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Louis Kaplow*

Abstract

Theories of distributive justice and of the aggregate social good typically require a method of assessing each individual's situation. Among the common measures are primary goods, capabilities, and well-being. This article advances the argument that approaches that focus on the means of fulfillment, where the means are multi-dimensional, are subject to an objection if advanced as ideal normative theories. In general, it is possible to raise every individual's well-being by deviating from the dictates of means-based theories. This result is problematic not only on welfarist grounds but also if freedom, autonomy, or consent is regarded to be important. It is suggested that means-based theories nevertheless have appeal, but for instrumental, not intrinsic reasons.

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Primary Goods, Capabilities, . . . or Well-Being?

Louis Kaplow

I. Introduction

Theories of distributive justice and aggregative theories of the social good, such as the difference principle of Rawls and utilitarianism, typically require a method of assessing each individual's situation. Utilitarians and some others focus on a notion of well-being. Rawls put forward the concept of primary goods, Dworkin, resources, Sen, capabilities or functionings; various other criteria have been proposed.¹

This article examines those alternatives to well-being, most clearly Rawls's primary goods, Sen's capabilities, and related approaches, that share two common elements: (1) Individuals' situations are evaluated in terms of the *means* of fulfillment. (2) The means are taken to have *multiple dimensions*.² These concepts will be considered here only as aspects of first-level or ideal normative theories, thus setting aside uses as proxies and others such as that emphasized by Rawls, especially in writing subsequent to the first edition of *A Theory of*

¹Discussions of Rawls's views herein are primarily based on *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971, and revised edition, 1999); *Justice as Fairness: A Restatement* (Cambridge, Mass.: Harvard University Press, 2001); "Social Unity and Primary Goods," in *Utilitarianism and Beyond*, ed. Amartya Sen and Bernard Williams (Cambridge: Cambridge University Press, 1982), 159–85; and "Kantian Constructivism in Moral Theory," *Journal of Philosophy* 77 (1980): 515–72. For Dworkin, see "What is Equality? Part 2: Equality of Resources," *Philosophy and Public Affairs* 10 (1981): 283–345. Discussions of Sen are drawn mainly from *Commodities and Capabilities* (Amsterdam: Elsevier Science Publishers, 1985); *Inequality Reexamined* (Cambridge, Mass.: Harvard University Press, 1992); *On Economic Inequality* (enlarged edition, Oxford: Oxford University Press, 1997); and "Well-Being, Agency and Freedom: The Dewey Lectures 1984," *Journal of Philosophy* 82 (1985): 169–221. (Sen distinguishes capabilities and functionings, see, for example, *Commodities and Capabilities*, chs. 2, 4; *Inequality Reexamined*, ch. 3, which difference is relevant more broadly to opportunity-based theories, discussed briefly at the conclusion of section IV.B. This difference, however, is immaterial for present purposes; all that matters is that neither concept is equivalent to well-being, as Sen's discussions emphasize. For further consideration, see notes 11 and 26.) Much has been written on Rawls's, Dworkin's, and Sen's views, including Richard J. Arneson, "Primary Goods Reconsidered," *Noûs* 24 (1990): 429–54; and G.A. Cohen, "On the Currency of Egalitarian Justice," *Ethics* 99 (1989): 906–44.

²This second requirement suggests that the present analysis may be largely inapplicable to a theory of equality of resources such as that proposed by Dworkin. However, the analysis would apply if the resources in question are of more than one type, as seems inevitable, and when there is no natural, neutral metric or index that can convert resources into a single dimension. As Gibbard argues in addressing Rawls's primary goods notion, this is not really possible even if one focuses only on income (due to the price index problem when there are multiple goods that may be bought with income). Allan Gibbard, "Disparate Goods and Rawls' Difference Principle: A Social Choice Theoretic Treatment," *Theory and Decision* 11 (1979): 167–88.

Justice.³

The present claim is that, except when fortuitously there is a perfect fit between means (such as primary goods or capabilities) and ends, deeming means of fulfillment to be the ends of an ideal theory is problematic. This proposition seems to be true on a priori grounds because some of the posited means—for example, income—do not seem capable of justification as intrinsically good. To be sure, some proposed means might be correlated with a notion of the good or might even be components of the good, but neither feature can justify treating such means as equivalent to the totality of the good under an ideal theory.⁴

³Rawls considers political theory rather than moral theory and, in particular, often justifies his use of the primary goods notion on practical grounds. See, for example, *Theory of Justice* (1971), 95 (using such language as “most feasible,” “objective measure,” and “simplifying device”); *Justice as Fairness*, xviii (distinguishing “between the political conception and various comprehensive doctrines, religious, philosophical, and moral,” and emphasizing that his approach is political); *ibid.*, 60 (refers to primary goods for “workable political principles”); “Primary Goods,” 159 (“primary goods enable us to make interpersonal comparisons in the special but fundamental case of political and social justice”); *ibid.*, 161 (emphasizing pragmatic concerns); and “Kantian Constructivism,” 536, 561, 570 (emphasizing practical and political functions). See also “Justice as Fairness: Political not Metaphysical,” *Philosophy and Public Affairs* 14 (1985): 223–51. Nevertheless, Rawls’s primary goods notion is featured here because *Theory of Justice*, including the difference principle and its use of primary goods, is taken by many as an important ideal normative conception of distributive justice (indeed, this common interpretation is presumably what prompted Rawls’s many subsequent clarifications). It follows, however, that the arguments advanced here are not necessarily criticisms of Rawls. (They might still be relevant to his work because Rawls’s conception of the person, to which his notion of primary goods is related, has an important moral aspect. Furthermore, some of the arguments below bear on what rational parties might plausibly accept in Rawls’s original position.)

⁴Interestingly, Sen has criticized Rawls’s notion of primary goods because of the difficulty of valuing what are in fact means independent of the ends they serve. See, for example, *Inequality Reexamined*, 80. He does not see this criticism as applicable to his own means-based approach, however, because he equates the capabilities he considers with that which is intrinsically good. For example, he states that the capability approach is distinctive “in making room for a variety of doings and beings as important in themselves (not just *because* they may yield utility, not just to the *extent* that they yield utility)” (*ibid.*, 43). To some extent, however, the difference between how he views his approach and one based on utility or well-being may be attributable to his assumption that the latter concepts are narrower than some would suppose, for example, by excluding components that individuals themselves care about. (Sen does not precisely define what he means by well-being; he often insists that it refers to mental states, yet when he describes what is excluded from well-being, he refers to individuals’ having other aims, motives, or desires, which seem impossible to have without there existing a corresponding mental state.) The notion of well-being employed here is not meant to be so restricted. In other respects, however, Sen’s approach is harder to understand since some of his

The central argument developed here is that the foregoing problem is especially acute when the means have multiple dimensions, for then it is necessary to weight the means in some manner in order to be able to determine whether one or another situation is better for an individual. One could attempt to employ weightings that mimic how individuals weight the means—that is, by reference to each individual’s well-being—but such an approach is contrary to the apparent purposes of these frameworks and also is impossible when individuals are heterogenous. Hence, these approaches by design and by necessity will give some (or all) individuals more of some means and less of others than would be best for these individuals in terms of their well-being. Because of this property, it can be demonstrated that it is always possible to make literally every individual in a society better off by deviating from the dictates of these theories. This conclusion is problematic not only from a welfarist perspective (which proponents of the means-based theories generally reject) but also if freedom, autonomy, or consent—understood in a subjectivist sense—is thought to be important.⁵

In addition to the foregoing argument, there are additional reasons to be suspicious of these theories. First, it is not clear *what* is on the privileged list of means or *how* that list is determined. Thus, Rawls and Sen offer numerous specific examples, such as rights and liberties, opportunities and powers, income and wealth (Rawls), or nourishment, shelter, and taking part in the life of the community (Sen). But the first principle(s) used to determine this list are not entirely apparent. Nor is the relationship between the pertinent principle(s) and the concept of well-being.⁶ On one hand, each posited means seems important to well-being (as a correlate or

means (like the ability to move about) seem difficult to view as intrinsically valuable.

In addition, Sen believes that his approach is superior to Rawls’s because Rawls focuses on primary goods that may be differentially valuable to different individuals. *Ibid.*, 79–85. However, Sen’s approach could lead to greater discrepancies than Rawls’s. Suppose, for example, that the primary good in question is simply income, and equal amounts are equally useful to two individuals. There is available \$100 for each individual. There are, however, two capabilities, and Sen’s capabilities approach assigns \$50 worth of resources per capita to each capability because the capabilities are deemed equally important. However, it may be that one of the individuals benefits little from the first capability and would have allocated his entire amount to the second. Thus, insisting on equalizing capabilities rather than primary goods (leaving individuals free to use the primary goods as they wish) can be the cause, not the cure, of differential outcomes.

⁵For further discussion, see section III.A. To elaborate on the qualification stated in the text, which should be understood to be implicit throughout this article, the notions of freedom, autonomy, or consent contemplated here are ones under which individuals’ own assessments (assuming them to be informed and not subject to various infirmities such as lack of self-control) are taken to be central. Of course, each of these concepts is contested, and some versions differ sufficiently from the one employed herein to render the present claims moot from the perspective of such theories.

⁶For example, in “Primary Goods,” Rawls’s most complete statement, he lists five categories of primary goods, each with the briefest of motivations, after which he states (166): “These observations must suffice here to show that the parties’ reliance on primary goods is

as a component) and often is so motivated. On the other hand, these lists do not purport to be mere surrogates for well-being.

Second, there is the problem of *relative weightings*—sometimes referred to as the index problem. Once a list has more than one item, the list alone is not enough to determine which situations are better for individuals. Likewise, a list is insufficient to answer practical questions. For example, if it costs far more than the normal amount to provide a particular component to some individuals (say, in a remote area), should society ignore the cost difference and provide it to everyone, not bother providing the component when doing so is too expensive, or provide more of other components instead? (And how much more? Of which other components?) The point is not merely that the theories are thus incomplete. More important, there is little indication of how in principle the theories could be made complete in these respects.⁷

rational.” Moreover, each of his categories of primary goods self-evidently advances well-being, and the intended contrast with well-being and the grounds for such departure are not expressly articulated even though Rawls claims to be endorsing an approach that is independent of well-being. With Sen, the situation is different because he embraces well-being as part of his moral ideal. See, for example, “Well-Being, Agency and Freedom,” 185: “It would, of course, be altogether amazing if moral goodness had nothing to do with well-being. It is easy to argue that well-being is fundamentally important.” Therefore, the issue is determining just how and why Sen would supplement or amend well-being, not why he rejects it in favor of something else.

⁷Some who have considered Rawls’s primary goods have suggested that there may not exist a plausible solution to the index problem. See, for example, Douglas H. Blair, “The Primary-Goods Indexation Problem in Rawls’s *Theory of Justice*,” *Theory and Decision* 24 (1988): 239–52; Gibbard; Charles R. Plott, “Rawls’s Theory of Justice: An Impossibility Result,” in *Decision Theory and Social Ethics: Issues in Social Choice*, ed. Hans W. Gottinger and Werner Leinfellner (Dordrecht, Holland: D. Reidel Publishing Co., 1978), 201–14; and John E. Roemer, *Theories of Distributive Justice* (Cambridge, Mass.: Harvard University Press, 1996), 165–72. Rawls recognizes the index problem but does not develop a response. See, for example, *A Theory of Justice* (1971), 93. He does suggest that the problem may be less challenging than first appears because, in light of his difference principle, he needs only to solve it for the least advantaged group. “We try to do this by taking up the standpoint of the representative individual from this group and asking which combination of primary social goods it would be rational for him to prefer” (ibid., 94). It is not clear, however, that the conceptual problem is any easier when applied to only one group. Moreover, his proposed simplification involves circularity, for one must apply the primary goods index to all groups to determine which is the least advantaged group in the first place; indeed, this is one of the most important functions of the primary goods index in his overall theory.

One of Sen’s most recent statements on the subject is as follows: “How are the weights to be selected? This is a judgmental exercise, and it can be resolved only through reasoned evaluation. . . . [I]n arriving at an ‘agreed’ range for *social evaluation* . . . , there has to be some kind of reasoned ‘consensus’ on weights (even if it is of an informal kind).” *On Economic Inequality*, 205–06. How a society is supposed to reason to an appropriate consensus is not explored.

These shortcomings of means-based theories—regarding the determination of what is on the list of means and how the different means are to be weighted—are not the focus here. Rather, these aspects of incompleteness are noted because they are symptoms of deeper problems regarding underlying justifications. In the present essay, it is suggested that, however these theories may be specified, they are subject to the objection advanced herein.

The main argument of this article is developed in section II, which analyzes a sequence of cases in order to show how and why means-based theories can make everyone worse off and to elucidate restrictions on individuals' freedom of action that may be necessary to effectuate these theories. Section III discusses the implications of these results and comments on the concept of well-being. Section IV takes up the question of possible motivations for these theories. A number of pragmatic motivations are considered and found to be plausible; however, such justifications cannot ground these approaches as ideal normative principles, but rather only as instrumental to measuring individuals' well-being. Some intrinsic justifications are briefly considered; it is suggested that they are deficient and, even if valid, provide a basis for modest adjustments to the concept of well-being, not for wholesale substitution of means-based theories.

II. Analysis

A. Preliminaries

To consider the simplest possible framework for analyzing the theories in question, let us examine the following abstract society consisting of two individuals, A and B. (Two is sufficient to allow for heterogeneity among individuals.) Let x_1 and x_2 denote the two types of means considered by the means-based theory under consideration, hereinafter an "x-theory." (The theory could, of course, have any number of means, but it suffices to consider two types because two is sufficient to present the need for indexing.) Let $W^A(x_1^A, x_2^A)$ and $W^B(x_1^B, x_2^B)$ represent individual A's and individual B's well-being functions; that is, these functions indicate the level of well-being obtained by an individual who enjoys a particular allotment of the x's.⁸

For concreteness, let us suppose that a central authority determines each individual's allotment of the x's subject to a simple total resource constraint, R . Let $X_1 = x_1^A + x_1^B$, that is, the total amount of x_1 that is distributed to individuals A and B, and let $X_2 = x_2^A + x_2^B$, that is, the total amount of x_2 that is distributed to A and B. Thus, the resource constraint requires that $X_1 + X_2 = R$.⁹ It will be convenient to take R to be equal to 1.

⁸This formulation does not in principle require that each of the x's relate to well-being because it is possible for a function of a variable to be independent of a variable. (For example, $f(z) = 5$ [or $5 + 0z$], a constant function, is independent of z .) It seems apparent, however, that most proposed components of primary goods or capabilities or other such lists do relate to well-being.

⁹One could instead state that $X_1 + X_2 \leq R$, but it will be presumed that, under any x-theory under consideration and under each individual's W function, more is better, so there would never be any reason not to use all available resources.

Suppose, for example that each of the x 's is deemed equally important and that the distributive principle is egalitarian. Then $\frac{1}{2}$ of the resources would be devoted to x_1 and $\frac{1}{2}$ to x_2 ; each individual would receive $\frac{1}{2}$ of each of these allotments, meaning that A and B each get $\frac{1}{4}$ unit of each of the x 's.

B. One dimension, identical well-being functions

As a reference point, it is helpful to consider a basic case in which there is only one type of x and in which the individuals have identical well-being functions. In this instance, there is no inherent difference between x -theories and well-being-based theories, hereinafter “ w -theories.” The only question is how to divide the single type of x between the two individuals. For example, an egalitarian x -theory would divide x evenly. So would an egalitarian w -theory. Simply put, when there is only one dimension and when individuals are identical, the differences between means-based and ends-based theories are muted.¹⁰

C. Two dimensions, identical well-being functions

Once there are two dimensions, two types of x 's, an x -theory is incomplete until one specifies the relative importance of x_1 and x_2 . Suppose for concreteness that the x -theory is egalitarian between A and B and that the two types of x 's are deemed to be of equal importance. (It will be apparent that the following argument would hold both for nonegalitarian theories and for any possible weighting of the relative importance of x_1 and x_2 under an x -theory.¹¹) Thus, as in the previous illustration, each individual would receive $\frac{1}{4}$ unit of each of the x 's under the x -theory.

Compare this allocation to that which would be chosen under an egalitarian w -theory.

¹⁰For nonegalitarian theories, the comparison is more complicated. For example, if one wanted to deem A to be twice as important as B, an x -theory might give A $\frac{2}{3}$ of the total and B $\frac{1}{3}$, but a w -theory might favor a different distribution (because the W function need not be linear in x). Nevertheless, the x -theory that weights A double would be equivalent to a w -theory that gave A a higher weight than B that was just sufficient to generate the same allocation. Furthermore, if one considered the case omitted here—one dimension, different well-being functions—the analysis would be similar to that with nonegalitarian theories; specifically, for a given x -theory, there would exist a w -theory that generated the same allocations for any level of resources.

¹¹The latter point also implies that the present analysis would be applicable under any multiple-stage x -theory. To illustrate, Sen's theory may be interpreted as entailing a (vector-valued) Capability function $C(x_1, x_2)$ that indicates how the two underlying means map to capabilities, and a (vector-valued) Functionings function $F(C)$ that indicates how capabilities map to functionings. The latter function can be written in composite form as $F'(x_1, x_2) = F(C(x_1, x_2))$, which indicates how underlying means map to functionings. This composite function, in turn, can be used to determine the relative importance of x_1 and x_2 under a theory of capabilities and functionings.

Under such a theory, each individual would, as under the x-theory, receive $\frac{1}{2}$ unit of total resources, because the theory is egalitarian. However, it would not in general be the case that the allocation of the x's between x_1 and x_2 would be even. Rather, the allocation would be determined by maximizing the individuals' W functions.¹² Let x_1^* and x_2^* denote the amounts of each type of x that each individual would receive under the w-theory.

Case of coincidental identity.—One possibility is that the allocation between x_1 and x_2 would be even under the w-theory, just as it is under the x-theory. Two remarks are in order. First, as in subsection B, in such a case there is no interesting difference between the two types of theories. Second, such a case should be regarded as an unlikely coincidence. After all, the allocation under the x-theory is determined by some moral principle(s) that does (do) not make any necessary reference to well-being, and the allocation under the w-theory is determined by maximizing whatever the W function of the individuals happens to be.¹³ Furthermore, even if such a coincidence did arise, one could simply consider the same x-theory in a different hypothetical scenario involving different W functions, and the coincidence would disappear.¹⁴

Case in which the theories differ.—Accordingly, attention should be focused on the ordinary and interesting case in which the two theories differ. That is, the allocation between x_1 and x_2 for each individual under the x-theory, supposed for concreteness to be even, differs from x_1^* and x_2^* . The immediate implication is that everyone is worse off under the x-theory. After all, the allocation under the w-theory is, by definition, that which maximizes A's and B's well-being. Hence, the different allocation under the x-theory makes each individual worse off.¹⁵

¹²For example, suppose that $W(x_1, x_2) = x_1^{.5} x_2^{.25}$. (The superscripts designating whether it is individual A or B are dropped for convenience since in this subsection it is supposed that the two individuals are identical and, because the theory is assumed to be egalitarian, they will be treated equally.) Using standard optimization methods (maximizing W subject to the constraint that total resources are fixed), it is straightforward to show that W is maximized with the ratio of x_1 to x_2 being 2:1 (which is the ratio of the exponents in the W function). That is, the w-theory would give each individual, from his/her $\frac{1}{2}$ unit share of total resources, $\frac{1}{3}$ unit of x_1 and $\frac{1}{6}$ unit of x_2 .

¹³To make the statement of coincidence formally, consider the case in which individuals' W functions have the functional form, $W(x_1, x_2) = x_1^\alpha x_2^\beta$ (a generalization of the example in note 12), and that possible values of α and β are each independently and uniformly distributed on the interval (0, 1). For any ratio (between 0 and 1) of the x's under the x-theory, say χ , the probability that the ratio under the w-theory is also χ is zero (put in mathematical terms, the subset of combinations of α and β that would yield any stipulated ratio χ is of measure zero).

¹⁴In the illustration in footnote 12, the allocation between x_1 and x_2 under the w-theory is determined by the ratio of the exponents in the well-being function W. Thus, if the allocation by coincidence were the same as under the x-theory, one could simply consider any W functions of the same form but with a different ratio of exponents.

¹⁵It is logically possible for individuals to be indifferent, which would arise if well-being was unaffected (at least in the relevant range) by the allocation between x_1 and x_2 . This uninteresting (and unlikely) possibility will be ignored in the remainder of the discussion

The result that x-theories are to everyone's detriment goes to the very core of such theories. First, although unrealistic, the present setting is a basic one. There are identical individuals, no adverse incentive effects are admitted (the total resources are deemed to be R , in this example 1, regardless of how they are divided between individuals or types of x), and so forth.¹⁶ That is, the result does not arise on account of any subtle complicating factor or any sense in which the setting is "second-best." Instead, the result arises due to the very nature of an x-theory. Second, the result is quite strong, for what has been demonstrated is that, in this basic setting, *everyone is always worse off in a society that follows an x-theory than in one governed by a w-theory*, except in the uninteresting case of coincidence, in which event it does not matter which theory governs.¹⁷

Possibility of individual conversions of their allocations.—To further explore this case, consider the following modification to the basic scenario: Suppose that there exists a resource conversion technology under which each individual may transform any portion of his/her own allotment of x_1 into x_2 or vice versa. Whether this technology is available depends on the central authority's determination. Should an x-theory be understood as permitting or forbidding use of such a conversion technology?

If the technology is permitted, each individual may use the technology to maximize his/her well-being.¹⁸ Thus, if the x-theory gives each individual less x_1 and more x_2 than x_1^* and x_2^* (the amounts that maximize well-being), each individual could transform the appropriate amount of x_2 into x_1 . In this world, insisting upon an x-theory rather than a w-theory is pointless.¹⁹

(although it will be used in subsection E to eliminate the present consideration in order to focus on another factor).

¹⁶Indeed, the present result would obtain even in a one-individual world and thus even when there was no problem of distributive justice.

¹⁷Although the particular analysis is quite different, this point and others in this section instantiate the more general argument in Louis Kaplow and Steven Shavell, *Fairness versus Welfare* (Cambridge, Mass.: Harvard University Press, 2002) and "Any Non-Welfarist Method of Policy Assessment Violates the Pareto Principle," *Journal of Political Economy* 109 (2001): 281–86.

¹⁸It is, of course, possible that individuals will not choose to use the technology in this manner. Whether this is so depends both on the conception of well-being and on possible infirmities in individuals' decision-making. As explored in sections III.B and IV.A, respectively, it is appropriate for present purposes to consider cases in which these divergences do not arise.

¹⁹If one instead considered a conversion technology that involved some cost, insisting on the x-theory might seem worse than pointless. In this case, the decision to apply the x-theory in determining the central allocation has the consequence of inducing every individual to waste resources to undo the original x-theory allocation to produce a w-theory allocation. This statement is incomplete, however, for the very cost of the individual conversions will tend to lead individuals not to move all the way to a w-theory allocation. Individuals will thus all be worse off both because they do not have the maximizing allocation and because they will have wasted

If the technology is forbidden, the result is precisely as in the original comparison of the x-theory and the w-theory: The x-theory's allocation is fully implemented, and all individuals are worse off under the x-theory than under the w-theory. But consider that this result is achieved through a rule that forbids all individuals from exercising their freedom to use their resources as they please.²⁰ Notice that use of the conversion technology would not affect anyone except the individual who uses it. Moreover, each person can in principle make this decision independently; no group decision that may involve coercion would be required (although, in the present setting, individuals would in fact unanimously choose to use the technology).

D. Two dimensions, different well-being functions

When one introduces heterogeneity among individuals' W functions, essentially the same difficulties arise. Nevertheless, exploration of this case is useful for a number of reasons: Heterogeneity is realistic (and central to some issues, such as how disabilities should be addressed), a defining feature of x-theories is their tendency to treat individuals in the same manner despite some or all of the differences in their W functions, and heterogeneity raises an interesting question about the permissibility and desirability of trade between individuals.

To analyze this case, continue to consider egalitarian theories and, in particular, an x-theory that (for concreteness) gives each individual an equal amount of x_1 and of x_2 (which, given the assumption that total resources $R = 1$, means as before that each individual receives 1/4 of each of the x's). Consider the following simple case of heterogeneity: Suppose that A's and B's W functions are symmetric in the sense that the functions are the same except that the roles of x_1 and of x_2 are reversed, such that A is better off with relatively more x_1 and B is better off with relatively more x_2 . (That is, $x_1^{A*} > x_2^{A*}$ and $x_1^{B*} < x_2^{B*}$. Also, given the symmetry assumption, when well-being is maximized, it is the case that $x_1^{A*} = x_2^{B*}$ and $x_2^{A*} = x_1^{B*}$. In the example in the margin, in which the ratio of the x's that maximizes well-being is 2:1, we would have

resources in the conversion process. Nevertheless, to the extent they do stop short of the w-theory allocation, the x-theory will continue to have some bite. (However, a superior outcome could be achieved in such a case by implementing a modified x-theory centrally—making the allocation ratio between x_1 and x_2 that which reflects what happens after conversion has been applied to the pure x-theory allocation—and banning the conversion technology. This would present a partial version of the next case considered in the text.)

²⁰Observe that this point is valid even if the hypothesized individual conversion technology does not exist, for an equivalent to it is assumed to exist at the center. That is, it is stipulated that the central authority can freely choose how to divide the total available resources between x_1 and x_2 . Thus, one could imagine a system in which individuals each send their own, personal requests to the central authority, indicating how they would like their allotment of resources to be divided between x_1 and x_2 . Using an x-theory to make the central allocation (in a world with no individual conversion technology) rather than using a w-theory is tantamount to ignoring such requests, requests that only affect a requesting individual's own situation.

$$x_1^{A*} = 1/3, x_2^{A*} = 1/6; x_1^{B*} = 1/6, x_2^{B*} = 1/3.^{21)}$$

Analytically, this case is virtually the same as that in subsection C, where well-being functions were taken to be identical. There, every individual was worse off under the x-theory than under the w-theory because (except by coincidence) the x-theory called for a different allocation between x_1 and x_2 for each individual than the maximizing allocation. Here, this is also true, except that the deviation in the allocation between x_1 and x_2 from the maximizing allocation varies across individuals. That is, before we had, say, a case in which the x-theory gives too little x_1 and too much x_2 to each individual. Now, the x-theory gives too little x_1 and too much x_2 to individual A and too much x_1 and too little x_2 to individual B. This difference, however, does not disturb any of the foregoing arguments.²² (There is one qualification: Before, an x-theory could, by coincidence, produce the same result as a w-theory could; here, this is impossible because the x-theory cannot simultaneously mimic the maximizing allocation for both individuals because their maximizing allocations differ.²³)

²¹Following the illustration in note 12, let $W^A(x_1, x_2) = (x_1^A)^5(x_2^A)^{25}$ and $W^B(x_1, x_2) = (x_1^B)^{25}(x_2^B)^5$. As stated in that note, the ratio of the x's that maximizes well-being will be the ratio of the exponents, which is 2:1 for A and 1:2 for B.

²²Relatedly, Gibbard shows that Rawls's primary goods approach is Pareto incompatible when individuals are heterogenous, due to the price index problem even when the only primary good is income (because individuals may differentially value different underlying goods that may have different prices under different regimes, and the value to individuals of income is determined by the bundle of goods that individuals can purchase). In "Primary Goods," 163 n.4, Rawls states: "I do not believe that this is not [sic] a serious problem in view of the balance of reasons for using primary goods as the basis of interpersonal comparisons in questions of justice, and of the subordinate role of the Pareto principle in justice as fairness, particularly in its welfarist interpretation." Nevertheless, Rawls does claim that individuals in the original position would find it rational to insist upon primary goods. In light of the meaning that Rawls gives to "rational"—see, for example, "Kantian Constructivism," 521 (stating that his notion of "*rational* autonomy [applied by individuals in the original position] . . . roughly parallels . . . the notion of rationality found in neo-classical economics")—it would not seem that such individuals would wish to make everyone (themselves) worse off. That is, if deviating from Rawls's primary goods approach in favor of well-being would, in fact, allow everyone better to advance their diverse ends, it is hard to understand how the irreducible diversity of ends would lead them to favor institutions that thwarted all of them. (The answer may lie in Rawls's conception of the person, under which the goals of individuals in the original position need not correspond to the actual ends of persons in the society to be governed by the chosen institutions. On the other hand, Rawls states: "In their deliberations [individuals in the original position] are not required to apply, or to be guided by, any principles of right and justice, but are to decide as principles of rationality dictate" (ibid., 524). Arneson is also skeptical that Rawls's Kantian conception of the person can justify using primary goods rather than welfare or opportunity for welfare as a basis for interpersonal comparisons. See "Primary Goods Reconsidered," 439–40.)

²³The x-theory could mimic one of the two allocations. Then, compared to the allocation under the w-theory, it would make one individual worse off and leave the other indifferent,

As before, one could also introduce a conversion technology and ask whether it should be prohibited under an x-theory: If it is prohibited, everyone is worse off and individuals' freedom and autonomy seem directly to be denied; if it is permitted, the x-theory is eviscerated.

Possibility of trade.—With heterogeneity, one can also consider the possibility of trade. Trade has much the same effects as a conversion technology.²⁴ In the above example, if trade were permitted under the x-theory allocation, A may trade 1/12 unit of x_2 to individual B in exchange for 1/12 unit of x_1 . Then, instead of the x-theory allocations that give A and B each 1/4 unit of x_1 and of x_2 , individual A would now have $1/4 + 1/12 = 1/3$ unit of x_1 and $1/4 - 1/12 = 1/6$ unit of x_2 , which is his maximizing allocation; likewise, individual B would now have 1/6 unit of x_1 and 1/3 unit of x_2 , which is her maximizing allocation. The question, then, would be whether an x-theory should permit trade, entirely undermining the theory's effect, or prohibit trade, leaving everyone worse off and directly interfering with their freedom and autonomy.²⁵

which still seems problematic. Moreover, in such a case, there always exists another allocation that, relative to the x-theory allocation, makes everyone better off: First, move to the w-theory allocation, which helps one individual, say A, and does not affect the other. Second, take a small amount of resources from A—a small enough amount that he is still better off than under the x-theory allocation—and give it to B. Under this revised allocation, both individuals are better off than under the x-theory allocation.

²⁴In the present example, it has an identical effect. (And, as with the conversion technology, see note 19, we could introduce costs of trade, with similar results. See also note 18 on the possible disjunction between individuals' choices and their well-being.) More generally, trade is not as complete as a conversion technology in its ability to undo the effects of central allocations determined by an x-theory because under an x-theory the *total* amount of x_1 and of x_2 may differ from the totals under a w-theory. In this case, trade will diminish the reductions in well-being caused by using an x-theory to determine the initial allocation but will not eliminate them. For example, if the x-theory requires more total x_1 than would be created under a w-theory, even after trade individuals will have too much x_1 and too little x_2 —precisely the problem raised in subsection C (and which can be fully rectified by a conversion technology). Put another way, trade can eliminate the effects of an x-theory as regards heterogeneity of well-being functions but not the effects due to the difference between an x-theory and average well-being, which is captured by the case with identical W functions.

²⁵Compare Larry Alexander and Maimon Schwarzschild, "Liberalism, Neutrality, and Equality of Welfare vs. Equality of Resources," *Philosophy and Public Affairs* 16 (1987): 85–110, at 93–95, who offer a related criticism of Dworkin's equal resources allocation scheme. Another interesting case is that in which an x-theory in principle requires trade to be prohibited but prohibition is infeasible. (For example, it may be difficult to prevent barter and black markets.) Then, a central authority could predict that, starting with the ideal x-theory allocations, those individuals whose W functions most differed from the weightings of the x-theory would engage in the most trade and thus be "worst off" *as measured by the x-theory*. An egalitarian x-theory, therefore, would seem to favor allocating more initially to such individuals, so that, when the post-trade equilibrium is reached, they would be as well off as others *according to the x-theory*. (After all, the purpose of the x-theories considered here is the assessment of individuals'

E. Two dimensions, identical well-being functions, but different costs

Return to the case in which individuals have identical W functions. Suppose, however, that contrary to the initial assumptions, the cost of enabling each individual to achieve a given level of some of the x 's may differ across individuals.²⁶ (Previously, it was assumed that the sum of the x 's for both individuals equalled total resources R ; in taking a simple sum across individuals, it was assumed that it took the same amount of basic resources to provide, say, x_1 to individual A as to provide x_1 to individual B.) For example, following Sen, one of the x 's might refer to a degree of nutritional attainment, but the cost of achieving this may be different depending on age, body mass, metabolism, and so forth. Or one of the x 's may be the ability to move from place to place, but the cost of doing this may be higher for individuals with physical disabilities. In this case with different costs, in addition to the foregoing difficulties with x -theories, an additional (although analogous) problem arises.

To focus on the present problem, consider the simple case in which, with regard to well-being, it simply does not matter to either individual how much x_1 and how much x_2 is allocated; only the total matters. (This assumption eliminates any loss in well-being of the sort identified in subsections C and D that arises from an x -theory giving individuals a mix of x 's that does not reflect what would maximize their well-being.) Furthermore, suppose as before that the x -theory is egalitarian and, for concreteness, that it seeks to give each individual an equal amount of x_1 and of x_2 .

Finally, assume that it is relatively more costly to provide x_1 than x_2 to individual A, when compared to individual B. Suppose, for example, that providing x_1 to A costs 2 per unit in resources, and providing x_2 to A costs 1 per unit in resources; providing x_1 to B costs 1 per unit, and providing x_2 to B costs 2 per unit. In this example, note that the average cost of providing an equally weighted mix of x_1 and x_2 to either individual is 1.5 per unit; this implies that, with the

situations for the purpose of determining distributive shares.) That is, x -theories would seem to favor giving more x 's to those who most disagree with the theory and the least to those most in agreement. Moreover, when equality is thus achieved *in terms of the x -theory*, in terms of well-being the best off will be those who most disagree with the x -theory and the least well off will be those who most agree.

²⁶A taxonomy might be helpful. There is a continuum from basic, raw materials (food, energy, clothing, other objects) to well-being. Some have suggested a sequential breakdown: basic resources, primary goods, capabilities, functionings, well-being. In this present article, well-being (w -theory) is taken to represent one end of the continuum and x -theories can occupy any intermediate point. For present purposes, all that matters is that there be some gap, requiring some transformation, between the x 's of the x -theory and well-being. (That transformation is given by the W functions of individuals.) The present subsection considers that there may well be a gap between the location of x -theories and the end of the continuum opposite to well-being. This transformation is given by allowing the method of producing various of the x 's by the central authority to involve different costs depending on which individuals will be allotted the x 's.

same total resources as before, only $2/3$ as much can be given out. The resulting allocation under the x-theory is, therefore: $x_1^A = 1/6$, $x_2^A = 1/6$; $x_1^B = 1/6$, $x_2^B = 1/6$. (Note that producing $1/6$ unit of x_1^A costs 2 per unit or $1/3$ in total, not merely $1/6$ as before; likewise, producing $1/6$ unit of x_2^B costs $1/3$ in total, not $1/6$ as before. Hence, total resource costs of this allocation are 1, which is the total available.)

Now it is immediately obvious that both individuals are worse off than under a w-theory allocation which in this case would simply provide A's allocation entirely in units of x_2 and B's allocation entirely in units of x_1 . (Each could get $1/2$ unit; this provides higher well-being than having $1/6$ of each type of x , for a total of $1/3$ unit, because it is supposed that each individual derives equal well-being regardless of the mix.²⁷) As before, one could consider a resource conversion technology—which would help only if the waste involved in producing the more expensive type of x could be recovered through the conversion process. Obviously, however, if the two individuals could have input into the initial allocation decision—being permitted to specify how their given share of total available resources would be allocated between the types of x 's—they would favor an allocation different from the one specified by the x-theory, in particular, a w-theory allocation.²⁸

Disabilities illustration.—The problem of differences in costs can be illustrated in familiar contexts, such as Sen's example that involves a higher cost of moving about borne by individuals with certain disabilities. Someone might need an electric wheelchair, not just shoes, or a special van rather than an ordinary automobile.²⁹ But, given the often high expense involved, this may well not be the type of allocation that would maximize such individuals' well-

²⁷If individuals did care about the mix, then the w-theory would typically call for some division between x_1 and x_2 , but a division (relative to that in the equal cost case) favoring whichever was less costly to produce.

²⁸Consider another example, involving Sen's capability of being able to appear in public without shame. Suppose that doing so is very expensive for one group in society yet the cost (degree of shame) is negligible. (Perhaps there is a group of rich but idiosyncratic individuals.) Sen's approach requires that they be equally able to appear in public without shame as others, thus requiring large expenditures to do so even though little is at stake. Ignoring both cost differences and differences in effects on well-being across different individuals obviously can result in an avoidable reduction in well-being.

²⁹Sen's view on disabilities is not atypical. Cohen (917–18) suggests that “Egalitarians will be disposed to recommend that [a disabled person be given a wheelchair] before they have asked about the welfare level to which the man's paralysis reduces him,” and indeed independent of whether the person in fact enjoys a high welfare level. See also Ronald Dworkin, “What is Equality? Part 1: Equality of Welfare,” *Philosophy and Public Affairs* 10 (1981): 185–246, at 241, who states that the intuition “that those with handicaps should have extra resources [is not] limited to those among the handicapped who do in fact have less than average welfare on some conception.”

being.³⁰ It might be cheaper to bring other individuals or things (books, music) to the disabled individual. Or, given the total resource commitment to a disabled individual, he may prefer to substitute other activities (more home entertainment equipment rather than an occasional trip to the movies).

The preceding points only relate to the differential costs of various x's. Previous subsections suggest additional considerations, notably, differences in W functions. Hence, regardless of cost differences, a disabled person might strictly prefer to see a movie at home rather than go out. (Even with the special van, the trip might be excessively time consuming or distressful.) Alternatively, a disabled person might benefit more from some activities than others do (possibly, even from moving about). But, under the x-theory, what counts is achieving the various x's in stipulated ratios, even if some x's contribute little to some individuals' well-being or unusually large amounts to others'.³¹

Taken together, these points suggest that, under an x-theory, it would be appropriate to make specific provisions, such as a special van, even if at the same resource cost one could provide different goods and services that would make the disabled person far better off in terms of well-being.³² Similarly, if such an individual were simply given substantial additional income, but less than necessary to fund fully equal mobility, and he were to spend it not on maximal mobility but in various other ways that produced an extremely high level of well-being, an

³⁰There may exist external reasons for favoring given allocations. For example, enabling disabled individuals to move about might benefit others directly or might favorably affect others' outlooks towards the disabled over the long run. A full assessment of everyone's well-being would take such effects into account. The present question, however, is how one in principle should assess the situation of the given individual, implicitly holding such effects constant.

³¹Given that proponents of x-theories seek to ignore real differences between individuals, it is revealing to consider how they address the case of differences that seems difficult to ignore, physical disabilities or other disparities in health. Rawls, in "Primary Goods," 168, concedes that "[i]t is best to make an initial concession in the case of special health and medical needs," but he chooses to "put this difficult problem aside in this paper," thus failing to indicate why he would in fact make a concession in this case and why, whatever the justification, it does not (one presumes) apply to many or any other differences between individuals (see *ibid.*, 178 n.21, insisting that the same function from the index of primary goods to the measure of an individual's situation "holds for all citizens and interpersonal comparisons are made accordingly"). Perhaps a greater concern is that Rawls, *ibid.*, 170, sets aside the problem of people who are so disabled that they "can never be normal contributing members of social cooperation," for one might have thought that such individuals were good candidates for constituting the least-well-off group (particularly since he defines how "well off" individuals are in significant part by reference to their ability to exercise their capacities as citizens), and it is the least-well-off group that is the exclusive focus of concern under his difference principle.

³²Following the earlier analysis, one should further ask whether, under an x-theory that requires providing a special van or wheelchair, an individual receiving one should be permitted to sell it, which in the stated scenario it would be rational for him to do.

egalitarian x-theory would have to deem this person to be in a worse situation than others and thus to deserve an additional allocation, funded at the expense of others whose well-being is far lower. Indeed, as described, the disabled person's situation, with unusually high well-being, would be quite enviable, yet he would be entitled to even more under an x-theory.³³ (It should be remarked that many disabled individuals would find demeaning the judgment that others should view them as "worse off" no matter what their level of success in living a fulfilling life, as long as they could not—or chose not to attempt to—mimic the physical activities of nondisabled individuals.)

III. Implications

A. *The nature of the objection to x-theories*

Section II demonstrates that, in a range of settings, everyone may be worse off in a society that follows an x-based theory, and in some situations this is always the case. Moreover, it may be necessary to restrict individuals' freedom to use their assigned resources—by preventing conversion or restricting trade—in order to avoid circumvention of x-theories. It should be recognized, however, that these conclusions do not constitute a decisive logical objection to x-theories, for they do not purport to be welfarist (to the contrary); nothing in logic rules out the endorsement of making everyone worse off.

Nevertheless, these results do raise serious questions. Many who advance x-theories do explicitly endorse the view that society should not make all of its members worse off. For example, Rawls (1971) states that individuals in his original position hold this view, and this feature is central to his approach because he contemplates that rational individuals would consent to the arrangements he proposes.³⁴ More broadly, for those who believe that a society's governing principles should reflect consent (or hypothetical consent) or who ground moral principles in notions of autonomy, it may be difficult to accept a regime that would be to everyone's detriment or that would require restrictions on individuals' activity when that activity is well-informed, consensual, and does not have adverse effects on others.³⁵ In addition, many

³³In fact, Sen gives such an example in one of his earliest presentations of his capability approach. "Equality of What?," in *The Tanner Lectures on Human Values*, ed. Sterling M. McMurrin (Salt Lake City: University of Utah Press, 1980), 217. See also G.A. Cohen, "Equality of What? On Welfare, Goods, and Capabilities," in *The Quality of Life*, ed. Martha C. Nussbaum and Amartya Sen (Oxford: Oxford University Press, 1993), 9–29. Sen suggests that the disabled person may have higher utility because of his disposition or because of religious views (on which see section IV.B, below) whereas the text offers other reasons.

³⁴Also related is his advancement of the difference principle, in particular, against more egalitarian theories that could countenance making everyone worse off, including the worst-off group. At many points, Rawls offers arguments that rest on benefitting the least-well-off group in society.

³⁵Restrictions on some activities, ranging from theft to bribery to buying or tampering with votes may be necessary because the moral force behind consent, autonomy, and freedom is

theorists of fairness or distributive justice who draw upon means-based theories to assess individuals' circumstances (including Rawls and Sen) do seem quite concerned about how individuals fare, and many proponents probably believe that pursuit of x-theories would inherently benefit someone.

Accordingly, some may be convinced to eschew x-theories. Others may continue to adhere to such theories and instead be led to rethink those aspects of their views that the present argument reveals to be in conflict. In either case, the foregoing demonstrations are significant.³⁶

B. On the concept of well-being

Given its centrality to w-theories, the meaning of well-being and its relationship to the central argument deserve further consideration.³⁷ First, it is important to observe that all of the analysis can be stated relative to any particular definition of well-being. Accordingly, whatever conception of well-being one might deem to be compelling, the present argument gives a reason to find any x-theory objectionable by comparison.

not generally understood to legitimate aggression toward other individuals or subversion of government processes. These reservations, however, are typically inapplicable to the mere trade of ordinary goods. For further elaboration, see the final subsection of IV.A.

³⁶These arguments may be unimportant for those who endorse x-theories for reasons unrelated to freedom, consent, and autonomy (or who interpret such concepts differently) and for critics like Nozick, *Anarchy, State, and Utopia* (New York: Basic Books), who embrace notions like consent—perhaps ones similar to those invoked by some x-theorists—but who see these principles as undermining the normative case for the sorts of patterned distributive theories advanced by x-theorists. There is much controversy over the meaning and moral force behind consent and cognate concepts and about their implications for distributive justice. The present argument is limited to the point that, for those who embrace such principles and also endorse an x-theory, the demonstration that any x-theory can make everyone worse off and thus may be unanimously rejected rather than unanimously affirmed presents a prima facie basis for reexamination.

³⁷For a range of views on well-being, see Richard J. Arneson, “Human Flourishing versus Desire Satisfaction,” *Social Philosophy and Policy* 16 (1999): 113–42; James Griffin, *Well-Being: Its Meaning, Measurement, and Moral Importance* (Oxford: Oxford University Press, 1986); Thomas Hurka, *Perfectionism* (Oxford: Oxford University Press, 1993); Martha Nussbaum and Amartya Sen, eds., *The Quality of Life* (Oxford: Oxford University Press, 1993); Thomas M. Scanlon, “The Status of Well-Being,” in *Tanner Lectures on Human Values*, vol. 19 (Salt Lake City: University of Utah Press, 1998); and L.W. Sumner, *Welfare, Happiness, and Ethics* (Oxford: Oxford University Press, 1996). As many have noted, despite his claims to the contrary, some of Rawls’s writing on primary goods, especially that indicating the role given to his Kantian conception of the person, seems to have a perfectionist flavor. See, for example, “Kantian Constructivism,” 527, 531, 534. Some of Sen’s writing is similar. See, for example, *Inequality Reexamined*, 56.

There is another respect in which disagreements over the proper conception of well-being are logically independent of the present analysis. One can consider the case (however hypothetical) in which various competing conceptions are in accord. For example, for a given objective conception, one can imagine a society in which all individuals embrace it subjectively. Within subjective theories, one can contemplate a world in which individuals' desires and preferences happen to align. In such instances, a regime implementing an x-theory would make everyone worse off whatever was the notion of well-being that underlies the w-theory.

Finally, it should be noted that some x-theories may be interpreted in a manner that helps to reconcile them with various w-theories. In particular, there is some overlap between certain rationales offered for certain notions of well-being and for x-theories. For instance, some entries on objective lists, accounts of perfectionism, and arguments for desire- over preference-based theories may be motivated by the view that individuals, when making short-run decisions, often fail to appreciate what will best advance long-run fulfillment. Likewise, it may be argued that individuals should be offered particular primary goods or be induced to enhance certain capabilities or functionings (for example, through free education), even when they might otherwise choose less for themselves, because they will ultimately benefit as a result. This form of justification is an instrumental one that, at root, can be related to the advancement of well-being, as discussed further in section IV.A.

IV. Possible Motivations for Means-of-Fulfillment Theories

This section considers some possible motivations for means-based theories. Various instrumental arguments are found plausible, but by their nature they do not justify treating a means-based theory as if it were an ideal normative theory. Intrinsic arguments are examined as well; some are found wanting, and others, even if accepted, tend to favor limited modifications to well-being as the basis for assessing individuals' situations rather than wholesale substitution of means-based theories.³⁸

A. Instrumental justifications

Superior to income as a proxy for well-being.—Sen, the proponent of an approach based on capabilities or functionings, has also written extensively about destitution in developing countries.³⁹ Sen argues that measures like GDP per capita give a misleading account of individuals' actual situations because they ignore variations in government-provided services (notably, education and health care) and in living costs that can be quite large relative to measured per capita incomes (often below \$1 per day). He favors a broader index, one that looks not only at income but also at various health indicators, educational provision, and so forth. Much of Sen's criticism of traditional development measures is precisely that they are too far removed from well-being; income gives an incomplete picture when other factors have such a

³⁸This latter point is made by Cohen in "Equality of What?," 12–13.

³⁹See, for example, Jean Drèze and Amartya Sen, *Hunger and Public Action* (Oxford: Oxford University Press, 1989).

great impact on the ability to avoid malnutrition, treat illness, and the like. Providing more comprehensive measures moves policy analysts' assessments *closer to well-being*.⁴⁰ Sen's capabilities and functionings theory is similar to the broader approach to measurement that he advocates in his writing on development policy.⁴¹ Nevertheless, his more conceptual, philosophical writing appears to endorse a view that is at least somewhat at odds with advancing well-being. One might accept that Sen's measures are better than existing ones in the development context on pragmatic, empirical grounds without believing that the best measure for these purposes should be determined by a priori stipulation of a list of capabilities and functionings and of their appropriate relative weights.

Surrogate for interpersonal comparisons of well-being.—Aggregate and distributive theories denominated in terms of well-being require interpersonal comparisons, but such comparisons are thought by many to be impractical or even impossible. Accordingly, if one believes that well-being theories are correct in principle, it may be necessary to find some substitute for actual well-being in order to implement them. Simple indicators, notably income, seem relevant and useful but incomplete and potentially misleading. It thus may make sense to supplement them with other components, like those that Rawls or Sen include on their lists of primary goods or capabilities.⁴² As in the preceding case, the nature of any theory designed to address this problem is instrumental.

⁴⁰See, for example, Sharon Camp and J. Joseph Speidel, *The International Human Suffering Index* (Washington, DC: Population Crisis Committee, 1987), which presents an index that has ten measures of human welfare, and United Nations Development Programme, *Human Development Report 2001: Making New Technologies Work for Human Development* (New York: Oxford University Press, 2001), which uses a Human Development Index that considers GDP per capita, literacy, and life expectancy.

⁴¹Indeed, in his *Commodities and Capabilities*, the main body of which is devoted to elucidating his capabilities approach as a conceptual matter, he includes two substantial appendixes, one showing how international comparisons look very different when one uses a capabilities approach rather than one based on GNP per capita, and the other showing how differences in the treatment of men and women are obscured unless measurement is based on capabilities. See also Amartya Sen, *The Standard of Living* (Cambridge: Cambridge University Press, 1987), 34–35.

⁴²Rawls often makes explicit the point that the use of primary goods rather than well-being has such practical advantages. See, for example, “Kantian Constructivism,” 563, where he states that making “interpersonal comparisons . . . in terms of primary goods . . . has the consequence that the comparison of citizens' shares in the benefits of social cooperation is greatly simplified and put on a footing less open to dispute.” Nevertheless, in *A Theory of Justice* (1971), 91, he is explicit that the difficulty of interpersonal comparisons of well-being cannot itself justify use of an alternative metric. Sen argues that the problem with interpersonal comparisons is not that they cannot be made but rather that they “can give a very distorted picture of well-being” (*Commodities and Capabilities*, 52-53), which requires use of Sen's capabilities approach.

Practical basis for political agreement.—As indicated in note 3, Rawls advances the notion of primary goods in substantial part because it provides a feasible way of achieving public acceptance of common political institutions in a setting in which individuals inevitably differ in their views of what constitutes the good life. To the extent that this use of primary goods is justified on instrumental grounds, or on the differences between political theory and moral theory, the foregoing arguments may not be inconsistent with Rawls’s insistence on using primary goods rather than well-being as the basis for assessing individuals’ situations. In this respect, Rawls’s position is similar to that described in the preceding discussion of interpersonal comparisons of well-being. Nevertheless, if well-being is viewed as the correct normative ideal, it would be necessary to show that a notion of primary goods is indeed the best practical alternative in advancing human well-being. Independently, since Rawls’s approach is based on the idea that individuals are rationally engaged in the design of political institutions to further diverse ends, the demonstration that adherence to theories like Rawls’s can in principle make everyone worse off, regardless of their ends, may be seen as problematic.⁴³

Social effects of individuals’ circumstances and behavior, two-level theories, and infirmities in individuals’ decisionmaking.—Many goods, services, or rights that may be distributed to individuals affect not only the direct recipients but others as well. For example, it is familiar that providing education or medical care (even in greater amounts than individuals would rationally demand) may benefit others, such as by enhancing social intercourse, improving government accountability, or limiting the spread of disease.⁴⁴ These and other reasons may, on grounds of promoting well-being, favor government provision to individuals that deviates from allocations that would result from individuals’ free, independent choices. Once again, however, such arguments are instrumental.

Similarly instrumental are a range of other familiar arguments sometimes offered for inalienable rights, constitutional protections, and other restrictions on individuals’ and governmental decisionmaking. Thus, government actors may be restrained from freely promoting welfare or pursuing other social objectives for fear of abuse of power. Or individuals may be given an inalienable right to education or medical care because it is suspected that those who would choose other allocations are myopic or otherwise mistaken, or they would be acting other than in the best interests of their children. More generally, under two-level theories, particular rules may be favored that are not direct embodiments of (and may seem in conflict with) the ideal endorsed by the theory.

Taken together, these sorts of considerations provide justifications under a wide range of

⁴³For example, as demonstrated above, the use of a measure like primary goods can in principle produce situations in which some or all individuals would wish to make trades. However, in “Primary Goods,” 171 n.11, Rawls insists that at least some of his primary goods are “unalienable and therefore can neither be waived nor limited by any agreements made by citizens. [I]n justice as fairness any undertakings to waive or to infringe them are *void ab initio*; citizens’ desires in this respect have no legal force”

⁴⁴See also the discussion in note 30 regarding provisions for disabled individuals.

theories, including welfare-based theories, for imposing restrictions on choice or otherwise deviating from the unbridled, direct pursuit of certain types of objectives. Accepting such rationales, however, does not imply rejection of the underlying objective, be it welfare or otherwise.⁴⁵ As stated at the outset, the present essay considers only ideal normative theories, not whether a means-based theory might be instrumentally justified as an effective technique for pursuing some other end such as well-being.

B. Intrinsic justifications

Intrinsic justifications for means-based theories involve some combination of criticism of the normative status of well-being and affirmative arguments in favor of particular alternative modes of assessment. Because this is a large subject, only brief attention will be given to a few reasons that have been offered, especially by Rawls and Sen.

Adaptation of preferences to deprivation.—In Sen’s many writings on capabilities, he relies heavily on a single type of example to show why focusing on actual well-being rather than capabilities is fundamentally mistaken. The situation he considers is one involving what he sometimes calls entrenched inequalities, by which he refers to individuals whose level of well-being exceeds what would be expected, in light of their objectively low capabilities, due to their having come to terms with ineradicable adversity.⁴⁶ These individuals have become numb to their sufferings, at least to some extent.

Sen asserts that individuals in such situations should be deemed as badly off as one would expect from their objective state of deprivation, without regard to how much their well-being is in fact depressed by their circumstances. Sen does not, however, really offer an argument indicating why this sort of numbness should be ignored.⁴⁷ Indeed, given Sen’s framework, one

⁴⁵The discussion in the text illuminates part of the argument in Amartya Sen, “The Impossibility of a Paretian Liberal,” *Journal of Political Economy* 78 (1970): 152–57. In response to critics who objected to Sen’s argument on the grounds that his construct implicitly prohibits individuals from trading certain rights—and thus is opposed to the very liberal principle that Sen advances—Sen has argued, for example, that such trades may be difficult to enforce or that a system predicated on such possibilities of trade may lead to abuse of government power. See Amartya Sen, “Minimal Liberty,” *Economica* 59 (1992): 139–59, at 144–46. Such arguments, however, are entirely instrumental and hence fail to offer any justification for Sen’s original stance that implicitly forbids alienability as a matter of first principle.

⁴⁶See, for example, *Commodities and Capabilities*, 21–22, 29–30, 53; *Inequality Reexamined*, 6–7, 55, 149–50; and “Well-Being, Agency and Freedom,” 188–89, 190–91. This argument is also advanced in Jon Elster’s well-known essay, “Sour Grapes—Utilitarianism and the Genesis of Wants,” in *Utilitarianism and Beyond*, ed. Amartya Sen and Bernard Williams (Cambridge: Cambridge University Press, 1982), 219–38.

⁴⁷In one exposition, after stating that “[i]t is not at all obvious that [the deprived person who is happier] must be seen as having a higher level of well-being [than the non-deprived person who is less happy]” (*Commodities and Capabilities*, 22), he proceeds to pursue matters

might have supposed that he would have a different view; after all, the ability to make the best of one's situation can be seen as itself constituting an important capability or as part of the capability of achieving well-being with given resources. By contrast, individuals prone to depression might be viewed as having a capability deficit that an egalitarian would wish to remediate.

Consider two different ways of understanding Sen's position. First, the example may be taken as motivating a view of well-being that has objective elements. Under this interpretation, the example does not imply any deficiency in the central argument put forward here. As emphasized in section III.B, all of the analysis in section II applies to any notion of well-being. The critique is directed to theories that attach weight to elements apart from what one takes to be the proper conception of well-being. Accordingly, accepting that well-being has objective components neither avoids nor undermines the present claim.

Second, Sen—or others impressed by the sort of situation he describes—might be sufficiently wedded to a subjectivist account of well-being to reject such an interpretation and thus take the example as indicating the need to give intrinsic weight to something other than well-being. However, if one does indeed embrace a subjectivist view of well-being, it seems that the numbness that Sen describes should indeed be credited rather than ignored. The reasoning behind this conclusion appeals to the very subjectivist conception of well-being that is advanced under such an interpretation.

To make this point, consider a simple illustration. Two individuals are identical in all

further, having purported to reject the approach, as though a proposition's being nonobvious implies that it is surely wrong. At another point, Sen states that failing to ignore such numbness "would be quite scandalous" ("Well-Being, Agency and Freedom," 188). In this instance, he is referring in particular to the possibility that starving people might be "made happy through some mental conditioning (say, via the 'opium' of religion)." His explanation seems to be that there are valued mental states other than happiness, "such as stimulation, excitement, etc.," that are lacking in such a situation. Yet one would think that the notion of well-being would include such mental states as well. (In context, he only purports to be criticizing the "happiness" view of utility; nevertheless, this is essentially the same example he uses elsewhere as his only concrete illustration of the need to move to a more objective approach based on capabilities.) Furthermore, his precise example raises questions, for it implies that individuals who, for example, forsake material satisfaction to pursue religious callings and, moreover, who actually find fulfilment in doing so should be deemed to be faring badly. Likewise for Henry David Thoreau. The apparent policy implication is that expenditure on religion should presumptively be banned (or, more mildly, that individuals who voluntarily pursue such lives successfully should be given larger distributive shares to make up for their objective "deprivation"). In any event, it is hard to understand the normative basis for devaluing such nonmaterialistic visions of the good life, especially ones that are, by assumption, successful in raising human well-being. (Also, his use of the term "opium" is suggestive of the example to follow in the text in which his metaphor is pursued concretely.)

respects except that one suffers a minor illness of a sort that ordinarily causes modest pain whereas the other suffers a serious illness that typically causes substantial pain. (Aside from the pain, these maladies have no adverse effects.) However, the latter individual, due to some other, unusual neurological process, manages to become entirely oblivious to this pain. Should this individual, whose brain receives preliminary messages indicative of severe pain but is able to disrupt their further transmission in a manner that eradicates any ultimate unpleasantness be deemed to be worse off?⁴⁸

To pursue the matter, assume that this question must be answered because the government authority has to make a distributive decision concerning the allocation of a medicine that cures these illnesses that are the underlying cause of preliminary pain signals. (It is completely effective for both maladies.) The medicine is in short supply, and the egalitarian distributive principle, let us suppose, requires giving the medicine to the worse-off individual. Should the medicine be given to the individual whose externally viewed situation is taken to be worse because that circumstance determines distributive entitlements—even if the individual, through some internal psychological process, nevertheless achieves higher well-being and, by that currency, is less in need? Doesn't the fact that the latter individual is actually oblivious to the pain really makes his situation no different from one in which if he does not suffer the underlying malady?

To demonstrate that this challenge is not an artifact of the preceding illustration, return to Sen's initial example: Consider individuals who, by external measures, appear to be deprived but in fact suffer little as a result. Suppose further that we rate their situations very low based on the objective indication provided by their observable, physical capabilities rather than on their less negative actual level of well-being. Now imagine that there is available a policy intervention that will improve these individuals' objective capabilities slightly but remove their numbness entirely, so that, despite the slight improvement in their capabilities, they now find themselves in a state of continuous suffering rather than in their prior state of mild distress.⁴⁹ Using Sen's capabilities approach, the intervention would be deemed to offer an improvement, so policies that increase actual suffering would be favored. However, if one accepts—by hypothesis—that a purely subjectivist account of well-being is compelling, this conclusion is difficult to sustain.

How, then, can the apparent appeal of Sen's initial example be explained? His general

⁴⁸Some might object that this example differs from what Sen has in mind, namely, individuals' psychological dispositions rather than their actual feelings of physical pain. However, both are neurological phenomena. Moreover, Sen argues elsewhere that physical disabilities should be taken into account; similar logic would require taking into account mental disabilities, and to take the final step, if disabilities (whether physical or mental) are to be taken into account, logical consistency would seem to require that abilities (whether physical or mental) should be taken into account as well, rather than treated as if they did not exist.

⁴⁹For concreteness, consider a program that distributes somewhat less shabby clothing to the destitute but that, by its very existence, is a constant reminder of their poor situation, and assume that this has the effect of making them miserable.

concern for the destitute suggests a number of possibilities. If subjective indications of well-being rather than objective measures determine needs assessments, resulting biases might in practice lead to the poor being shortchanged. That is, it may be too easy to avoid obligations to the destitute on the pretense that they do not appear to be so badly off. Indeed, even without biases, analysts might be misled by impoverished people who do not literally grumble all of the time (as Sen puts it in one of his expositions). Likewise, “happiness” surveys can be misleading, for miserable individuals might answer “average” on most days and “happy” on some because their usage of such language is relative to their situations, which in fact are experienced as awful by comparison to those materially better off (who may complain frequently even though they are not in fact nearly as miserable as the destitute).⁵⁰ If this is the real motivation for looking at capabilities rather than welfare, however, we again have an instrumental, not intrinsic justification for means-based approaches to the assessment of individuals’ situations.

Offensive tastes.—Proponents of means-based theories, and critics of welfarism more generally, often point to the possibility that individuals may have offensive tastes.⁵¹ Setting aside serious issues of definition and the problem of providing a normative basis for objecting to certain tastes as offensive, two points of relevance to the present discussion should be mentioned.

First, as many have noted before, if certain preferences of some individuals are objectionable, the appropriate response would seem to be to discount or ignore the satisfaction of those particular preferences, not to substitute a theory that fundamentally differs from well-being. This point is clearest in the degenerate case in which, in the society in question, no one in fact has any offensive tastes.

Second, and related, the means-based theories do not seem well devised to address the issue, if it is deemed to be a problem. For example, for Rawls, income is a primary good, and individuals remain free to spend their income as they wish, including on the satisfaction of offensive tastes.

Furthermore, if the injunction to ignore offensive tastes is taken seriously, paradoxical

⁵⁰Sen describes a survey conducted near Calcutta, India in 1944, the year after a great famine, in which almost none of the widows surveyed gave responses indicating that they were in bad health (although nearly half of widowers so indicated). “Rights and Capabilities,” in Amartya Sen, *Resources, Values and Development* (Cambridge, Mass.: Harvard University Press, 1984), 307–24, at 309. Rather than assuming that the survey accurately shows that the widows were not badly off in terms of their actual well-being, despite tremendous objective deprivation, it seems more plausible to suppose that their answers reflect social conditioning. That is, it seems more likely that the widows’ culture and circumstances were able to influence how they responded to a formal questionnaire than that the actual subjective experience of the widows was in fact positive or neutral.

⁵¹See, for example, Rawls, *Theory of Justice* (1971), 30–31. For further discussion of welfarism and objectionable preferences, see Kaplow and Shavell, *Fairness versus Welfare*, 418–31.

results may arise. To see this, suppose that individual A has some offensive tastes and, accordingly, devotes some of his allocation of resources to fulfilling them. If his satisfaction from such expenditures is to be ignored, individual A will be deemed worse off on that account, and an egalitarian theory would thereby need to allocate more resources to individual A, some of which may inevitably be used by A to satisfy his objectionable preferences to an even greater extent.

Expensive tastes.—The possible existence of expensive tastes is also seen as a basis for using means-based theories rather than relying on well-being.⁵² Setting aside the question of the origin of such tastes (including why, when such tastes result from voluntary choice, individuals would be motivated to make choices that by definition are detrimental to themselves), the same two points just noted with regard to offensive tastes may be raised.⁵³ First, if some such tastes exist, one might fail to credit them (that is, treat an individual as if he did not have expensive tastes) rather than ignore well-being entirely (including when individuals do not have expensive tastes).

Second, substitution of means-based theories is not directly responsive to the problem. As explored in section II, a core feature of these theories is to give individuals various goods in ratios that differ from those that best promote individuals' well-being. Taking the simple (if unusual) case in which an individual's tastes for all such goods are expensive to the same degree, providing that individual a different ratio than he prefers still makes him worse off and is wholly unrelated to the fact that he has expensive tastes.

Application of means-based theories could also be perverse (from the perspective of the theories). Consider now an individual who has an expensive taste regarding only one good which, say, would lead him to allocate an additional five percent of his budget to that good. Suppose, however, that the means-based theory highly values that good, leading to an allocation of ten percent more of his budget to it than an ordinary individual (without the expensive taste) would allocate. Applying the means-based theory hardly offsets the expensive taste. Indeed, the allocation specified by the means-based theory is actually less problematic for the individual with expensive tastes than for the ordinary individual without them, for it is the latter who has his preferred allocation more distorted under the means-based theory.

The possible existence of expensive tastes, it should be noted, leads some to favor

⁵²See, for example, Dworkin, "What is Equality? Part 1: Equality of Welfare," 228–40; Rawls, "Primary Goods," 168–69; and Sen, *On Economic Inequality*, 197–98. For further examination, see Louis Kaplow, "Choosing Expensive Tastes," *Canadian Journal of Philosophy* 26 (2006): 415–25.

⁵³If expensive tastes are not chosen, but rather are innate or are the product of early socialization over which an individual has little control, it is difficult to see why differences in needs due to expensive tastes should be ignored, especially when differences due to physical disabilities—which can be understood as a form of expensive tastes—should be taken into account.

allocative theories that focus on individuals' opportunities rather than on the results that individuals obtain, and opportunity theories can be formulated with regard to primary goods, capabilities, or other approaches.⁵⁴ In many respects, opportunity theories will not differ from those specified in terms of the end product, for individuals will ordinarily use their opportunities to their best advantage. A major reason that they would not is that some individuals may be less capable of taking advantage of certain opportunities, but in that event their opportunities are not really equal.⁵⁵ Furthermore, proponents of results-based theories may take an ex ante view or incorporate the possibility of insurance, in which case many other differences would vanish. Regardless of these considerations, the present essay is concerned with well-being versus means-based alternatives, not with the question of whether opportunities or actual attainment is, in principle, the correct normative focus under whichever of these theories is chosen.⁵⁶

V. Conclusion

A central feature of primary goods, capabilities, and other means-based theories is that, in assessing individuals' situations, various means of fulfillment are systematically assigned different weights than individuals themselves assign, in terms of their well-being. This departure is made with regard to individuals on average and to each particular individual. It follows that using such theories to design social systems tends to reduce individuals' well-being, in principle, every individual's well-being.

Furthermore, if individuals are freely permitted to determine the relative allocation of different types of goods that they will receive—whether by directly expressing their wishes or through conversion between types of goods or by trading with each other—the loss in well-being may be avoidable. Any of these escapes, however, comes at the expense of entirely circumventing the means-based theories. For the theories to be implemented, it is necessary to defy individuals' consent and to subvert their freedom and autonomy, understood subjectively.

These means-based theories have been and could be motivated in a number of ways. It is argued that the strongest support comes from instrumental justifications that, by their nature, do not support the theories as normative ideals. It is further suggested that intrinsic justifications seem unpersuasive or, to the extent they have merit, only warrant more modest refinements of the

⁵⁴See, for example, Sen's discussion of possibilities versus achievement in "Well-Being, Agency and Freedom."

⁵⁵An equal opportunity theory could, however, define equality only with regard to certain features.

⁵⁶Means-based theories would, to be sure, be more natural under a normative theory that focused on opportunity rather than attainment, but one would still need to address the question, opportunity *for what*. Furthermore, even if the opportunity itself is what is valued normatively, opportunity-based theories still have an instrumental aspect. For example, if one favors equal opportunity for welfare, and accordingly argues that a specific set of means should thus be made available to individuals, it is open for others to respond that some other set of means provides individuals with a better opportunity for attaining welfare.

concept of well-being rather than wholesale substitution of an alternative approach to normative assessment of individuals' situations.