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Chapter

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8 Social unity and primary goods*

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In this essay I have two aims: first, to elaborate the notion of primary goods, a notion which is part of the conception of justice as fairness presented in my book *A Theory of Justice*;¹ and, second, to explain the connection between the notion of primary goods and a certain conception of the person which leads in turn to a certain conception of social unity. Following a brief preface in section I, the main part of my discussion is in sections II–V. Here I describe how in justice as fairness primary goods enable us to make interpersonal comparisons in the special but fundamental case of political and social justice. I remove certain gaps in the exposition in my book and by emphasizing that the notion of primary goods depends on a certain conception of the person I also remove a serious ambiguity. My thesis is that the problem of interpersonal comparisons in questions of justice goes to the foundations of a conception of justice and depends on the conception of the person and the way in which social unity is to be conceived. In justice as fairness the difficulties in defining these comparisons turn out to be moral and practical. The last three sections, VI–VIII, try to clarify these ideas by contrasting them with an account of interpersonal comparisons in the utilitarian tradition which informs so much of contemporary economic theory when it turns to questions of justice. In this tradition interpersonal comparisons are thought to raise difficulties of another kind, namely, the various problems connected with knowledge of other minds. These difficulties are said to be resolved by finding a sufficiently accurate interpersonal measure (or indicator) of satisfaction, or well-being, founded on psychology and

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¹ Rawls 1971. Henceforth referred to as *TJ*.

economic theory. Our question is: What lies at the bottom of this contrast? Why should a Kantian doctrine like justice as fairness view the problem of interpersonal comparisons so differently from the way utilitarianism does?

I

To approach the answer we must first note that one deep division between conceptions of justice is whether they allow for a plurality of different and opposing, and even incommensurable, conceptions of the good, or whether they hold that there is but one conception of the good which is to be recognised by all persons, so far as they are rational. Conceptions of justice which fall on opposite sides of this divide treat the problem of interpersonal comparisons in entirely different ways. Plato and Aristotle, and the Christian tradition as represented by Aquinas and Augustine, fall on the side of the one (rational) good. Indeed, since classical times, the dominant tradition has been that there is but one rational conception of the good. The presupposition of liberalism (as a philosophical doctrine), as represented by Locke, Kant and J. S. Mill,² is that there are many conflicting and incommensurable conceptions of the good, each compatible with the full autonomy and rationality of human persons. Liberalism assumes, as a consequence of this presupposition, that it is a natural condition of a free democratic culture that a plurality of conceptions of the good is pursued by its citizens. The classical utilitarians – Bentham, Edgeworth and Sidgwick – appear to accept this liberal presupposition. I believe, however, that this appearance is misleading and arises from the special subjective nature of their view of the rational good. I shall indicate how both classical utilitarianism and a contemporary version of utilitarianism imply a conception of the person which makes this doctrine incompatible with the presupposition that there are many rational conceptions of the good.

As a Kantian view, justice as fairness accepts the liberal presupposition. The consequence is that the unity of society and the allegiance of its citizens to their common institutions rest not on their espousing one rational conception of the good, but on an agreement as to what is just for free and equal moral persons with different and opposing conceptions of the good. This conception of justice is independent of and prior to the notion of goodness in the sense that its principles limit the conceptions of the good which are admissible in a just society. These principles of justice are to be regarded as the public principles for what I shall call ‘a well-

² The choice of these three names, especially Mill’s, needs an explanation I cannot provide here. I can only remark that, in my opinion, Mill’s view is a form of liberalism and not utilitarianism, given how I use these terms in this paper. Support for this opinion is found in Isaiah Berlin’s essay on Mill in Berlin 1969.

ordered society'. In such a society each citizen accepts these principles and each knows that everyone else accepts them as well. Moreover, the basic institutions of society actually satisfy these public principles, and that this is the case is recognised by all citizens for good and sufficient reasons. The role of basic social institutions is to set up a framework within which citizens may further their ends, provided that these ends do not violate the prior and independent principles of justice.

Another feature of a well-ordered society is that there is a public understanding concerning the kinds of claims which it is appropriate for citizens to make when questions of justice arise, and this understanding involves a further understanding as to what can support such claims. These understandings are necessary in order to reach agreement as to how citizens' claims are to be assessed and their relative weight determined. The fulfilment of these claims is accepted as advantageous for citizens and is counted as improving their situation for purposes of justice. An effective public conception of justice presupposes a shared understanding of what is to be recognised as advantageous in this sense. Thus the problem of interpersonal comparisons in justice as fairness becomes: given the different and opposing, and even incommensurable, conceptions of the good in a well-ordered society, how is such a public understanding possible?

The notion of primary goods addresses this moral and practical problem. It rests on the idea, to anticipate a bit, that a *partial* similarity of citizens' conceptions of the good is sufficient for political and social justice. Citizens do not affirm the same rational conception of the good, *complete* in all its essentials and especially its final ends and loyalties. It is enough that citizens view themselves as moved by the two highest-order interests of moral personality (as explained below), and that their particular conceptions of the good, however distinct their final ends and loyalties, require for their advancement roughly the same primary goods, for example the same rights, liberties and opportunities, as well as certain all-purpose means such as income and wealth. Claims to these goods I shall call 'appropriate claims', and their weight in particular questions of justice is determined by the principles of justice.

II

After this preface, let us now turn to the account of primary goods and their role in the two principles of justice that are used in justice as fairness.³ These two principles are:

1. Each person has an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for all.

³ For a further discussion, see *TJ*, pp. 60–83. For the most complete statement, see pp. 302–3.

2. Social and economic inequalities are to satisfy two conditions: they must be (a) to the greatest benefit of the least advantaged members of society; and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.

These principles apply to what I shall call the 'basic structure of society', that is, to the way in which the major social institutions fit into one system. These institutions assign fundamental rights and duties, and by working together they influence the division of advantages which arise through social cooperation. The first principle has priority over the second, so that all citizens are assured the equal basic liberties; similarly, part (b) of the second principle has priority over part (a), so that the conditions of fair equality of opportunity are also guaranteed for everyone.

Part (a) of the second principle requires specifications of the notions of advantage and benefit in order that the notion of the benefit of the least advantaged be fully explicit. In their general form these specifications assign weights to certain of the primary goods and citizens' fair shares of these goods are specified by an index which uses these weights. The primary goods may be characterised under five headings as follows:

- (a) First, the basic liberties as given by a list, for example: freedom of thought and liberty of conscience; freedom of association; and the freedom defined by the liberty and integrity of the person, as well as by the rule of law; and finally the political liberties;
- (b) Second, freedom of movement and choice of occupation against a background of diverse opportunities;
- (c) Third, powers and prerogatives of offices and positions of responsibility, particularly those in the main political and economic institutions;
- (d) Fourth, income and wealth; and
- (e) Finally, the social bases of self-respect.

Given the priority of the first principle over the second, and of part (b) of the second principle over part (a), all citizens in a well-ordered society have the same equal basic liberties and enjoy fair equality of opportunity. The only permissible difference among citizens is their share of the primary goods in (c), (d) and (e). In the general case, then, we require an index of these goods. In this paper, however, I shall, for the most part, take the two principles of justice in what I shall call their 'simplest form': that is, part (a) of the second principle (the 'difference principle') directs that the basic structure be arranged so that the life-time expectations of the least advantaged, estimated in terms of income and wealth, are as great as possible given fixed background institutions that secure the equal basic liberties

and establish fair equality of opportunity. This simplest form serves as an example of the use of primary goods to make interpersonal comparisons; it ignores, however, the primary goods under (c) and (e) and hence avoids the problem of defining an index. On the assumption that the question of private property democracy versus democratic socialism involves the weighting of primary goods under (c), (d) and (e), using income and wealth alone in the difference principle presumably cannot resolve this historic question. While I shall sometimes speak of an index of primary goods, in this paper I do not consider the problem of an index for the general case.⁴ The simplest form is offered as an example to fix ideas. It suffices for our purpose here, which is to focus on the contrast between justice as fairness and the utilitarian tradition with respect to how the problem of interpersonal comparisons is conceived.

Several further points about primary goods deserve mention. First, primary goods are certain features of institutions or of the situation of citizens in relation to them. Whether the basic structure guarantees equal liberty of conscience, or freedom of thought, is settled by the content of the rights and liberties defined by the institutions of the basic structure and how they are actually interpreted and enforced. We are not required to examine citizens' psychological attitudes or their comparative levels of well-being; and the relevant features of institutions that decide the question are open to public view. To say this, however, is not to deny that the question may sometimes be hard to answer. And the same is true for whether fair equality of opportunity exists. Again, while measures of income and wealth are not easy to devise, the relative standing of citizens, granted such a measure, is in principle a publicly decidable matter.

Second, the same index of primary goods is to be used to compare everyone's social situation, so that this index defines a public basis of interpersonal comparisons for questions of social justice. Primary goods are not, however, to be used in making comparisons in all situations but only in questions of justice which arise in regard to the basic structure. It is another matter entirely whether primary goods are an appropriate basis in other kinds of cases. The parties in the original position know that an index of primary goods is part of the two principles of justice and therefore part of their agreement when these principles are adopted.

⁴ Allan Gibbard (Gibbard 1979), by avoiding the problem of constructing an index and considering the one primary good of income, examines what in the text I call the difference principle in its 'simplest form'. Gibbard shows that in this form the difference principle is incompatible with the Pareto principle. I do not believe that this is 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. See also Gibbard's remarks, pp. 280–2.

Third, the least advantaged are defined as those who have the lowest index of primary goods, when their prospects are viewed over a complete life. This definition implies that social mobility is not considered a primary good. Individuals actually born into this group have some likelihood of improving their situation and of belonging to the more favoured; but whatever this likelihood is, it is irrelevant, since the least advantaged are, by definition, those who are born into and who remain in that group throughout their life. The two principles of justice allow for social mobility through the principle of fair equality of opportunity: it is not a primary good to be weighted in the index. (The circumstances that secure equality of opportunity are, of course, part of the scheme of background justice established by the two principles working together.) Finally, it was noted in section I that in a well-ordered society there must be a public understanding as to what claims are appropriate for citizens to make in matters of justice. The fulfilment of appropriate claims specifies what is publicly counted as advantageous and as improving situations of citizens. In the well-ordered society regulated by the two principles of justice appropriate claims are claims to certain primary goods, and the relative weight of such claims is settled by these principles, which include an index of these goods. But on what basis do the primary goods come to be accepted? Or, as we asked in section I, how is a shared understanding of what are appropriate claims possible, in view of citizens' conflicting and incommensurable conceptions of the good?

III

The answer is given by the conception of the person which is fundamental to justice as fairness, together with the practical nature of primary goods. Consider first the conception of the person: since a conception of justice applies to the basic structure of society regarded as a system of social cooperation, we start by assuming that citizens are free and equal moral persons who can contribute to, and honour the constraints of, social cooperation for the mutual benefit of all. Social cooperation is not merely coordinated social activity efficiently organised for some overall collective end. Rather, it presupposes a notion of fair terms of cooperation which all participants may reasonably be expected to accept over the course of a complete life; it also presupposes that participants have different final ends they wish to advance, and that these ends specify each person's good. Justice as fairness regards each person as someone who can and who desires to take part in social cooperation for mutual advantage. Thus in formulating a conception of justice for the basic structure of society, we start by viewing each person as a moral person moved by two highest-

order interests, namely, the interests to realise and to exercise the two powers of moral personality. These two powers are the capacity for a sense of right and justice (the capacity to honour fair terms of cooperation), and the capacity to decide upon, to revise and rationally to pursue a conception of the good. Moral persons also have a higher-order (as opposed to a highest-order) interest in advancing their determinate conceptions of the good (defined by certain specific final ends and aspirations) that they have at any given time. In sum, then, this conception of the person give regulative primacy to the two highest-order interests, so that moral persons are said to have both the capacity and the desire to cooperate on fair terms with others for reciprocal advantage; and this implies a regulative desire to conform the pursuit of one's good, as well as the demands one makes on others, to public principles of justice which all can reasonably be expected to accept.⁵

Now in order to find reasonable principles for the basic structure we assume that each citizen is represented by a party in what I have called in *A Theory of Justice* 'the original position'. The parties are to reach an agreement on certain principles of justice, and in doing this they follow the instructions of those they represent. These instructions direct the parties to do the best they can for those they represent subject to the constraints of the original position, such as the restrictions on information, the fact that the parties are symmetrically situated, and so on. Given the set-up of the original position, the assumption is that the parties can best represent citizens as free and equal moral persons by deciding between alternative principles of justice according to how securely these principles provide for all citizens the primary goods. To ground this assumption, an explanation of why it is rational for the parties to assess principles of justice in terms of primary goods is needed:⁶

- (i) The basic liberties (freedom of thought and liberty of conscience, etc.) are the background institutions necessary for the development and exercise of the capacity to decide upon and revise, and rationally to pursue, a conception of the good. Similarly, these liberties allow for the development and exercise of the sense of right and justice under political and social conditions that are free.

⁵ In this section I remove the ambiguity in *TJ* about whether the account of primary goods is a matter for social theory alone, or depends essentially on a conception of the person. In *TJ*, §15, pp. 92ff, where primary goods are first discussed at some length, this question is not discussed. See also pp. 142f, 253, 260, and 433f. I am grateful to Joshua Cohen, Joshua Rabinowitz, T. M. Scanlon, and Michael Teitelman for helpful criticism and clarification on this important point.

⁶ A fuller discussion can be found in Buchanan 1975. For a more general account, of which primary goods is a special case, see Scanlon 1975.

- (ii) Freedom of movement and free choice of occupation against a background of diverse opportunities are required for the pursuit of final ends as well as to give effect to a decision to revise and change them, if one so desires.
- (iii) Powers and prerogatives of offices of responsibility are needed to give scope to various self-governing and social capacities of the self.
- (iv) Income and wealth, understood broadly as they must be, are all-purpose means (having an exchange value) for achieving directly or indirectly a wide range of ends, whatever they happen to be.
- (v) The social bases of self-respect are those aspects of basic institutions that are normally essential if citizens are to have a lively sense of their own worth as moral persons and to be able to realise their highest-order interests and advance their ends with self-confidence.

These observations must suffice here to show that the parties' reliance on primary goods is rational. To obtain a ranking of these goods, the parties refer to the highest-order interests of citizens as moral persons, and the fact that they do not know citizens' determinate conceptions of the good. The highest-order interests in developing and exercising the two moral powers, along with the normal conditions of human social life, not only single out the primary goods but also specify their relative importance. Thus, the priority of the first principle of justice over the second, and the priority of part (b) of the second principle over part (a), reflects the pre-eminence of and the relation between the highest-order interests in the conception of the person.

Certainly all of this, particularly the last point, which includes the question of the priority of liberty, requires a much fuller discussion than I can provide here. That the primary goods are necessary conditions for realising the powers of moral personality and are all-purpose means for a sufficiently wide range of final ends presupposes various general facts about human wants and abilities, their characteristic phases and requirements of nurture, relations of social interdependence and much else. We need at least a rough account of rational plans of life which shows why they normally have a certain structure and depend upon the primary goods for their formation, revision, and execution. I shall assume that how all this works out is clear enough for our purposes. But note that what are to count as primary goods is not decided by asking what general means are essential for achieving the final ends which a comprehensive empirical or historical survey might show that people usually or normally have in common. There may be few if any such ends; and those there are may not serve the purposes of a conception of justice. The characterisation of primary goods does not rest on such historical or social facts. While the

determination of primary goods invokes a knowledge of the general circumstances and requirements of social life, it does so only in the light of a conception of the person given in advance.

We can now complete the answer as to how a public understanding of what is counted advantageous in questions of justice is possible despite citizens' conflicting and incommensurable conceptions of the good. Here we invoke the practical nature of primary goods. By this I mean that we can actually provide a scheme of basic equal liberties which, when made part of the political constitution and instituted in the basic structure of society (as the first subject of justice), ensures for all citizens the development and exercise of their highest-order interests, provided that certain all-purpose means are fairly assured for everyone. Of course, it is neither possible, nor desirable, to enable everyone to advance their final ends no matter what these ends are, for some may desire, for example, the oppression of others as an end in itself. Nevertheless, a sufficiently wide range of ends can be accommodated to secure ways of life fully worthy of human endeavour. That such a framework of social cooperation can be instituted, and is in this sense practically possible, cannot be derived solely from the conception of the person as having two highest-order interests, nor solely from the fact that given the normal structure of rational plans of life certain things, such as the primary goods, can serve as all-purpose means. Both these elements must cohere together into a workable and stable basic structure as a framework of social cooperation over a complete life. That such a scheme can be set up is suggested by social experience, and by our reflecting on the historical development of democratic institutions, and the principles and possibilities of constitutional design.

IV

Since the discussion so far has been quite general, the next two sections elaborate what has been said by turning to several more specific matters. I begin by considering what might seem to be an objection to the use of primary goods in a well-ordered society. It may be said that when we take the two principles of justice in their simplest form, so that income and wealth is the only primary good with which the difference principle is concerned, this principle cannot be reasonable or just. This can be shown, one might argue, by two examples: special medical and health needs, and the variation of preferences between persons.⁷ The economist's utility function is designed to cope with cases of this kind; but when the

⁷ This objection, discussed in this section, was raised by K. J. Arrow in his review, Arrow 1973, pp. 253f.

difference principle relies on income and wealth alone, it clearly fails, the objection continues, to make a reasonable or just allowance for citizens' different needs and preferences.

It is best to make an initial concession in the case of special health and medical needs. I put this difficult problem aside in this paper and assume that all citizens have physical and psychological capacities within a certain normal range. I do this because the first problem of justice concerns the relations between citizens who are normally active and fully cooperating members of society over a complete life. Perhaps the social resources to be devoted to the normal health and medical needs of such citizens can be decided at the legislative stage in the light of existing social conditions and reasonable expectations of the frequency of illness and accident. If a solution can be worked out for this case, then it may be possible to extend it to the hard cases. If it cannot be worked out for this case, the idea of primary goods may have to be abandoned. The point is, however, that a conception of justice need not rest on a few universal principles which apply to all cases. What is required is that from the standpoint of the original position, or some other appropriate stage, the whole family of principles can be combined into a coherent framework of deliberation.⁸

The second example bears on our present purposes. Imagine two persons, one satisfied with a diet of milk, bread and beans, while the other is distraught without expensive wines and exotic dishes. In short one has expensive tastes, the other does not. If the two principles of justice are understood in their simplest form (as I assume here), then we must say, the objection runs, that with equal income both are equally satisfied. But this is plainly not true. At best, citizens' income and wealth is only a rough indicator of their level of satisfaction and even an index could not be very accurate. More important, it will often be too inaccurate to be fair. The reply is that as moral persons citizens have some part in forming and cultivating their final ends and preferences. It is not by itself an objection to the use of primary goods that it does not accommodate those with expensive tastes. One must argue in addition that it is unreasonable, if not unjust, to hold such persons responsible for their preferences and to require them to make out as best they can. But to argue this seems to

⁸ As the remarks in this paragraph suggest, the weights for the index of primary goods need not be established in the original position once and for all, and in detail, for every well-ordered society. What is to be established initially is the general form of the index and such constraints on the weights as that expressed by the priority of the basic liberties. Further details necessary for practice can be filled in progressively in the stages sketched in *TJ*, §31, as more specific information is made available. When we attempt to deal with the problem of special medical and health needs a different or a more comprehensive notion than that of primary goods (at least as presented in the text) will, I believe, be necessary; for example, Sen's notion of an index which focuses on persons' basic capabilities may prove fruitful for this problem and serve as an essential complement to the use of primary goods. See Sen. 1980, pp. 217–19.

presuppose that citizens' preferences are beyond their control as propensities or cravings which simply happen. Citizens seem to be regarded as passive carriers of desires. The use of primary goods, however, relies on a capacity to assume responsibility for our ends. This capacity is part of the moral power to form, to revise, and rationally to pursue a conception of the good. Thus, in the case we are discussing, it is public knowledge that the principles of justice view citizens as responsible for their ends. In any particular situation, then, those with less expensive tastes have presumably adjusted their likes and dislikes over the course of their lives to the income and wealth they could reasonably expect; and it is regarded as unfair that they now should have less in order to spare others from the consequences of their lack of foresight or self-discipline.

The idea of holding citizens responsible for their ends is plausible, however, only on certain assumptions.⁹ First, we must assume that citizens can regulate and revise their ends and preferences in the light of their expectations of primary goods. This assumption is implicit in the powers we attribute to citizens in regarding them as moral persons. But by itself this assumption does not suffice. We must also find workable criteria for interpersonal comparisons which can be publicly and, if possible, easily applied. Thus we try to show, second, how primary goods are connected with the highest-order interests of moral persons in such a way that these goods are indeed feasible public criteria for questions of justice. Finally, the effective use of primary goods assumes also that the conception of the person which lies at the basis of these two assumptions is at least implicitly accepted as an ideal underlying the public principles of justice. Otherwise, citizens would be less willing to accept responsibility in the sense required.

Thus, the share of primary goods that citizens receive is not intended as a measure of their psychological well-being. In relying on primary goods, justice as fairness rejects the idea of comparing and maximising satisfaction in questions of justice. Nor does it try to estimate the extent to which individuals succeed in advancing their ends, or to evaluate the merits of these ends (so long as they are compatible with the principles of justice). While an index of primary goods serves some of the purposes of a utility function, the basic idea is different: primary goods are social background conditions and all-purpose means generally necessary for forming and rationally pursuing a conception of the good. The principles of justice are to ensure to all citizens the equal protection of and access to these conditions, and to provide each with a fair share of the requisite all-purpose means. The upshot is that, once an index of primary goods is made a part

⁹ This paragraph revises my brief sketch of the presuppositions of the use of primary goods, in Rawls 1975. I believe it now accords with Scanlon's view in 'Preference and Urgency' (Scanlon 1975). I am grateful to Scanlon and Samuel Scheffler for helpful discussion of these points.

of the two principles of justice, the application of these principles with the index permits the characterisation of what are citizens' appropriate claims to social resources. Although the shares that result must fit society's sense of justice on due reflection, this fit need not, of course, be perfect, but only close enough so that a sufficient convergence of opinion in questions of justice is achieved to sustain willing social cooperation. Thus primary goods help to provide a public standard which all may accept.¹⁰ On the other hand, given the circumstances of justice in which citizens have conflicting conceptions of the good, there cannot be any practical agreement on how to compare happiness as defined, say, by success in carrying out plans of life, nor, even less, any practical agreement on how to evaluate the intrinsic value of these plans. Workable criteria for a public understanding of what is to count as advantageous in matters of justice, and hence as rendering some better situated than others in the relevant interpersonal comparisons, must, I believe, be founded on primary goods, or on some similar notion.

V

The preceding account of primary goods shows that their use in making interpersonal comparisons in questions of justice rests on the conception of moral persons and connects with the public conception of justice in a well-ordered society. This conception includes what we may call a social division of responsibility: society, the citizens as a collective body, accepts the responsibility for maintaining the equal basic liberties and fair equality of opportunity, and for providing a fair share of the other primary goods for everyone within this framework, while citizens (as individuals) and associations accept the responsibility for revising and adjusting their ends and aspirations in view of the all-purpose means they can expect, given their present and foreseeable situation. This division of responsibility relies on the capacity of persons to assume responsibility for their ends and to moderate the claims they make on their social institutions in accordance with the use of primary goods. Citizens' claims to liberties, opportunities and all-purpose means are made secure from the unreasonable demands of others.

¹⁰ In the next to last paragraph of 'Preference and Urgency' (Scanlon 1975), Scanlon distinguishes two interpretations of urgency, a naturalist and a conventionalist. While I should not want to call the use of primary goods a 'convention', the background doctrine is not naturalistic, as the connection of primary goods with the conception of the person, for example, makes clear. An index of these goods is closer to Scanlon's description of a conventionalist interpretation of urgency, that is, it is 'a construct put together for the purposes of moral argument ... its usefulness ... stems from the fact that it represents, under the circumstances, the best available standard of justification that is mutually acceptable to persons whose preferences diverge'.

We arrive, then, at the idea that citizens as free and equal persons are at liberty to take charge of their lives and each is to adapt their conception of the good to their expected fair share of primary goods. The only restriction on plans of life is that their fulfilment be compatible with the public principles of justice, and claims may be advanced only for certain kinds of things (primary goods) and in ways allowed for by these principles. This implies that strong feelings and zealous aspirations for certain goals do not, as such, give people a claim upon social resources, or a claim to design public institutions so as to achieve these goals. Desires and wants, however intense, are not by themselves reasons in matters of justice. The fact that we have a compelling desire does not argue for the propriety of its satisfaction any more than the strength of a conviction argues for its truth. Combined with an index of primary goods the principles of justice detach reasons of justice not only from the ebb and flow of fluctuating wants and desires but even from long-standing sentiments and commitments. The significance of this is illustrated by religious toleration, which gives no weight to the strength of conviction by which we may oppose the religious beliefs and practices of others.¹¹

The principles of justice treat all citizens with respect to their conception of the good as equals. All citizens have the same basic liberties and enjoy fair equality of opportunity; they share in the other primary goods on the principle that some can have more only if they acquire more in ways which

¹¹ The priority of liberty and this detachment of reasons of justice from reasons of preference and desire is related to the Paradox of the Paretian Liberal discovered by A. K. Sen, namely, the incompatibility (given certain standard assumptions) between the Pareto Principle and even a minimal assignment of individual rights. See Sen 1970a, pp. 82–8, 87–8. Many proposed solutions to this incompatibility are surveyed in Sen 1976. The problem is far too complicated to be considered here, except to say that the paradox cannot, I think, arise within justice as fairness because of the priority of liberty and the subordinate scope allowed for reasons of preference. The basic liberties are, in effect, inalienable and therefore can neither be waived nor limited by any agreements made by citizens, nor overridden by shared collective preferences. These liberties are not on the same plane as these considerations. In this respect the view of justice as fairness resembles the way Robert Nozick treats the paradox, Nozick 1974, pp. 164–6. However, the rights which Nozick takes as fundamental are different from the equal basic liberties included in the principles of justice, and his account of the basis of rights is distinct from that of the equal basic liberties in justice as fairness. Thus, these liberties are not, I think, inalienable in Nozick's view, whereas in justice as fairness any undertakings to waive or to infringe them are *void ab initio*; citizens' desires in this respect have no legal force and should not affect these rights. Nor should the desires of however many others to deny or limit a person's equal basic liberties have any weight. Preferences which would have this effect, never, so to speak, enter into the social calculus. In this way the principles of justice give force to the agreement of the parties in the original position, an agreement framed to secure their highest-order interests. Both the agreements and preferences of citizens in society are counted as hierarchically subordinate to these interests, and this is the ground of the priority of liberty. Of course, none of this rules out that justice as fairness may have its own paradoxes.

improve the situation of those who have less. Moreover, all conceptions of the good (consistent with justice) are regarded as equally worthy, not in the sense that there is an agreed public measure of intrinsic value or satisfaction with respect to which all these conceptions come out equal, but in the sense that they are not evaluated at all from a social standpoint. The role of the conception of the person in the explanation and derivation of the two principles of justice allows us to say that these principles define a just scheme of social cooperation in which citizens are regarded as free and equal moral persons.

It remains to conclude with a few remarks on the notion of appropriate claims in questions of justice. Note first that, by relying on primary goods, justice as fairness asserts that for questions of justice only certain kinds of considerations are relevant. The reason is that we make interpersonal comparisons in many different contexts and for many different purposes; each context has its relevant considerations according to the appropriate ends in view. On birthdays we give things that we know are wanted, or that will please, to express affection; our gifts are chosen in the light of intimate knowledge and shared experiences. But doctors are expected to assess the situations of their patients, and teachers to judge their students, on an entirely different basis and from the standpoint of a distinct conception of their role. Thus doctors consider their patients' medical needs, what is required to restore them to good health and how urgent their treatment is; whereas desert, in the sense of conscientious effort to learn, may be thought relevant by teachers in deciding how best to guide and encourage their students. Thus the relevant considerations depend on how a case is understood.

Now of the three kinds of considerations just mentioned (those involving desires, needs and deserts) the idea of restricting appropriate claims to claims to primary goods is analogous to taking certain needs alone as relevant in questions of justice. The explanation is that primary goods are things generally required, or needed, by citizens as free and equal moral persons who seek to advance (admissible and determinate) conceptions of the good. It is the conception of citizens as such persons, and as normal cooperating members of society over a complete life, which determines what they require. Since the notion of need is always relative to some conception of persons, and of their role and status, the requirements, or needs, of citizens as free and equal moral persons are different from the needs of patients and students. And needs are different from desires, wishes and likings. Citizens' needs are objective in a way that desires are not; that is, they express requirements of persons with certain highest-order interests who have a certain social role and status. If these requirements are not met, persons cannot maintain their role or status, or achieve

their essential aims. A citizen's claim that something is a need can be denied when it is not a requirement. Thus, in regarding the members of society as free and equal moral persons, we ascribe to them certain requirements, or needs, which, given the nature of these requirements and the form of rational plans of life, explain how primary goods can be used to define appropriate claims in questions of justice. In effect, the conception of the person and the notion of primary goods simply characterise a special kind of need for a conception of justice. Needs in any other sense, along with desires and aspirations, play no role.

It might seem, however, that if restricting appropriate claims to primary goods is analogous to taking certain needs alone as relevant, then justice must require distribution according to these needs. And since one might also think that the requirements of citizens as free and equal moral persons are equal, why is not an equal share of *all* primary goods the sole principle of justice? I cannot argue this question here and shall only comment that, although the parties in the original position know that the persons they represent require primary goods, it does not follow that it is rational for the parties as their representatives to agree to such a strict principle of equality. The two principles of justice regulate social and economic inequalities in the basic structure so that these inequalities work over time to the greatest benefit of the least advantaged citizens. These principles express a more rational agreement. They also express a kind of equality, since they take an equal division of primary goods as the benchmark of comparison.¹²

VI

In his monograph, *Justice et Équité*, Kolm observes that interpersonal comparisons in questions of justice rest on some kind of identity of preferences. The necessary identity, he says, can be achieved in two ways.¹³ The first way is to restrict the preferences considered to those few things which all members of society are presumed to want more of, or, more generally, to preferences described by an index such that everyone is presumed to want a larger share of the bundle of things this index measures. The reliance on primary goods is an example of the first way. The

¹² To see this, refer to *TJ*, p. 76, Figure 6. Note that the maximum point on the OP curve, which is the point identified as just by the difference principle, is the point on the Pareto-efficient frontier closest to equality, as represented by the 45° line. The points to the right of the maximum on the part of the curve sloping downwards to the right define this efficient frontier. Of course, this figure presupposes a two-class economy and serves only to illustrate an idea. A fuller and more instructive figure and explanation is found in Phelps, 1973, pp. 333–5.

¹³ See Kolm 1972, pp. 28–9.

second way of arriving at an identity of preferences Kolm explains as follows:¹⁴

Fondamentalement, tous les individus ont les mêmes besoins, les mêmes goûts, les mêmes désirs. Cette assertion demande sans doute une explication.

Si deux personnes ont des préférences qui semblent différer, il y a une raison à cela, il y a quelque chose qui les rend différentes l'une de l'autre. Mettons ce 'quelque chose' dans l'*objet des préférences* que nous considérons, en le retirant, donc, des *paramètres* qui déterminent la structure de ces préférences. Les préférences ainsi définies de ces deux personnes sont nécessairement identiques.

Kolm adds:

Pour n'importe quelle société, on peut réaliser la même opération: mettre dans l'*objet des préférences* tout ce qui causerait des différences entre celles des divers membres. Une préférence ainsi obtenue, identique pour tous les membres de cette société, s'appelle une *préférences fondamentale* de ceux-ci. C'est une propriété décrivant les goûts et besoins de l'"individu représentatif" de cette société.

Si cette société est l'ensemble de tous les êtres humains, ce que saisit fondamentalement cette préférence commune est 'la nature humaine'.

What Kolm calls a 'fundamental preference' of the society in question, I shall call a 'shared highest-order preference'. Kolm's account of justice and equity bases interpersonal comparisons on this notion.

In order to illustrate how interpersonal comparisons may be regarded as based on this notion of a shared highest-order preference, I shall sketch how these comparisons might be made in a well-ordered society regulated by what I shall call the 'principle of co-ordinal utilitarianism'. In such

¹⁴ *Ibid.*, pp. 79–80. I understand this passage as follows:

'At bottom, all individuals have the same tastes, the same desires. Without doubt, this assertion requires explanation.

'If two persons have preferences which appear to differ, there is a reason for this, there is something which makes them different from each other. Let us place this "something" within *the object of the preferences* which we are considering, thereby removing it from the parameters which determine the structure of these preferences. The preferences of these two persons defined in this way are necessarily identical.

'We may carry out this operation in the case of any society: namely, the operation of placing in the object of preferences everything which would cause differences between the preferences of different members of society. An identical preference of all members of this society obtained in this way is called a "fundamental preference" of the members of this society. It is a property which describes the tastes and needs of the "representative individual" of this society.

'If this society includes all human beings, then that which discerns this common preference is at bottom "human nature".'

On page 29 Kolm remarks that the operation of placing the causes of the differences between preferences in the object of preferences is 'tautological'. We can always carry out this formal manoeuvre. Kolm attributes the notion of what he calls a 'préférence fondamentale' to J. C. Harsanyi (1955, pp. 309–21). He also refers to Tinbergen, (1957, pp. 490–503). In Harsanyi, see also section V, pp. 316–21; in Tinbergen, section VII, pp. 498–503.

a society the notion of what is publicly advantageous must be revised to accord with this principle. The contrast between a well-ordered society regulated by the two principles of justice and a well-ordered society regulated by co-ordinal utilitarianism will bring out the division between this view and justice as fairness, a division founded on the way in which social unity is conceived. I believe that much the same division obtains between justice as fairness and classical utilitarianism as well, since this division arises from the divergence of doctrine concerning the one rational good.¹⁵ In explaining co-ordinal utilitarianism I shall follow Arrow's formulation of it, which incorporates Kolm's notion of a shared highest-order preference. It should be noted, however, as I discuss below (in section VII), that co-ordinal utilitarianism is not a view which Arrow accepts.

Co-ordinal utilitarianism is defined as follows.¹⁶ It holds essentially the same conception of the good as classical utilitarianism, and therefore the one rational good is the satisfaction of desire or preferences, or, more generally, the satisfaction of the most rational ordering of desires and preferences. Co-ordinal utilitarianism differs from the classical doctrine by rejecting cardinal interpersonal comparisons of satisfaction and relying solely on ordinal, or, more accurately, on co-ordinal comparisons between the levels of satisfaction, or well-being, of different persons. This means that while we can ascertain whether two persons are equally well-off, or whether one is better off than the other, the differences between levels of satisfaction cannot be given a meaningful numerical measure. These levels can only be ordered as greater or less. Interpersonal comparisons are co-ordinal in the sense that judgements comparing the levels of well-being of different persons are unaffected whenever the numbers assigned to these levels (numbers which are significant only in showing the order of levels) are transformed by the same monotone (always increasing) function. (Expressed another way, the same monotone function may be applied to everyone's utility function without changing any of the interpersonal comparisons.) Given this understanding of interpersonal comparisons, the

¹⁵ This fact implies that to interpret the difference principle as the principle of maximin utility (the principle to maximise the well-being of the least advantaged persons) is a serious misunderstanding from a philosophical standpoint. However, this need not affect the application of the difference principle to economic or social choice theory, provided an index of primary goods, or preferences for these goods, may be presumed to have the formal or other properties these applications require.

¹⁶ In this paragraph I adapt the account of co-ordinal utility presented by K. J. Arrow in Arrow 1977. Arrow's concern is to discuss the so-called leximin theorem proved independently by Peter Hammond and Steven Strasnick in 1974 (Hammond 1976b; Strasnick 1976). I assume for simplicity that co-ordinal utility is consistent with a principle to maximise utility thus defined. For our purposes here, what is crucial is the conception of the good.

principle of justice in the corresponding well-ordered society is the principle to maximise co-ordinal utility.

I now sketch how in this well-ordered society citizens may be thought of as making the interpersonal comparisons required for questions of justice. Following Arrow, we imagine that citizens' judgements can be represented as follows. We assume that everything that might plausibly affect someone's overall satisfaction is represented by a vector v . Split this vector into two component vectors, x and y . The vector y includes entries for all features of the person that might affect interpersonal comparisons: natural endowments and abilities, capacities to make various discriminations and realised skills, along with final ends, desires and preferences, and all other elements that affect our good. (We must exclude, however, those aspects of persons which specify their sense of right and justice and their moral feelings generally, since in a utilitarian doctrine the good is prior to and independent of the right, which is defined as maximising the good.¹⁷) The vector x is a list of things which describes a person's circumstances and includes not only goods, real property and tangible assets of all kinds, but also the social aspects of someone's situation, for example a person's rights, liberties and opportunities. In general, goods and social features are transferable or interchangeable, whereas abilities and endowments, desires and attitudes, and so on, are not; but nothing depends on this distinction being always clear or sharp. The idea is that the entries in the vector y characterise the person: these bases of comparison can be changed or altered over time but not in the usual sense transferred or interchanged. With this rough division between the two kinds of bases of comparison, we assume that there is a function which matches all citizens' judgements in making interpersonal comparisons, and written as follows:

$$w = u(x,y)$$

where the x,y have the indicated sense. We can think of u as a utility function and w as well-being in the broad sense of overall satisfaction, taking into account the person's total situation.¹⁸

¹⁷ I believe that this exclusion accords with Arrow's intentions. See his account in a longer version of Arrow 1977 (Arrow 1978a, section 2).

¹⁸ Arrow remarks that a similar notion to the one I have followed in this paragraph is found in Suppes (1966), and in S. C. Kolm (1972). I believe, however, that the notion Suppes uses is not the same as the one Arrow presents in two crucial respects: first, Suppes expressly excludes personal attributes from the domain of the function u (p. 295); second, he recognises the difficulty of developing an account of justice founded solely on preferences. He says: 'I think it may be rightly objected that the intuitive success of the theory depends upon these individual preference rankings themselves satisfying certain criteria of justice. To admit this objection is not to accede to a charge of circularity, for moral principles of justice, logically independent of the theory developed here, can be consistently introduced

Following Arrow's suggestion, let us suppose that citizens could make these judgements by an extension of sympathetic identification.¹⁹ We can certainly, in a limited way at least, imagine ourselves in another person's situation and answer the question whether it is better (in our judgement) to be ourselves in our situation than to be the other in that person's situation. Thus, if we are wealthy and others impoverished, it seems easy to reach the judgement that it is better for one of the poor to receive the marginal dollar than one of us. Any entry in the vectors x, y may affect the value w of u . Thus the function u , which matches citizens' judgements, extends (or generalises) the notion of sympathetic identification so that it covers all relevant aspects of a person's total situation. (Of course, the fact that u applies to each citizen and fits everyone's judgements does not mean that all have the same well-being, since citizens have different features y , and hold different goods x .)

We can visualise the generalisation of sympathetic identification in the following way.²⁰ We suppose that the choices persons and associations make are determined by two elements: their preference ordering and the alternatives available (the feasible set). Preference orderings are thought to belong to the agent in question and to be given in advance, and hence to be relatively stable from one choice situation to another. Thus a preference ordering specifies choices over indefinitely many possible situations, most of which may be purely hypothetical. The feasible set simply defines on any given occasion which alternatives are on hand. Thus, those who are sick, or relatively less wealthy, or less educated than others, may be said to prefer being healthy, or more wealthy, or better educated, even when there is no prospect of their being so. They may have illnesses with no known means of cure, or be situated so that their becoming more wealthy or better educated is out of the question. We also often know what we would prefer if some of our final ends and needs were different, and certain among our endowments and abilities were altered in various ways. The function u generalises the idea involved in these judgements; it covers all possible choices, even those that comprehend at once all features of a person's situation which may affect satisfaction.

as constraints on individual preference rankings' (pp. 303–4). Both of these points accord with the account I have given of primary goods and the priority of justice, and, as we shall see, sharply distinguish Suppes's presentation of interpersonal comparisons from Arrow's. On the other hand, Kolm's view is analogous to the one Arrow discusses. To see the resemblance, refer to the quotation from Kolm and think of the vector y as representing the fact that we have put into the object of preferences those things about persons that appear to cause a difference in their preferences. By this formal manoeuvre, we have removed, or withdrawn, these things from the parameters that determine the structure of preferences. If we carry this process to the limit, we get, as Kolm says, a theory of human nature.

¹⁹ Here I follow Arrow's account in Arrow 1963, pp. 114–15.

²⁰ Here I somewhat elaborate Arrow's remarks in Arrow 1977, p. 222.

Now, as I have said, in any well-ordered society there is a shared understanding among citizens as to what is publicly advantageous in questions of justice, and hence an understanding of what is to be counted as making citizens better off when these questions are at issue. Characteristic of utilitarianism is the conception of the good as satisfaction of desire or preferences. The function u , then, as this conception of the good requires, is fully comprehensive: it takes into account everything that may affect someone's well-being, and thus it represents a person's good. It is not restricted to a limited list of objective features of citizens' circumstances, as exemplified by primary goods.²¹

But if the function u is to represent interpersonal comparisons of citizens in a well-ordered society in which the public principle of justice is to maximise co-ordinal utility (as defined by u), the function must match each citizen's judgements as to what is publicly advantageous. This means that u must satisfy two conditions: first, each citizen can rank all possible vectors with components x, y and all these rankings agree. Second, for any two persons, if person 1 with goods x_1 and features y_1 has a higher index w than person 2 with goods x_2 and features y_2 (that is, if $u(x_1, y_1) > u(x_2, y_2)$), then *all* citizens, including persons 1 and 2, regard the overall situation of the first person as more advantageous than the overall situation of the second. Everyone shares a common notion of the advantageous as applied to a person's *overall* situation, since the component vectors x, y cover everything that is taken to affect well-being. Thus for fixed y , all citizens try to maximise u by varying x ; and, for fixed x , all try to maximise u by varying y (that is, by changing their desires, realised abilities, traits of character, and so, to the extent that this is possible). In the above comparison between persons 1 and 2, everyone (including 1 and 2) would rather be in 1's overall situation than 2's; and in this sense each would rather be person 1 complete with 1's final ends and traits of character.

In view of these two features of the function u , I shall call it, modifying Kolm's term, a 'shared highest-order preference function'. It matches what

²¹ To clarify this contrast, we can write the function which represents interpersonal comparisons in questions of justice made by citizens in the well-ordered society of justice as fairness as: $g = f(x_i, \bar{p})$. Here g is the index of primary goods (a real number), f is the function that determines the value of g for individual i , and x_i is the vector of primary goods held or enjoyed by individual i . The vector y , which in $w = u(x, y)$ includes entries for all features of the person which may affect satisfaction, is here replaced by a constant vector \bar{p} which has entries only for the characteristics of free and equal moral persons presumed to be fully cooperating members of society over a complete life. This vector is constant since all citizens are taken to possess these features to the minimum sufficient degree. Thus the same function holds for all citizens and interpersonal comparisons are made accordingly. The difference between the functions f and u expresses the fact that in justice as fairness individuals' different final ends and desires, and their greater or less capacities for satisfaction, play no role in determining the justice of the basic structure. They do not enter into \bar{p} .

is, in effect, a highest-order preference common to all citizens on the basis of which they think it rational for them to adjust and revise their final ends and desires, and to modify their traits of character and to reshape their realised abilities, so as to achieve a total personal situation ranked higher in the ordering defined by u . In this well-ordered society, what makes interpersonal comparisons possible in questions of justice, as well as the public understanding of what is advantageous, is the shared highest-order preference represented by the function u . It is this shared highest-order preference which sustains the social unity of a well-ordered society governed by the principle of co-ordinal utility. Citizens agree on the one rational good and in turn believe it is right and just for society to advance this good as far as possible.

VII

The notion of a shared highest-order preference function is plainly incompatible with the conception of a well-ordered society in justice as fairness. For in the circumstances of justice citizens' conceptions of the good are not only said to be opposed but to be incommensurable. These conceptions are incommensurable because persons are regarded as moved not only by the two highest-order interests in developing and exercising their moral powers, but also by a determinate conception of the good, that is, a conception defined by certain definite final ends and aspirations, and by particular attachments and loyalties, and the like. Citizens must assess the overall situations of others and different ways of life from their *own* standpoint, as defined by the content of the final ends and particular loyalties, of their own conception of the good. In the well-ordered society of justice as fairness, therefore, a shared highest-order preference on the basis of which shared evaluation of persons' overall situations can be made does not exist. Thus, imagine a society divided into two parts, the members of which affirm different and opposing ways of life. In order to avoid complications I assume that these ways of life are compatible with the principles of justice, and hence can be advanced without violating these principles.²² One part of society affirms certain aesthetic values and attitudes of contemplation toward nature, together with the virtues of gentleness and the beneficent stewardship of natural things. The other group affirms the values of self-discipline and enjoys the risks and excitement of adventure achieved in competition and rivalry with others. I assume that those in one group appear to regard the way of life of the other with distaste and aversion, if not contempt. These conceptions of the good are

²² These complications are not by any means trivial but I cannot discuss them here. For what I have in mind, see *TJ*, pp. 30–2, 449–51.

incommensurable because their final ends and aspirations are so diverse, their specific content so different, that no common basis for judgement can be found. There is not, as in a well-ordered utilitarian society, a shared highest-order preference function in the light of which everyone's total situation can be ordered. Thus, in the imagined society, social unity is secured by an allegiance to certain public principles of justice, if indeed it can be secured at all. Social unity has a more or less firm foundation depending upon how far the conceptions of the good which actually exist cohere with and lend support to the public conception of justice. However, this last point leads to the important question of the stability of a conception of justice which I cannot pursue here. Instead, I shall comment further on the notion of a shared highest-order preference function.

Arrow, whose formulation I have used to express this notion, believes it to have unsettling implications. He writes:²³

reducing the individual to a specified list of qualities [the entries falling under y] is denying his individuality in a deep sense. In a way that I cannot articulate well and am none too sure about defending, the autonomy of individuals, an element of incommensurability among people, seems denied by the possibility of interpersonal comparisons. No doubt it is some such feeling as this that has made me so reluctant to shift from pure ordinalism, despite my desire to seek a basis for a theory of justice.

While I agree that it is somehow erroneous to reduce the individual to a list of qualities, the grounds for dismay seem clearer if we note certain features of persons as members of a utilitarian well-ordered society. Thus, first, the notion of a shared highest-order preference implies that such persons have no determinate conception of the good to which they are committed, but regard the various desires and capacities of the self as features to be adjusted in the quest for the highest possible place in the *public* ranking defined by the function u . Thus it is natural for Arrow to say that the *individuality* of persons is denied. All their conceptions of the good are publicly commensurable via a shared highest-order preference as to what is desirable; and so in this important respect the distinctiveness of persons is lost. Neither persons nor associations have arrived at or fashioned a conception of the good and of how to lead a life which is peculiarly theirs.²⁴

This loss of individuality suggests that the notion of a shared highest-order preference defines persons as what we may call 'bare persons'.²⁵

²³ Arrow 1977, pp. 222–3.

²⁴ The importance of this is stressed by Mill in *On Liberty* (Mill 1974), especially in Chapter III (paras 3–6).

²⁵ This name was suggested to me by John Bennett.

Such persons are ready to consider any new convictions and aims, and even to abandon attachments and loyalties, when doing this promises a life with greater overall satisfaction, or well-being, as specified by a public ranking. The notion of a bare person implicit in the notion of shared highest-order preference represents the dissolution of the person as leading a life expressive of character and of devotion to specific final ends and adopted (or affirmed) values which define the distinctive points of view associated with different (and incommensurable) conceptions of the good. I believe that this conception of the person is psychologically intelligible only if one accepts, as Sidgwick did, a hedonist account of the good as the basis of an account of the rational judgements of individuals. Given the hedonistic picture of how such judgements might be formed, we can at least describe in words how rational persons are to proceed when they generalise the procedure of sympathetic identification in order to make the necessary interpersonal comparisons. Thus, they are to ask themselves: which total situation would yield the greatest net balance of satisfaction understood as some recognisable agreeable feeling. I shall not pursue these matters here, since the notion of shared highest-order preference and of a bare person suffice to illustrate the contrast between utilitarianism and justice as fairness.²⁶

In his remarks Arrow appears not to distinguish between the loss of autonomy of individuals and the loss of their individuality. Individuality is indeed one sense of autonomy. But in a Kantian view autonomy has a further sense as part of the conception of persons as free and equal moral persons. In justice as fairness this notion is represented in the original position and therefore this notion is used in accounting for the content of the principles of justice and in explaining how these principles can be justified to citizens of a well-ordered society in which this conception of the person is affirmed. Co-ordinal utilitarianism (and utilitarianism generally) starts by regarding persons in terms of their capacities for satisfaction. It then interprets the problem of justice as how to allocate the means of satisfaction so as to produce the greatest sum of well-being. This notion fits nicely with the deep-rooted view of economic theory which sees it as the study of how to allocate scarce resources for the most efficient advancement of given ends. Of course, all this is familiar. What is less obvious is that in such a doctrine the notion of autonomy in the sense involved in the conception of free and equal moral persons has no part in the derivation of the content of the utilitarian principle of justice. One reason for formulating the conception of the original position in justice as fairness is to model the role of the conception of

²⁶ In *TJ*, §§83–84 I have tried to indicate how hedonism arises from the idea of a completely general first-person procedure of rational choice.

persons as free and equal in determining the principles of justice as visibly as possible.²⁷

We may view the subjective nature of the utilitarian conception of the good as a way of adapting the notion of the one rational good to the institutional requirements of a modern secular and pluralistic democratic society. The citizens of such a society pursue many different and opposed final ends, and the constitutional liberties protect the existence of diverse ways of life. The utilitarian might argue, therefore, that the public conception of the one rational good to be advanced by basic institutions cannot be understood as a *determinate* conception with definite ends and aspirations. For example, if the one good were perfectionist, so that society arranged its basic institutions in order best to advance a public interpretation of the values of truth, beauty and human excellence, there is no reason to expect these institutions to be democratic. This is even more obvious when the one good is a conception of religious salvation. In a democratic society, then, the one good must be conceived as subjective, as the satisfaction of desire or preferences.

Now suppose that democratic political and social institutions are believed to maximise this subjective good under existing social conditions; and suppose also that these conditions are believed to be more or less stable and unlikely to change much in the near future. Then it might seem that the principle to maximise this subjective conception of the one rational good is a suitable principle of justice for a democratic society. A Kantian view cannot accept this adaptation of the one rational good for reasons evident from what has already been said. First, the subjective view of the one rational good rests on the notion of a bare person; and thus the self is not regarded as having any antecedent moral structure in accordance with a conception of the person as part of a conception of justice. Second, since utilitarianism starts from an independent and prior conception of the good, no restrictions founded on right and justice are imposed on the ends through which satisfaction is to be achieved. All restrictions on ends arise only from what is necessary in the design of institutions if they are to realise the greatest good under given circumstances. But it is easy enough to describe realistic social situations in which the pattern of a people's desires and preferences are such that the greatest satisfaction would not be achieved by securing the basic equal liberties. Hence these liberties are most secure when the possibility is recognised of many determinate conceptions of the good each constrained by the principles of justice. We do best to start from a notion of social unity which rests on a public conception of justice if we want to establish

²⁷ For a further discussion of the role of the notion of autonomy in justice as fairness, see Rawls 1980, the first lecture entitled 'Rational and Full Autonomy', especially pp. 522–33.

a firm foundation for democratic institutions. Of course, neither of these considerations shows that utilitarianism is false or incoherent; they only trace out the consequences of this view. I should also add that the idea (in justice as fairness) of many admissible conceptions of the good does not imply scepticism in assessing these conceptions from the standpoint of persons in society. For they can be assessed by rational principles given someone's interests, abilities and situation, and persons (and those who advise them) regard some ways of life more worthy of pursuit than others even though these evaluations have no effect on citizens' claims to basic liberties and other primary goods.

VIII

I have tried to show how the problem of interpersonal comparisons connects with the basic notions of a conception of justice by contrasting the notion of primary goods in justice as fairness with the notion of a shared highest-order preference function in co-ordinal utilitarianism. This contrast brings out the different philosophical backgrounds of these two ways of making interpersonal comparisons, and explains how they are related to different conceptions of the person and of social unity. Since justice as fairness accepts the liberal presupposition of many different and irreconcilable conceptions of the good, it takes a shared conception of justice as the starting point. The public recognition of this conception secures the ties of social unity rather than a public recognition of one rational good. With this starting point, the priority of the equal basic liberties allows for the normal condition of a democratic society, namely, the affirmation by its citizens of a plurality of distinct conceptions of the good. Guided by the conception of justice, together with its conception of the person and of social cooperation, we select a practical and limited list of things (the primary goods) which free and equal moral persons, who are to engage in social cooperation over a complete life, can accept as what they in general need as citizens in a just society. This list provides a basis for interpersonal comparisons compatible with autonomy. It also allows for individuality in the form of a plurality of conceptions of the good (within the limits of justice) between which citizens are at liberty to choose.

In justice as fairness the members of society are conceived in the first instance as moral persons who can cooperate together for mutual advantage, and not simply as rational individuals who have aims and desires they seek to satisfy. The notion of cooperation has, as I have said, two elements: a notion of fair terms of cooperation which all participants may reasonably be expected to accept, and a notion of each participant's

rational advantage, or good. When the notion of cooperation, which is distinct from the notion of socially coordinated activity for certain ends, is applied to the basic structure of society, it is natural to take the two moral powers as the essential features of human beings. We then say that the two highest-order interests are the two main forms of moral motivation for the purposes of developing the content of the first principles of justice. Thus citizens in the well-ordered society of justice as fairness have both the capacity and the regulative desire to cooperate on fair terms with others for reciprocal advantage over a complete life. This in turn implies the desire on the part of individuals and groups to advance their good in ways which can be explained and justified by reasons which all can and do accept as free and equal moral persons. The public recognition of these principles is consistent with everyone's status as such a person, whatever one's social position.

This emphasis on the notion of cooperation brings out that, in the overall moral conception to which justice as fairness belongs, the conceptions of justice and of the good have distinct though complementary roles. Justice is prior to the good in the sense that it limits the admissible conceptions of the good, so that those conceptions the pursuit of which violate the principles of justice are ruled out absolutely: the claims to pursue inadmissible conceptions have no weight at all. On the other hand, just institutions would have no point unless citizens had conceptions of the good they strove to realise and these conceptions defined ways of life fully worthy of human endeavour. Hence a conception of justice must allow sufficient scope for admissible conceptions to meet this requirement. The moral conception as a whole is most likely to be stable if, among the admissible conceptions of the good, those which gain the widest support are ones which cohere with and sustain the conception of justice, for example by a certain compatibility between the ends and values of the prevalent conceptions of the good and the virtues required by justice. These brief remarks set out some of the differences from the utilitarian view, which takes the (subjective) good as the independent and prior notion and the right is defined as maximising this good and therefore as subordinate to it.

To an economist concerned with social justice and public policy an index of primary goods may seem merely *ad hoc* patchwork not amenable to theory. It is for this reason that I have tried to explain the philosophical background of such an index. For the economist's reaction is partly right: an index of primary goods does not belong to theory in the economist's sense. It belongs instead to a conception of justice which falls under the liberal alternative to the tradition of the one rational good. Thus the problem is not how to specify an accurate measure of some psychological

or other attribute available only to science. Rather, it is a moral and practical problem. The use of primary goods is not a makeshift which better theory can replace, but a reasonable social practice which we try to design so as to achieve the workable agreement required for effective and willing social cooperation among citizens whose understanding of social unity rests on a conception of justice. Economic theory is plainly indispensable in determining the more definite features of the practice of making interpersonal comparisons in the circumstances of a particular society. What is essential is to understand the problem against the appropriate philosophical background.

