

## Chapter Six: On Objections to Welfarism

My approach to the basic minimum is now fully on the table. I have argued in favor of WBM (of the claim that the basic minimum is the achievement of a valued project) against non-welfarist conceptions of the basic minimum. I argue that *Lexical* and *Prioritarianesque* properly characterize the comparative intrinsic value of the basic minimum against non-minimum states, and that when combined with *The Teleological View* provide a thorough (and, I humbly submit, attractive) solution to the problem of weight.

However, I recognize that the reader may have grown impatient. After all, there are a number of well-known (and well-worn) objections to welfarism I have not yet discussed. The time has come to reckon with them. The final chapter of this book thus responds to a number of classic (and not-so-classic) objections to a welfarist approach to the basic minimum, or, indeed, to morality (especially political morality) in general. There are six objections to be discussed.

The first—in §6.1—notes two problems for welfarist approaches to political morality: the problems of expensive and offensive tastes. In §6.2, I consider an objection that might motivate a return to the capabilities approach: the objection from imprudent choices. Incidentally, my response to the objection from imprudent choices will help motivate a further response to *some* forms of the objection from expensive and offensive tastes. In §6.3, I address an objection to a welfarist view on grounds of respect for persons. Section 6.4 is devoted to a discussion of a relatively recent argument against welfarism by Jonathan Wolff and Avner De-Shalit. Wolff and De-Shalit claim that welfarism inappropriately implies that any disadvantage can be compensated with *cash*. In §6.5, I discuss a classic objection to welfarism, in a form stated by David Braybrooke, that welfarism is unworkable given the problems welfarist views face in being put into practice. Finally, in §6.6, I discuss a second objection from Wolff and De-Shalit, viz., that the basic minimum must include not just the achievement of a particular state (such as a valued project), but the *secure* achievement of that state. §6.7 concludes not just this chapter, but also the book as a whole.

### 6.1. *Expensive and Offensive Tastes*

A welfarist approach to the basic minimum must contend with a number of traditional objections to a welfarist approach to political morality, the most important of which concerns the problem of *expensive* tastes. Roughly speaking, this objection takes the following form: because, according to

WBM, the basic minimum is in part constituted by the satisfaction of (the right kind of) preferences, the achievement of a sufficient level of well-being will in some cases require the satisfaction of preferences that we do not regard as essential to the achievement of the basic minimum. If this is the case, WBM fails; WBM sets a basic minimum that is (or can be) far *too high*. The classic statement of the expensive tastes objection is stated here by Dworkin:

Imagine that a particular society has managed to achieve equality of welfare in some chosen conception of that ideal. Suppose also that it has achieved this through a distribution that in fact (perhaps just by coincidence) gives everyone equal wealth. Now suppose that someone (Louis) sets out deliberately to cultivate some taste or ambition he does not now have, but which will be expensive in the sense that once it has been cultivated he will not have as much welfare on the chosen conception as he had before unless he acquires more wealth. These new tastes may be tastes in food and drink: Arrow's well-known example of tastes for plovers' eggs and pre-phyloxera claret. Or they may (more plausibly) be tastes for sports, such as skiing, from which one derives pleasure only after acquiring some new skill; or, in the same vein, for opera; or a life dedicated to creative art or exploring or politics. Can Louis be denied extra wealth, taken from those who acquire less expensive tastes (or simply keep those they already have), without contradicting the ideal of equality of welfare that his community has embraced?<sup>1</sup>

One problem. Dworkin's version of the problem of expensive tastes explicitly discusses a position that insists upon a welfarist treatment of egalitarianism, or "equality of welfare". My view rejects egalitarianism. Nevertheless, my view faces a problem in the same rough neighborhood. On my view, the basic minimum is construed as the achievement of a valued project. But *expensive projects* of this kind are certainly not necessary for the achievement of the basic minimum. If so, the basic minimum is not adequately captured by WBM.

One response might be to note that though expensive tastes may be a problem in principle, its scope as a problem in fact is limited. Recall that to achieve or fulfill a valued project, the maintenance of this project must help to explain one's assessment that one's life is worth living. But virtually

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<sup>1</sup>Dworkin (2000), 49-50.

any person will value (in my sense) *maintaining a loving relationship*, or *supporting a family* under conditions of moderate autonomy. Virtually no person will fail to value more modest projects, despite, perhaps, being willing to trade these modest projects for projects that are more expensive. The general point here is that even if a person *strongly desires* and *seeks to pursue* champagne wishes and caviar dreams, there will be a great many *cheap* projects that are valued by almost any person. Hence because the achievement of the basic minimum requires that only *some* valued project be achieved, a welfarist basic minimum is far less vulnerable to the objection from expensive tastes.

In this way, WBM can accommodate worries about people like Louis. But imagine the following person:

*Robin*: Robin sets out to deliberately cultivate *only* tastes in luxury goods, such as champagne and caviar, and expensive projects, such as becoming a global jetsetter. Furthermore, though the achievement of Robin's basic minimum would not hamper the achievement of anyone else's basic minimum, providing for Robin's achievement of his expensive global projects would conflict with the provision of non-luxury, but also *non-minimum*, projects for others.

Robin's valued projects are expensive, as a result of his own cultivation. But the problem with Robin is not that he *has* champagne wishes and caviar dreams (don't we all?), but that he *doesn't* have Spanish plonk wishes and cocktail nuts dreams: he refuses to value any but the most costly valued projects. Here it would seem that WBM has a problem. Given his values, just seems wrong to say that the maintenance of a valued project is necessary for Robin to maintain the basic minimum. Maybe he could achieve some other project which, though he doesn't strictly value it, is good enough—intuitively speaking—to constitute Robin's achievement of the basic minimum. If so, Robin could fail to be, e.g., a global jetsetter without *thereby* failing to maintain the basic minimum.<sup>2</sup>

Before I respond to this objection, Robin's case requires some further examination. What is it about Robin's tastes that renders them unfit to characterize a minimum threshold? Answering this question turns out to be

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<sup>2</sup>Note that this objection cannot be avoided by opting for WBM2 rather than WBM. WBM2 requires that a project of preference-independent value be *valued* for it to constitute the basic minimum. But if a person values only expensive projects the fact that they must also be of preference-independent value does little to solve the problem of expensive tastes.

more difficult than is often thought. If we believe that Robin's case presents a problem for my approach, it cannot simply be on the basis of the *expense* of his project. For instance, imagine a disabled person, Jackie, whose achievement of a valued project is or would be substantially expensive compared to individuals that are able-bodied. For Jackie, we should certainly not conclude that the fact that his achievement of a valued project is expensive entails that this valued project would be "too high" for the basic minimum.<sup>3</sup> Rather, it seems quite appropriate that the achievement of a valued project for Jackie is no less important than any other welfare good for anyone else, consistent with the relative weight of the basic minimum.

Thus some instances of expensive tastes are problematic for WBM, others are not. What is the difference? If not expense *per se*, what about Robin's preferences renders his case so problematic? One possibility might make reference to the *content* of these projects: Jackie's preferences are important to take into consideration because it would seem that his preferences may be for activities or projects that *seem* required to maintain the basic minimum. But being a global jetsetter certainly goes beyond the maintenance of the basic minimum. Robin could achieve the basic minimum with a less expensive project. Thus the problem is not that Robin's tastes are *expensive*, it is that they are *expansive*: he values only things that go wildly beyond what is necessary for the basic minimum. Hence there is very little reason to treat his champagne wishes and caviar dreams as essential to his achievement of the basic minimum.

But I don't think this works, either. Expansive projects can, for at least some people, constitute the basic minimum. Imagine that a further individual (Randy) has exactly Robin's preferences, but not as a result of his own cultivation. Robin's conception of the good is no fault of his own. Imagine now that though Randy possesses a set of more "basic" global projects, he still fails to live a life of valued, self-directed meaning. In this case, I think it is not implausible to believe that Randy fails the basic minimum. He is, in a very real sense, disabled: unable to value that which would be easy, for him, to get (or easy, for us, to give). Though his preferences are "expansive", they do not seem to cause any problem for WBM. After all, Randy still lacks a life of valued, self-directed meaning; one would certainly say that his life is broadly speaking a failure, despite the fact that he values only those projects most would regard as *de luxe*.

Hence I do not think that the problem of expensive tastes, or the distinc-

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<sup>3</sup>See, for instance, Nussbaum's moving discussion of the requirements of justice as concerns persons with disabilities; Nussbaum (2006), ch. 3.

tion between Robin and Jakie, should be understood along the dimension of that which is expansive rather than non-expansive. But then where's the problem? One might put this more pointedly: if Randy, in failing to achieve a valued project, fails to achieve the basic minimum, we must also say, of Robin, that his projects are also essential to his achievement of the minimum threshold. WBM is under no threat from the problem of expensive tastes.

Not so fast. There is at least one difference worth exploring: Robin's projects are expensive as a result of his own cultivation.<sup>4</sup> Robin's tastes—like Louis'—are deliberately cultivated in a way that makes them difficult to satisfy. The disabled person has no control over the expense of his projects: they are expensive simply because he is disabled.<sup>5</sup> If a person with expensive (or expansive) tastes fails to have control over the expense (or expanse) of his preferences, we should not distinguish his preferences from those of the disabled person. However, *if* such a person has control of his preferences and chooses instead only to value expensive projects, it would appear much more problematic to insist that the maintenance of such projects are essential for the basic minimum. Pretheoretically, this seems a sound method of differentiating Robin's project—which is not essential to Robin's achievement of the basic minimum—from Randy's project—which is. WBM, once again, faces a serious, and principled, objection.

But if *this* is the problem of expensive tastes, the view I advocate here has a natural solution. For WBM to be threatened by the problem of expensive tastes, it must be that WBM holds that individuals with cultivated expensive tastes nevertheless require the achievement of those expensive tastes to maintain the basic minimum. But WBM explicitly rules out cultivated expensive tastes: these tastes, given PC, will not constitute a given person's *genuine values*. To put this more provocatively, expensive tastes, or, at least, expensive tastes that are problematic for our purposes here, are best described as a form of shallow adaptation; a refusal to value not those things that are beyond one's reach, but a refusal to value things that seem to one not to have certain other desirable characteristics, such as the requisite degree of luxury or social status. Indeed, this can be seen by looking more closely at Randy and Robin. Randy's valued project, it seems natural to say, is essential to his achievement of the basic minimum because Randy's expensive tastes are deeply and genuinely *his*. Robin's tastes, given their artificial cultivation, are more like Erin's preferences after her strategic

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<sup>4</sup>Indeed, this thought is reflected in Rawls's own treatment of expensive tastes. See "Social Unity and Primary Goods" in Rawls (1999), 369-370.

<sup>5</sup>I do not wish to wade into metaphysical discussions of the nature of control here; I will simply assume some or other intuitive understanding of this idea.

adaptation: they do not plausibly reflect his conception of the good.

Imagine what must be the case for a person to have control over the refusal to value a given project. To be in control of one's preferences requires it to be the case that, *but for this choice*, the person in question would have valued  $p$ . But this sort of choice just is an example of shallow adaptive preferences. Given that all conceptions of the good are fully tested against *all possible value data* and revised accordingly, preference coherentism blocks the cognitive conditions that yield development of problematic forms of expensive tastes. A value datum that is used to evaluate a particular project, or a particular life containing such a project, contains a judgment of the value of a particular life *only on the basis of experiencing that particular life*, not on the basis of a decision made in one's actual life to commit to expensive projects. The value judgments that one might use to *refuse* to value more basic projects or tastes will be revised when confronted with honestly assessed recalcitrant value data. In this way, a given individual's conception of the good will not be influenced by the particular choice an individual makes in a particular life not to value  $p$ . If  $p$  could be valued by A, this will be reflected in the value data, which are used to revise A's (incomplete) conception of the good. Just as PC avoids *downward* adaptation, it avoids *upward* adaptation as well.<sup>6</sup>

At the risk of redundancy, it's worth putting this point in slightly different terms. Imagine what one must do to develop problematic expensive tastes on a preference coherentist scheme. One must believe that certain cheaper projects, first, are not good, or at least not a contributor to a life worth living. But the only way that controllable expensive tastes survive is by surviving complete and honest testing by all metaphysically possible value data. But if failure to value cheap projects survives such testing, it appears substantially implausible to believe that such a person has "control"

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<sup>6</sup>One might point out that this response says nothing about *deep* adaptation; adaptation that eventually forms a central, unchangeable aspect of a person's conception of the good. Deep adaptation, after all, could be the product of one's own cultivation. However, I think there is a relevant difference between deep adaptation and shallow adaptation in this case: if we assume that Robin's preferences form an essential aspect of his conception of the good—however this has occurred—I doubt we would hold that he could maintain the basic minimum if he doesn't satisfy his expensive tastes. Of course, one might complain that even if his basic minimum requires satisfying his expensive tastes, Robin's deeply adaptive tastes do not take the requisite level of moral priority. However, this problem is different than the problem of expensive tastes as I've defined it here. This doesn't mean it's not a problem, but simply that it takes the same shape—and permits of the same solution—as the problem of imprudence or irresponsibility. This solution will be offered in the next section.

or a substantial “choice” about the values he or she maintains. It would seem churlish to declare that a person controls their preferences or adopts expensive tastes given the scrutiny to which any evaluative belief is put on a preference coherentist scheme. Looking at Robin’s case in particular, Robin might value only jetsetting as a result of a commitment simply to value this particular luxury. But if so, we should expect that this commitment will be revised after complete testing. However, if Robin’s failure to value cheaper projects survives this process, it seems inappropriate to believe that Robin’s achievement of a valued project does not constitute the basic minimum: the expensive of his values are not shaped by culpable adaptation. Robin, in this case, becomes Randy, whose valued project clearly does constitute the basic minimum. Though the problem of expensive tastes might be substantially more problematic for a view with an alternative conception of valuing (such as a desiderative view), preference coherentism is immune.

To sum up: if expensive tastes are to generate a problem for welfarist theories of the basic minimum, they must be non-arbitrarily distinguished from expensive projects for the disabled. In so doing, however, we focus on the notion of *cultivation*. But adaptation to expensive tastes, in a way that seems to cause problems for WBM, is ruled out on a preference coherentist scheme. If value data are evaluated honestly, there is no reason to fear the failure to value  $p$  when  $p$  *could have been* valued. And because WBM relies on PC as a theory of an individual’s genuine conception of the good, WBM does not insist, for any person, that the basic minimum can only be maintained by the fulfillment of cultivated expensive (or expansive) tastes. Preference coherentism rules out adaptation, whether adaptation to that which one can get, or adaptation away from that which is easily—and cheaply—available.

An objection to this line of reasoning is worth consideration here. Notice that to alter one’s tastes is not the only way in which one can have control over the *expense* of one’s tastes. Even if A fails to culpably develop expensive tastes, A can act in such a way that renders A’s valued projects *more expensive*. For instance, A can render his valuable projects more expensive not only by altering his tastes, but by—to put the point bluntly—cutting his legs off.<sup>7</sup> In this case, his tastes do not alter. Rather, A’s circumstances alter such that his tastes are now *more expensive*, and difficult to obtain. By way of a response, I simply note that this case should be distinguished from the problem of expensive tastes: few would agree that A could maintain the basic minimum with a cheaper, perhaps unvalued, project simply because A

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<sup>7</sup>I appreciate the clarity with which this point was put to me by an anonymous reviewer.

cut his own legs off. However, there is a difficult objection to WBM on the horizon that this case is an example of: the problem of “imprudent choices”. This problem will be discussed in substantial detail in the following section.

The problem of expensive tastes is often mentioned in the same breath as the problem of *offensive tastes*, or preferences the satisfaction of which might cause harm to others. The problem of offensive tastes is stated most clearly by Rawls, in a complaint about classical utilitarianism:

In utilitarianism the satisfaction of any desire has some value in itself which must be taken into account in deciding what is right. In calculating the greatest balance of satisfaction it does not matter, except indirectly, what the desires are for. We are to arrange institutions so as to obtain the greatest sum of satisfactions; we ask no question about their source or quality but only how their satisfaction would affect the total of well-being. Social welfare depends directly and solely upon the levels of satisfaction or dissatisfaction of individuals. Thus if men take a certain pleasure in discriminating against one another, in subjecting others to a lesser liberty as a means of enhancing their self-respect, then the satisfaction of these desires must be weighed in our deliberations according to their intensity, or whatever, along with other desires.<sup>8</sup>

To see this point more clearly, consider the following case:

*Jake*: Jake’s sole valued project is to kill those in his community who belong to races that are offensive to him. Given the depth of his racism, all races other than his own are offensive to Jake.

Once again, Jake seems to display some problem for WBM, or my welfarist approach on the whole, but it is worth asking what such a problem is. Unlike Robin, it seems implausible to say that Jake could maintain the basic minimum without maintaining a valued project. Though Jake’s project is offensive in the extreme, we wouldn’t say that without any valued project at all, he does not maintain the basic minimum. If so, we might wonder why there should be any problem with WBM.

But a problem approaches, as it were, through the backdoor. Recall that if a particular state of persons  $p$  is supposed to constitute the basic minimum, that state had better have *at least* weak moral priority to other states. But it would seem positively obscene to suggest that the fulfillment

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<sup>8</sup>Rawls (1971), 30-31.

of Jake's offensive project should take weak moral priority, say, to a non-offensive super-minimum project. And if Jake's project does not maintain the requisite moral priority, and WBM declares that Jake's project is essential for Jake's basic minimum, WBM fails to be an adequate conception of the concept identified in BM3.

One potential response might run as follows: though WBM may grant Jake's offensive project (at least) weak moral priority, this is not as counter-intuitive as may be first believed. After all, the achievement of Jake's project itself is a *moral disaster* when it comes to the project of basic minimum promotion. If we accept the approach I advocate, there will never be overriding reason to promote the achievement of this valued project for Jake, despite the fact that it may very well constitute his basic minimum, and hence may very well maintain strong moral priority to other states. Hence though there may very well be a *pro tanto* reason to promote the achievement of the basic minimum for Jake, there is very little reason to believe that granting the basic minimum to Jake will ever be morally decisive with respect to refusing to grant the basic minimum for Jake. The damage caused by allowing Jake to fulfill his project is simply too great.

But this response is pretty weak. First, though the promotion of Jake's horrific project may never be morally decisive with the refusal to promote this project, there is at least a *pro tanto* reason to promote it; this might be problem enough in itself. Furthermore, and more importantly, whether it would be efficient in terms of the promotion of value to promote offensive versus non-offensive projects depends (a) on the content of those projects and (b) on the proper solution to the problem of weight. Consider, for instance,

*Reggie*: Reggie's sole valued project is to cause discrete moments of pain, as many as possible, for individuals who are so far below the basic minimum that, for them, the basic minimum could not be achieved.

In this case, Reggie's project seems not to be harmful to those who stand to gain or lose the basic minimum, but is harmful instead to those whose welfare benefits are, at least on my view, *lexically dominated* by Reggie's achievement of the basic minimum. And in this case, it would seem as though if I accept *Lexical* and *Prioritarianesque*, I have no ground to claim that promoting Reggie's mean project would not promote the best overall state of affairs. And hence, given *The Teleological View*, I am committed to the claim that political institutions, and moral agents more generally, ought to do so.

However, there are a number of potential responses to the problem of offensive tastes that I consider here, each is sufficient to salvage a welfarist approach.

*Response One:* The first response is to seek refuge in WBM2. This view would allow us to say that without maintaining a valued project, Jake (and Reggie) could not maintain the basic minimum. But it would also allow us to say that Reggie's project (and, indeed, Jake's) does not maintain sufficient preference-independent value to constitute the basic minimum, and hence that there is no need to insist that it maintains even weak moral priority to other states. Indeed, those who accept the possibility of content-based assessment of valued projects should find this point plausible; Reggie's project here seems sufficiently reminiscent of Rawls's grass counter or Kraut's icicle smasher; projects that are held up as paradigmatically worthless life aims.<sup>9</sup> Of course, this response is not available to WBM. But it is certainly in the spirit of a more general welfarist approach to the basic minimum.

*Response Two:* The second response would be to say that Reggie's (and Jake's) project *does* constitute the achievement of the basic minimum, but instead say that Reggie's project need not take moral priority to other valuable states. Recall that BM3 insists that the basic minimum only maintains the relevant moral priority *in the general case*. Reggie (and Jake) seems a sensible case in which to enact the qualifier.

Of course, one might wonder why we are licensed to rule out Reggie's project as maintaining the standard moral priority, in light of the fact that such a project constitutes the basic minimum, and especially in light of the fact that it costs no one anything but their minor satisfactions (which are lexically dominated by the achievement of the basic minimum)? Wouldn't this be to reject my solution to the problem of weight? I explore this point in more detail in the next section, but here's a teaser: WBM, and *The Teleological Approach*, is compatible with a further principle of impersonal value which holds that benefits for individuals with negative traits of moral or prudential responsibility are worth less in comparison to benefits for individuals who lack such traits. Indeed, one might adopt a further principle that limits the value of certain offensive projects, simply given their offensiveness. If so, though Reggie's project constitutes, for him, the basic minimum, it need not be of the same *impersonal* value as valued projects that do not display such problematic moral traits.

## 6.2. *Imprudent Choices and Offensive Tastes Reconsidered*

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<sup>9</sup>See Rawls (1971), 432-33; Kraut (1993), 41-42. See also Brink (1989), 227.

One important objection to welfarist approaches to political morality, or, indeed, to morality generally, arises from consideration of various facts of personal or moral responsibility. To put the matter starkly, why should it be the case that the basic minimum for A is worth so much in comparison to sub- and super-minimum states when A's failure to maintain the minimum could be her own fault? Richard Arneson, in evaluating a welfarist view, writes:

[E]quality of welfare is a poor ideal. Individuals can arrive at different welfare levels due to choices they make for which they alone should be held responsible. A simple example would be to imagine two persons of identical tastes and abilities who are assigned equal resources by an agency charged to maintain distributive equality. The two then voluntarily engage in high-stakes gambling, from which one emerges rich (with high expectation of welfare) and the other poor (with low welfare expectation). For another example, consider two persons similarly situated, so they could attain identical welfare levels with the same effort, but one chooses to pursue personal welfare zealously while the other pursues an aspirational preference (e.g., saving the whales), and so attains lesser fulfillment of self-interested preferences. . . In [each example] it would be inappropriate to insist upon equality of welfare when welfare inequality arises through the voluntary choice of the person who gets lesser welfare.<sup>10</sup>

Like Dworkin, Arneson refers to a welfarist egalitarianism. However, like the problem of expensive tastes, the objection from imprudent choices also applies to my view. Take, for instance, the following individual:

*Kenny*: Kenny values only the project of being a successful engineer. Indeed, Kenny has the ability to fulfill this project; he is sufficiently talented and has, or would have, sufficient resources to become educated as an engineer. One day during his education, however, he succumbs to temptation and loses his shirt in a game of high-stakes roulette. Being unable to pay for his education, he fails to become an engineer, and fails ever to maintain any other long-term valued project.

Kenny's failure of the basic minimum in this case is not a result of any disadvantage or disability that the state, or any other moral agent for that

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<sup>10</sup>Arneson (1989), 83-4.

matter, could have corrected. Rather, he fails the basic minimum given his own dumb choice: he chose, rather than paying for his education, to gamble his money away. It might be thought that political society, or any other moral agent for that matter, has no further obligations to benefit Kenny, or, at least, no further obligations in strength comparable to the moral weight of the basic minimum as defined here. As with the problem of offensive tastes, this is an objection to WBM through the backdoor. Though it may *seem* as though Kenny's project is required for him to maintain the basic minimum, given that his maintenance of the basic minimum does not maintain the weak moral priority required by BM3 (given his poor choices in the past), it cannot constitute, for Kenny, the basic minimum. WBM, once again, fails.

One obvious response to this problem is to retreat from a welfarist view to a capabilities approach, i.e., something like a "capability for welfare" view of the sort proposed by Arneson, and at which I gestured in Chapter One.<sup>11</sup> This view has obvious advantages. Anyone who fritters away his or her basic minimum as a result of high-stakes gambling or other forms of imprudent behavior has no call to be supported further: Kenny has, or had, the capability to achieve the basic minimum, but chose not to exercise that capability. Of course, determining when a given individual genuinely has the capability to maintain a valued project or can genuinely be held responsible for imprudent choices will be subject to inquiry, and will await a number of philosophical debates (including, e.g., the nature and possibility of free will). But this proposal, in principle anyway, promises to move past this implausible feature of a welfarist approach.

But I think matters are not so simple. I think that the motivation for a capabilities approach on grounds of imprudence or irresponsibility is less than meets the eye. Given that Kenny *would not* maintain a valued project, why insist even on his *capability* do so? *Ex hypothesi*, any capability granted to Kenny to maintain a valued project is a *mere* capability. But it seems decidedly irrational, wasteful, to grant Kenny such a capability in priority to *substantive* capabilities for others. Though a welfarist view may have a problem with imprudent choices, a capabilities approach is no solution.

Some will bite the bullet, and hold that Kenny's valued project *does* maintain weak moral priority, despite his history of imprudence, and despite the cost his imprudence has imposed on others. But even if we reject this bullet-biting response, there is no call to reject the welfarist approach I advocate. A welfarist and teleological approach to the basic minimum can be flexible. Indeed (in the words of Arneson himself), such a view can

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<sup>11</sup>Arneson (1989), 85-87.

be “responsibility-catering”.<sup>12</sup> Responsibility-catering versions of broadly welfarist theories have a long and distinguished philosophical history. To introduce the view in broad outline, consider the following, from Francis Hutcheson’s *Inquiry Concerning the Original of our Ideas of Beauty and Virtue*:

In comparing the moral Qualitys of Actions, in order to regulate our Election among various Actions propos’d, or to find which of them has the greatest moral Excellency, we are led by our moral Sense of Virtue to judge thus; that in equal Degrees of Happiness, expected to proceed from the Action, the Virtue is in proportion to the Number of Persons to whom the Happiness shall extend; (and here the Dignity, or moral Importance of Persons, may compensate Numbers) and in equal Numbers the Virtue is as the Quantity of the Happiness, or natural Good; or that the Virtue is in a compound Ratio of the Quantity of Good, and Number of Enjoyers.<sup>13</sup>

Hutcheson appears to be offering a quasi-utilitarian account of moral virtue. But the most interesting feature of his account for our purposes is the parenthetical: the moral importance of persons may *compensate* numbers, or, in other words, it can sometimes be better to improve the well-being of a virtuous person rather than the well-being of two people of neutral or vicious moral character.<sup>14</sup> Call this proposal

*Hutcheson’s Move*: moral traits of individuals can affect the comparative moral importance of well-being improvements for those individuals.

One version of *Hutcheson’s Move* is explored by Arneson. According to Arneson, “luckism”

is the idea that the strength of any moral reasons there might be to alter the condition of some individual for the better or for the worse (if the latter, this is to be done for the sake of improving the condition of other individuals) can be amplified or dampened by some factor involving an assessment of individual responsibility... [T]he moral reasons that favor [a transfer from

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<sup>12</sup>Arneson (2000d), 340.

<sup>13</sup>Hutcheson (1726), 125.

<sup>14</sup>This is to some degree complicated by the preceding paragraph, where Hutcheson praises benevolence toward the evil, but I hereby leave aside exegetical matters.

the better-off to the worse-off] are amplified if the potential beneficiary from this transfer is badly off because she was born into poverty and never had any realistic opportunity to escape it, and lessened if the potential beneficiary is badly off because she squandered the wealth and privileges and opportunities to which she was born.<sup>15</sup>

Luckism is a form of *Hutcheson's Move* that focuses explicitly on imprudent and otherwise irresponsible behavior. But this approach is perfectly compatible with my WBM *qua* basic minimum (as dictated by BM3): though we do not treat Kenny's achievement of a valued project as maintaining weak moral priority to all non-minimum states (including valued projects for the non-imprudent who already maintain the basic minimum, or satisfactions for individuals who lack the basic minimum through no fault of their own), the achievement of a valued project still maintains weak moral priority in the *general* case, i.e., in cases in which the failure of the basic minimum is not a result of imprudent or otherwise irresponsible behavior. For those who find Kenny's case troubling (or the case of the culpably legless, for instance), I hereby license *Hutcheson's Move* (in its "luckist" form) as a fix. WBM does not insist on any conclusion that violates BM3: a valued project maintains weak moral priority *in the general case*.

As foreshadowed in the previous section, *Hutcheson's Move* raises an additional question about the stability of the view I advocate. If, as I've defended in Chapter Four, the basic minimum is more impersonally valuable than any other welfare goods, *and*, pursuant to luckism, the basic minimum for Kenny does not take moral priority to all other welfare goods, doesn't this cause problems for *The Teleological View*? Aren't we now judging the comparative moral importance of the basic minimum on the basis of facts (including imprudence or irresponsibility) other than the comparative intrinsic value of the basic minimum?

However, I do not think *Hutcheson's Move* need threaten *The Teleological View*. Different proponents of luckism will interpret the explanation of this weakened moral reason differently. One potential explanation is that the *impersonal value* of a particular welfare good *p* for an irresponsible and/or imprudent person is less than the impersonal value of *p* for a responsible and/or prudent person. In other words, the explanation of the weakened

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<sup>15</sup>Arneson (2004), 2-3. Luckism has been explored by a number of authors, including Dworkin (2000), ch. 2 and Temkin (1993), 17-18). These views share the crucial feature of luckism, viz., that disadvantages are more important, from a moral point of view, when these disadvantages are no fault of the person who is disadvantaged.

moral importance of Kenny's basic minimum is simply that Kenny's basic minimum, given his history of imprudence, is worth comparatively less. One way to see the plausibility of this proposal might be to consider two possible worlds, W1 and W2, composed of two individuals each, A and B. A is irresponsible and imprudent, B is responsible and prudent. In W1, A is provided with a benefit  $p$ . In W2 B is provided with the same benefit. One might plausibly say that W2 is better, and hence that responsibility, prudence, etc., are factors in the impersonal evaluation of states of affairs. This proposal is initially plausible, and allows a version of *Hutcheson's Move* even for *The Teleological View*.

*Hutcheson's Move* fixes the problem of imprudent choices. But an analogue of *Hutcheson's Move* can be marshaled as a supplement to *Response Two* to the problem of offensive tastes. If we are licensed to claim that the imprudence of individuals can affect the extent to which their welfare benefits are impersonally valuable, we are surely licensed to say that the offensiveness of *projects* can affect the extent to which *their* achievement is impersonally valuable. Consider now:

*Hutcheson's Move 2*: the offensiveness, or other negative moral traits, of global projects can affect the comparative intrinsic value of these projects.

As noted in the previous section, the classic response to the problem of offensive tastes is to note that allowing Jake to achieve his offensive project is likely to do far more harm than good. But for those who seek a more thorough fix (including a fix for the problems on display in Reggie's case), one might accept that facts about the offensiveness of individual projects can influence the extent to which these projects are morally important, or are intrinsically (*impersonally*) valuable. Indeed, I think such a move is *prima facie* plausible: leaving all other facts equal, promoting the achievement of an indecent project is worse than a project that is at least neutral when it comes to moral quality. If this is correct, there is little reason to insist that we have even a weak reason to promote the fulfillment of offensive projects (even if we accept *The Teleological View*).<sup>16</sup>

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<sup>16</sup>This proposal might meet with some resistance. I have so far identified the offensiveness of projects with their poor moral quality. But what about Reggie's project is morally poor? Surely this depends on what moral view we accept. And if we accept *The Teleological View* in combination with *Lexical* and *Prioritarianesque*, we seem committed to the verdict that there is, in fact, *nothing* morally wrong with Reggie's project. One might put this objection slightly differently: the current proposal is circular. It makes reference to the notion of "moral quality" in a specification of moral reasons. But surely the former

Insofar as *The Teleological View* is compatible with *Hutcheson's Move 2*, *The Teleological View* can sensibly claim that we have only a weakened obligation to establish the basic minimum for Jake, Reggie, and any others who maintain offensive projects. After all, though it may improve his life, his promotion of an offensive project does not improve a state of affairs to the same extent as the promotion of non-offensive projects.<sup>17</sup>

By way of a conclusion to my response to the problem of imprudent choices and offensive tastes, I want to reflect on a general conclusion. In discussing these problems, my response has been simply to assume that they merit response. Some welfarists will disagree. There is surely more to say on the matter than I have indicated and it might very well be that, in the final analysis, the problems of Reggie, Jake, and Kenny present no serious challenge to a welfarist view that rejects any or all of *Hutcheson's Move(s)*. But my strategy here has been simply to stress the *flexibility* of welfarism as a general doctrine. I suggest that even *if* these cases are troubling, WBM can offer principled and independently plausible solutions without giving up the ghost. *Hutcheson's Move* (in any form) is perfectly compatible with my approach to the basic minimum and, interpreted as a claim about impersonal value, is perfectly compatible with a fully teleological solution to the problem of weight. My ambition here is only to stress the ability of a welfarist approach to avoid these problems, not the necessity of so doing. Hence I leave *Hutcheson's Move(s)* as options open for those who are compelled by the problems discussed herein.

### 6.3. *Welfarism and Respect for Persons*

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should await the latter. However, this objection can be sidestepped in any number of ways. One could specify an independent trait of offensive projects like Jake's and Reggie's, e.g., being harmful, or failing respect for persons, etc., and say that projects that display such traits are impersonally less valuable despite the fact that non-harm rights or respect for persons do not by themselves govern moral reasons (i.e., respect for persons could be axiologically, but not morally, important, though they may be morally important as well). Alternatively, one might—in principle, anyway—specify the intrinsic value of individual projects in terms of specifiable *attitudes*, such as reactive attitudes, but deny that such attitudes play any *per se* moral rather than axiological role. “Moral traits”, or “offensiveness” needn't refer, specifically, to moral *reasons*, and hence *Hutcheson's Move 2* needn't be circular. (I won't take a stand on such possibilities here; I merely insist that many options are on the table.)

<sup>17</sup>A number of additional topics await a full account of *Hutcheson's Move(s)* and their integration into an axiology of the basic minimum, including the discount rate of irresponsible or imprudent behavior, the discount rate of morally unsavory projects, etc. I leave aside this inquiry for another time; the proposals are detailed enough for my purposes here.

A fixed point in our judgments about the nature of the basic minimum and its moral importance was noted by Nussbaum in defending the capabilities approach. By way of a refresher, she writes:

I have spoken both of functioning and of capability. How are they related? Getting clear about this is crucial in defining the relation of the capabilities approach to liberalism. For if we were to take functioning itself as the goal of public policy, the liberal would rightly judge that we were precluding many choices that citizens may make in accordance with their own conceptions of the good. A deeply religious person may prefer not to be well nourished but to engage in strenuous fasting.<sup>18</sup>

Later, she writes:

[F]or political purposes it is appropriate that we shoot for capabilities, and those alone. Citizens must be left free to determine their own course after that. The person with plenty of food may always choose to fast, but there is a great difference between fasting and starving, and it is this difference that I wish to capture. Again, the person who has normal opportunities for sexual satisfaction can always choose a life of celibacy, and my approach says nothing against this. . . The reason for proceeding in this way is, quite simply, the respect we have for people and their choices. Even when we feel confident that we know what a flourishing life is, and that a particular function plays an important role in it, we do not respect people when we dragoon them into this functioning.<sup>19</sup>

The basic minimum, as I define it here, is compatible with the form of “respect” Nussbaum finds so important. WBM implies no reason to dragoon individuals into lives they do not find valuable. Because any given project must be *valued*, my approach implies no reason to promote the achievement of a state of affairs for any person that this person does not value. Take the religious faster mentioned by Nussbaum above. Plausibly, the religious faster values living according to the principles of his religion under circumstances of fasting and malnutrition. If so, the project of living in accordance with his religious convictions counts as a basic minimum-qualifying valued project.

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<sup>18</sup>Nussbaum, “Women and Cultural Universals” in Nussbaum (1999), 43-44.

<sup>19</sup>Nussbaum (2000), 87-88.

In addition, any project that is obtained in the midst of such force-feeding for the religious faster is unlikely to be valued. Hence there is no pressure given the normative importance of the basic minimum to insist that the faster be force-fed. Fasting, for the religious faster, is an essential part of the achievement of his conception of the good.

However, the situation is a touch more complex than this. As I argued in Chapter Three, we should interpret A's welfare-relevant conception of the good as a set of coherent and complete beliefs about that which is good for A. But if this is correct, there are a number of cases in which  $p$  might form a central element of my life plan, without believing that  $p$  is, in fact, good *for me*. For instance, I might believe that finding a cure for SIDS is good, and I might choose to dedicate my life to this cause. Nevertheless, I might believe that spending my life pursuing a cure for SIDS is not good for me, but is rather a prudential burden. To put this in terms of Nussbaum's example, the religious faster may choose to fast not because he believes that fasting is good for him. Rather, he might choose to fast because he believes that so fasting is his moral or religious obligation, though bad, in itself, for him. Consider

*Steve:* Steve believes that he is better-off being fully nourished rather than fasting. But he believes that fasting is his supreme moral obligation, and hence chooses to fast for moral reasons.

Because he chooses to fast for moral reasons, fasting would not appear in Steve's welfare-relevant conception of the good, and hence, given the moral structure of the basic minimum on my view, there *would* be pressure to insist that he be fed, or compelled to achieve some valued project or other. If we compell Steve to do so, he is more likely to maintain the minimum threshold. On this point, the capabilities approach differs. The capabilities approach indicates only a moral reason to grant the capability for nourishment (or whatever other valuable functioning), not a moral reason to force someone into a state he or she believes is morally impermissible.

To begin my response, I think it is important to stress the fact that even if there is no *in principle* objection to dragooning Steve, there are certainly a number of very strong *in practice* objections to so doing. Dragooning a moral faster into the achievement of a valued project is unlikely to do any good and is likely to do much harm in the meantime. Dragooning a given individual into *any* sort of activity is unlikely to (a) yield a genuine global project or (b) yield a *valued* global project. Though there are certain things that states or other moral agents can do to encourage success at valued projects, these methods will rarely, if ever, include forcing someone

into a style of life they would choose—whether for good or bad reasons—to avoid. Few people would *value* the achievement of a global project under threats of force or coercion. Indeed, this point is made most eloquently by Nussbaum: “If people do not have choices, and do what they do because of requirements, their actions may no longer have the same worth, and may in effect be different functions.”<sup>20</sup>

But let’s leave aside the *in practice* objections to dragooning. My view offers no *in principle* reason not to force people, like Steve, to live lives they do not choose. But this is the right answer. We should take seriously the importance of respecting individuals’ choices only if those choices are themselves worthy of respect. Take Steve: if a welfarist approach is correct, Steve’s moral belief is irrational, mistaken. Insofar as allowing Steve to fulfill his moral belief would create a worse state of affairs (especially with regard to the achievement of the basic minimum), it is not *worth* respect. The best way to determine when a given individual’s choices are worth respect is when these choices either conform to her conception of the good, or conform to genuine moral reasons. And Steve’s choices do not do so, at least according to the welfarist approach.

This may sound hard-headed! But before we reject my view in favor of Nussbaum’s, however, it is worth wondering the extent to which the capabilities approach might fail to respect individuals’ wider conceptions of the good (including, say, their moral beliefs). Take, for instance:

*Henry:* Henry’s conception of the good includes a commitment to a life of *very limited* capabilities. Henry’s choices have been limited since birth, and he has come to embrace a life without, for instance, the capability for play, interaction with the world of nature, or for satisfying relationships with others. He chooses to sabotage any effort to grant him even the capability to engage in these activities.

In this case, either the capabilities approach chooses to insist that Henry maintain the relevant capabilities, or it doesn’t. The latter choice seems untenable for a capabilities approach. If the capabilities approach offers no reason to establish these capabilities for Henry, the capabilities approach is once again vulnerable to the problem of adaptive preferences. It might be, for instance, that Henry rejects these capabilities adaptively, and hence the capabilities approach would have no tool for the correction of Henry’s adaptive preferences, or reason to pursue any benefits whatever for Henry.

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<sup>20</sup>Nussbaum (2000), 88.

Surely this is an unacceptable result, and in strong conflict with the general motivation for any capabilities approach. The right answer, on behalf of the capabilities approach, is to insist that Henry *maintain* these capabilities, despite his rejection of them. But in so doing, the capabilities approach must limit the choices that are worthy of respect; in particular, it must limit respect to choices that are rational *from the perspective of the capabilities approach*. Hence the capabilities approach has no grounds to complain that the welfarist approach I defend here cannot respect the choices of individuals. The welfarist approach and capabilities approach will, of course, differ concerning *which* preferences or choices should and should not be respected. My view argues that preferences should be respected only to the extent that they are compatible with the welfarist approach for which I argue here; Nussbaum will argue that preferences should be respected only to the extent that they are compatible with the capabilities approach for which she argues. But this just *is* a substantive disagreement between the capabilities approach and the welfarist approach concerning which approach forms the best account of a basic minimum, or morally valuable states of persons. Any rejection of a welfarist approach on grounds of a lack of respect for individuals' preferences, then, would appear to simply beg the question against welfarism.

We should be very reluctant to dragoon individuals into lives or activities that they do not value in any respect whatever. Surely if I'm to be dragooned into some life or other, I had better take *some* relevant pro-attitude toward it. Insofar as I accept *The Basic Minimum as Proto-autonomy*, my view does not do this.<sup>21</sup> However, both the capabilities approach and welfarist approach admit (at least in principle) reasons to force individuals not to violate moral reasons implied by those views or jeopardize their own achievement of valued states. The capabilities approach gains no advantage over a welfarist approach on this score.

#### 6.4. *The Cash Compensation Argument*

Jonathan Wolff and Avner De-Shalit have recently offered a novel argument against welfarism that I must consider here. This argument forms part of a treatment of *disadvantage*, rather than the basic minimum; according to Wolff and De-Shalit, well-being cannot form the proper index of what it

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<sup>21</sup>There is some question whether the capabilities approach actually violates even this minimal principle: Henry might see *nothing* attractive about a life of broad capabilities. But I'll refrain from pressing this point here.

means for someone to be worse-off than someone else. Wolff and De-Shalit argue that disadvantage is best understood in terms of a revised version of Nussbaum’s capabilities approach, i.e., in terms of “genuine opportunity for secure functioning”, where the relevant “functionings” include items on Nussbaum’s list and a number of important additions.<sup>22</sup>

I won’t spend any time criticizing Wolff and De-Shalit’s view as a theory of disadvantage, though I believe their approach is problematic for many of the same reasons Nussbaum’s approach is problematic. But I do want to briefly consider their rejection of a *welfarist* approach. Wolff and De-Shalit identify welfarism in the following way: “According to the version of welfare theory under discussion here, to be disadvantaged is to suffer from lower levels of preference satisfaction than others, and so disadvantaged people need compensation to bring them to an appropriate level of preference satisfaction.”<sup>23</sup> According to Wolff and De-Shalit, this account of a preferentist theory of well-being implies a form of “monism”, which they characterize as “comparison monism”: “Comparison monism is the view that all goods can be put in a single scale of comparison.”<sup>24</sup> To this they contrast “substitution monism”: “Substitution monism claims that any good can be substituted for enough of any other, at least before a ‘saturation’ point kicks in and additional units bring no further satisfaction.”<sup>25</sup>

According to Wolff and De-Shalit, all preferentist theories of well-being imply comparison monism. And *if* it is the case that all preferentist views measure well-being simply along the single dimension of preference satisfaction, they are correct. But notice that Strong Strong Subjectivism appears to be the only version of a subjectivist view that implies comparison monism, i.e., that the quality of a given individual’s life is to be determined on the overall scale of preference satisfaction this person achieves. Weak Strong Subjectivism implies that a person’s well-being needn’t always be measured by the extent to which a person satisfies their preferences but perhaps along different scales, such as the dual dimensions of satisfactions and valued projects.

But leave this aside, and concentrate on Strong Strong Subjectivism. Wolff and De-Shalit’s argument focuses on the second form of monism, i.e., substitution monism. According to Wolff and De-Shalit, substitution monism is false, and its falsity is also sufficient reason to reject welfarism given that “substitution monism seems implicit within preference based the-

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<sup>22</sup>Wolff and De-Shalit (2007), esp. chs. 1-4.

<sup>23</sup>Wolff and De-Shalit (2007), 24.

<sup>24</sup>Wolff and De-Shalit (2007), 25.

<sup>25</sup>Wolff and De-Shalit (2007), 25.

ories of advantage and disadvantage.”<sup>26</sup> Again, any non-Strong Strong version of subjectivism has resources to reject substitution monism. Indeed, my own view does so. The basic minimum lexically dominates satisfactions, for instance, hence no amount of satisfactions could make up for the loss of the basic minimum. However, I am willing to put aside what I see as the best account of a welfarist approach for now, and to allow Wolff and De-Shalit the—unargued for and incorrect—premise that welfarist approaches are committed to substitution monism. Why should this pose a problem for welfarism?

According to Wolff and De-Shalit, were substitution monism true, there could be no in-principle objection to compensating any form of disadvantage with *cash*. In other words, because money is ultimately fungible, any person who is worse-off than others could, in principle, be adequately compensated by cash payment. However, according to Wolff and De-Shalit, there are certain instances in which cash compensation is simply not enough to compensate disadvantage. Helpfully, they state their argument formally:

1. In the case of some disadvantages it is appropriate to remedy them with money.
  2. If substitution monism is true, and money is appropriate to remedy some disadvantage, then it follows that money, in principle, can remedy all disadvantage.
- But
3. There are cases where money is not an appropriate form of remedy for disadvantage.
- Therefore
4. Substitution monism is false.<sup>27</sup>

Given that we have granted the assumption that all welfarist views imply substitution monism, welfarism is also false.

Confining our discussion to Strong Strong Subjectivism (and appropriate versions of Weak Strong Subjectivism), are the premises true? Consider the first premise. For a preferentist is it appropriate to remedy any failure of preference satisfaction with money? Surely not! Failures of preference satisfaction, according to the preferentist, can only be made up for by other instances of *preference satisfaction*. Without attendant preference satisfaction, *money is no compensation at all*. Money may very well be a *means* to preference satisfaction, but money *itself* cannot compensate for the failure of

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<sup>26</sup>Wolff and De-Shalit (2007), 25.

<sup>27</sup>Wolff and De-Shalit (2007), 26-27.

preference satisfaction, unless “to have  $x$  level of money” is itself preferred for its own sake. Of course, Wolff and De-Shalit surely *mean* that, in at least some cases, money can be used for the satisfaction of preferences that would alleviate disadvantage along a preferentist scale. But the difference is important, as we shall see. But, for now, let us grant this latter claim.

What about premise two? Granting substitution monism, and premise one, can *all* disadvantage be compensated with cash? Consider a person, Jack, who prefers two things in life: the development of a robust collection of Star Wars action figures, and to develop and fulfill a loving relationship with another person, Jill. However, imagine now that because Jill will not consent to be in such a relationship, Jack’s second relevant preference will go unsatisfied. However, one might think, *given* substitution monism, because Jack also prefers to collect Star Wars action figures, one could compensate for the loss of his beloved by providing money—in sufficient quantities—which would allow Jack to better develop his Star Wars collection, which he values for its own sake. *If* substitution monism is true, i.e., if enough of one good can compensate for the loss of any other, we should accept that money can compensate for any preferentist disadvantage for Jack. However, looking carefully at premise two shows how implausible substitution monism is even for a version of Strong Strong Subjectivism. Though Jack might value his collection of Star Wars action figures there comes a point at which further compensation in terms of such action figures will not compensate for the loss of his beloved; once this point is reached, no further action figures or monetary compensation could compensate Jack for the loss of his preference for a loving relationship with Jill.<sup>28</sup> In Jack’s case, monetary compensation cannot make up for *any* loss of preference satisfaction. Of course, Jack is psychologically simplified. Real people are far more complex. But this complexity makes doubt rather than confidence a more appropriate attitude to take toward the suggestion that money could compensate for any failure

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<sup>28</sup>This is to some degree complicated by qualifier inserted by Wolff and De-Shalit in defining substitution monism: “at least before a ‘saturation’ point kicks in and additional units bring no further satisfaction”. Indeed, Wolff and De-Shalit assume that the “saturation point” will not be reached in cases of cash compensation; money, after all, is widely fungible. (See Wolff and De-Shalit (2007), 195n16, 196n20.) But notice that *money*, here, does not reach saturation point. Money continues to satisfy Jack’s desire for a collection of Star Wars action figures. Rather, it’s the *action figures* that reach saturation point. One might interpret substitution monism in a way that rules out all saturation points. But so doing strips the force of Wolff and De-Shalit’s argument. There is an obvious and principled reason for rejecting cash compensation: saturation points, or points at which the satisfaction of additional preferences to  $\phi$  do not compensate for the loss of one’s preference to  $\psi$ .

of preference satisfaction. Though we should accept premise two, we should be strongly inclined to deny the antecedent, even if we accept a version of Strong Strong Subjectivism, which we shouldn't.

Premise two is therefore correct, but its antecedent is false. But just for the sake of argument, let's grant the antecedent of premise two, and say that welfarism *must* claim that *any* failure to satisfy a preference can be made up for by sufficient satisfaction of preferences in other areas, and that money will always allow one to fulfill this sufficient satisfaction of preferences. This leaves the third premise. Is it the case that, *given* the assumptions to which we have submitted for the sake of argument, there are disadvantages that could not be made up for by cash compensation?

Consider, for example, support for people with disabilities. While it is true that people with disabilities sometimes seek support from the state in cash form, this, first, is only one of the many measures sought, and second is seemingly rarely if ever claimed as compensation for the special miseries of disability. . . Yet aside from cash transfers there are many other strategies that societies adopt for addressing disability. These include medical intervention, support by means of provision of equipment and paid careers, and technical, social, and cultural change.<sup>29</sup>

Should we accept that disability cannot properly be made up for by cash transfers? We must remember that for a preferentist *cash is of no per se value*. The only thing that could make up for a failure of preference-fulfillment is the further fulfillment of preferences. But this is significant. Given the assumptions we have allowed, to satisfy any preferentist criterion for adequate compensation, it must be the case that cash in sufficient amounts is at least indifferent to the disabled person in comparison to non-monetary compensation, i.e., by "medical intervention, support by means of provision of equipment and paid careers, and technical, social, and cultural change". For a preferentist to be happy with any form of cash compensation, the life in which A is compensated with cash, and the life in which A is compensated by non-monetary means, is of at least equivalent rank in A's conception of the good.<sup>30</sup> But under this assumption, is it implausible to

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<sup>29</sup>Wolff and De-Shalit (2007), 25-26.

<sup>30</sup>Some approaches to the welfare value of preferences may deny this; some might hold that the preference for that which could be obtained by non-cash compensation versus that which could be obtained by cash compensation is just one preference among many, which could be outweighed by the further satisfaction of preferences provided by cash compensation. Hence for a preferentist to prefer a life of cash compensation does not

believe that disability *can* be compensated with cash? Absolutely not! After all, the person involved is, at worst, indifferent between a cash-compensated life and a non-monetarily compensated life. Wolff and De-Shalit's argument is thus unconvincing.

The next example betrays the same problem.

Or consider cases of severe environmental injustice, in which people have to be evacuated from their homes, for example because of contamination caused by a chemical spill. These people often report that they lose not merely in financial terms, but also, and perhaps primarily, suffer profound feelings of dislocation (literally); the loss of a sense of place, which impacts upon their self-identity. Such loss, therefore, cannot be removed or properly 'compensated' by cash transfers.<sup>31</sup>

Again, the example is a poor one. We must remember that for cash compensation to be adequate, it must be the case that the cash-compensated life and the non-monetarily compensated life (i.e., perhaps by means of cleaning up the environmental disaster) are of *at least* equivalent value according to the conception of the good of the person in question. But under this assumption, there is precisely *no* intuitive pull to the suggestion that cash is not a reasonable compensation for those who suffer disadvantage. It leads to lives they value living just as much.

### 6.5. Operationalism, Publicity, and an Ecumenical Proposal

Some hold that welfarism forms a poor basis for moral or political obligation given that welfarism is difficult to put into practice. Welfarism suffers from epistemic problems, in particular the inability to make interpersonal or intrapersonal comparisons of well-being. It is difficult for any given individual to know what they prefer, let alone for any particular person to find out what someone else prefers. And it is even more difficult for any particular social policy to be assessed on the basis of welfare, given that, for any given individual person, the extent to which they achieve any particular level of

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require the individual in question to prefer the life of cash compensation, so long as this person's preferences are satisfied to a greater extent *by* cash compensation. One might say, for instance, that the preference not to be a drug addict rather than to be a drug addict is outweighed by all the intense momentary preferences one satisfies *as* a drug addict. But this approach to the welfare value of preferences is surely a non-starter, as is illustrated by this very case. See Derek Parfit (1984), 497.

<sup>31</sup>Wolff and De-Shalit (2007), 26.

well-being is difficult to determine and can be determined—if at all—only in the *ex post*.

David Braybrooke offers the following version of this critique. Referring to “utility” (by which he means the satisfaction of preferences), Braybrooke writes:

Outside the theoretical discussions of economists and philosophers, the concept of utility is not in current use. . . If one grants (in spite of various difficulties) that the Neumann-Morgenstern technique can in principle give measures of utility valid for persons taken one by one, the fact remains that no one has drawn up anything like a full schedule of even a single person’s utilities, and there is no prospect of anyone’s ever doing so. Moreover, the problem of translating these measurements into interpersonal comparisons remains. The current suggestion that the problem of interpersonal comparisons be resolved by simply assuming that human beings are sufficiently alike for us to use any one person’s scale as a basis for comparing all the rest, whatever its other merits or demerits, hardly gets to the starting gate in practical affairs. We do not and will not have the measurements for any one person, to say nothing of all the rest: 24 million in Canada; 240 million in the United States.<sup>32</sup>

If Braybrooke is correct, the situation for any preferentist view seems bleak.

But the problem gets even worse for my view. Because my view defends PC, it defends a theory that seems to have the unsettling consequence that no one could ever come to know how good a life they are leading. Because no one could ever experience anything like all metaphysically possible value data, no one could ever come to have a coherent and complete conception of the good which, according to my view, defines at least in part a given person’s well-being. Faced with such problems, Braybrooke declares that welfarism is “up in the air, in Cloud Cuckooland”.<sup>33</sup>

I confess to finding this objection less than compelling. My project here is to outline a conception of moral reasons that form the central moral structure of a basic minimum. As explained in the introduction, it is not my project to offer a public policy in light of these reasons. To put this another way, my topic is moral reasons, not *policy* reasons.<sup>34</sup> Policy reasons, which

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<sup>32</sup>Braybrooke (1987), 171-2.

<sup>33</sup>Braybrooke (1987), 172. See also Rawls (1995), 182n11.

<sup>34</sup>The distinction between moral reasons and policy reasons should strike the reader as

direct political institutions and other moral agents to adopt particular policies rather than others, are likely to be highly contextualized, and will reflect widely varying beliefs about how best to conform to genuine moral reasons. With this distinction in mind, however, it would be a disastrous mistake to provide a conception of moral reasons that is designed to ease operationalism, or ease the development of public policy. Imagine, for instance, that despite the fact that welfarism of the form I embrace here provides the best account of moral reasons, we accept an alternative to welfarism (call this “Theory O”) because Theory O offers a more obvious set of policy reasons; Theory O could be better operationalized. Imagine now that it just so happens that we come to learn, through divine intervention, or luck, or whatever, that though our methods have so far been utter failures when it comes to the achievement of a view that best expressed our understanding of the basic minimum and its moral importance, they have been successful when it comes to Theory O. Leaving aside any evaluation of our past practices, what stance should we adopt toward our future practices? Should we be morally content to continue with our behavior as is? I contend that the answer is no: though, perhaps, we should not blame ourselves for the adoption of Theory O, we would regret having done so and seek to change our future behavior. Hence if our considered judgments when it comes to genuine moral reasons favor a welfarist approach—which I have so far argued they do—we cannot reject this approach simply on grounds of difficult operationalization.

Of course, the problems discussed here would be much more difficult if we had *no clue* how to construct a public policy on the basis of a welfarist approach to the basic minimum. Though this would not alter our commitment to welfarism as a theory of moral reasons, it would perhaps make our genuine moral reasons totally irrelevant from the standpoint of social policy. And though some uncertainty is certainly to be expected in any moral endeavor, total cluelessness is perhaps less than we want from a moral theory. But I think we are not simply fumbling in the dark. There is an important consilience between a welfarist approach and a *capabilities* approach at the level of public policy. If we accept a welfarist approach to objective moral reasons, there is good reason to believe that a capabilities approach is the best approach to *policy* reasons.

First, if we accept the welfarist approach, there is public policy reason

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reminiscent of the distinction between objective reasons and subjective reasons; on my understanding, policy reasons just are the subjective moral reasons that apply to political institutions. For further discussion of the distinction between objective and subjective reasons, see Schroeder (2007), 13-14, and Brink (2003), 220.

to install the basic capabilities—or at least many of them. The capabilities approach as defended by Nussbaum, or as amended by Wolff and De-Shalit, maintains strong global support, especially from those who are worse-off. In other words, these capabilities *matter* to the disadvantaged.<sup>35</sup> If so, it is likely that granting these capabilities will have salutary effects on the development and achievement of long-term valued projects for individuals. The reason such capabilities are valued, one might expect, is that they are necessary means for the achievement of that which the disadvantaged value. If our goal, then, is to increase aggregate well-being, the widespread support of the capabilities approach seems to indicate that the capabilities approach is a good bet when it comes to public policy. This is especially true if, as Nussbaum supposes, establishing the central capabilities itself has the power to overcome adaptive preferences and “reveal” an individual’s more genuine conception of the good.

Second, there will rarely be policy reason to go beyond the installation of such capabilities. In particular, as already noted, taking active steps to force people to achieve valued projects is often counter-productive when it comes to the achievement of well-being. Direct involvement in people’s lives is unlikely to advance the general goal of the achievement of valued projects. Being forced to be a sailor is very different than being a sailor of one’s own choosing; most individuals will refuse, or will not value, the former. Hence, in terms of social policy, there is good reason to believe that the capabilities approach is a plausible way forward.<sup>36</sup>

Given these facts, I have no *per se* objection to a capabilities approach as a starting point for social policy or as a proper theory of policy reasons. Indeed, it may very well be that a capabilities approach is the best instrument that anyone can use to satisfy genuine moral reasons, especially given that the capabilities are widely prized.<sup>37</sup> Of course, if we can improve on the capabilities approach, we should. (For instance, one possible addendum to the capabilities approach might be to develop educational curricula to encourage the development of long-term achievements, goals, and projects. This proposal would go beyond provision of capabilities, but would actually seek to encourage individuals to use these capabilities in living better lives.) But there is good reason to believe that the capabilities approach is at least a solid beginning in leading us to promote overall life quality.

Though I believe the capabilities approach is a strong guide to social

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<sup>35</sup>Wolff and De-Shalit (2007), 11-12; Nussbaum (2000), 76-77; Sen (1999), 227-248.

<sup>36</sup>Nussbaum (2000), 88-89.

<sup>37</sup>Cf. Wolff and De-Shalit (2007), app. 1.

policy, perhaps with a few minor modifications, we should not confuse an inquiry into policy with a philosophical inquiry into the nature of the moral requirements that serve as the ultimate *goal* of public policy. Insofar as we adopt a capabilities approach, it is only in the service of promotion of the basic minimum to the extent that *The Teleological View* directs us to do so. How close we come to conforming to our genuine moral requirements on the welfarist approach I outline here is likely to be subject to uncertainty. Despite our best evidence of success or failure, given the construction of my view, we will always be operating—and operationalizing—to some degree in the dark. But replacing a view that generates uncertainty with a view that provides certainty at the cost of plausibility is not good business, morally speaking. When faced with a choice between certain mistakes and uncertain successes, it is morally best to choose the latter.

### 6.6. Risk

The previous objection lays the groundwork for the final objection I discuss in this chapter. Wolff and De-Shalit argue that a welfarist approach fails not just on grounds of inappropriate cash compensation, but also on grounds that it makes no distinction between the achievement of well-being and the *secure* achievement of well-being. They write:

[W]hat matters for an individual is not only the level of functionings he or she enjoys at a particular time, but also their prospects for sustaining that level. To put this another way, exceptional risk and vulnerability is itself a disadvantage, whether or not the feared event ever actually happens. A casual employee, who may be put out of work at any time, is in quite a different situation from someone on a permanent contract, even if she is in receipt of the same wages and never actually unemployed.<sup>38</sup>

WBM makes no provision for the security of one's achievement of a valued project. One could very sensibly maintain the basic minimum despite the fact that one's achievement of a valued project is or was insecure for very large portions (even the entirety) of one's life. If this sort of security is essential to the basic minimum, WBM must fail.<sup>39</sup>

I think we should reject the claim that an important feature of the basic minimum is a lack of susceptibility to risk. There are two reasons for this.

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<sup>38</sup>Wolff and De-Shalit (2007), 8-9.

<sup>39</sup>Security is also important to Shue's conception of the basic minimum, as noted in Chapter One; see note 19.

First, we would not say that a person who maintains a valued project, but whose maintenance of this valued project is insecure, fails the basic minimum. Rather, it seems sensible to say that, of this person, though they maintain the basic minimum, they do so in a way that is not secure; if matters do not change, one might expect them to lose the basic minimum. It seems right to say that some can maintain the basic minimum in a way that is subject to undue risk. But if avoidance of undue risk is an element of the basic minimum, it would appear that such a claim is nonsensical: no one who maintains the minimum can be subject to undue risk. But this claim is far too strong. (Of course, risk will be relevant to the achievement of the basic minimum for some: for those individuals who value projects only in conditions of security, or projects of which a central element is security or absence of risk. For these individuals, however, WBM adequately protects their interest in the avoidance of risk: it is part of their achievement of welfare.)

In addition, I think we should reject any sort of moral reason to reduce risk. Recall the distinction between moral reasons and policy reasons. It seems quite clear that we have policy reason to reduce risk. The greater the risk to the achievement of the basic minimum, the more likely it is that this basic minimum will be lost, losing the accompanying good (which we have moral reason to promote). Furthermore, undue risk can have a negative effect on our achievement of well-being. In particular, it can cause pain, frustration, and can lead to stress that might have an affect on the achievement of valued projects or other welfare goods. But this says nothing about the *per se* moral importance of risk. But there is no moral reason to reduce risk. Recall that In Chapter One, I drew a distinction between a *mere* capability, and a *substantive* capability. A mere capability is a capability that is never used to improve a life. Conversely, a substantive capability is a capability that *is* so used. With this distinction in mind, consider the distinction between *mere* risk and *substantive* risk. Mere risk is risk that never impacts the quality of a life. Substantive risk, on the other hand, does. My drive on the freeway today subjected me to mere risk. Had I crashed, that risk would have been substantive.

Any view that accepts a *per se* moral reason to reduce risk must hold that there is moral reason to reduce *mere* risk. But I find this position quite far-fetched, especially if the reduction of mere risk is in conflict with other potential moral goals—including the promotion of valued projects for those that don't yet obtain a life of valued, self-directed meaning. Of course, this does not mean there is no policy reason to reduce mere risk. The—dashed annoying!—thing about risk is that one can never tell whether it is mere

or substantive in the *ex ante*. Given our position of uncertainty, there is surely policy reason to reduce the mere risk of failing the basic minimum. But there is no *per se moral* reason to do so. One would certainly not be willing to trade-off the achievement of valued states for others, no matter how small, for the reduction of *mere* risk.

Indeed, I think the claim that we have *policy* reason to reduce risk best explains Wolff and De-Shalit's position. In arguing for a moral reason to reduce risk, Wolff and De-Shalit write:

North-eastern Israeli Negev is home to several Bedouin tribes. The Bedouins live in what may be described as a 'town' of tents. North of this area—in occupied Judea, south of Hebron—lie settlements and industries whose sewage, including chemical waste, runs into the open gorge near the Bedouin village. The Bedouin understandably objected to the contamination of their wells. Furthermore their children were exposed to the chemicals in the open gorge, and to avoid crossing it were forced to take a different route to school. This meant negotiating a very busy road, with dangerous heavy traffic. . . [S]ince most of the Israeli Negev is either a military zone and off-limits to civilians, or else Israeli kibbutz lands or nature preserves, they literally had nowhere to go, even if they had been prepared to move. . . Thus, in order to avoid homelessness, the Bedouins were forced to take risks to their health and to their children's lives, and these risks were bigger, perhaps in all three senses identified above, than those faced by others. It seems natural to say that they were disadvantaged in one or more ways regardless of whether or not they were aware of the risks they were facing. This is also independent of their current level of achieved functioning.<sup>40</sup>

I think that Wolff and De-Shalit's case is important, but it, at best, shows that we have policy reason to reduce risk. I think it is natural to describe the Bedouin as disadvantaged. Surely the fact that they now have to deal with runoff of industrial waste, to navigate difficult roads, etc., are hardships when it comes to their achievement of well-being. For all we know, continued exposure to such risk will begin to affect the extent to which the Bedouin can genuinely engage their valued projects. Given that we are concerned about their achievement of the basic minimum not just now but in the future, there is *policy* reason to reduce risk that is independent of their

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<sup>40</sup>Wolff and De-Shalit (2007), 67-8.

*current* “functioning” or achievement of valued projects. But to claim that the achievement of the basic minimum requires reduction of risk seems to generate implausible trade-offs; one could imagine, for instance, that reducing mere risk of failure of a valued project for the Bedouins actually increases the *substantive* risk of non-minimum goods for others. It would appear, depending on the numbers involved, that any proposal that includes a lack of risk in its account of the basic minimum must justify the imposition of substantive risk—must justify making people’s lives *worse*—for the sake of a reduction in *mere* risk. But this is untenable.

But if we assume that the well-being of the Bedouin is not affected *in any way* by the risk they face—in other words, if their risk is *mere* risk—it seems to me quite wrong to say that they are *thereby* genuinely disadvantaged, simply for facing greater risk. They may be disadvantaged with regard to that which we have *policy* reason to provide them. But if their well-being is precisely the same before their lands were contaminated as it was afterwards, it seems quite wrong to say that we now have *per se* moral reason to reduce risk or that the Bedouins—or anyone else—fail the basic minimum as a result of such risk.

### 6.7. Conclusion, and Unfinished Business

I conclude this chapter by noting that WBM can avoid the more compelling objections I discuss here. Given the strength and flexibility of welfarism as a doctrine (and, indeed, the overall plausibility of the resulting view), I contend that those interested in the structure of the basic minimum, or in the structure of moral and political reasons more generally, have strong reason to take it seriously in disputes about the moral fundamentals of a basic threshold.

By way of a conclusion to this book, let me briefly sum up the theses I have so far advocated. First, I’ve argued that non-welfarist approaches to the basic minimum face serious problems that can be avoided by a welfarist alternative. In addition, I’ve argued that one such approach (WBM, combined with PC) can avoid the welfarist’s dilemma. Also, I have offered a slightly weakened interpretation of the traditional overriding account of the moral structure of the basic minimum, represented by *The Teleological View* in combination with *Lexical* and *Prioritarianesque*. These propositions characterize my positive approach to the basic minimum.

It is also worth noting what I have not done. First on this list concerns the issue of political neutrality. For the most part, I have left discussion of the neutrality most associated with so called “political liberalism” to the

side here. However, though I have not argued that my view could achieve an overlapping consensus among comprehensive ethical doctrines, I have offered what I believe is a strong argument *immanent* to our own comprehensive doctrine. I hold that there is good reason, supported by substantive moral argument, for us—myself and the reader—to reject any political conception that is not sensitive to concerns about human well-being.<sup>41</sup>

Second, I have sought to show the flexibility of a welfarist approach by offering positions—without endorsement—for those who might find them attractive. For instance, one might accept that the welfarist approach I defend here should be “luckist”, or should be sensitive to the moral quality of individual projects. One can accept either a subjective or objective substantive theory of welfare. Whether any or all of these positions are ultimately acceptable is beyond the scope of this inquiry. Nevertheless, nothing in this book requires a commitment on all or indeed any of these potential interpretations of a welfarist approach to the basic minimum.

Third, and connected with the point made in the previous paragraph, I have endorsed a number of views in this book that could be rejected without rejecting the spirit of a welfarist approach to the basic minimum. As I noted in the introduction, the view I endorse is *modular*. Though I officially accept WBM rather than WBM\* or WBM2; I accept that the basic minimum lexi-

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<sup>41</sup>But if my view is vulnerable to an objection from political neutrality, it is not alone. Take, for instance, Nussbaum’s list of ten basic capabilities. She claims that these capabilities are supported by a conception of “human dignity” or “truly human functioning”. But though Nussbaum’s list of capabilities does not judge the justice of institutions by the extent to which individuals achieve this conception of life quality, it does much to organize political systems *based on* a fully-developed ethical comprehensive doctrine rooted in a substantive perfectionism (see §2.7). According to Nussbaum, “[t]he intuitive idea behind the approach is twofold: first, certain functions are particularly central in human life, in the sense that their presence or absence is typically understood to be a mark of the presence or absence of human life; and second—this is what Marx found in Aristotle—that there is something that it is to do these functionings in a truly human way, not a merely animal way,” (Nussbaum (2000), 71-2). Given her commitment to the substantive perfectionism of Marx and Aristotle, it is hard to see how Nussbaum’s capabilities approach might avoid the complaint that her view overrides the “fact of reasonable pluralism”. Nussbaum herself claims that her view *could* be supported by an overlapping consensus (see Nussbaum (2000), 5). It is beyond the scope of this book to consider whether it could. However, there are no grounds for believing that her view could be so supported *while mine could not*. If anything, WBM is “more” neutral (if this makes sense) than Nussbaum’s view: my view holds that some forms of life may constitute the basic minimum in a way that Nussbaum’s does not. With this, it seems to me sensible to leave the topic of political neutrality aside. I leave it up to readers to determine whether a rejection of any reference to moral reasons or to human well-being is acceptable in the face of my arguments for WBM, and the moral importance of the basic minimum, here.

cally dominates sub-minimum marginal welfare benefits and is weighted according to a prioritarianesque value curve in comparison to super-minimum project-improvements; I accept *The Teleological View*. These views could be tweaked without doing substantive damage to a robust and recognizable welfarist approach to the basic minimum. One can accept any particular module without accepting the others; the arguments are, for the most part anyway, freestanding.

Fourth, my approach to the basic minimum describes only one corner of morality, especially when it comes to the moral obligations of political institutions. I do not claim, for instance, to assess the plausibility, or the weight of the basic minimum against, considerations of *culture*, *community*, *democracy*, or other important values that may or may not hold of the political domain. My topic is limited to the relative moral weight of the basic minimum in comparison to reasons to promote other valuable states of persons. It may very well be that an interest in, say, democratic institutions is in conflict with, and trumps, an interest in the promotion of the basic minimum. I leave this open for future inquiry.

Fifth, I have not, in this book, offered any argument that there should be a basic minimum. This, I think, is an important bit of unfinished business, but business that my approach to human well-being may help to finish. Insofar as there are independent reasons to accept *Lexical*, *Prioritarianesque* and *The Teleological View*, a robust basic minimum (a basic minimum that at least satisfies BM3), simply “pops out”. I should note, however, that my intention in this book was not to argue that there should be a basic minimum, but rather to clarify, insofar as there should be such a minimum, its structure. I hope to have succeeded in this latter, more modest, task.

I should also mention a sixth and final bit of unfinished business. My approach to the basic minimum and its moral importance is abstracted from the genuine and pressing concerns of real-world individuals whose lives are in desperate need of moral attention. As stated in the introduction, I conceive of my task as akin to the anatomist, rather than the surgeon. My view is a moral-philosophical investigation, not an investigation into social policy. As such, abstraction of the form I accept here is appropriate. But though I broach the topic of policy only very briefly, I do not regard such an inquiry to be less important philosophically. Understanding the nature of moral obligations to the worst-off is complex business, and must be taken in stages. This book is only the beginning: a more or less abstract account of the moral reasons that drive such an obligation. And though I have said a few words about how our moral obligations might best be fulfilled—including my endorsement of the capabilities approach as an approach to

social policy—much work remains to be done. This book is but one part of the long and difficult project of best promoting the interests of the least-advantaged among us.