

Part I

Equality, Liberty, and the Good Life

Expensive Taste Rides Again

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Swiss researchers say an eating disorder associated with right anterior brain lesions can turn people with average food preferences into passionate culinary aficionados. “Gourmand syndrome” seems to affect a small percentage of patients with focal lesions involving cortical areas, basal ganglia, or limbic structures. Patients have persistent cravings for fine foods, explain researchers Marianne Regard (University Hospital, Zurich) and Theodor Landis (Hôpital Cantonal Universitaire de Genève, Geneva).

723 patients with known or suspected single cerebral lesions were studied by Regard and Landis. 36 had gourmand syndrome; of these, 34 had a lesion in the right anterior region. The study was initiated after the authors noted altered eating behavior in two patients with right hemisphere hemorrhagic lesions. The first patient was a political journalist described as an average eater. During hospitalization, his diary was filled with references to food and dining. After discharge, he gave up his old job and became a successful fine-dining columnist. The second patient was an athletic businessman who “preferred a tennis match to a fine dinner.” While in hospital, he fantasized about dining in a certain well-known restaurant, which he proceeded to do the day after discharge.

(Marilynn Larkin, “Eating Passion Unleashed by Brain Lesions,”
The Lancet, May 31, 1997, p. 1607).

The present paper is a reply to “Equality and Capability,”¹ in which Ronald Dworkin responded to some of the criticisms of his work that I made in “On the Currency of Egalitarian Justice.”²

The first two sections of the paper are clarificatory. Section I distinguishes two broad criticisms of equality of welfare that Dworkin has developed, one surrounding the indeterminacy of the concept of welfare and one surrounding the problem of expensive taste. I express sympathy with the first criticism, and I argue that the second one must be assessed in abstraction from the first. Section II explains what the phrase “expensive taste” means within the present debate. It is vital that it does not mean, here, what it ordinarily means. Confusion of its ordinary meaning with the meaning that it bears here produces a false understanding of the point of disagreement between Dworkin and me about expensive taste.

Section III states the view of expensive taste that I defended in “On the Currency,” but it also articulates a significant revision of that view, one that makes my present position in one respect more distant from Dworkin’s than it was in 1989. Section IV discusses brute taste, that is, taste that is not guided by judgment. I claim that Dworkin has now abandoned his 1981 refusal to compensate for expensive brute taste, albeit without acknowledging that he has done so.

Section V refutes the principal argument that Dworkin deploys against compensation for expensive judgmental taste. That argument rejects the claim that uncompensated (and relevantly involuntary) expensive taste represents an injustice, on the ground that the stated claim requires people to conceive themselves as alienated from their own personalities. I show that no such bizarre self-conception follows from the mooted claim. Section VI scouts some further arguments that Dworkin brings against compensation for expensive taste.

Section VII refutes Dworkin's charge that equality of opportunity for welfare offers a "buzzes and ticks" picture of human well-being, according to which people have reason to care about two things only: pleasurable experiences, no matter what occasions them; and satisfying their desires, no matter what the objects of those desires happen to be.

Section VIII explains why the dispute about expensive taste matters: it bears deeply on the justice of the market process. The section also explores the consequences that equality of opportunity for welfare has for state action. Section IX shows, against Dworkin's claims to the contrary, that neither my view – which is not equality of opportunity for welfare – nor equality of opportunity for welfare proper, collapses into equality of welfare.

Section X offers a fragment of a taxonomy that distinguishes contrasting degrees of control that people display over the acquisition and the persistence of their tastes. The taxonomy bears against one premise in Dworkin's argument that equality of opportunity for welfare collapses into equality of welfare. Section XI reviews, and rejects, various arguments, only one of which is Dworkin's, for not compensating for expensive tastes.

A coda (section XII) comments briefly on wider aspects of the "Equality of what?" question³ and the Appendix reconstructs, and refutes, a variant of the "alienation" argument against compensation for expensive taste whose substance is due to Matthew Clayton and Andrew Williams.

Before I proceed to business, I wish to point out that, although Dworkin treats me, for (legitimate) convenience, as a proponent of equality of opportunity for welfare, I *rejected* equality of opportunity for welfare in "On the Currency." I affirmed not equality of opportunity for welfare, but equality of access to advantage,⁴ under an understanding of "advantage" in which welfare, in various of its forms, is only a proper part of it. Welfare is, in my view, no more than a part of advantage because, as Dworkin has taught us, egalitarians are moved to eliminate disadvantages that are not reducible to welfare deficits. But I also think, against Dworkin, that welfare is a part of advantage because egalitarians are (equally legitimately) moved to compensate for the very fact that some people's welfare is lower than others. But the indicated simplifying treatment of my position by Dworkin will not matter in the present paper except in section X below, and even there it won't matter very much. For the most part, I am happy, and it is also convenient for *me*, to accept, heuristically, the role of champion of equality of opportunity for welfare, for the restricted purpose of confronting the argument that is central to Dworkin's polemic against me, and which is addressed in section V.

A word about what will be meant by the sentence-form "*x* represents an injustice" here. It will not mean "*x* represents an injustice that ought to be rectified by the state." (No one should in any case think that that's what "*x* represents an injustice" *ordinarily* means: the words "that ought to be rectified by the state" surely *add* meaning to the phrase that they expand.) It will mean, more elementarily, that the world is less than fully just by virtue of the presence of *x* in it. So, to be as clear as possible, if, in the sequel, I say such things as "compensation is required by egalitarian justice," I mean: for there to be egalitarian distributive justice, there must be compensation; and not: there must (unconditionally) be compensation, because of the (unoverridable and always implementable) requirements of egalitarian distributive justice.

I

Dworkin's "Equality of Welfare"⁵ criticizes equality of welfare as a reading of the form of equality that is demanded by equal concern, but it does so on at least two quite distinct grounds. The first ground of objection to equality of welfare can be called "the indeterminacy objection." It says that any tendency to embrace equality of welfare depends on lack of clarity with respect to what *kind* of welfare *equality* of welfare is to be understood as an equality *of*: whenever we try to specify the *kind* of welfare that people are to be equal in, we soon find ourselves formulating a plainly unacceptable view. So, for example, a degree of what Dworkin calls *overall success* may appear attractive as the relevant reading of welfare, but not when we consider the case of people whose judgments of what constitutes overall success are either extravagant or extraordinarily modest. That case inclines us to favor the alternative reading of welfare that Dworkin calls *relative success*, but relative success loses its shine when we realize that people may achieve a high degree of relative success simply because they set their sights low. Summing up the lesson of this first line of criticism, Dworkin says that ". . . welfare has gained whatever appeal it has precisely by remaining abstract and therefore ambiguous: the ideal loses its appeal whenever a particular conception of welfare is specified, which presumably explains why those who defend it rarely attempt any such specification" (p. 285).⁶

Dworkin's second and entirely distinct ground of objection to equality of welfare is that it mandates provision for expensive tastes: the objection is that it is unfair to impose the cost of satisfying a given person's expensive taste on other people.

In "On the Currency" I criticized the expensive taste objection to equality of welfare, but I said little about the indeterminacy objection, beyond crediting Dworkin with a "masterful exposé of ambiguities in the concept of welfare" (p. 921, fn. 4). So let me say, as I should have said in "Currency," that, in my view, the indeterminacy objection is extremely powerful. But, however strong or weak the indeterminacy objection to equality of welfare may be, the point I am here concerned to make is that the expensive taste objection requires assessment in its own properly separate terms. To test that objection against cases, we need to fix what we mean by "welfare," in a given case, which is not to say that we must mean one thing only by it, across all cases. We can discuss expensive *preference*, or expensive *rational* preference, or expensive *enjoyable mental state*, or expensive *subsets* of goods that appear on a correct "objective list" of what is worthwhile in life. Whether or not, as Dworkin rather improbably suggests, the *whole* appeal of the welfare metric depends on its indeterminacy,⁷ I believe that people find the expensive taste objection more powerful when particular examples of expensive taste are underspecified with respect to what "welfare" is to mean in the description of the example. When we fix what welfare is, in a given example, we clarify and thereby strengthen the case for affirming that there can be injustice when and because people's resource bundles do not compensate for the fact that (a certain form of) welfare that is cheap for some is expensive for others.

II

To say that someone has expensive tastes, in the present meaning of the phrase, which is its meaning in Dworkin's article on "Equality of Welfare," is to say that that person "need[s] more income" than others do "simply to achieve the same level of [some form of] welfare as those with less expensive tastes" (p. 48), be that form of welfare satisfaction of preference, or self-

development, or good experience, or whatever other form of welfare is brought into view. But the ordinary understanding of the expression “expensive tastes” does not match the technical Dworkin-meaning that I just stated, and, to the extent that resonances from the ordinary meaning of the phrase continue to occupy the mind, the issue of whether uncompensated expensive tastes represent an injustice risks being clouded.

Ordinarily, when we say that people have expensive tastes, we have in mind the lifestyle that they *actually* live, one characterized by fine-textile clothes, caviar, posh furniture, and so on. But their *actual* pattern of consumption may show not that their tastes are expensive in the *required* sense, but just that their bank balance is large. Nor is expensive taste in the required sense necessarily exhibited by someone who is not *willing to settle* for a lesser satisfaction, for example, for hamburger instead of steak. For that is a matter not of the structure of such people’s taste or preference as such, but, precisely, of their will. It is a matter of the *policy* that they adopt when seeking to satisfy their tastes.

A person’s tastes are expensive in the required sense if and only if, as I have explained, they are such that it costs more to provide that person than to provide others with given levels of satisfaction or fulfillment. People who insist on expensive cigars and fine wines are not *eo ipso* possessed of expensive tastes, in the required sense. For they may thereby be insisting on a higher level of fulfillment than the norm. In the present acceptance, people have expensive tastes if, for example, ordinary cigars and cheap wine that give pleasure to most people leave them cold, and they can get something like that pleasure (and, *ex hypothesi*, not a greater one) only with Havana cigars and Margaux.⁸ People’s expensive tastes, here, are a matter neither of their behavior nor of their will but of their constitution. They are a matter of what they are satisfied *by*, not of what they are satisfied *with*. (It does not prejudice the integrity of that distinction that it is often difficult to discern which limb of it applies, nor even that there may be cases with respect to which there is no “fact of the matter” to discern.)

An expensive taste, then, is a dispositional characteristic: not a disposition to action, like the disposition to choose steak rather than hamburger, but, to stay with that example, the disposition to get from steak only what others get from something as cheap as hamburger. Expensive tastes, in the specified sense, militate against, because they reduce the opportunity for, a fulfilling life. For any given income you are worse off in terms of satisfaction or fulfillment if you have expensive tastes.

So: do not picture people who consume steak and thereby get premium-level satisfaction and nevertheless present its cost as an injustice. People like that, who whine that their tastes are expensive in the ordinary sense of the phrase, give expensive taste in the appropriately technical sense a bad name that it doesn’t deserve. Instead, picture people who consume hamburger but fail to get ordinary satisfaction from it and who present the high price they have to pay for the steak that would bring them up to mere par as an injustice.

Now, someone who loves cheap wine may hate ordinary cigars, and someone who is satisfied by ordinary cigars may need Margaux for ordinary-level pleasure. More generally, each person’s satisfaction function will likely be an amalgam of cheap and expensive tastes, and few may have expensive tastes in an aggregate sense, when one considers the vast variety of commodities that are available to people. That fact is relevant to practical politics. It is certainly a reason for not worrying too much, in many practical contexts,⁹ about compensating people for expensive tastes, particularly in the light of the invasiveness of the procedures that would sometimes have to be set in train to discover how cheap or expensive (in the *required* sense) a given person’s tastes are. But the self-same fact is irrelevant to the philosophical question, which is

whether or not, *ceteris paribus*, an expensive taste warrants compensation. Dworkin rejects compensation for expensive tastes as a matter of *principle*, not on the grounds that a principle that might dictate their compensation is never *in fact* satisfied (because everyone can find *some* reasonably priced things that satisfy them as much as other people are satisfied by things that they find unsatisfying). I criticize Dworkin's principled position. Expensive tastes may be peripheral to the *practice* of justice, but the concept of expensive taste nevertheless raises questions at the heart of the *theory* of justice.

III

Dworkin believes that expensive tastes do not warrant compensation, from an egalitarian point of view. Against that, I said the following (p. 923, and cf. p. 920):

I distinguish among expensive tastes according to whether or not their bearer can reasonably be held responsible for them. There are those which he could not have helped forming and/or could not now unform, and then there are those for which, by contrast, he can be held responsible, because he could have forestalled them and/or because he could now unlearn them.

I now want to improve that statement, in two respects. I want to improve the *formulation* of its first sentence, but I also want to enter a *substantial* correction to the second sentence, one that also affects how the first sentence is to be understood.

The improvement as to formulation expands the first sentence by deleting "them" and adding "the fact that her tastes are expensive." It is, as I made abundantly clear elsewhere in "Currency,"¹⁰ precisely *that* fact for which the question of responsibility is crucial.

Secondly, and more substantively, the statement needs improvement because it confuses a *general* criterion for deciding whether people should pay for their expensive tastes, which is described in the (now amended) first sentence of the statement, with a more *specific* criterion, described in its second sentence, and one that I now think is appropriate only to a subset of expensive tastes.

Let me explain. While the first sentence applies, so I think, to *all* expensive tastes, the second, which specifies the first *entirely* in terms of choice and will, is appropriate, I belatedly see, only in the case of tastes that do not embody judgments of valuation, and that I shall call *brute* tastes, such as my own liking for Diet Coke, which embodies no particular *approval* of it. With respect to tastes that *are* informed by valational judgment,¹¹ we can still ask whether their bearers could have avoided developing them or could be asked to rid themselves of them, and the answers will be variously relevant, but I no longer think that the mere fact that people chose to develop and/or could now school themselves out of an expensive judgmental taste means that they should pick up the tab for it, and that is *precisely* because they *did* and *do* identify with it, and therefore cannot *reasonably* be expected to have not developed it or to rid themselves of it.¹² So what Dworkin gives as a reason for *withholding* compensation – the subjects' approving identification with their expensive tastes – is something that I regard as a reason for offering it, since, where identification *is* present, it is, standardly,¹³ the agents' very bad luck that a preference with which they strongly identify happens to be expensive, and to expect them to forgo or to restrict satisfaction of that preference (because it is expensive) is, therefore, to ask them to accept an alienation from what is deep in them.¹⁴ Accordingly, the significant revision of my view of expensive taste that I offer here renders my position more different from Dworkin's than it was in 1989.

Let me, then, set forth the flagship statement in its revised form:

I distinguish among expensive tastes according to whether or not their bearers can reasonably be held responsible for the fact that their tastes are expensive. There are those that they could not have helped forming and/or could not now unform without violating their own judgment, and then there are those for whose cost, by contrast, they can be held responsible, because they could have forestalled their development, and/or because they could now quite readily unlearn them, without violating their own judgment.

The result, I acknowledge, is hardly a determinate theory, as opposed to a sketch for constructing one, but, incomplete as it is, the statement will do for present purposes.

IV

I return to expensive *judgmental* taste in section V. But first I want to say something about brute taste, the taste that does not track a judgment of the value of its object.

In his 1981 articles Dworkin set himself against compensation for *all* tastes, whether brute or judgmental, other than those pathological ones which qualify as such because their bearer would prefer not to have them.¹⁵ "Equality of resources," he said, "offers no . . . reason for correcting for the contingencies that determine how expensive or frustrating someone's preferences turn out to be" (p. 69). And that went for such brute expensive tastes as (suppose in a given case it is a brute one) a desire for plovers' eggs belonging to someone cursed with a propensity to find chickens' eggs disgusting. The only qualification on this rigor was signaled by this footnote: "See, however, the discussion of handicaps below, which recognizes that certain kinds of preferences, which people wish they did not have, may call for compensation as handicaps" (p. 478, fn. 4). The footnote implies that compensation is in order *only* when people disidentify with (that is, wish they did not have) their own tastes.

Now people who find chickens' eggs disgusting may not regret having that reaction *as such*: they might even approve of it. If they wish that they did not have it, that is probably because the alternative to which the reaction drives them, namely, plovers' eggs, are so expensive. But that hardly qualifies their desire for plovers' eggs as a *craving*, either in the ordinary sense of that word or as Dworkin intended his use of it. And if regretting the special expense that one of my tastes imposes on me *did* make that taste a craving, then virtually *all* expensive tastes would attract compensation¹⁶ under this widened understanding of Dworkin's compensate-for-cravings proviso.

To motivate my counterview, which is that *all* appropriately involuntary brute expensive tastes warrant compensation, suppose that there are only two edible things on Dworkin's island,¹⁷ eggs and fish. Eggs are abundant, but fish are scarce. Consequently, fish are expensive and eggs are very cheap. Most people love eggs, but Harry hates them. Most people mostly eat eggs, reserving fish for special occasions, and they consequently have plenty of clamshells left to pay for other things, such as shelter, clothing, recreation, and so forth. Unlike them, Harry has a tough choice, which is between regularly eating fish and therefore having little of anything else, and eating lots of eggs, at the cost of gagging when he nourishes himself. We may suppose that it is because of how his taste buds work that he gags, although we could equally well suppose that he gags because eggs remind him of his mother, whom he (perhaps rightly) could not bear. What we rule out is that he

gags because he judges eggs to be an inferior sort of food: he has nothing against eating eggs, except that they make him gag. Although the example is stylized and peculiar, it stands here for the unpeculiar phenomenon of different people (through no fault, or merit, of their own) finding the same consumables differentially satisfying, and therefore being differentially placed with respect to what they can get out of life with a given income. And, in my view, that phenomenon explodes the pretension of Dworkin's auction to being an engine of distributive justice. It shows that equality of resources should give way to equality of opportunity for welfare, because identical quantities of resources are capable of satisfying people to different degrees, since people are made differently, both naturally and socially, not only (a fact to which Dworkin is sensitive) in their capacities to produce, but also (the fact to which he is insensitive) in their capacities to obtain fulfillment.

Relative to his 1981 auction treatment of taste, chapter 7 of *Sovereign Virtue* represents a remarkable and consequential U-turn. For, although he does not acknowledge this, Dworkin has *in effect* given up completely on brute taste, and now defends noncompensation for judgmental taste only. Under a regime of compensation for brute expensive tastes, people impose the costs of servicing their tastes on other people in just the way they were not supposed to do (except in the case of cravings). Yet what Dworkin says in *Sovereign Virtue* (2000, p. 288) about the person who finds his tap water repugnantly sour is entirely generalizable:

Suppose someone cannot stand the taste of ordinary water from the tap – it tastes unbearably sour to him – and he therefore chooses to buy more expensive bottled water. It is true that he has a choice whether or not to do that. But he did not choose to have the property – a special sensory reaction – that made the choice not to do so distasteful. That physiological condition is his bad luck, and he should therefore be compensated for his misfortune: he should be given extra resource [sic] so that he will not be worse off buying bottled water than others are who make do with tap water.

But there is no relevant difference between finding tap water sour and finding (hens') eggs disgusting. And if, as Dworkin says, "[t]he unfortunate man whose tap water tastes sour would prefer not to have that disability: his condition is a handicap, and equality of resources would regard it as such . . ." (p. 291), then that can *only* be because bottled water is expensive, so that what he regrets is that he has an expensive taste, and it is to precisely *that* object of regret that equality (here misnamed "of resources") is responding. If the water drinker is handicapped, then so is Harry the egg hater. But then – this is why I called Dworkin's U-turn consequential – Dworkin's market treatment of goods that supply brute satisfaction falls to the (in my view morally superior) principle: to each according to what they need for their satisfaction. In the huge domain of brute taste, market prices cease to embody justice. The scope of Dworkin's auction shrivels.

Note that one may identify with a preference (by which I here mean, roughly, be glad that one has it), disidentify with it (by which I here mean, roughly, wish that one did not have it), or possess neither attitude. In Dworkin (1981) you pay for your preference *unless you disidentify with it*, in which case it qualifies as a handicapping craving. But in Dworkin (2000) you pay for your preference *if you identify with it*, and not if you neither identify nor disidentify with it, this last being the condition of typical haters of tap water and hens' eggs.¹⁸ And, as I said, that greatly reduces the writ of the market.

Let me now deal with another of Dworkin's responses to a "Currency" discussion of a case of brute taste. I argued (pp. 918ff.) that Dworkin could not countenance compensation for

nondisabling pain, for pain, that is, that does not prevent people from pursuing their plans, since such pain constitutes no resource deficit. Dworkin responds (p. 297) that,

everyone would agree that a decent life, whatever its other features, is one that is free from serious and enduring physical or mental pain or discomfort, and having a physical or mental infirmity or condition that makes pain or depression or discomfort inescapable without expensive medicine or clothing is therefore an evident and straightforward handicap.

And he draws this lesson: “If the community gives someone money for medicine to relieve pain, it does so not in order to make his welfare or well-being equal to anyone else’s, but because his physical constitution handicaps his ability to lead the life he wishes to lead” (p. 491, fn. 11).

In my view, the quoted formulations run together two contrasts that must be kept apart for the sake of a proper assessment of the impact of what is here said on the matter in dispute. There is the contrast between, on the one hand, making a person’s “welfare or well-being *equal* to anyone else’s,” with the emphasis on *equal*, and, on the other hand, ensuring that a person achieves a decent level of life, *however* that level is to be measured. That contrast is not material to the present dispute. The contrast that bears here is, rather, between aiming at remedying a deficiency in welfare, and aiming at remedying a deficiency in something else.¹⁹ And on this, the only relevant count, what Dworkin says is ineffective. You do not turn a welfare consideration into a resource consideration by appealing to the fact that the source of the illfare in question is a person’s physical constitution. What is claimed to be compensation for resource deficit is *not* compensation for welfare deficit in another guise when resources are valued independently of their bearer’s particular wishes, which is how the market values them. But we get the stated mere guise when “resources” of physical constitution are treated as handicapping a person’s “ability to lead the life he wishes to lead,” and *that* means, *ex hypothesi*, in the relevant context, nothing more than that he wishes to lead a life without the deleterious welfare effects of that constitution. If I say that people should be compensated for desiring fine foods, and Dworkin responds that they should be compensated for the constitution that makes them want them,²⁰ then he disagrees with me in appearance only. Nor is it any kind of reply to my objection that people would *insure* against serious pain (p. 297): a deficit doesn’t count as a resource deficit just because people would insure against it.²¹

For the rest of this paper I ignore the large concession documented here and I treat chapter 7 of *Sovereign Virtue* as a full defense of Dworkin’s original view. For he continues to criticize my position as though he has not made the stated concession, and I have said what I wanted to say about that concession here.

V

Let us now focus on expensive judgmental taste, with respect to which Dworkin undoubtedly stands his ground. He continues to hold that costly judgmental preferences warrant no subsidy when they constitute, as they normally do, preferences with which the agent identifies, preferences, that is, which the agent would not wish to lack. Dworkin thinks, in my view falsely, that it is of the nature of preferences that they do not relevantly reflect choice,²² so he does not think that compensation for expensive preferences is out of order *because* they have a *chosen* character. It is, rather, because to demand compensation for an expensive judgmental preference is to treat

it as a burden or a disability, and therefore to repudiate it, which is not something that a person whose preference is informed by a judgment that endorses the value of its object can in general coherently do. To my urging that expensive preference may be relevantly unchosen bad luck, Dworkin replies that although it is indeed unchosen, the agents cannot regard it as a piece of bad luck for which they should be compensated, on pain of incoherently repudiating their own personality, on pain of confessing to a most bizarre alienation from themselves.

But this move is entirely unpersuasive, since the relevant bad luck does not lie in the mere *having* of the preference. As I tried to make clear in “On the Currency” (see again endnote 10), the person regards the relevant taste as bad luck *only* in the light of its price. And people can certainly without any self-misrepresentation or incoherence ask for compensation for (what might be, in every relevant sense) the *circumstance* that their taste is expensive. Whether or not it is weird to regret one’s preference for reading certain kinds of books (that *happen* to be expensive),²³ there is nothing weird or self-alienating in regretting precisely this: that the kinds one wants to read are expensive. Accordingly, so many of us think, libraries should not charge people more who borrow more expensive books, since people cannot reasonably be held responsible for the property of the object of their book preference that it is expensive. Perhaps the stated antimarket policy, which does compensate for expensive taste, is mistaken, but it is no argument against it that library readers must represent themselves as dissociated from their own taste if they support such a policy. That is no argument against the antimarket policy, for the simple reason that no such dissociation is in fact displayed.

The bulk of Dworkin’s reply to me, and the whole of his extended allegory of “buzzes and ticks,”²⁴ misrepresents me as supposing that the person with an expensive taste that raises a case for compensation regrets having the taste, rather than merely that it is expensive.

Towards the end of his reply to me, Dworkin does bring that critical distinction to the fore, when he reports what he importantly misdescribes as a “new argument” (p. 298) that I put against equality of resources:

Cohen’s final objection to equality of resources . . . says that *even* if people cannot sensibly claim that they have suffered bad luck in *having* the tastes and ambitions that they do, they can certainly claim that they have suffered bad luck when, in virtue of other people’s competing tastes and ambitions, what they want is expensive. (p. 297, emphases added)

But Dworkin’s “even if” is out of place, for I never say that people might be thought to suffer bad luck *just* in having the tastes that are in fact expensive. The regret I had in mind was wholly and solely that their tastes are *expensive*: perhaps I was not always explicit about that because I so took it for granted that price is the proper object of their regret. I did not say, and would never say, for example, that it is the *very fact* that he likes photography that is a burden to Paul (p. 925). The locus of his burden is the entirely different fact that photography is an *expensive* hobby. Accordingly, what Dworkin calls my “final objection” is not, as he represents it, a *distinct* objection. It is my central objection to Dworkin’s unwillingness to compensate for expensive tastes: that they may be tastes that we cannot reasonably expect their bearers to shed and that plunge them in what is straightforwardly the *circumstance* that satisfying their tastes is expensive, and regret about this circumstance is transparently coherent.

Consider this passage:

It would strike us as bizarre for someone to say that he should be pitied, or compensated by his fellow citizens, because he had the bad luck to have decided that he should help his friends in

need, or that Mozart is more intriguing than hip-hop, or that a life well lived includes foreign travel.
(p. 290)

It might indeed be absurd for Mozart-lovers to regard their love for Mozart as *itself* bad luck. But there is nothing absurd, there is no dissociation from their own personality, when they express regret that Mozart CDs are more expensive than Madonna CDs. What Mozart-lovers or opera-lovers (p. 292) regret is not that their whole personality affirms their love of Mozart or of opera, but that what their whole personality (*legitimately*) affirms is expensive. Nor need anyone regret “loyalty to his friends” (p. 291), as such. What they may regret is that the friends have moved to Scotland, so that the exercise of loyalty to them costs so much more in time and money than it would if they were still in London: if they think some rail travel should be subsidized for this sort of reason, it remains false that they are repudiating, or affecting to repudiate, their own convictions, any more than bereaved air travelers repudiate their desire to show solidarity with their loved ones when they request and accept the low ticket price that some airlines charge for last-minute bookings to attend funerals.

Although “complex tastes are” indeed “interwoven with judgments of endorsement and approval” (p. 291), it simply doesn’t follow that those judgments are prejudiced or denied by a request for, or an offer of, subsidy for the cost of satisfying complex tastes. A taste for reading art books rather than dime novels is, as tastes go, pretty complex, but one might think, with no trace of self-alienation, that one should not pay extra because it costs more for the library to stock art books than it does for it to stock dime novels. The art book lover *is* unfairly handicapped if libraries charge readers according to the market cost of what they read, and that is one good reason²⁵ why libraries, in the real world, subsidize tastes for expensive books by charging a uniform entrance fee, be it zero or some positive amount. It is precisely because lovers of art books quite reasonably *do* identify with their expensive book preference, it is because they cannot reasonably be expected to divest themselves of it, that the relevant readers have a case for support, regardless of whether they could have avoided or could now divest themselves of that preference.²⁶

So it is no reason to deny support that the claimants in question identify with their preferences. But I do not say the polar opposite of what Dworkin does: I do not say that wherever there is an expensive identification, there is a case for support. And, as I have already acknowledged, I was certainly wrong, in “Currency,” to distinguish the cases merely according to presence and absence of will, although I think they do count. It may, for example, also be important in our response to the art book lovers, that their preference runs to books that merely *happen* to be expensive, that they do not, be it noted, prefer them for Louis-like snobbish reasons²⁷ that justify less sympathy.

I would add that the unsubsidized art book lovers might or might not prefer, all things (including prices) considered, to have other preferences over books: that will depend on many things, including the size of their bank balance and how they *now* rate being relatively poor but reading what they *now* like to read against the comforts of a less literate solvency.²⁸ (There is an intensity of dissatisfaction that Socrates might suffer that might well make him, or, at any rate me, prefer to be a satisfied pig.) But in either case, that is, whatever their preferences across their preferences may be, it is no reason for charging them more that they must misrepresent themselves as alienated from their preference if they ask to pay less, since no such misrepresentation is required.

Suppose that the members of a minority group appeal to the local municipality for funds to sustain a recreation center, be it because they are very poor or because they happen to believe that such things should be paid for by the state: the motive and justifiability, all things considered, of

their request are not in point here. Dworkin must say, what is preposterous, that they thereby distance themselves from their own culture and/or that they show a preference for lacking that culture, all things considered. And things stand no differently, as far as alienation is concerned, with respect to less cultural expensive preference, whether or not justice calls for compensation in *either* instance.

I must point out that when I say that compensation for expensive taste is warranted, I do not mean that the state should establish a comprehensive program to provide it, since epistemic and practical obstacles rule that out: see, further, section IX below. I mean, instead, that, absent compensation, an injustice obtains,²⁹ one, however, that, so I have just implied, it may be unwise in many cases to seek to eradicate, because it may be hard to identify, and hard and/or invasive to treat. So I am not saying that people's trips to their friends, or their practice of helping others, or their love of Mozart, *should* be subsidized. For all that I have argued here, there might be (as I am sure there are) excellent reasons for not doing so. But Dworkin's alienation reason is not one of them.

VI

I must now reply to Dworkin's objections to what he misnames my "new argument" (p. 298). But, before I reply to them, let me say that it is noteworthy, it is, indeed, of the first importance, that those objections abandon the "alienation" motif that frames Dworkin's earlier discussion in chapter 7 of *Sovereign Virtue*. And that confirms, what I have already urged, the utter irrelevance of the alienation motif for our dispute. If Dworkin had thought it relevant against what he describes as (merely) my "final objection," but what is in fact, simply my objection, he would have continued to press the alienation motif. But he did not continue to press it. So it isn't relevant to what is called my "final objection." So it isn't relevant at all, since what Dworkin calls my "final objection" *is* my objection.

In response to my objection, Dworkin (p. 298) invokes an analogy with politics:

The mix of personal ambitions, attitudes, and preferences that I find in my community, or the overall state of the world's resources, is not in itself either fair or unfair to me; on the contrary, that mix is among the facts that fix what it is fair or unfair for me to do or to have. This is plain in politics: it would be absurd for me to claim unfairness or injustice in the fact that so few others share my tastes in civic architecture or my views on foreign policy that I am on the losing side of every vote on these matters.

I cannot disagree with Dworkin's insistence that what it is fair for me to have depends on the condition both of other people and of the world: what follows "on the contrary" is undeniable, and the dispute concerns not its truth but the right way to respect that truth, be it equality of resources, equality of welfare, or something else. But an unadjusted market that reflects the relevant "mix" may nevertheless be unfair to me, even if the mix *itself* isn't. (If one added people's *talents* to the "mix," then Dworkin would readily agree with that.) So "on the contrary" in the first sentence of the exhibited paragraph proposes a false contrast.

Dworkin's substantive point is carried by his second sentence, which presents the analogy with voting, an analogy that may not be fully appropriate, but which I accept for the sake of argument. Let me then point out that, if Dworkin were right in what he says here about voting, then there would be no problem of the permanent minority in politics, and no need to write constitutions

that constrain the ambit of majority decision. Note, further, that in a polity that displays a rift in architectural taste, a Palladian majority that cares about justice might defer to a Gothic-loving minority and allow some civic architecture to be Gothic,³⁰ and it might also, in the same spirit, legislate subsidies on books that only a minority desire and whose market price is therefore inordinately high. *Even if* a majority could *legitimately* deny a minority its recreation center, or the books it likes, there would still be a case for saying that it was thereby acting oppressively. The majority would then not be paying the social cost of its choice, which, on any sensible conception of social cost, must include the deprivation visited on members of the minority.³¹ And there is indeed no relevant difference, here, between being at the short end of the electoral process and being at the short end of the market process. Dworkin's analogy with politics therefore suggests the opposite of what he wants it to suggest. The injustices visited on minorities by an oppressively majoritarian *state* are matched by the different sorts of constraint that *market* processes impose on people's opportunities to secure what they value, of which I shall say more in section VIII below.

Will Kymlicka points out that "the viability of [some minority] societal cultures may be undermined by economic and political decisions made by the majority. They could be outbid or outvoted on resources and policies that are crucial to the survival of their societal cultures."³²

And that is also true of those who have a minority taste in non- (or less) cultural (in the relevantly ethnic sense) aspects of life, such as for old-fashioned local shopping, or countrysides with hedges, or vegan food, and so on. The survival of *their* preferred ways may also be subject to threat from majority preference, whether that threat expresses itself politically or more anonymously, through the market.

Dworkin also claims (p. 298) that my "final objection" undermines any prospect I may cherish of distinguishing between tastes for which compensation is in order and tastes for which compensation is not in order:

This argument, if successful, would certainly undermine my claim that expensive tastes should not entitle anyone to extra resource. But it would also, on its own, sweep away Cohen's own distinction between equality of opportunity for welfare and plain equality of welfare. Even if we accepted his claim that some people, like Louis, have chosen their own champagne tastes, we would also have to concede that such people have not chosen that these tastes be expensive: They can sensibly complain that it is their bad luck that, in virtue of the scarcity of soil of the right kind and orientation, champagne is more expensive than beer. Indeed everyone, no matter how cheap his tastes and ambitions are to satisfy, can complain that it is his bad luck that other people's tastes, or the fortunes of supply and demand, are not such that his own tastes would be cheaper still.

Louis *may* not have chosen *that* his tastes be expensive: whether that is so depends on details in the structure of his snobbery that are not disclosed to us in "Equality of Welfare." But he is said by Dworkin to have chosen to develop tastes that he knew would be expensive,³³ his reason for having done so being something at least closely related to their expense. And that is a perfectly natural reason for hesitating to compensate him. It is *not* mere bad luck that *his* tastes are expensive, since it is true *ex hypothesi* that he could have avoided expensive tastes, and it is significant that his reason for developing them relates to their expensiveness.

Let me also respond to the final sentence of the quoted paragraph above. It is irrelevant whether or not it constitutes bad luck that my tastes, though cheap, are more expensive than they would be if supply of and/or demand for their objects were different. What matters here is bad luck

that raises an issue of justice, and identifying *such* luck requires a comparison with the luck that *other* people have, which goes unrepresented in Dworkin's parting sentence. What matters is whether I have the bad luck to be saddled with tastes that are *more* expensive to satisfy than, on the whole, other people's tastes are.

Before we proceed further, let me sum up the polemical position. Dworkin's central argument³⁴ runs as follows.

- (1) Harry genuinely prefers expensive A to cheap B.
- ∴ (2) He cannot honestly repudiate that preference.
- But (3) To ask for help in satisfying a preference is to regard it as a handicap, and, therefore, to distance oneself from it in a fashion that implies repudiation.
- ∴ (4) Harry cannot coherently ask for such help.
- ∴ (5) We should not supply such help.³⁵

My main objection to this argument is that, whatever may be said about the inference from (1) to (2), premise (3) is false, for reasons that were laid out in section V. At one point (see the exposition of "strategy 2" on p. 937) I *conjectured* that one might wish to challenge the inference from (4) to (5), as a means of handling a peculiar sort of preference, one, that is, whose high cost is *welcomed* by its bearer. But I expressly favored a different solution³⁶ to that problematic preference than the one that denies the inference from (4) to (5). At p. 295 Dworkin misdescribes the unaffirmed conjecture as something that I affirm. But even if I had affirmed it, and was not merely raising it as one of three alternative treatments of a peculiar sort of example, each of which struck me as deserving of consideration, the thought in question would be independent of our main disagreement, which concerns expensive preferences whose expensiveness their bearer indeed regrets.

VII

I turn to what Dworkin calls "buzzes" and "ticks," buzzes being episodes of experiential enjoyment *as such* and ticks being satisfactions of preference *as such*, that is, considered independently of, respectively, the source of the enjoyment and the object of the preference. Dworkin thinks that I am committed to believing that buzzes and/or ticks are what people do or should care about, to the extent that I think that egalitarians should be concerned about each of experiential enjoyment and preference satisfaction, as such.

Dworkin is right that it is an insane metaphysic of the person that gives buzzes and ticks the stated centrality. But I am not committed to that metaphysic, and it is interesting that, in "Equality of Welfare," Dworkin did not accuse believers in the eponymous ideal of trafficking in that metaphysic. (The passage quoted in endnote 40 shows that he could not, in all consistency, have made that accusation.)

The reason why egalitarians whose metric is or includes welfare are committed to no such metaphysic is that welfare, *even* buzz-and-tick-defined, might be a good metric of just equality even if it isn't the right metric by which to run one's life. Thomas Scanlon points out that other people can aim at my well-being *as such* in a way that I do not myself aim at it: I aim at its constituents, and normally, moreover, not *as* (prospective) constituents of my well-being, but as what they specifically are, as such (this particular career, that holiday, this

chocolate bar, etc.).³⁷ And the egalitarian distributor can, like Scanlon's other people, aim at ensuring equality within a dimension that is not the dimension in which people's primary³⁸ aims are located.

The buzz/ticks parody of my view has whatever properly intellectual force it does through being a representation of some such argument as the following:

- (1) Sensible human beings don't care exclusively or even centrally about buzzes and ticks as such.
 - (2) The egalitarian distributor must distribute according to what sensible people care about, as such.
- ∴ (3) The egalitarian distributor should not have regard to buzzes and ticks as such.

The first premise of that argument, one with which I agree, is beautifully set out by Dworkin. But the second premise, which is also required, isn't mentioned in "Equality and Capability," and Scanlon's point shows that it is a false premise. It is, moreover, a premise that Dworkin himself must reject, since his egalitarian distributor distributes according to a metric of resources, and, as Dworkin well realizes, balanced people do not care about *resources* as such.³⁹ During Oxford seminars in the late 1980s Amartya Sen used to object to equality of resources on the ground that resources are not what people care about. Dworkin used to respond (e.g., on June 1, 1987) by rightly denying premise (2) above.⁴⁰

A final point, on buzzes, ticks, and judgment. Some utilitarians, and many economists, underestimate the role of judgment in desire: they are deserving butts of Dworkin's "buzz/tick" parody. Dworkin rightly emphasizes the role of judgment in desire, but he also undoubtedly overestimates it. The idea that the thrill that one gets from jazz is "predicated on [the] judgment . . . that good jazz is wonderful" (p. 293) is bizarre. I get a kick from certain works of rock and roll that I consider to be pretty worthless. Endorsement of the objects of desire doesn't run so far across the map as Dworkin appears to believe.

Where judgment endorses a desire, a regret about the cost of one's desire doesn't undermine that judgment, because the regret attaches to *that* cost. And where, as in my rock and roll case, there is no endorsement by judgment, where a pure "buzz" is indeed in question, the idea that asking for it to be subsidized involves some sort of unrealistic "dissociation from personality" (p. 290) is a manifest nonstarter.

VIII

For all that I have said, it may seem peculiar that a person, that is, me, whom most people would account more radically egalitarian than Dworkin is, should be tender, where Dworkin is tough, towards those who have expensive tastes. And, independently of which *side* I am on in this dispute, it might also seem odd that I should have spent so much time and energy on what might seem to be such an unimportant issue.

The answer to the first puzzlement follows from the clarification given in section II above of what an expensive taste, *here*, is: expensive tastes, in the unordinary meaning of the phrase that operates here, militate against the quality of a person's life. Typically, if not always, they generate an involuntary welfare deficit, and it is not peculiar that a radical egalitarian should be exercised by involuntary welfare deficits.

But why – I turn here to the second puzzlement – should I concern myself with what might nevertheless seem to be so tiny an issue? The answer is that it is not a tiny issue at all: the correct assessment of the justice of the market is at stake here. Dworkin regards market process as integral to the specification of what distributive justice is:⁴¹ it is his endorsement of the market that enforces his rejection of the claims of expensive taste.⁴² Egalitarians like me, by contrast, see the market as at best a mere brute luck machine, and are correspondingly obliged to highlight the misfortune of those who are saddled with expensive tastes.

To see why I disagree with Dworkin about the justice of the market, consider, once again, a library that subsidizes some at the (money) expense of others by charging the same rate per borrowed book regardless of which book, be it cheap or expensive, a member borrows. There are, as I have acknowledged (see endnote 25), reasons for a uniform entry price that are not telling here, such as an aversion to the pettiness, and costs, of setting individual rates for books and keeping detailed accounts. But I think that a distinct good reason is that which books people find fulfilling is not a matter of people's choices, but of their culturally and socially developed constitutions. It is, of course, a matter of choice, if anything is, that some members borrow expensive art books when they could have borrowed inexpensive novels. But it would not normally reflect relevant exercises of their will that novels fail to engage their powers in the way that art books do. When, as is usual, libraries charge the same price to all comers, few regard those who choose expensive books as taking unfair advantage of the subsidy on them. Egalitarians believe that there is a fairness case for one price, and more generally, for nonmarket pricing of *many* activities that people pursue, the ground for a uniform and therefore redistributive price being relevantly unchosen or otherwise defensible variations in the cost of satisfying people's tastes and fulfilling their aspirations. The distributive norm that I favor takes part of its inspiration from the socialist slogan, "To each according to their needs – according, that is, to what they need for fulfillment in life," which is an antimarket slogan. Need satisfaction, thus capaciously understood, is a major element within what I have called "advantage."

When there are charges for use according to cost, then some are unfairly penalized for expensive tastes that they could not, and cannot, help having, or, more generally,⁴³ that they cannot reasonably be expected not to pursue: that is the case against market allocation here. Because of the vagaries and variations of preference, markets do not deliver justice, but that is not to say that there exists a practicable alternative that does so. To see that, let us distinguish between general and special subsidies: *general* subsidies reduce the cost of a given good to *all* comers, and therefore not only to those whose taste for that good is in the relevant way expensive; *special* subsidies are to those particular consumers of a given good whose taste for it is expensive. Now, special subsidies are in most cases multiply impractical. For one thing, it would almost certainly be impossible for the state to determine which tastes reflect disqualifying choice and which do not. For another, it could not easily determine whether a person, as that person is now constituted, *needs* more resources than others do, for comparable effect or, on the contrary, simply *demand*s more satisfaction than they do from life.⁴⁴ If, moreover, the state could indeed determine such things, it could do so only through a monstrous invasion of privacy that would not be justified, in my view, by the contemplated particular gain in egalitarian justice. What our tastes, *as individuals*, are, and how we got them, should, therefore, largely not be the state's business. (Note that library subsidies target groups, not individuals as such.)

But while individual subsidies are not on, general subsidies are, like the market, insensitive to individual variations in levels of fulfillment. So we produce some injustice whether we leave the

market alone or interfere with it in a generally subsidizing way. If we wish to serve justice as well as we reasonably can, then we have to try to guess when taste differences make general subsidy *more* just than market upshots, and in some cases, such as that of libraries, my guess is that justice is indeed better served by our actual practice of subsidy: it is less insensitive to individual need than the market is. If we fix in our minds the form of welfare that we are supposing the library delivers, be it reading enjoyment, or preference fulfillment, or self-development, then the case for a general subsidy seems to me to be overwhelming. We must not be misled, inappropriately, by vagueness about what “welfare” might mean here: we must not let the expensive taste objection to equality of welfare ride piggyback on the indeterminacy objection (see section I above). (The library example is importantly different from a case where someone needs expensive cigars to get what others get from cheap ones, for we may suppose that everyone prefers expensive to cheap cigars, whereas people differ not only in the degrees of satisfaction – or whatever – that they get from different books but also in their preference orderings over them. Partly for that reason, the library case is the appropriate model for how to treat different, and differentially expensive, cultural needs.⁴⁵)

Dworkin does not himself believe in pure *laissez-faire*, since he thinks that, so far as possible, people should be compensated for handicaps and for poor earning capacity before they enter the market. But he thinks that the market produces justice insofar as its prices reflect the play of people’s tastes and ambitions. So he claims⁴⁶ that his auction produces stainless justice, when people differ only in their (comprehensively unrepudiated) tastes, but not in their capacities, whereas I believe that, for example, it is unjust if I have to pay more for figs than you do for apples simply because few people like figs and many like apples – always assuming that you get from apples more or less what I get from figs. In my view, markets can “produce” justice only in the Pickwickian sense that they do so when in some unattainable possible world they are so comprehensively rigged that they induce a distribution that qualifies as just for reasons that have nothing to do with how market prices form.

In sum: Dworkin believes that the market constitutes its results as just when pretrading assets are suitably equalized, where that equalization is blind to differences of taste, but I believe that, while market results may be more or less just, the market plays no part in the *constitution* of justice, precisely because it is blind to how well it satisfies different tastes and aspirations.

Some will balk at the idea that what is claimed to be a demand of justice is not something that the state, or, indeed, any other agent, is in a position to deliver. I cannot here defend the methodology that allows such a result. But it merits comment that Dworkin could not (and, so I believe, would not) object to my position on any such methodological basis. For he himself believes that egalitarian justice justifies compensation for expensive tastes whose bearer is disposed to repudiate them, and he can no more infer, in all due realism, that the state should comprehensively see to such compensation than I can realistically propose that it compensate with precision for unrepudiated expensive taste whose cost their bearer cannot reasonably be asked to shoulder.

Although I agree with Dworkin that the state cannot put particular individuals’ tastes on its agenda, our reasons for that common stance could not be more different. For it is false, on my view, that people’s (unrepudiated) tastes are not the state’s business *because* it is reasonable to expect them to take responsibility for those tastes, no matter how they came to have them, and no matter what they can do about them now. Instead, they must perforce pick up the tab for them because they cannot reasonably be the state’s business.

IX

Dworkin writes (p. 286):

One group of critics – I shall use G. A. Cohen’s version as representative – proposes that citizens should be equal, not in the welfare they achieve, but in the opportunity that each has to achieve welfare. As we shall see, that supposedly different ideal turns out to be equality of welfare under another name.

What we come to see, according to Dworkin, is that no one really *chooses* their tastes or preferences, and, so his argument continues, since equality of opportunity for welfare differs from equality of welfare only because the former refuses to compensate for certain tastes (chosen ones) that the latter compensates, it follows that there turns out to be no difference between the two positions.

There are two objections (1 and 2 below) to the claim that equality of opportunity for welfare collapses into equality of welfare for the stated reason. They are also objections to the claim that *my* view (equal access to advantage) collapses into that. And there is a third reason (3 below) for objecting to the claim that my view in particular collapses into equality of welfare.

- 1 *P* does not become *q* “under another name” because *r* is true and the conjunction of *p* and *r* implies *q* (the relevant values of those variables here are, respectively, *there should be equality of opportunity for welfare* (*p*), *there should be equality of welfare* (*q*), and *people never really choose their tastes* (*r*)). It is a matter of principle for equality of opportunity for welfare that tastes are compensated for only if and when and because they are (to put it crudely) not chosen, however often (including never) they are *in fact* chosen, and equality of welfare denies that principle. That deep difference of principle would survive even if it should turn out that all tastes are unchosen: we would still be faced with “a distinct political ideal” (p. 289), or, at any rate, a distinct conception of justice.
- 2 We *can*, as I shall show in section X, distinguish relevantly different *degrees* of care and choice in preference formation. To be sure, we never quite simply *choose* a preference or a taste, in the way that we choose actions: preferences, unlike actions, and like all the things that aren’t actions, are not immediately subject to the will. But there remain more nuanced things to be said about preference and the will.
- 3 I am not, in any case, a proponent of equality of opportunity for welfare, but, rather, of equality of access to advantage, according to which there should be equality of opportunity not for welfare alone but for a vector which includes that, *and* resources, *and* need satisfaction, and, perhaps, other advantages. And that makes my own view proof against the mooted collapse. *Even if* no tastes were affected by the will, even if 2 above were false, my view would remain trebly removed from equality of welfare: first, for the reason given in 1 above; second, because I do not think welfare is the only element that belongs in an egalitarian metric; and finally because there would *still* be scope for distribution-affecting choice, on my view (as, of course, on Dworkin’s, but not according to plain equality of welfare), with respect to things *other* than preferences.

X

I now take up the task laid down two paragraphs back, that of showing that some preferences reflect more will than others do, in a way that bears on justice. But before I do so, I wish to reiterate and emphasize that any disagreement that Dworkin and I may have concerning the dynamics of preference formation is quite surplus to my disagreement with him about whether preferences that fall outside the governance of the will should be compensated. Even if we agreed that preferences never do in a relevant way reflect will, our root *normative* disagreement would persist.

I say that some preferences reflect will *more* than others do: I do not say that any preferences are (just like that) *chosen*. That would contradict the nature of preference. It is conceptually excluded that we should (just) *choose* our preferences (as opposed to the objects that they prompt us to pursue). But we can devote more or less control to the development of our preferences, and be differentially responsible for their cost as a result.

Consider, for example, Shirley, who relishes hamburger and steak in the same different degrees that the rest of us do. She knows that if she eats steak all the time it will lose its special zing and become no more satisfying than hamburger is. But for a while there will be extra pleasure, and Shirley's resources are ample enough for her to embark on the stated course: indeed, she has it in mind occasionally to buy super-duper steak once ordinary steak has come to taste, for her, like hamburger does now. She is warned that the temporary gains she contemplates will be nullified if her income drops, and she is aware that there is some chance that it will.⁴⁷ But she embraces that risk, and, in the event, her income does happen to drop, so that she is landed with an expensive taste that is difficult for her to satisfy. Her predicament cannot plausibly be represented as a matter of mere bad luck, and we should be as reluctant to compensate her as we are to compensate losing gamblers who gambled with their eyes open.

Unlike Shirley, Dworkin's Louis (Bourbon) does not gamble on getting *more* welfare at the cost of developing an expensive taste. On the contrary: he "sets out deliberately to cultivate some taste or ambition he does not now have, but which will be expensive in the sense that once it has been cultivated he will not have as much welfare . . . as he had before unless he acquires more wealth" (p. 49). Louis originally, perhaps, hates caviar, but, being attracted to it because of its snob value, he trains himself to like it. That is an entirely coherent, even somewhat familiar, story, and, so it seems to me, justice should look less kindly on the proposition that he be sold caviar at a discount than on the proposition that Louisa, who came by the same taste inadvertently, should be given that discount.

It may, however, be unfair to characterize what Dworkin calls Louis's "taste for refined tastes" as a piece of snobbery. Perhaps he is moved by a certain more admirable ideal of consumption. If so, then my own disposition would be to treat him more indulgently (see section III above).

So we may indeed distinguish between tastes for whose cost we hold people responsible because they could readily and reasonably have avoided developing them or could now be reasonably expected to develop cheaper ones (which means: learn to gain an ordinary degree of satisfaction from cheaper things), and tastes where responsibility is relevantly absent and/or where judgment is relevantly present and where compensation is therefore required by egalitarian justice. To be sure, you might find it unrealistic, and in any case likely to be special pleading, for people to say that they just *cannot* get from hamburger what others get from it (as opposed to that they are unwilling to *settle* for a lesser satisfaction). But the epistemic – and even conceptual problems⁴⁸ – that arise here do not affect the content of justice.

Sometimes no relevant choice obtained or obtains. If you were brought up on baseball, you did not deliberately develop a taste for it, and it may be impossible for you to come to enjoy cricket, irrespective of any judgments you may now make about the comparative value of those sports. But in other cases, nothing similar is true.

Suppose that I am hypnotized into an expensive taste, and, for good measure, into the endorsement of the value of its object that, so Dworkin thinks, puts it beyond the reach of legitimate compensation. It seems to me plain that it would offend against egalitarian justice to deny me the extra means that are required to satisfy it (although, *ex hypothesi*, it is not a Dworkin-compensable “obsession,” or “craving”:⁴⁹ an endorsing judgment obtains). But, importantly, that is merely an extreme case, at the far end of a continuum of absence and presence of will in taste formation, rather than something that in no way resembles ordinary processes of the genesis of preference and desire.

In responding to my claim, illustrated above, that preferences vary with respect to how much they represent will, Dworkin has not expressly addressed the motif of schooling oneself out of an expensive taste. But he has addressed the issue of responsibility for acquiring a taste in the first place. He has remarked that “people who deliberately cultivate tastes do so out of opinions they did not in the pertinent sense cultivate but had.”⁵⁰ That remark is supposed to upset my insistence on the distinction, and its importance for justice, between tastes for which people can, and ones for which they cannot, be held responsible. But I do not think that Dworkin’s remark, whatever truth may lie in it, does upset the required distinction.

It would do so only if it were generally true that responsibility for the consequences of a choice requires responsibility for the (always more or less constraining) situation in which it is made, and we normally suppose no such thing. Of course we do not choose out of the blue to develop our tastes, but it does not follow, and it is false, that we never have a significant choice with respect to whether or not we develop them. When any sort of choice of anything occurs, we normally modulate any resulting assignment of responsibility according to the character of the alternatives that the chooser had, and I believe that we can proceed in that fashion here. Louis chooses to develop a certain taste in the light of a “taste for refined tastes.” That makes him a very special case, but set that aside. The feature to focus on here is that he indeed chooses a certain course of action, that of developing a certain taste, in the light of a (further) taste. Dworkin thinks that people choose *courses of action* in the light of their tastes, yet he also thinks that, despite *that* unchosen background to their choices, they may reasonably be held responsible for (some of) the consequences of those actions. I treat Louis’s choosing to develop an expensive taste, in the light of a further taste, in precisely that fashion.

You do not escape responsibility for the costs of your choice by virtue of the mere fact that you made that choice *against a choice-affecting background*. But *also*, the mere fact that you made a choice, and could have chosen otherwise (for example, not to buy that steak), no more shows that subsidy is out of order than does the *mere* fact that you could have chosen not to buy that wheelchair show that subsidy is out of order. In each case facts in the background to the choice, facts about degrees of control, and about the cost of alternatives, affect the proper allocation of responsibility for the consequences of the choice.

My strategy has been to propose a reckoning of presence and absence of responsibility for the costs of expensive taste that in material part imitates our quotidian treatment of responsibility in more familiar domains. It is false that the only relevant questions about choice and responsibility are whether or not something (an action, a preference) is, simply, *chosen* (that is, *tout court*), and that the only relevant upshot is whether the agent is responsible, *tout court*.

Here, as elsewhere, we make judgments of *degree* of responsibility, and they are based on *graded* and *shaded* judgments about choice. It always bears on the matter of responsibility that a person chose a certain course, but it is also always pertinent how *genuine* that choice was (see p. 934) and how constraining the circumstances were in which it was made. The genuineness of a choice is a function of the chooser's knowledge, self-possession, and so forth. And the point about constraining circumstances is illustrated by the case of the juvenile delinquent from a deprived background who undoubtedly chose to commit the crime, but our response to whom is conditioned by knowledge of what the criminal's alternatives were, and of how, for example, they differed from that of someone from the middle class, who had, as we say, many advantages. For a relevantly comparable contrast in the domain of expensive taste formation, consider the difference between someone who would have had to make a special effort to avoid developing a dependence on steak and someone whose taste for hamburger was ensured by the unavailability of steak.⁵¹

It is, of course, an extremely complex question what the shape of the function is which, in our ordinary thought, takes us from data about what lies inside and outside of a choice to an assignment of (some degree) of responsibility for its consequences: I cannot discuss that here (or anywhere else). But nothing says that we cannot operate that function (which has more than two values) for the case of expensive choice and the taste that lies behind it. To be sure, it may be that it is only in unusual cases of taste formation that responsibility, on quotidian criteria, is in order. And it may also be true that the quotidian criteria which I have applied to the special case of taste and choice disintegrate, in the general case, under metaphysical interrogation. But I need not say that people *are*, in general, responsible for their expensive tastes. And if, indeed, we never are, whether because the metaphysics of the will says that we are responsible for nothing, or for more particular reasons, then, on my view, they *always* constitute a complaint, from the point of view of distributive justice. The final *judgment* of justice depends on the facts of responsibility, but the ultimate *principle* of justice (compensate if and only if it is not reasonable to hold disadvantaged people responsible for their plight) is independent of those facts.⁵²

XI

I close with brief comments on several arguments to be found in the literature for regarding expensive tastes as outside the scope of compensatory justice.

Argument (1): Since people choose which tastes to pursue, they have the opportunity to pursue others, and there is therefore no call to subsidize their expensive tastes.⁵³

Argument (1) confuses the truth that you decide what tastes to pursue (that is, what objects of taste to acquire) with the falsehood (in the general case) that you decide what tastes to have. Different lifestyles are (within situational constraints) indeed chosen, but the preferences guiding those choices are not usually commensurately subject to the agent's control, and this has implications for justice.

Argument (1) is attributed to Dworkin by Kymlicka, among others, and with some textual basis: Dworkin offers noncongruent formulations on this matter, some of which more than suggest argument (1). (See pp. 927–31 for substantiation of that noncongruency claim.) But argu-

ment (1) is not Dworkin's considered position, which is that tastes are substantially unchosen – their bearer has little discretion with respect to their development – but that, for argument (4)-type reasons (the fact, barring special cases, that they are not repudiated) they should not be subsidized.

Argument (2): To subsidize some tastes, and, therefore, tax others would be to violate that neutrality across conceptions of the good which it is the duty of liberal states to maintain.

Richard Arneson has shown that argument (2) misapplies the concept of neutrality.⁵⁴ The policy of equality of opportunity for welfare is thoroughly neutral, even though it allows subsidy to those whose welfare costs more because of the structure of their tastes.

Argument (3): Whether or not you choose your tastes, it is part of your proper responsibility as an adult to cope with them. They are a private, not a public matter.

Argument (3) is suggested by this passage in Rawls's *Political Liberalism*:

... that we can take responsibility for our ends is part of what free citizens may expect of one another. Taking responsibility for our tastes and preferences, whether or not they have arisen from our actual choices, is a special case of that responsibility. As citizens with realized moral powers, this is something we must learn to deal with. . . . We don't say that because the preferences arose from upbringing and not from choice that [*sic*] society owes us compensation. Rather, it is a normal part of being human to cope with the preferences our upbringing leaves us with.⁵⁵

But to the extent that this contention differs from argument (1), it is nothing but an appeal to popular opinion. People no doubt do think about the matter as Rawls says they do, but no justification of that familiar way of thinking is provided here. Why is the misfortune of expensive taste an essentially private matter when the misfortune of expensive mobility is not?

In my view, the Rawls passage gets things backward. The right argument says: it is extremely difficult and/or unacceptably intrusive to determine whether people's tastes are expensive *and* how much they are responsible for them; therefore the state cannot and/or should not seek to make determinations of that sort; therefore people must (on the whole) take responsibility for the costs of their tastes. But Rawls propounds the opposite argument, which says that *because* it is right to hold people responsible for their tastes, the state should not intervene here. (Compare the last paragraph of section VIII above).

Argument (4): It is incoherent for people with (at any rate judgmental) expensive tastes to represent them as handicaps or disadvantages that warrant subsidy. They would thereby be repudiating as a burden what they *ex hypothesi* affirm as a desideratum.

Argument (4), which is put by Dworkin, depends, I have argued, on failure to make pertinent distinctions. Those who need expensive things for satisfaction would not, indeed, normally regard their very desire for them as a handicap. What handicaps them is that they are expensive. And no repudiation of their desire for them, or dissociation from their own personality, attaches to their representation of that as a handicapping circumstance.

XII Coda

I have not in this essay argued positively for the view that I set out in “On the Currency,” nor indeed, except in small part, for the (somewhat sketchy) descendant view which replaces it and which is described in section III above. What I have principally done is to refute one argument against equality of (opportunity for) welfare, namely, the expensive taste argument, and *pari passu*, to support one argument against equality of resources: that it is unfair to people who cannot reasonably be expected to pay the cost of satisfying their own expensive tastes.

I close with some remarks about the architectonic of Dworkin’s magisterial 1981 diptych. It is of great importance to the apparent success of his case that he examines equality of welfare *first*. It is undoubtedly comprehensively demolished, in any *single one* of its interpretations,⁵⁶ so that the way then appears clear to propose equality of resources as an alternative. But the latter is not argued for positively, and it is also not subjected to the same test by counterexample that equality of welfare faced. And if one urges against equality of resources that people who are equal in resources will frequently be unequal in welfare in ways that look unfair, then Dworkin rules the objection out on the ground that equality of welfare has *already* been refuted.

But if that latter move appears sound, then that is only because of the *order* in which the competing equalities were examined. If Dworkin had considered equality of resources *first*, it would have faced counterexamples that could not be dismissed simply because of their welfarist character. (Note that the force of a welfare-inspired objection to equality of resources does not depend on an affirmation of (unqualified) *equality* of (opportunity for) welfare.)

It is because welfare equality can lead to crazy resource results and resource equality can lead to crazy welfare results that I was moved to float a pluralistic answer to the “Equality of What?” question. That question may be misframed, because, for example, distributive justice comes in uncombinable “spheres.”⁵⁷ But *if*, what I increasingly doubt, Sen⁵⁸ and Dworkin’s question, is sound, then I remain confident that a heterogeneous plurality is the answer.⁵⁹

Appendix

In parallel efforts, Matthew Clayton and Andrew Williams have sought to refurbish the “endorsing judgment” objection to compensation for expensive taste.⁶⁰ Their argument, here reconstructed, stepwise, by me, can be stated with respect to the case of Paul and Fred (p. 923). Paul’s unchosen recreational taste is for expensive photography, while Fred’s is for inexpensive fishing. As I understand the Clayton/Williams argument, it has, when rendered fully explicit, four premises and a validly derived conclusion:

- (1) Paul merits compensation only if he can ask Fred for compensation.
 - (2) Paul cannot ask Fred for compensation unless he thinks himself worse off than Fred.⁶¹
 - (3) Paul cannot think himself worse off than Fred unless he would rather be in Fred’s shoes.⁶²
 - (4) But Paul would not rather be in Fred’s shoes. He does not want to love fishing rather than photography.
- ∴ Paul cannot ask Fred for compensation.

I shall not reject premise (1). I believe that it is false *at most* in the peculiar cases typified by Scanlon's suffering-welcoming worshiper,⁶³ and perhaps also in cases where people's false beliefs prejudice their welfare but at the same time make it incoherent for them to request relief. But such are not the cases that induce the disagreement between Dworkin and me.

"Worse off" in premise (2) is underspecified. It is true only if we add, at the end: worse off in some justice-sensitive respect. But the argument requires that we add: worse off, all things considered, since that is how "worse off" in premise (3) must be read. But when (2) is read in the required fashion, equality of resources itself contradicts (2). Underresourced people need not think, when demanding the compensation that Dworkin licenses, that they are all things considered worse off than relevant others. They need be worse off only in resources terms.⁶⁴ And Dworkin has no monopoly on the idea that you can be worse off precisely in the justice-sensitive respect without thinking yourself worse off *tout court*. There is a certain sort of welfare in which Paul is deficient: he fulfills his leisure needs less well than Fred does,⁶⁵ but he need not think himself comprehensively worse off even if in other respects he is on a par with Fred. If Dworkin's continuity test indeed implies premise (2),⁶⁶ under the "all things considered" interpretations of (2) that the Clayton/Williams argument requires, then so much the worse for the continuity test.

The very "shoes" metaphor that is used to formulate premise (3) exposes the falsehood of that premise. I can think myself better off in my shoes than I would be in yours while nevertheless thinking myself worse off in mine than you are in yours: yours fit your feet better than mine do. To speak without metaphor, (3) is relevantly false because I can think myself better off with my preferences ill-satisfied than I would be with your preferences well-satisfied. An important example of this structure of preference is provided by Justine Burley:

... when it comes to reproductive capacities for example, the greater financial burdens imposed on women by virtue of their unique biological endowments probably will not be compensated on Dworkin's view. A woman's complaint is only deemed legitimate if there is penis envy, as it were. If she affirms her possession of female reproductive capacities, if, that is, she affirms the fact that she is a woman, we cannot say that there is any injustice along Dworkinian lines when *actually* there is. To demand that a woman *want to be a man* to support compensation is simply ridiculous.⁶⁷

Finally, premise (4) is not always true. As I noted in sections V and VII, Paul can care *both* about the source of his satisfaction (he prefers it to be photography rather than fishing) *and* about the extent of his satisfaction. They are both, plainly, desiderata, and he can trade them off against each other (without thereby showing himself to be a buzz or a tick addict). Differently put: there is value *both* in pursuing what is more valuable *and* in getting whatever it is one pursues – one might have to add: as long as it has *some* value; but that wouldn't affect my argument against (4). And Paul might be sufficiently exercised by that second value that he indeed prefers to be in Fred's shoes.

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VIII, and IX of this chapter provide a modified version of pp. 83–8 of my “Expensive Tastes and Multiculturalism,” in R. Bhargava, A. K. Bagchi, and R. Sudarshan (eds.), *Multiculturalism, Liberalism, and Democracy* (New Delhi: Oxford University Press, 1999), which is available on request from me.

Notes

- 1 Which is chapter 7 of Ronald Dworkin’s *Sovereign Virtue* (Cambridge, MA: Harvard University Press, 2000). All pure page references in the present chapter are either to that book or to my “On the Currency”: see the next endnote.
- 2 *Ethics*, vol. 99, 1989, pp. 906–44. Unless otherwise stated, all citations of my work in the present chapter are to that article. All such citations begin with the number “9,” and are there unconfusable with citations of *Sovereign Virtue*.
- 3 Or, as I sometimes think it should be designated, “The ‘Equality of What!?’ question.”
- 4 There is a fleeting acknowledgement of that distinction by Dworkin at p. 289: he did not dwell on it because he rightly judged that it is substantially irrelevant to our principal disagreement and also because, as he has argued forcefully (but not to me convincingly) in a private communication, it is, in his view, an unsustainable distinction.
- 5 Originally published in *Philosophy and Public Affairs*, vol. 10, 1981, pp. 185–246, and reproduced as chapter I of *Sovereign Virtue*.
- 6 One good consequence of the publication in 1981 of “Equality of Welfare” is that a lot of hard work has since been devoted to such specification.
- 7 I believe that anything that can plausibly be considered welfare (enjoyment, preference-satisfaction, the objective value of a life, and maybe etcetera) is something that egalitarians have reason to care about, and that that also helps to explain the illusion that equality of (some undifferentiated) welfare supplies the right metric of equality. (The pluralism of equality of access to advantage embraces all the welfares that there are, and also nonwelfare advantages. For more on that pluralism, see the final paragraph of section XII).
- 8 I infer that Margaux is an unordinary wine because it is the one that David Niven ordinarily drank: see his various memoirs.
- 9 But not all. Under Dworkin’s characterization of expensive taste (see the first paragraph of this section) a person who is burdened with an expensive taste needs more resources to reach the same level of welfare as another. But people may be afflicted by expensive taste not because given commodities provide them with smaller *increments* of welfare but because they are generally miserable. A wide menu of commodities is unlikely to extinguish their welfare deficits.
- 10 “A typical unrich bearer of an expensive musical taste would regard it as a piece of bad luck *not that he has the taste itself but that it happens to be expensive* (I emphasize those words because, simple as the distinction they formulate may be, it is one that undermines a lot of Dworkin’s rhetoric about expensive tastes) . . . He can take responsibility for the taste, for his personality being that way, while reasonably denying responsibility for needing a lot of resources to satisfy it.” (p. 927).
- 11 I take the distinction between the two types of taste (but not the word “brute,” in this use of it) from Dworkin: see, e.g., pp. 290–1, and for more extended discussion, where they are called “volitional” and “critical” tastes, see pp. 216ff., 242ff.
- 12 I am here influenced by Terry Price’s penetrating criticism of my “On the Currency” in section III of his “Egalitarian Justice, Luck, and the Costs of Chosen Ends,” *American Philosophical Quarterly*, vol. 36, 1999, pp. 267–78. As Price points out, it might have been just someone’s “bad luck that those preferences that he believed he ought to cultivate turned out to be [and might have happened to be from the start – G. A. C.] expensive preferences” (p. 272): thereby “the successful pursuit of the projects he finds important (and, so, *chose* to pursue), unlike the successful pursuit of the chosen projects of others, is frustrated by factors completely beyond his control” (p. 271).

- 13 That is, barring the special case where people *welcome* the fact that their taste is expensive – see pp. 937–8.
- 14 For a particularly compelling illustration of this point, see the quotation from Justine Burley at the end of this paper.
- 15 Dworkin calls such tastes “cravings”: see pp. 81–3, and my response at pp. 925–7.
- 16 The exceptional case was mentioned in endnote 13 above.
- 17 The island, and the auction that occurs on it, are described at pp. 65ff.
- 18 That is, once we set aside as *ultra vires* their wish not to have the tastes they do *because* they are expensive: see the third paragraph of the present section.
- 19 In Susan Hurley’s terms, we are here disputing the *currency* of distribution, not its *pattern*. See her *Justice, Luck, and Knowledge* (Cambridge, MA: Harvard University Press, 2003), chapter 6. Examples of the former are resources, welfare, capabilities, and so on. Examples of the latter are equality, “sufficiency,” and maximin. (It might be thought curious that Dworkin, who is not a sufficientarian, but a relational egalitarian, should here introduce an element of sufficiency into his view, but that, as I said, is not the matter in issue between us).
- 20 For example, for the state of their cerebral cortices, rather than for “gourmand syndrome” as such: see the epigraph to this chapter.
- 21 Bernard Williams suggested to me (personal communication, December 4, 2002) that the relevant difference between handicaps (ordinarily so called) and satisfaction-reducing expensive tastes might be “between giving up or not getting something nice as opposed to having to put up with or being subjected to something nasty.” I think that there is a lot of plausibility in that, but it is not a thought that a *relational* egalitarian like Dworkin can exploit in the present polemic, since equalizing, as opposed to providing some sort of sufficiency, or a decent level of life, is indifferent to any distinction that may obtain between the less pleasant and the more nasty.
- 22 See p. 289. I take up this disagreement in section XI.
- 23 I use parentheses to mark off a feature of the books that plays no role in the preference for them under specification here.
- 24 For more on which, see section VII.
- 25 There are no doubt other reasons for the policy: perhaps we charge no or low fees to everyone for the perfectionist reason that we approve of education; or we charge the same fee to all for the sake of administrative simplicity; or low fees have a public good justification (because educated people are a boon to others); and so on. But what requires focus here is what we should think of a library that resolved to charge according to the book’s cost: would we not regard that as, *inter* whatever *alia*, *unfair*?
- 26 I here apply the revision in my view that I described in section III.
- 27 See section VI.
- 28 Dworkin himself points out (p. 30) that people might prefer pursuing preferences for what they judge to be inferior things that they are likely to fulfill to pursuing preferences whose objects they regard as superior.
- 29 See the final paragraph of the introductory section above.
- 30 A punctiliously fair-minded Palladian majority might make half the architecture Gothic, so that everyone sees what they like half the time.
- 31 Dworkin represents the auction, and the market more generally, as inducing the result that what I pay for the elements in my bundle represents the costs to others of my choices. And so it may do, in *money* (or clamshell) terms. But the intuitive force of the idea arguably depends on an interpretation of cost in *welfare* terms. If so, Dworkin is not entitled to invoke that intuitive force.
- 32 *Multicultural Citizenship* (Oxford: Oxford University Press, 1995), p. 109.
- 33 It is not I but Dworkin who says that Louis “sets out deliberately to cultivate” champagne tastes (p. 49: the point receives special emphasis on p. 50). Accordingly, “even if we accepted,” in the third sentence of the text quoted above, is out of order: “*deliberately* cultivated expensive taste” denotes no invention of mine.

- 34 He also has some subsidiary arguments, to which I have just replied, against my *real* (and misnamed “new”) argument, to wit, the analogy with majority voting, the “self-undermining” claim, and a particular spin on “luck.”
- 35 See the Appendix for a variant understanding of Dworkin’s argument which merits independent consideration.
- 36 Namely, “strategy 3”:

This final strategy is to revise the view I have defended, as follows. Instead of saying, “compensate for disadvantages which are not traceable to the subject’s choice,” say, “compensate for disadvantages which are not traceable to the subject’s choice *and* which the subject would choose not to suffer from.” The revisionary element is the second clause. In the revised view, choice appears at two levels, actual and counterfactual. (p. 937).

- 37 See his *What We Owe to Each Other* (Cambridge, MA: Harvard University Press, 1999), chapter 3, section IV.
- 38 The qualification “primary” is necessary because it is reasonable to suppose that people commonly (thus I do, even if Socrates didn’t: see p. 12 above) *also* have some second-order concern as to whether or not their preferences *whatever they may be* are satisfied. You don’t have to believe any ridiculous buzz/tick metaphysic to appreciate that measured truth.
- 39 See the contemptuous reference to preoccupation with “bank account wealth” at p. 107.
- 40 Cf. pp. 19–20: “We may believe that genuine equality requires that people be made equal in their success (or enjoyment) without believing that essential well-being, properly understood, is just a matter of success (or enjoyment).”
- 41 “[T]he idea of an economic market, as a device for setting prices for a vast variety of goods and services, must be at the center of any attractive theoretical development of equality of resources” (p. 66).
- 42 I ignore, once again, Dworkin’s (effective) volte-face on brute tastes: see section IV.
- 43 See section III.
- 44 I invoke here the will/constitution distinction that I made at p. 6 above.
- 45 Which is a topic that I explore in “Expensive Tastes and Multiculturalism,” *op. cit.*
- 46 Or claimed: see the discussion in section IV.
- 47 Compare and contrast Richard Arneson’s person who voluntarily cultivates “a preference for spending [her] leisure hours driving about in [her] car at a time when gas is cheap, when it is unforeseeable that the price of gas will later skyrocket” (“Liberalism, Distributive Subjectivism, and Equal Opportunity for Welfare,” *Philosophy and Public Affairs*, vol. 19, 1990, pp. 159–94; quote p. 186.)
- 48 See the end of third paragraph of section II.
- 49 See the beginning of section IV.
- 50 Text of Oxford seminar talk, January 24, 1994, and cf. p. 289.
- 51 It might be objected that I here support a reactionary view to the effect that people whose tastes are cheap, people who get satisfaction from modest things, should not be permitted, or, at any rate encouraged, to expand their horizons: the Etonian steak lover gets his steak because he needs it, but the street boy is condemned to eternal hamburger. My reply to the objection is that different dimensions of justice tell against one another here. It is indeed an injustice that A’s scope for development is worse than B’s, but it remains an independent injustice if A has the good fortune, lacking to B, of access to cheap contentment.
- 52 See, further, my “Facts and Principles,” *Philosophy and Public Affairs*, vol. 31(3), 2003. If, as I think he does, Dworkin means, by “determinism,” “hard determinism,” then I agree with him that “we all reject determinism, all the time,” but I do not think that our affirmation or rejection of hard determinism has any bearing at the deepest level of *normative* philosophy. (The quotation from Dworkin appears at p. 107 of his “Sovereign Virtue Revisited,” *Ethics*, vol. 113, 2002, pp. 106–43, and see *ibid.*, pp. 118–19 for evidence that he means “hard determinism” in particular (whether or not he thinks that soft deter-

- minism is coherent). For my own rejection of hard determinism, see p. 76, fn. 14 of my “Why not Socialism?,” in Edward Broadbent (ed.), *Democratic Equality* (Toronto: University of Toronto Press, 2001, pp. 58–78).
- 53 I discern argument (1) at p. 369 of John Rawls’s “Social Unity and Primary Goods,” in his *Collected Papers* (Cambridge, MA: Harvard University Press, 1999). See my p. 913 *et circa*, for discussion of the Rawls text.
- 54 See his “Liberalism, Distributive Subjectivism, and Equal Opportunity for Welfare,” *op. cit.*
- 55 *Political Liberalism* (New York: Columbia University Press, 1993), p. 185.
- 56 Dworkin also rejects an “ecumenical” view under which egalitarianism has regard to *several* types of welfare (pp. 47–8). I do not find his reasons for rejecting it cogent, but saying why would take us too far afield.
- 57 Cf. Michael Walzer, *Spheres of Justice* (New York: Basic Books, 1983). Note that a belief that the goods that figure in distributive justice cannot be aggregated implies neither Walzer’s particular differentiation of such goods nor his relativizing view that goods count as such in virtue of “social meanings.”
- 58 Amartya Sen, “Equality of What?” in Sterling McMurrin (ed.), *The Tanner Lectures on Human Values*, vol. 1 (Cambridge, UK: Cambridge University Press, 1980).
- 59 I expressed doubt at p. 921 about my own answer to the question, because of its awkward pluralism. I remain uncertain as to whether that pluralism is sustainable, and, hence, whether the Sen/Dworkin question *is* sound. A tentative defense of the pluralism is available in a document called “Afterword to chapters XI and XII,” which I can supply on request.
- 60 Matthew Clayton, “The Resources of Liberal Equality,” *Imprints*, vol. 5(1), 2000, pp. 63–84; Andrew Williams, “Equality for the Ambitious,” *Philosophical Quarterly*, vol. 53 (208), 2002, pp. 377–89.
- 61 Williams: “the basic idea underlying the continuity test is that a political community should regard certain conditions as disadvantaging some of its members only if those members’ own views about what it is to live well also imply that those conditions disadvantage them” (p. 387). Cf. Clayton, *op. cit.*, p. 77.
- 62 Clayton: “. . . an individual can plausibly claim that she is less advantaged than another in virtue of having a physical impairment or taste only if she would prefer to have the other’s physical resources or taste” (*op. cit.*, p. 75; cf. Williams, *op. cit.*, p. 379).
- 63 See pp. 937–8. Williams focuses too much on this bizarre example: Paul/Fred is the significant case.
- 64 Recall Dworkin’s refutation of Sen’s objection to equality of resources: see p. 16 above.
- 65 *Even if* – what need not be true: see the comment below on premise (4) – he prefers having those needs and having them less well satisfied than having Fred’s needs, better satisfied.
- 66 See endnote 61 above.
- 67 Justine Burley, private communication, May 1995.