

Reason, Freedom and Well-being

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I am embarrassed at being placed in the dizzying company of one of the truly great thinkers in the world. The similarities between Mill's ideas and mine partly reflect, of course, his influence on my thinking. But I also discuss some difficulties in taking Mill's whole theory without modification, since there are internal tensions within it. In a paper I published in 1967, I tried to discuss how Mill's willingness to hold on to some contrary positions depended on the nature of his empirical reading of the world. I draw on that diagnosis in commenting on some of the articles here. There are some serious issues of misinterpretation in one of the articles, which I try to clarify. I also comment on Arrow's interpretation of what is involved in the idea of autonomy and on his own way of assessing freedom, and acknowledge the seriousness of the questions he raises about the value of freedom in normative political philosophy.

I

There is a short story of George Bernard Shaw's in which a bishop arrives in heaven and makes the grand announcement, 'Gentlemen, I am the Bishop of St Pancras'. One of the addressees, a youth in a dalmatic, confesses that he is St Pancras himself. The bishop, as buoyant as ever, says affably that he was very pleased to meet the young man, adding, 'I take a personal interest in every member of my flock'.¹ Well, I too take a tremendous personal interest in all members of 'my flock' and John Stuart Mill is one of the chief guiding spirits in my understanding and thought. Indeed, if I could have overcome some theological hindrances, I might well have applied for a suitably active role in propagating Millian catechism. This symposium on 'Mill and Sen', therefore, generates two immediate thoughts.

The first reaction is one of serious embarrassment at being placed in the dizzying company of one of the truly great thinkers in the world – one whose ideas have persistently inspired me, along with countless others. The Bishop of St Pancras had composure of a kind I cannot aspire to. Indeed, the massive contrast between the two authors reminds me irresistibly of a pub I knew in London called 'Cabbage and King's Head'.

The second thought is the need for me to make it clear that any similarity that emerges between Mill's ideas and mine is tremendously pleasing to me, rather than the opposite (as seems to be presumed in some of the presentations in these essays). There is a general

¹ George Bernard Shaw, 'Aerial Football: The New Game', *The Black Girl in Search of God and Lesser Tales* (London, 1934), p. 82.

issue of some importance here, since I take much pride (and I think that is the right word) in the fact that my ideas are not 'rootless' – they are in the 'tradition' established by some very great people. My long list of intellectual instigators includes (to choose some names – relevantly for this symposium – from a list of many leading lights): Aristotle (especially for making us understand that the nature of precision sought, and ambiguities that need accommodation rather than rejection, would depend on the nature of the subject matter under study), Adam Smith (particularly for his investigation of rationality and of capability), Mary Wollstonecraft (in particular, for her exposition of human rights in general and of the importance of women's rights in particular), John Stuart Mill (especially for showing us the importance of liberty and the need to see utility in an adequately plural framework), Karl Marx (notably for teaching us that the most terrible inequalities may be hidden behind an illusion of normality and justice), and – coming to our own times – Kenneth Arrow (for, among other things, his pioneering development of axiomatic social choice theory which serves as the methodological foundation for a substantial part of my own intellectual efforts).

Since I have not had the personal privilege of meeting anyone listed here other than Ken Arrow, I must also confess that I would love to encounter them in an imagined afterworld, though I would not, I think, like to meet Mill and Marx *together*, given what they evidently thought of each other (but maybe I could be persuaded to see them together from behind an old-fashioned air raid shelter that gave sufficient protection against collateral damage). But meeting Mill alone would have been great, and this wonderful symposium, with many fine explorations of the reach of Mill's ideas, gives me at least the second-best comfort of meeting his *ideas* closely – it also revives the memory of my undergraduate days in Presidency College, Calcutta, when I went into a personal 'Mill fest' that took me away from all else for nearly a month.

The fact that many of Mill's analyses and insights have influenced my work deeply is too obvious to state, but the fact that I am proud of this influence and have acknowledged it repeatedly² is worth emphasizing precisely because the opposite impression is given in some of the presentations in this fine collection of essays. My debt to John Stuart Mill is immense, even when I have not been able to agree with him

² To cite just a few examples of my own discussion of the way I have drawn on Mill's ideas, see 'The Nature and Classes of Prescriptive Judgements', *Philosophical Quarterly* 17 (1967); 'Liberty, Unanimity and Rights', *Economica* 43 (1976); 'Plural Utility', *Proceedings of the Aristotelian Society* 80 (1980–1); and 'Minimal Liberty', *Economica* 57 (1992).

entirely, for he has taught me, as he has taught thousands of others, how to think about these problems.

II

Mozaffar Qizilbash's article, 'Capability, Happiness and Adaptation in Sen and J. S. Mill', is music to my ears. Among some of the connections between Mill's ideas and my contentions that Qizilbash brings out with remarkable perspicacity, there are some I did indeed know reasonably well, including the basic recognition that Mill 'sees the capability to be happy as important'. Some other connections I was less clear about, including – importantly for this symposium – the reach of Mill's understanding of the role of adaptation to adverse circumstances that distorts the metric of utility of the chronic underdog. Aside from my own empirical observations, both from real life and from my research studies (for example, of women's perception of their health and well-being in rural and urban India),³ I was intellectually influenced, in pursuing this subject, primarily by my other heroes, in particular by Mary Wollstonecraft's analysis of women's evident contentment even in highly unequal circumstances and Karl Marx's analysis of 'false consciousness' (a concept that he uses in his investigation of the underdogs in the class hierarchy, but which is at least as relevant for understanding the state of apparent contentment of the disadvantaged in the gender hierarchy).

I am, however, fully persuaded by Qizilbash's evidence and reasoning that John Stuart Mill had seen very clearly the difficulties caused by adaptation to adverse predicaments. I accept Qizilbash's point fully, even though I am tempted to *add* to my old grumble that, given his evident clarity on this subject, I wished Mill had reassessed more radically his allegiance to Bentham and to the utilitarian approach in general, since adaptation does massively distort the recordings of disadvantage in the scale of utilities and happiness.

Qizilbash is also right to point to the important issue that '[t]he relationship between capabilities, opportunities and happiness in Mill's writings suggests that he held a substantive view of human flourishing which involves the development and exercise of certain capabilities' (p. 32). This may not be entirely surprising from a thinker who had studied both Aristotle and Smith with such involvement. But Qizilbash also makes a very interesting point, which needs much more intellectual engagement than it has received so far in writings on Mill, that '[i]n the absence of such a view, it is hard to make sense of the

³ See, for example, my *Resources, Values and Development* (Oxford and Cambridge, Mass., 1984), and *Commodities and Capabilities* (Amsterdam, 1985).

distinction between contentment and happiness' in Mill's 'discussion of higher and lower pleasures' (p. 32).

The informational reach of Mill's analysis is indeed extensive. What is particularly interesting to examine is how Mill retains his loyalty to utilitarian calculus despite the range of concerns to which he pays serious – often pioneering – attention. I did, in fact, try to discuss that difficult issue in a youthful essay of mine published in 1967 in *The Philosophical Quarterly*, which has remained largely unread (perhaps justly so), except for the illuminating critique it has recently received from Hilary Putnam.⁴ I tried there to defend Mill against Richard Hare's claim that Mill was going beyond the boundaries of utility calculus in the way he tried to formulate issues of equity and justice in his utilitarian formula.

I take the liberty of quoting from my 1967 attempt to adjudicate on this issue, since it is relevant to the question being discussed here:

Mill's discussion on equity and justice vis-a-vis utilitarianism has certain ambiguities, and at least two different interpretations are possible. One view is that 'the principle of fairness is built into the meaning of utility', and in this light Hare has observed that 'Mill's mistake was perhaps to try to incorporate ideals into a utilitarian theory, which cannot really absorb them'. There is undoubtedly this trend in Mill's reasoning; but there is also a second approach quite explicitly worked out in his discussion of this conflict, where it is suggested that these two ideals, which have potentially different demands, do not *in fact* conflict. While 'by no means' is 'the difference between the Just and the Expedient a merely imaginary distinction', 'objectively the dictates of justice coincide with a part of the field of General Expediency'. Justice is, according to Mill, not independent of utility as such, and 'remains the appropriate name for certain social utilities which are vastly more important, and therefore more absolute and imperative, than any others are as a class', but is distinguished from 'the mere idea of promoting human pleasure or convenience', which generates 'milder feeling'.⁵

Aside from suggesting that Mill's views on utility can be differently interpreted in linking plural utilities of differential importance to questions of equity and justice, I also had the ambitious plan, in that 1967 essay, to get Mill's help in identifying a methodological point I was, then, trying to pursue myself. This concerns the distinction between a value judgement being 'basic' to a person in the sense that 'no conceivable revision of factual assumptions' would lead to that judgement being revised as opposed to the more typical class of 'non-basic' judgements which depend – usually implicitly – on *factual*

⁴ Sen, 'The Nature and Classes of Prescriptive Judgements'; Hilary Putnam, *The Collapse of the Fact/Value Dichotomy and Other Essays* (Cambridge, Mass., 2002).

⁵ Sen, 'The Nature and Classes of Prescriptive Judgements', pp. 57–8.

presumptions.⁶ I coupled this distinction with another contrast – that between ‘compulsive’ judgements that yielded definitive affirmations about what should be done, and ‘non-compulsive’ judgements that affirmed the presence of grounds for doing something which would be definitive *in the absence of contrary considerations that would indicate the opposite* (when non-compulsive judgements clashed, their competing claims would have to be comparatively assessed).

After discussing Mill’s reading – and his factual understanding – of the nature of the world and the role that this plays in the form that his utilitarianism takes, I tried to get Mill’s support for the distinction I was trying to promote between ‘basic’ and ‘non-basic’ judgements.

It is in this way that Mill can ‘resolve’ ‘the only real difficulty in the utilitarian theory of morals’, since ‘all cases of justice are also cases of expediency’. In this resolution there is, as has been widely noted, a definitional element, but there is, as we have just seen, a factual element also. For this reason, it seems to me, Mill’s utilitarianism is best regarded as non-basic. . . . It is even arguable that Mill’s interest in ‘the kind and degree of evidence which constitutes scientific proof’ in the field of ethics, was related to his recognition that those disputing his ethical theory are likely to dispute the underlying factual assumptions rather than his basic, non-compulsive utilitarian judgement, from which he derives his non-basic, compulsive utilitarian ethics.⁷

This way of understanding Mill also allowed me to be both generally sympathetic (and conditionally in agreement) with Mill’s version of utilitarianism, while still insisting that Mill’s beliefs about observed intensities of pleasures are empirically fragile and cannot adequately take care, within the severely limited format of utilitarianism, of the conflicting ethical pulls that have to be addressed. My dual response to Mill can be seen, for example, (1) in my invoking, repeatedly as it happens,⁸ Mill’s powerful arguments for personal liberty (such as ‘there is no parity between the feeling of a person for his own opinion, and the feeling of another who is offended at his holding it’⁹), in my attempts to identify certain demands of liberty in social choice, and (2) my inability to accept Mill’s general conclusion that if the varying intensities of

⁶ I was trying to bring out the extensive role of ‘implicit facts’ in value judgements, to complement the much-discussed category of ‘implicit values’ in allegedly factual statements. Hilary Putnam has argued in his far-reaching 2002 book *The Collapse of the Fact/Value Dichotomy and Other Essays* that I needed a more radical departure from the fact–value dichotomy than that, and Putnam is entirely convincing on this. However, my own methodological position on this subject in 1967 is well reflected in my attempts to recruit Mill on the importance of the factual presumptions underlying value judgements, even for foundational ethical and political principles of the kind enunciated by Mill himself.

⁷ Sen, ‘The Nature and Classes of Prescriptive Judgements’, p. 58.

⁸ See, for example, my *Choice, Welfare and Measurement* (Oxford, 1982; Cambridge, Mass., 1997), pp. 292, 342, 344, 363, 365.

⁹ John Stuart Mill, *On Liberty* (London, 1859), p. 140.

different kinds of utilities are taken into account, the square is nicely circled to give us what might be seen as an unproblematic utilitarian moral philosophy fully respecting libertarian priorities (including, of course, utility-based Paretian demands).

The same can be said about Mill's celebration of the specific capability of being happy and his emphasis on the constructive role of capability fulfilment in generating happiness (issues on which Qizilbash comments with much clarity). Important aspects of capability analysis are, thus, captured by Mill, and this fact certainly needs recognition. And yet Mill's focus on capabilities is foundationally *derivative* and *contingent*. In particular, (1) it concentrates on the fact that the capability to be happy is directly linked with happiness (ultimately, the only object of value), and (2) it takes note of the fact that other capabilities can also be useful in generating utility indirectly. This, I fear, is not an adequate basis for valuing capability in terms of the foundational importance of freedom itself (on which, we do know from Mill's other writings, he did have quite a strong view). Mill's contingent valuation of capability is not, thus, very deeply grounded (even within his own foundational priorities). It is not comparable to the basic importance that is given to freedoms and capabilities in the works of Aristotle, Mary Wollstonecraft, or Adam Smith, or, for that matter, in the early writings of Karl Marx. In this respect, I find myself more at home in the world of these other authors, rather than in the celebration of capabilities in a thoroughly contingent form – with somewhat fragile empirical underpinnings – within a basically utilitarian world.

III

The distinctions presented in the foregoing discussion have, I believe, some relevance also for Jonathan Riley's article, 'Liberal Rights in a Pareto-optimal Code'. Focusing on the theorem on 'the impossibility of the Paretian liberal', Riley asks the question, 'How might utilitarian liberals like Mill reasonably respond to Sen?' Obviously, the answer to that question will be of great interest to me (I am not selfless enough to deny that), but I think there is a bigger issue to which Mill has to respond which will subsume his attitude to little theorems like Sen's. This is the issue of the relation between the libertarian parts and the utilitarian whole of Mill's substantive political philosophy.

As was discussed in the last section, Mill's ultimate ability to adhere to an exclusive reliance on utility calculus in general and to the maximization of the sum-total of utilities in particular depends on some – largely but not exclusively empirical – presumptions he makes. These include in particular: (1) his evident belief that the *source-based* distinction between types of utilities (for example, the

distinction between ‘the feeling of a person for his own opinion, and the feeling of another who is offended at his holding it’) will be reflected also in the *quantities* of utility after all (through variations in utility *intensities*), and (2) his conviction that the maximization of utility aggregates for the society would somehow be invariably hampered if everyone’s liberties were not fully respected. Armed with these empirical presumptions, Mill can have the sense of accommodating the libertarian parts of his political philosophy within his utilitarian format. If these presumptions, with large empirical contents, are indeed accepted, problems of ‘impossibility’ of the kind identified in my work will give no problem to Mill whatever (formally, this will amount to constraining the condition of ‘unrestricted domain’ that is used to establish the ‘impossibility of the Paretian liberal’).

Even though the formalities used by Riley differ from my understanding of Mill, presented above, they are not, I believe, at odds with each other. Riley argues that Mill separates out ‘an optimal legal and moral code of justice’ which incorporates the demands of liberty, and the ‘Pareto criteria do not apply to impermissible choices disallowed by the rules’ (p. 64). This would, of course, immediately eliminate the conflicts between the Millian priority of liberty and the unrestricted Pareto criterion (the conflict with which I was concerned), since the latter would then be narrowed and restricted in a way that would precisely exclude any conflict with the libertarian demands incorporated in the ‘legal and moral code’.

The problem that remains is how to reconcile the narrowing of the Pareto principle within a utilitarian system, since any change – whether or not in violation of any ‘code’ – that increases everybody’s utility must, by construction, increase the utility sum-total, which is, of course, the utilitarian maximand. Riley comments on this point explicitly: ‘the objection, it seems, boils down to an assertion that utilitarian liberalism is not a genuine Pareto-inclusive maximizing utilitarianism’ (p. 78). It is in this context that it becomes particularly important for Riley to invoke his more general point that ‘[a] Millian utilitarian liberal argues that certain rules of equal justice are essential for maximizing the general welfare’ (p. 77). This is not, of course, an analytical truth, and reflects instead Mill’s empirical reading of the nature of the world, as was discussed earlier on in this essay. Mill’s utilitarianism involves, thus, a ‘non-basic’ utilitarian principle, which is conditional on substantive empirical presumptions, which, in turn, remain open to disputation.

Seeing the controversy in this way allows us even to pinpoint where the disagreement might lie between admirers of Mill’s libertarian priorities who see these demands as overriding the utilitarian calculus, including the utility-based Pareto principle in many cases (this author

falls in this category), and other admirers of Mill who pitch their tent on the belief (I should really say, hope) that Mill's libertarian priorities would not, *in practice*, conflict with the utilitarian calculus and the utility-based Pareto principle. If this is accepted, I see no difficulty in agreeing completely with Riley that '[w]hile disagreement remains, the controversy cannot be settled merely by declaring against these sophisticated [Millian] liberal utilitarians' (p. 79). A non-basic judgement would certainly demand that we examine and scrutinize the underlying factual reading of the kind of world in which we live, and in this case this would involve assessing whether Mill's presumptions about the cause–effect relations about violations of liberty and their consequences in terms of utilities are actually correct. In my 1967 essay I was trying to interpret the removal of the liberty–utility tension surrounding Mill's complex ethical system in terms of his strong, if implicit, use of an empirical reading of the world, and I would interpret Riley's plausible conclusions in that general light as well.

IV

Turning now to Robert Sugden's article ('What We Desire, What We Have Reason to Desire, Whatever We Might Desire: Mill and Sen on the Value of Opportunity'), I fear I run into a problem here that I do not encounter in any of the other articles, to wit, being extensively misrepresented (no doubt inadvertently). Since Sugden and I have argued about these issues over a very long time (and since I have continued to enjoy and benefit greatly from Sugden's exposition of Sugden's beliefs, to be distinguished from Sugden's exposition of Sen's beliefs), I must confess to a sense of some frustration at this point. I shall come to those divisive issues presently, but I begin by noting that despite the illusory elements that clutter Sugden's exposition and critique of my ideas, the glimpses that he gives of his own thought – whether presented in the guise of alleged comments on my statements or on Mill's – are, as always, engaging and sometimes stimulating.

Sugden seems to think that I subscribe to the idea that “we” as ethical theorists, can claim to know better than some particular individual what is good for her’ (p. 34). Sugden does not give the reader many clues about what led him to arrive at this extraordinary diagnosis. So I have to speculate, since that general view attributed by Sugden to me is absolutely – and emphatically – *not* mine.

Perhaps Sugden is referring to my pointer to the phenomenon called ‘adaptation’ much discussed in this symposium itself. This deals with the possibility that a chronic underdog may become so used to her deprivation and so hopeless about it, that she may have an illusion of ‘normality’ about her state of deprivation and she may also respond by

cutting down her desires and by learning to take some pleasure in very small mercies (which would have the effect of making the deprivations look less awful in the scale of utilities). That special problem can – and sometimes does – exist, but it does not, of course, yield a general case for believing (as Sugden seems to think) that ‘ethical theorists can claim to know better than some particular individual what is good for her’. Any general – and ecumenical – belief of that kind would, of course, be absurd. And yet there are, in particular circumstances, observed oddities such as the persistent reporting of much lower self-perceived morbidity by, say, people from Bihar (where illiteracy is rampant and where health care is very limited) compared with the high perception of ill-health of the people from Kerala (which happens to be best provided in terms of education and health care in the country). Do we accept the self-reported morbidities to indicate that the Bihari population is more healthy than the people in Kerala, despite Bihar’s having the lowest life expectancy while Kerala has the highest in India?¹⁰

The problem of adaptation is widely recognized, but to make it look as if this gives me a general inclination to override an individual’s own assessment in favour of the assessment of others (as Sugden seems to suggest) is hardly a fair description. In many different forms the issue of adaptation has been discussed by Smith, Wollstonecraft and Marx, among others, and we can see from contributions in this symposium (particularly by Qizilbash) that it was appreciated by Mill as well. This is a specific problem of some importance that has to be addressed,¹¹ without falling into the extraordinary *general* belief that others ‘know better than some particular individual what is good for her’.

Sugden accuses me of being too reliant on external, especially collective, assessment: I am supposed to allow ‘collective judgements about rational desire to override individuals’ actual desires’ (p. 41). I take it he is objecting either to my use of the Smithian device of introducing an imagined ‘impartial observer’ to assess one’s own understanding, or to my use of the Rawlsian device of insisting on ‘public reasoning’ to assess our own unscrutinized assessments. I cannot claim any originality for either of these procedures, though I have discussed their respective merits elsewhere.¹² I am surprised by the extent to which Sugden sees an odd picture of despotism in the

¹⁰ Different aspects of problems of illusory self-assessment are discussed in my *Resources, Values and Development* (Oxford and Cambridge, Mass., 1984); ‘Positional Objectivity’, *Philosophy and Public Affairs* 22 (1993); ‘Health: Perception versus Observation’, *British Medical Journal* 324 (April 2002).

¹¹ It is a central issue, for example, in gender studies; see particularly Martha Nussbaum, *Women and Human Development: The Capabilities Approach* (Cambridge, 2000).

¹² Particularly in ‘Open and Closed Impartiality’, *Journal of Philosophy* 99 (2002).

recognition of the need for critical assessment and public reasoning (what Rawls thought was the basis of 'objectivity' in ethical and political assessment), thereby covering a widely recognized issue in somewhat thick fog. Nor does Sugden get Mill quite right in his insistence that, in contrast with that despotic Sen, 'Mill links the individual's well-being to her freedom to act on her own desires, whatever they may be, and sees no need for political adjudication between alternative conceptions of what is ultimately valuable in human life' (pp. 49–50). Qizilbash has discussed Mill's treatment of 'adaptation' in some detail; it did take Mill somewhat beyond total tranquillity about the individual's 'own desires, whatever they may be'.

Sugden gets into a much bigger misdescription when he attributes to me an endorsement of collective tyranny over the individual, violating his or her liberty (an odd diagnosis, particularly given the fact that Sugden himself has written several papers on my use of conditions of liberty that may require us to disavow even the Pareto principle in the light of the importance of individual liberty). Sugden puts the issue thus (p. 40):

Suppose that I, as a citizen, ask what opportunities I am assured in a regime of the kind proposed by Sen. The answer seems to be this: I am assured opportunities to lead those kinds of lives that a majority of my fellow citizens, after reflective deliberation and open debate, judge to be valuable. I am also assured the opportunity to participate in this debate on equal terms with everyone else. What I am *not* assured is the opportunity to live whatever kind of life I desire, within the constraints imposed by other people's having similar opportunities.

What Sugden is describing is, of course, a general failing of majoritarian democracy with no guarantee of liberty. But far from this being a society that I am 'proposing', it is particularly the type of society that I have presented as an example of what is unacceptable in unrestrained majoritarianism in social choice. I have used this type of concern, among others, to demand specific conditions of liberty (including the right 'to live whatever kind of life I desire'). I have tried to discuss extensively why the need to guarantee liberties and minority rights has to be part of an acceptable framework of democratic collective choice (this figured very prominently even in my first book on the subject, *Collective Choice and Social Welfare*).¹³

How could Sugden end up with such a total misinterpretation? In justification of the monstrous political philosophy he attributes to me, Sugden gives us two references to my work (pp. 39–40). One is from *Development as Freedom* (p. 78), where I am discussing how we may

¹³ See my *Collective Choice and Social Welfare* (San Francisco, 1970; Amsterdam, 1979), particularly in ch. 6, but also in chs. 7–10.

construct an index of capabilities, similarly to the Rawlsian index of primary goods (or the economist's index of real incomes).¹⁴ That is an exercise of some importance, but it does not of course tell us anything at all about how minority rights, or for that matter minority tastes, may be taken into account in a liberty-sensitive democratic social choice. What Sugden does here would be similar to coming to the conclusion that Rawls has no interest in personal liberties since he bases his index of primary goods on social agreement of some kind, or that Paul Samuelson must be negligent of the value of individual lives since his real income index concentrates on a very different problem.

The second – and only other – reference that Sugden gives comes from a conversation that is reported in *Feminist Economics*, in which the complete quotation he cites consists of my saying, '[P]ure theory cannot "freeze" a list of capabilities for all societies for all time to come, irrespective of what the citizens come to understand and value' (p. 40). I did indeed say that (and remain ready to repeat it again), but why on earth this might lead any reader to the conclusion that a tyrannical society must be 'underlying this whole account' defies my comprehension.

Similar misinterpretations occur at other places in Sugden's exposition. Sugden asks the rhetorical question, apparently to show up the inanity of my alleged politics, 'What, in terms of my own understanding of my own good, do I gain by allowing the judgements of a majority to override my own desires about matters that are private to me?' (p. 50). The answer to this question must be fairly obvious: to wit, I gain nothing whatever. But why ask it? I like the focus on domains of private choice of course, if only because of my silly sense of accomplishment in my having had a role in introducing the consideration of a private and personal domain in social choice theory. We have to look for a social choice mechanism, I argued, such that in a matter of purely 'personal choice' the person's 'preference should be precisely reflected by social preference'.¹⁵ I suppose I should take some satisfaction in the fact that Sugden seems to agree with me, if only with a 35-year lag. Things could certainly have been worse.

V

Among the several misattributions that Sugden makes, there is one that is made also by L. W. Sumner in his otherwise very interesting article, 'Utility and Capability'. Sugden says: 'Sen proposes that the capability set should be the informational base for the assessment of a

¹⁴ See my *Development as Freedom* (New York, 1999), pp. 76–80.

¹⁵ Sen, *Collective Choice and Social Welfare*, p. 79.

person's well-being' (p. 37). Sumner, in a somewhat similar vein says, 'Sen regards the capability view as an improvement over two traditional theories about the nature of well-being' (p. 4). Not quite. In fact, I was trying to relate the idea of capability not with well-being as such, but with freedoms of various kinds, and particularly with what I called 'well-being freedom'.¹⁶

What is more important than this distinction itself – in particular between 'well-being' and 'well-being freedom' – is the understanding of the four interrelated concepts I was investigating, combining two different lines of categorization, based on the contrast between *well-being* and *agency*, on the one hand, and that between *achievement* and *freedom*, on the other. This yielded, as I discussed in my three 1984 Dewey Lectures (published in *The Journal of Philosophy*, 1985) four categories, each with its own specific interest: (1) 'well-being achievement'; (2) 'well-being freedom'; (3) 'agency achievement'; and (4) 'agency freedom'.¹⁷ For example, *well-being freedom* concentrates on 'a person's capability to have various functioning vectors and to enjoy the corresponding well-being achievements', while, in contrast, *agency freedom* 'refers to what the person is free to do and achieve in pursuit of whatever goals and values he or she regards as important', which need not be confined to the person's own welfare. I was arguing that moral and political philosophy as well as normative social choice had use for each of these concepts, with their somewhat varying focus on things that a person has reason to value.

Sumner does not give the impression that he has taken note of this fourfold categorization, which is fairly important for what I am trying to say on the relevance of human capabilities. But Sumner does provide a fine account of many of the issues on which my understanding is similar to Mill's. I agree with these diagnoses, as I have discussed in commenting on Qizilbash's article. Sometimes the congruence (or near-congruence) reflects the direct influence of Mill's ideas on my thinking (as it is, for example, on the need to separate out personal liberty from general accounting of individual advantages). But in all cases, whether or not the similarity comes through Mill's direct influence on my understanding, the congruence is particularly pleasing to me, given my sense of belonging to a tradition in which Mill is a towering figure.

In all this Sumner and I are on largely harmonious ground. There are, however, some points on which I do not quite agree with the way Sumner sees the issues in general and my views in particular. Though Sumner is absolutely right to distinguish between my criticism

¹⁶ See my *Commodities and Capabilities*; and also 'Well-being, Agency and Freedom: The Dewey Lectures 1984', *Journal of Philosophy* 82 (1985).

¹⁷ 'Well-being, Agency and Freedom'.

of 'generic welfarism' (relying only on well-being, but not necessarily identifying well-being with utility) and seeing well-being to be much the same as utility, which he calls 'welfare subjectivism', I do not think that the central difficulty with identifying welfare with utility arises from the fact that utility is defined in terms of mental magnitudes, making the exercise, in that very limited sense, 'subjective'. Sumner seems to identify two descriptions: 'individual welfare is subjective' and it is 'identical to utility' (p. 3). If by 'subjectivism' it is meant that utility, defined in terms of pleasure or desire, is a mental phenomenon, then that in itself is not a point of vulnerability (as the philosophical concept of being 'subjective' suggests). Indeed, this feature of being related to our minds is also shared by our sense of *values* and our *mental evaluations*.

The difficulties with the reliance on mental metrics of utility in particular lie elsewhere. First, there is the problem that pleasure or desire fulfilment is only one part of the achievements in which we have reason to take interest (even though this could often be a big part). There are other achievements that can figure in our evaluation – even mental evaluation – of what we regard as important (for example, violation of people's personal liberties can be judged to be more terrible than what is reflected in the calculus of pleasure or desire fulfilment). Utility, in the form of happiness or desire fulfilment, figures in only one part of the story of valuation (including mental evaluation), and it is with valuation in general, in all its breadth, that we have reason to be concerned. For this purpose it is not an embarrassment that when we value things, we do use our mind: what *else* can we use?

Nor is it an embarrassment that the phenomenon of 'adaptation' to chronic adversity can influence people's impulsive valuation, just as it can muffle people's desires and can make people take pleasure in very small achievements, as a strategy for not entirely miserable survival. In doing a *scrutinized* valuation – central to the account I am concentrating on – the need for scrutiny is built in, but scrutiny does not get its due when pleasures or desires are simply taken as the basis of moral or political calculation. The difference lies in the need for critical assessment and scrutiny for *reasoned valuation*, which differs, in this respect, from just tallying pleasures or desires (this also explains, by the way, why I speak so much about 'reason to value', on which Sugden too comments).¹⁸

¹⁸ I do not disagree, by the way, with Kenneth Arrow when he expresses his scepticism at 'the idea that values can be completely based on reasoning' (p. 53, n. 6). The central issue here, it seems to me, is not whether valuation can be derived 'completely' from reasoning, but whether reasoning is needed and can play a significant role in shaping scrutinized evaluation. The comment he makes concerns a related issue of misdescription

The neglect of this distinction is central to what Sumner sees as a fatal objection to my approach. He notes, rightly, that '[i]f Sen is correct in thinking that desiring is not an inherently evaluative attitude then his account will not actually collapse into the desire-fulfilment theory'. But then he goes on to say (p. 8):

But in so far as individual or social valuing plays an indispensable constitutive role in the account, it will be no less subjective. Since Sen began by rejecting utility accounts on the ground of their subjectivity, this result is puzzling.

The fact that scrutiny demands the exercise of the mind does not obliterate the distinction between pleasure and desire, on one side, and scrutinized valuation, on the other. Subjectivity, in the particular sense of being a matter of the mind, is not at all a central concern here, but the distinction between 'feeling' and 'critical thinking' is certainly quite crucial.

If the language of subjectivity is to be used, I would concentrate on the difficulty of trying to do without a probing critique and also the problems of avoiding any engagement with public reasoning. John Rawls has argued, persuasively for many of us, that the demands of 'objectivity' in substantive ethics and political philosophy involves just such critical scrutinies and exposure to public reasoning.¹⁹ Sumner's criticism, thus, seems to me to be misdirected, and misses the significant issue that is involved (p. 12):

Should valuations be understood subjectively, then Sen will need to respond to his own malleability objection. On the other hand, should they be understood objectively then personal (and social) rankings will play a merely evidentiary role in the theory and he will owe us an 'objective normative account of human functioning' in order to complete it.

The demands of objectivity need not be seen as mind-independent naturalism of some kind, but rather, as Rawls has argued: 'To say that a political conviction is objective is to say that there are reasons, specified by a reasonable and mutually recognizable political conception (satisfying those essentials), sufficient to convince all reasonable persons that it is reasonable'.²⁰

There is, thus, an issue of 'subjectivity' that is importantly involved in distinguishing desire from valuation. It is not that utility is mental whereas valuation is not (they both involve the mind, I say with some relief!). It is, rather, a question of the distinction between attaching

of real reasons ('reasons given for actions [in many cases, are] not the true causes'). That is, in fact, a different question, which could arise even if valuation were based entirely on reason.

¹⁹ John Rawls, *Political Liberalism* (New York, 1993), p. 119.

²⁰ *Ibid.*, p. 119.

importance only to feelings such as ‘pleasures’ or ‘desires’ as they stand (‘whatever they may be’, as Sugden puts it), and seeing the importance of valuation done with critical examination, with self-scrutiny, and, when relevant, involving the discipline of public reasoning. We still have to decide, of course, on the way public reasoning may be most plausibly pursued, and there remains the further issue of whether to go with John Rawls and Thomas Scanlon towards a ‘contractarian’ framework,²¹ or to pursue the alternative line of invoking the discipline of the ‘impartial spectator’, on which Adam Smith concentrated. Different ways of bringing in social considerations in personal scrutiny remain a further issue, on which I have tried to comment elsewhere.²²

To conclude, the uncriticality of a ‘no-nonsense’ reliance on mental metrics of feelings is the central issue here, not the fact that a mental metric is mental (a characteristic shared by mental evaluation as well as pleasures and desires). Mill’s own work brings out the importance he attached to the need for assessment and reassessment of one’s pleasures and desires.

VI

Kenneth Arrow’s article takes the form of raising some central questions I must address. I agree on the central relevance of these critical questions.

In his first major line of criticism, Arrow argues that while he is ‘thoroughly in agreement’ with my invoking of people’s valuations (or preferences) in ranking comprehensive outcomes (a combination of the chosen outcome and the menu from which choice is made), I do not go far enough in dealing with ‘the trade-off between [culmination] outcomes and menus’ (p. 55). He is entirely right to say this. In fact, my primary motivation in the exercises to which he refers was to identify partial orderings of a kind that would command very wide agreement, through the use of ‘dominance’ of one kind or another. I wanted to show, among other things: (1) the importance of the menu from which choice is made (this is central to what I called ‘opportunity freedom’); (2) the relevance of valuations or ‘preferences’ for assessing the extent of freedom; (3) the possibility of entertaining different valuations and preferences that a person may bring into consideration; (4) the unacceptability of using some proposed shortcuts in the form of counting the number alternatives in a menu to assess the extent of opportunity freedom offered by that menu; and (5) the constitutive possibility of using some dominance conditions that would give us partial orderings of

²¹ Thomas Scanlon, *What We Owe to Each Other* (Cambridge, Mass., 1998).

²² See my ‘Open and Closed Impartiality’, *Journal of Philosophy* 99 (2002).

opportunity freedoms that have very great plausibility, even for people who may differ on the quantification of trade-offs.

Arrow wants, reasonably enough, to go further, and explains the reasoning behind one solution he had earlier offered based on 'expected value' linked with multiple preferences.²³ This would certainly take us beyond the dominance rankings I concentrate on. I had argued in an earlier critique that there are reasons to think that this way of completing a partial ordering might not be universally appealing (for reasons that have some similarity with those which arise for people who would question the summation formula used by utilitarianism, even when they accept that utilities constitute the correct informational basis for this evaluation). I will not repeat the arguments here, but since Arrow's fuller rankings are extensions of the partial orderings I have proposed (as Arrow rightly notes), there is in any case no assertive contradiction between his position and mine (he is ready to articulate more than I am confident to do).

However, I must comment on Arrow's critique of my 'view that uncertainty about one's preferences would only be relevant if they were determined externally', p. 57). He points out that he sees 'no logical or other problem in the view that, at the time of choosing the underlying mechanisms of choice, an individual does not feel that he or she knows his or her preferences' and that '[t]he individual wants to retain his or her autonomy for the future' (p. 58). It is certainly not my purpose to deny the plausibility of this way of reasoning when a person lacks enough knowledge about his or her own preferences (possibly dealing with a point in the future), and Arrow's approach rightly goes into this important issue. And yet, I argued, there is a further problem of 'autonomy' which is not that of autonomy of 'choosing an alternative from a menu', but that of *deciding on how to value* the alternatives. This, I believe, is an important issue of freedom – of choosing not among alternatives but among valuations and preferences. If we attach some value to retaining the freedom to take one of several different views (or of changing one's mind), it is not just a question (as Arrow seems to see it) of whether right now 'he or she *knows* his or her preference'. It is one of retaining some room also for *volitional* change of priorities and preferences.

In being concerned with freedom, people can attach importance to the liberty to change their minds on the basis of conscious reflection and decision (which is not quite the same as just of *predicting* what one would end up valuing). One must not, of course, grumble about whatever can be sensibly said in this difficult field, and Arrow's solution

²³ Kenneth Arrow, 'A Note on Freedom and Flexibility', *Choice, Welfare and Development*, ed. K. Basu, P. Pattanaik and K. Suzumura (Oxford and New York, 1995).

does address an important problem of uncertainty of tastes and values in a way that many would find extremely plausible. My suggestion does not go much beyond pointing to another aspect of freedom that can be quite important under the broad heading of autonomy, viz. the freedom to change one's mind *wilfully*, which is not just a problem of uncertainty.

Finally, Arrow raises the foundational question of whether 'freedom is a value'. He argues that this value is not universal, and gives various telling examples of people who had not accepted the plausibility of this value, including some who have regarded freedom to be, in fact, a 'burden'. He replies to the possible argument – not mine – that some people seem willing to die for defending freedom, by pointing to the fact that 'people are willing to die for all sorts of reasons', some of which do not go at all in the direction of enhancing freedom.

These are extremely interesting general thoughts raising deep questions about the plausibility of a freedom-centred normative approach in social choice. Arrow makes clear that he does 'not draw any deep conclusions' from what he describes as his 'unorganized series of reflections' (p. 58). However, any approach that concentrates on the value of freedom would have to address these reasoned concerns. I have tried to defend elsewhere the case in favour of focusing on freedom in particular, in pursuing normative political analysis (I will not repeat here the reasoning presented there, especially since Arrow does not shoot down my arguments).²⁴ As it happens, this is also among the subject matters of a promised book, called *Freedom and Justice*, which is a sequel to my already published volume, *Rationality and Freedom*.²⁵

I would end only by saying that by identifying these reasoned concerns (no matter how 'unorganized' they may appear to Arrow himself), he has put me, once again, greatly in his debt, since these doubts deserve extensive examination and engagement. My very final thought is that in pursuing that exercise, I hope to benefit not only from Arrow's constructive contributions as well as cogently sceptical points, but also from John Stuart Mill's pioneering arguments for liberty. I can certainly promise that my efforts to derive insight and inspiration from those who have enlightened my own world of understanding will continue undiminished.

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²⁴ See particularly my 'Well-being, Agency and Freedom'.

²⁵ *Rationality and Freedom* (Cambridge, Mass., 2002). The sequel will also be published by Harvard University Press, like its predecessor.