARY AVOIDABILITY VERSUS THE DIFFERENCE PRINCIPLE

An important Rawlsian counter-reply to the Nagel-Schwartz objection has so far not been mentioned. To repeat, the objection is that primary goods will be differentially useful to individuals, depending on their fundamental values. Primary goods, even though necessary to any rational life plan, may nonetheless not enable individuals with idiosyncratic as opposed to widely shared, expensive rather than cheap, or communal rather than individualistic personal values to have a reasonably good expectation of fulfilling them. Rawls stoutly denies that this claim, the truth of which he does not contest, gives rise to any valid objection against the idea of using primary goods to measure distributive shares. Rawls asserts that the life goals or basic preferences of individuals are not afflictions, but lie within their voluntary control (FG, p. 553; KC, p. 544; SU, p. 169). Given a fair allotment of primary goods, individuals must take responsibility for their own final aims and for the quality of their lives as structured by these final aims.

As just stated, this reply is vulnerable to the objection that the voluntary choice of preferences is a much less significant phenomenon than Rawls supposes (cf. Scanlon, pp. 192-201). Genetic predisposition and early social conditioning interact to instill in citizens preferences that they could alter or expunge only at considerable cost or by dint of hard effort (if they are lucky enough to have inherited the motivation to put forth such effort). Rawls gives us no reason to think that distributing social benefits according to his principles of justice would render it any easier to rid oneself of preferences by voluntary choice, so he has no reason to deny that compensating individuals for nonvoluntary expensive or burdensome preferences may be fair policy.

This objection perhaps reduces the scope of Rawls's reply but not its argumentative force, in my judgment. Rawls's point could be restated so: To whatever extent it is reasonable to hold individuals

personally responsible for their preferences, to that extent adjusting individuals' distributive shares according to how expensive their preferences are to satisfy is unfair. I accept this formulation of Rawls's point. In this essay I shall attempt no further exploration of the issue of what determines a reasonable attribution of individual responsibility.

What calls for attention is rather that the background moral requirement to which Rawls seems committed by this reply is clearly violated by his own favored difference principle regulating justified inequalities in social and economic benefits (i.e. in primary goods other than basic liberties) (TJ, p. 302). This background requirement, to which Rawls's reply appeals, holds that a just society should not assume responsibility for correcting any distributive outcome that could have been avoided by reasonable voluntary choice on the part of the individual who is disadvantaged by that outcome, so long as the individual was capable of making such a voluntary choice and standing fast by it. Call this the "voluntary avoidability" restriction on principles of distributive justice.

Rawls's own difference principle straightforwardly violates this restriction. This much-discussed principle holds that inequalities in social and economic benefits among citizens should be instituted just to the point at which they are to the greatest advantage of the worst off class. According to Rawls, the worst off class in society comprises those individuals who both (1) are born into that class whose members have the smallest share of primary goods and (2) remain in that class throughout their lives. The trouble is that membership in the worst off class according to Rawls's definition of it is partly fixed by individual voluntary choices. For this reason, to run a political economy according to the difference principle is to commit the state to continuing redistribution of resources of a sort that violates the "voluntary avoidability" restriction.

Interestingly, Rawls occasionally suggests that the theory of justice should be conceived to have as its subject matter inequalities in the initial range of opportunities open to citizens. According to Rawls, a theory of justice issues in principles concerned to regulate "the basic structure of society, or more exactly, the way in which major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation." Rawls continues:

> The basic structure is the primary subject of justice because its effects are so profound and present from the start. The intuitive notion here is that this structure contains various social positions and that men born into different social positions have different expecta-

tions of life determined, in part, by the social system as well as by economic and social circumstances. In this way the institutions of society favor certain starting places over others. These are especially deep inequalities. Not only are they pervasive, but they affect men's initial choices in life; yet they cannot possibly be justified by an appeal to the notions of merit or desert. It is these inequalities . . . to which the principles of justice in the first instance apply (TJ, p. 7).

Consider in the light of these comments the life choices of Smith, Black, Jones, and Johnson. Having graduated from an elite law school with high grades, Smith and Black each can choose among several career options: Wall Street lawyer (large income, stressful work), small-town lawyer (small income, relaxed work), unskilled laborer (smaller income, hard work), bohemian artist (hand-to-mouth subsistence, work as play), and unemployment (the dole, no work). Black chooses to be a Wall Street lawyer and Smith opts for the life of a bohemian artist. Lacking the option of college and having graduated from formal schooling with very little by way of marketable skills, Jones and Johnson must choose among bohemian life, unskilled labor, and unemployment. Jones chooses to be a bohemian artist, Johnson an unskilled laborer. If inequalities that are not voluntarily chosen are the primary subject of justice, then principles of justice scanning society for inequalities ought to register as problematic the inequalities in the opportunity sets faced by Black and Smith on the one hand and by Johnson and Jones on the other. If there emerges an inequality in the lifetime primary goods share enjoyed by Smith as compared to what Black gets, or by Jones as compared to Johnson, these are not the sorts of inequalities with which the theory of justice is primarily concerned. Nor should the redistributive institutions of a just society treat the two bohemian artists, Smith and Jones, on a par—for example, with respect to income tax policy. Redistributive policies, insofar as they aim to promote equality, should strive for equality in the initial opportunity sets that persons enjoy.

According to Rawls's general conception of justice, there is a presumption in favor of equality in people's shares of primary social goods. (The presumption gives way when inequalities work to maximize the share of the least advantaged, according to the difference principle.) Rawls does not fully acknowledge the implications for his favored interpretation of distributive equality of his notion of the basic structure as the subject of justice. In saying that principles of justice apply in the first instance to the basic structure of society, he means that they are not meant to regulate individual transactions but rather the long-term prospects, as measured by shares of primary goods, of the least advantaged class in society.

But membership in the least advantaged class appears to be settled purely in terms of the amounts of primary goods that individuals enjoy over the course of their lives, rather than the amounts they have the opportunity to enjoy. This would appear to identify Smith in the example above as a member of the least advantaged class—implausibly, in my view. Referring to the view that ideally people should be compensated for their expensive preferences, Rawls observes that insofar as people's unfortunate plight is due to their voluntary choice of preferences, society does not owe them compensation for their predicament (FG, p. 553; SU, p. 169). But by parity of reasoning, insofar as people's subpar holdings of primary goods are due to their voluntary choices, society does not owe them compensation to increase those holdings (see Cohen, pp. 915-916). To the extent that we agree that from the standpoint of distributive justice it is best to measure people's resource holdings by a primary goods standard, our distributive principles should be sensitive to people's opportunities for primary goods, not their actual lifelong primary goods shares, despite Rawls's commitment to the latter.

In recent writings Rawls occasionally touches on the problem I am discussing. Rawls seems to think the problem concerns the proper specification of the primary goods. He observes, for example, that if need be a Rawlsian society could count leisure among the primary goods, in order to avoid the embarrassment of being required by one's principles to count the permanently and willfully unemployed among the worst off class (PR, p. 257, fn. 7). But the problem goes deeper.[14] Notice that the Smith-Jones-Johnson-Black case developed above still stands as a counter-example even if leisure is added to the list of primary goods. The force of the counter-example is to insist that distributive justice should be concerned with the inequalities in the opportunity sets that individuals face, rather than what use presumably rational individuals make of their opportunities.

The upshot of this discussion is as follows. Against the objection that a primary goods standard is unfair to those with expensive, hard-to-satisfy preferences, Rawls urges that our preferences are at least to some extent the result of our voluntary choices, so the expected frustration of our preferences is not a basis for government redistributive intervention in a liberal society. But this objection can be turned successfully against the difference principle. An individual's lifelong share of primary goods is not to be considered manna from heaven. The size of any individual's expected share is to some large extent determined by the voluntary choices made by the individual. So the objection that rules out equal proportionate

satisfaction of preferences as a principle of distributive justice also rules out the difference principle. What this shows is that Rawls's expressed concern for voluntariness does not in fact bear on the choice between a primary goods standard and a preference satisfaction standard. Rawls's voluntary avoidability restriction on principles of distributive justice is met by any principle that rates individuals' situations for purposes of distributive justice in terms of the opportunities they enjoy, not the actual outcomes they reach.

IV. THE INDEXING PROBLEM

To this point my discussion has assumed away what proves to be a vexing issue—the indexing problem for primary goods.

Given that there are several primary goods, the question arises, how can we aggregate a person's holdings of various primary goods into an overall measure of the size of his primary goods share? Rawls refers to the problem of constructing such a measure as the indexing problem for primary goods, but in none of his writings does he venture a proposal for resolving it. It is true that the structure of Rawls's theory reduces the scope of this difficulty, for in his theory a "fully adequate" set of basic liberties along with freedom of movement and free choice of occupation are singled out for highest priority protection under the Equal Liberty Principle. So the indexing problem only concerns primary goods iii, iv, and possibly v. However, an insoluble problem reduced in scope is still an insoluble problem. To give determinate content to Rawls's difference principle regulating the distribution of social and economic benefits, a solution to the indexing problem is needed. Without such a solution, we can only say that one person has more primary goods than another if a dominance relation holds: If person A has at least as much of every primary good as person B and more of some primary good(s), then unequivocally A's primary goods share is greater than B's.

In *A Theory of Justice* Rawls tentatively tries to sidestep the indexing problem by assuming that those with the least wealth and income also command less of every other primary good (TJ, p. 94). Even if this (dubious) sociological premise were correct, its truth would not obviate the need for an index, as Allan Gibbard points out (Gibbard, pp. 268-269). For in order to use the difference principle to evaluate proposed reforms we need to evaluate alternative institutional schemes, which would give the worst off different mixes of income, wealth, and job prerogatives. To choose among the schemes we need an index of primary goods. Furthermore, to make the point another way, even if we could identify the worst off group in society without an index, in order to apply the difference princi-

ple we need to be able to determine at what point tinkering with social practices in order to increase allotments of various primary goods to the worst off succeeds in raising this group above the level of the second worst off group (which now becomes the worst off). This computation requires an index.

Although there might be grave practical difficulties in gaining the extensive psychological information and information about the world that would be needed to implement utilitarian and subjectivist distributive principles, the Rawlsian is in a worse position. Lacking an index, even in principle she doesn't know what the object of social policy should be. Even if the agency responsible for implementing distributive equality had complete knowledge of all pertinent information, she still would not know how to arrange institutions to satisfy a primary goods standard, in the absence of an index.

I submit that anyone who thinks out what would be required to solve Rawls's indexing problem will be struck by the thought that there really is no alternative to subjectivist standards of distributive justice—standards that let the valuation of resource shares depend on the evaluation that each individual herself gives to her share. Unless one assumes—contrary to one of Rawls's deepest and most foundationally liberal principles—that it is possible to make social policy judgments based on perfectionist claims to knowledge of what is good for people, and so of what value their resource shares really have, regardless of their own opinions on this matter (even as corrected by full deliberative rationality), then we are stuck with a subjectivist welfare standard, like it or not.[15]

V. THE FACT OF PLURALISM

From *A Theory of Justice* onwards Rawls's writings show a lucid understanding of the indexing problem for primary goods but very little indication that he is troubled by it (e.g., SU, pp. 162-163). My surmise is that the explanation of Rawls's lack of unease on this point is that he believes that what he calls the "fact of pluralism" (OC, p. 1) rules out any attempt to base a theory of justice on any comprehensive conceptions of the good, even the abstract comprehensive conceptions elaborated within the broadly utilitarian wing of the liberal tradition.[16] Rawls's view is that any justifiable theory of distributive justice must have recourse to a primary goods standard or something very like it, because any other putative standard must rest upon one or another comprehensive conception of the good, which cannot be a justifiable public basis for social coordination in modern society.

The fact of pluralism is a complex, commonsense sociological claim: In the absence of a widespread and continuing dictatorial use of state coercion to achieve a public consensus, the citizens of a modern democratic society will not tend to converge toward agreement on any one conception of the good (i.e. "of the meaning, value and purpose of human life" [OC, p. 91]). Many and diverse conceptions will attract willing adherents. Rawls adds that these conflicting conceptions embraced by citizens are incommensurable (JF, p. 225; OC, p. 4); there is no way to establish a common measure of the degree to which these various conceptions are fulfilled, presumably because the notion of "fulfillment" will be interpreted in conflicting ways from the standpoints given by these various conceptions.

The fact of pluralism together with the moral claim that it would be unjust to institute the dictatorial use of state power that would be needed to overcome pluralism yields a problem for which the primary goods idea may appear to be the only solution. Some way of measuring the benefits and burdens of social cooperation is needed if a principle of distributive justice is to be formulated and applied, so the task is to find a way of making such measurements that is in an appropriate sense neutral with respect to the competing conceptions of the good.

Rawls unfurls a version of the distinction between public and private to move toward a solution. In private life, individuals may identify themselves unreservedly with particular conceptions of the good, but in the public realm, they agree not to make sectarian claims that cannot in principle be justified to all (KC, p. 545; JF, p. 241). They agree that as citizens they will not clamor for state decisions intended to promote one conception of the good over another within the class of these conceptions that are compatible with justice as fairness. Moreover, in the role of citizen each individual abstracts from her own particular values and aims and judges her situation purely by reference to her interests, shared with all other citizens, in developing a sense of justice and a conception of the good and in having all-purpose means suitable for pursuing permissible conceptions of the good. In short, each citizen measures her share of the benefits and burdens of social cooperation by the yardstick of primary goods. Details aside, the basic idea of primary goods is necessary to liberal theory, according to Rawls.

Even abstract and general conceptions of the good elaborated within the utilitarian tradition such as hedonism and desire satisfaction are in Rawls's view sectarian notions that cannot form the basis of social unity in a diverse democracy. In a discussion of liberal

neutrality that Rawls has endorsed, Charles Larmore writes, "Classical utilitarianism offers a fine example of how a lack of neutrality, a commitment to some disputed view about the good life, may lie concealed in what appears to be a purely formal principle" (Larmore, p. 48; PR, p. 256). Larmore proceeds to make an observation that rings true, that any stipulation that utility is constituted by some qualitative aspect of our inner experience is bound to be disputable. For a government to take sides in that dispute in the name of a utilitarian principle would violate neutrality.

However, agreeing with Rawls and Larmore on this point does not settle the larger issue. Suppose one identifies individual welfare with satisfaction of the self-interested preferences that the individual would have after ideal deliberation while thinking clearly with full pertinent information regarding those preferences.[17] In a sense, a government policy of maximizing the satisfaction of these individual preferences, subject to constraints of fairness, or of providing each individual a fair measure of opportunities for preference satisfaction, does achieve neutrality on the good. Let us focus on the neutrality credentials of the proposal that fair distribution of resources ought to be understood as a fair initial distribution of opportunities for welfare to each individual.

Following the lead of Rawls, we need to distinguish different senses of "neutrality" (PR, pp. 260-63; Larmore, p. 44; Raz, pp. 114-115). There is neutrality of judgment: Governmental decisions should be, so far as is feasible, neutral in the sense that, taken together, they are not based upon any judgment that some ways of life or conceptions of the good are intrinsically superior to others. Closely related to neutrality of judgment is neutrality of aim: Governmental decisions should be, so far as is feasible, neutral in the sense that, taken together, they are not intended to promote or favor some ways of life or conceptions of the good over others.

Does an opportunity-for-welfare standard for measuring distributive shares satisfy neutrality in either of the senses just delineated? If not, does this pose any problem? These are tricky questions. Take neutrality of aim. A government may believe it has good reason for holding that nobody in modern society would affirm certain ways of life with full information and full deliberative rationality, and on this ground might discourage individuals from pursuing such ways of life. A plausible example might be a government ban on certain dangerous lifestyles that are judged to offer very unfavorable pleasure/pain ratios even over the short run. Without disputing the choiceworthiness of *carpe diem* pleasure-seeking, a government might reasonably ban a recreational drug whose short-

term benefits are slight and steeply declining and which is also menacing to the health of the user over time. A less plausible example might be governmental proselytizing against fundamentalist religious conceptions that (it is deemed) would attract few or no adherents except for the influence of massive ignorance about the natural world or about how scientific knowledge of the natural world is acquired.

A state that held it to be an obligation of justice to provide citizens a fair amount of opportunity for welfare might be led by this commitment to violate neutrality of aim as just mentioned. This same commitment might plausibly motivate violation of neutrality of judgment for the same reasons: Some conceptions of the good might be judged inferior to others in the sense that no citizen would affirm any of the lesser-ranked conceptions once she had passed a minimal stage of progress toward ideal deliberation with full information. I doubt, however, that such non-neutral policies would be extensive or pervasive. For one thing, governmental efforts to discourage individuals from following ways of life they could not rationally affirm would be inhibited by the consideration that if some persons following these same ways of life could rationally affirm them, a policy of aggressive persuasion directed against these ways of life would likely be unfair to the latter group of persons. Secondly, from the fact that my commitment to a certain way of life would be undermined if I learned a bit more or reflected a bit more, it does not follow that my ignorant or unreflective commitment to that way of life is not hypothetically rational. For it might be that even though with some further knowledge or reflection I would abandon my commitment, it still might be that at the limit of full knowledge and full deliberation I might once again affirm it. So it is only in the case of egregiously irrational ways of arriving at commitments, such that these commitments would be abandoned with further knowledge and reflection and with high probability would not be reaffirmed with more progress along the same line, that a government might be justified on grounds compatible with an opportunity-for-welfare norm in seeking to promote or favor some ways of life or conceptions of the good over others. And if we are limiting our attention to egregiously irrational commitment, I do not see anything illiberal or objectionable in government policy that by aiming to dissuade citizens from these ill-considered commitments violates neutrality of aim and neutrality of judgment.

Let us give the name ''distributive subjectivism'' to the position that for purposes of a theory of distributive justice (1) some function of individuals' welfare levels constitutes the basis of interpersonal comparisons and (2) the welfare of an individual is to

be identified with satisfaction of that individual's self-interested ideally considered preferences. Distributive subjectivism is a limited claim about what ought to be, so of course it is compatible with the denial of Rawls's fact of pluralism. Since actual preference formation processes may not conform at all closely to the conditions of ideal deliberation with full information, it could even be the case that the fact of pluralism obtains in a society yet it is also true that if it were to happen that all citizens should achieve fully informed ideal deliberation, they would all converge on agreement on one comprehensive conception of the good. But these scenarios are far-fetched. If we acknowledge the fact of pluralism, and further maintain that diversity of belief would not significantly lessen as people approach fully informed ideal deliberation about their fundamental aims, then distributive subjectivism will endorse policies of liberal tolerance.

A state committed to distributive subjectivism is committed to the position that anything whatsoever that is the object of an individual's well-considered or hypothetically rational preference is valuable for that individual. Anything whatsoever could be valuable for an individual provided he would come to value that thing after fully informed ideally extended deliberation. The good in this conception is an empty basket that is filled for each individual according to her considered evaluations.

The position we then arrive at satisfies neutrality of judgment construed one way and violates it in another way. Distributive subjectivism denies a government could ever have good reason for judging that some conception of good is intrinsically better than any other quite independently of the tastes and values of the individual whose good we are considering. Distributive subjectivism denies perfectionism, in other words.[18] Antiperfectionism is the empty basket idea. In short, there is a welfarist ideal of neutrality: Governmental decisions should be, so far as is feasible, neutral in the sense that, taken together, they are not based upon any judgment that some ways of life or conceptions of the good are intrinsically superior to others (where "intrinsic superiority" is determinable independently of any judgment about the actual or hypothetical reasonableness of the process by which individuals come to affirm some ways and conceptions over others). But even distributive subjectivism conjoined with the fact of pluralism does not preclude the possibility that there might be good reason to judge that some conceptions of the good are inferior to others in the sense that nobody would affirm that conception once she had passed a certain point of progress toward ideal deliberation with full information.[19]

In short: I claim that distributive subjectivism in conjunction with the conjecture that Rawls calls "the fact of pluralism" provides sound reasons for robust policies of liberal toleration, in keeping with a posture of neutrality on substantive or particular conceptions of the good. The limits of the neutrality that distributive subjectivism can countenance are roughly congruent with the boundaries of acceptable paternalism in modern society. According to an opportunity-for-welfare standard, the justice of a society is measured in terms of the opportunities afforded citizens for rational preference satisfaction. In a sense, a society that adopts this standard is making a commitment on the good, but here a distinction should be drawn. Accepting distributive subjectivism involves a commitment as to what it is for something to be a noninstrumental or basic good for a person. But this commitment is formal; nothing is thereby determined about what goals are actually choiceworthy; this is determined by each individual's preferences or considered personal value judgments. Whatever persons would ultimately judge to be valuable for themselves is valuable for themselves. Of course, in a diverse democracy, some may disagree with the preceding sentence, as is their right, and hold instead that, for example, salvation according to some particular doctrine is the good for humankind, whatever anybody might think or judge. But the mere existence of disagreement on the analysis of what it is for something to be a good does not show that arranging institutions by an opportunity-for-welfare standard is unreasonable or illiberal. I tentatively conclude that the fact of pluralism does not confront us with the forced choice of either embracing a primary goods standard or abandoning fundamental liberal convictions with respect to the appropriate limits of toleration.

NOTES

[1]Rawls distinguishes primary goods from primary social goods (TJ, p. 62). The latter are those primary goods that are distributable by society. I use the term "primary goods" to refer to Rawls's primary social goods.

[2]For further discussion see my "Equality and Equal Opportunity for Welfare," and "Liberalism, Distributive Subjectivism, and Equal Opportunity for Welfare." See also the interesting and thorough discussion in Cohen, "On the Currency of Egalitarian Justice."

[3]See TJ, pp. 46-51. See also Daniels, pp. 257-264.

[4]Nagel asserts (2), while Schwartz inclines to (1).

[5]Cf. Nagel, p. 227: "Any hypothetical choice situation which requires agreement among the parties will have to impose strong restrictions on the grounds of choice, and these restrictions can be justified only in terms of a conception of the good."

[6]See FG, pp. 551-554. See also the criticism of the idea of primary goods that Rawls attributes to Amartya Sen and states as follows: "Now, one may easily suppose that the idea of primary goods must be mistaken. For they are not what, from within anyone's comprehensive doctrine, can be taken as ultimately important: they are not, in general, anyone's idea of the basic values of human life" (PR, p. 258).

[7]This appeal to what people ultimately care about does not unequivocally support replacing a primary goods standard of interpersonal comparison with a welfare standard of comparison. For people may care ultimately about things other than their own personal welfare. In this paper I do not address this problem.

[8]In fact, at pp. 248-250 of TJ, Rawls proposes principles of paternalism that he believes would be chosen by persons in the original position. These principles are not concerned solely to advance the primary goods shares of their intended beneficiaries.

[9]In chapter 5 of TJ Rawls describes an illustrative set of political institutions that could function so as to satisfy his principles of justice. The institutions include an *exchange branch* of government that is supposed to aid individuals in supplying themselves with efficient amounts of public goods by means of a Wicksell/Lindahl unanimous consent procedure. (Rawls acknowledges that the scheme could not lead to efficient provision due to preference revelation incentive problems.) My concern is that the exchange branch cannot be understood as an attempt to realize either of Rawls's principles of justice. It delivers neither basic liberties nor other primary goods, but is rather concerned to satisfy citizen preferences in a fair manner, and as such represents the incursion of an approach to distributive justice that is a rival to justice as fairness.

Rawls evidently believes that his exchange-branch suggestion requires no interpersonal comparisons beyond primary goods shares. The idea would be that a just distribution of primary goods provides the fair background from which exchange-branch transactions commence. The unanimous consent mechanism precludes the need for interpersonal comparison judgments by officials carrying on the job of public goods provision. But once the inadequacy of the Wicksell scheme is admitted, the issue of interpersonal comparisons arises again in full force. The government supplies public goods and taxes individuals to pay for them, and the question of whether this is fairly done must take into account the benefits and costs to each person affected and (I claim) must countenance comparisons across persons.

[10]See Village of Belle Terre v. Boraas, 416 U.S. 1 (1974).

[11]Maximization of total welfare is one interpretation of the idea of fair distribution of preference satisfaction. Others include the maximin rule, equality of welfare or maximization of welfare subject to an equality constraint, and Paul Weirich's "weighted utilitarianism" (Weirich, pp. 431-434). I defend equal opportunity for welfare over equality of welfare as a plausible reading of distributive egalitarianism in "Equality and Equal Opportunity for Welfare," but I don't there consider what, if, any, welfarist norm could serve as an all-things-considered principle determining fair shares. One should also consider mixed theories that balance the claims of a welfarist ideal and other notions such as deservingness.

[12]On this, see BL. In this paper I sidestep the issue of the justifiability of Rawls's principle of equal basic liberty with its associated priority rule. My concern is with interpersonal comparisons in the application of distributive justice principles such as Rawls's difference principle. The question for this essay is: Assuming that Rawls's justification of equal basic liberty goes through, and confining our attention to the distribution of social and economic benefits, do we find primary goods to be an acceptable basis of interpersonal comparison for purposes of distributive justice theory? My answer is: No.

[13]In the Dewey Lectures Rawls states that the highest-order Kantian interests are "supremely regulative" (p. 525). I take this phrasing to indicate lexical priority. In fairness, it should be noted that Rawls rejects the idea of maximizing fulfillment of the Kantian interests in BL, pp. 47-48. Rawls's reasoning on this point is obscure to me.

[14]Richard Miller points out that adding leisure to the list of primary goods compounds the indexing problem. How do we decide the appropriate tradeoff between income and leisure for the representative individual? See Miller, p. 394.

[15]In recent writings, Sen has advanced an interesting alternative to primary goods comparisons. Sen's proposal is that for purposes of distributive justice theory we make comparisons among individuals in terms of their functioning capabilities. I criticize Sen's idea in "Equality and Equal Opportunity for Welfare." See also the discussion of Sen in Cohen.

[16]Rawls explains the idea of a comprehensive conception so: "I think of a moral conception as general when it applies to a wide range of subjects of appraisal (in the limit of all subjects universally), and as comprehensive when it includes conceptions of what is of value in human life, ideals of personal virtue and character, and the like, that are to inform much of our conduct (in the limit of our life as a whole)" (OC, p. 3, fn. 4).

[17]This is much the same as Rawls's idea of goodness as rational desire developed in TJ, 407-424. See also Parfit, pp. 464-468 and 493-502. Parfit argues effectively (p. 494) for the need to restrict the idea of a person's welfare so it includes only self-interested preferences.

[18]Hence the appropriateness of Parfit's label of the "Objective List Theory" for perfectionism. The idea is that one can tell what is noninstrumentally good for a person by consulting the objective list of human goods. What is good for a person is not given by the person's own tastes and values. (Here and elsewhere in this essay I use "perfectionism" just to refer to objectivist views about what constitutes the good for humans. Rawls uses the term more narrowly. See TJ, p. 325).

[19]For further discussion, see my "Neutrality and Utility."

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