

**SOCIAL JUSTICE AS REAL FREEDOM FOR ALL**  
**Reply to Arneson, Fleurbaey, Melnyk and Selznick**

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According to *Real Freedom for All* (henceforth *RFA*), social justice demands that one should introduce an unconditional basic income for every citizen, pitched at the highest sustainable level compatible with the protection of everyone's formal freedom and the satisfaction of some criterion for the adequate compensation of handicaps. Unsurprisingly many disagree, including — though in very different ways and to different extents — the four thoughtful contributors to a stimulating *PEGS* symposium.<sup>1</sup> In this short response, I shall leave aside minor quibbles, misattributions or misunderstandings and concentrate on what I regard as the most threatening or interesting challenges.

### **The task of political philosophy**

According to Philip Selznick (47), *RFA* "can do much to stimulate thought and clarify ideals. It is no substitute, however, for a more historical, more empirical, more multivalent theory of social justice". I agree: it is not. Nor does it pretend to be. *RFA* makes, for example, no claim to answering such interesting empirical questions as why beliefs about the nature or place of social justice vary the way they do from one place or time to another, or why major steps towards greater social justice turn out to be possible at some places and times, while proving altogether impossible at others. *RFA*'s aim is more modest, though still ambitious enough. It is rather, as Selznick puts it, to "clarify ideals". This does not mean that it should pay no attention, for example, to "the risks and costs of degrading dependency" or take no account "of what work means for personal well-being and social integration" (ibid.). The intellectual endeavour in which I am engaged, along with many other political

philosophers in the Anglo-American tradition (including my other three critics), consists in trying to rigorously clarify political ideals by proposing some explicit general principles and critically scrutinizing their concrete institutional implications. Such scrutiny may reveal that, by the standards of our considered judgements, the principles proposed in *RFA* pay insufficient attention to the requirements of social integration or to the costs of dependency. But this would be welcome objections within the framework of my inquiry, rather than a challenge to the inquiry itself.

This inquiry, according to Selznick (46-47), belongs to "a genus we may call axiomatic rationalism", whose methodology is typically displayed in the discussion of whether "distributive justice requires full compensation for, say, innate differences of talent". A positive answer to this question, Selznick says "is taken for granted" in *RFA*. "Yet such a view detaches social justice from the funded experience of human communities; and moral equality becomes a naked premise for deductive reasoning, abstracted from tacit understandings about self-acceptance and humility". It is not quite correct to say that *RFA* requires full compensation of talent inequalities (see below the Arneson-Fleurbaey objection that it undercompensates the handicapped). But suppose it did. This would not be by virtue of some deductive reasoning from the naked premises of moral equality. It would be as a result of trying to find an optimal fit between a consistent set of principles and one's considered judgements. Deductive reasoning unavoidably plays a role in the search for consistency and the spelling out of implications. But this can hardly be labelled "axiomatic rationalism". For the key premises of the deductions are not naked axioms born out of nowhere, but revisable principles which indeed, "like Rawls's difference principle, will never be given a 'final' formulation" (47) and which have no deeper justification than their claim to capture – admittedly in a stylized and critical way – part of the "tacit understandings" and "funded experience" of our human community. I can see no reason why a conception of social justice arrived at in this way could not stimulate fruitful interaction between political philosophy and the relevant parts of the social sciences, nor why it could not serve as a "practical guide to social policy and institutional design" (*ibid.*). Indeed, my daily experience as a philosopher surrounded by economists and actively involved in the public debate demonstrates the reverse.

When complaining (in his title) about real-libertarianism lacking foundations, Melnyk suggests instead that my way of arguing does not look enough like "axiomatic rationalism", and that I might at least have attempted to provide my principles of justice with contractarian foundations, whether of a Rawlsian,

Narvesonian or Lomaskian variety (Melnyk, 44)<sup>2</sup>. Like Rawls , however, I view original-position arguments as no more than illuminating devices for sorting out some of our considered judgements within the framework of a more encompassing search for a reflective equilibrium. This is why most of my argument is unavoidably "negative" (ibid.), as it consists in showing how the principles I defend can be reconciled with persuasive judgements which seem to contradict them. When Melnyk dismisses formal-libertarianism as "absurd" or when he endorses as "sensible" my retreat from equality to maximin (ibid.), the "foundations" on which he stands are not fundamentally different. Nor do they need to be.

### **The privilege of justice**

On the background of this methodology which I broadly share with three of my critics, there is, however, a further assumption which, along with Melnyk and Fleurbaey (I believe), I am willing to make, but to which Arneson takes exception. It consists in "an unargued asymmetry between the status of the good and the right" (Arneson, 39). The state, I am assuming, must be neutral between rival conceptions of the good life, but not between rival conceptions of the just society. If this assumption rests on the claim that we always are or can be more certain about which society is more just than about which life is better, then it seems shaky indeed. Is it not obvious enough that a life spent surfing is better than a life spent watching surfers on TV, while being far from obvious that the highest sustainable basic income is more just than, say, a basic income at subsistence level? "We see through a glass darkly. But so far as I can tell, we see the good and the right through the same glass." (ibid.) If this is the case, should we not reconsider the priority commonly ascribed to the principles of justice? Should we not allow the search for the just to be guided by what we know about the good? Should the pursuit of the good not be freed from the constraints imposed by what we conjecture about the just?

The "asymmetric" view which Arneson questions here is widely shared among political philosophers in the Anglo-American tradition. This is why I felt no need to justify it at any length in *RFA*. But its being widely shared does not mean that it does not need defending nor that it is easy to defend. My own reason for subscribing to it is not contingent on the possibly false empirical claim that there is more spontaneous consensus about the just than there is about the good. At the most fundamental level, characterizing the just and characterizing the good are not methodologically distinct, and the search for our reflective equilibrium does not systematically yield more

certainty for one than for the other. My commitment to the asymmetry rather rests on the confidence I have that I can, through the power of argument, move people over to the conception of justice I have come to hold, whereas I do not have any comparable confidence as regards my conception of the good life. When faced with a disagreement about what constitutes a fair definition and distribution of rights and resources, I feel there are significantly more leverages at my disposal, more shared intuitions which can get the argument going, than when faced with a disagreement about what truly matters in life or what constitutes a valuable existence. Why this should be so is a big question on which others, not least John Rawls, have had much of interest to say. But that it is so even Arneson seems to admit it. For his own substantive objections to the central claims of *RFA* do not hinge on his assessment of the relative value of different types of life, but rather on a conception of distributive justice which is significantly different from but just as "neutral" as mine in the relevant sense.<sup>3</sup>

### **Undominated diversity**

One of these objections is that the conception of justice expounded in *RFA* would make us do too little for the truly needy. The first reason Arneson mentions for expecting this is rooted in *RFA*'s very choice of real freedom or opportunities as what fundamentally matters for the sake of justice. "The abilities to choose and follow sensible values and fundamental life aims that could withstand rational critical reflection are distributed unequally across persons" (39). In other words, there are good and bad choosers out of given opportunities, and concentrating exclusively on opportunities is therefore unfair to bad choosers. "Theories of justice should no more make a fetish of freedom than of any other means to the good life or part of it" (40). This first form of Arneson's objection is easy to answer. For in Arneson's own characterization, people's abilities to choose "are themselves talents that are in the first instance bestowed by genetic endowment and early socialization" (*ibid.*). They therefore form an essential component of the real freedom, or the opportunities, or the "means" somehow given to people, and hence of what fundamentally matters to social justice as I understand it.<sup>4</sup>

Arneson has a second, more specific reason for fearing that I may give an unfairly bad deal to some of the truly needy. It derives from my adoption of undominated diversity (borrowed, with some adjustment, from Bruce Ackerman) as an appropriate criterion of just transfer to people with handicaps. Undominated

diversity obtains if and only if for any two individuals' comprehensive endowments (i.e. their wealth and their talents in a broad sense), it is not the case that every member in society prefers one individual's comprehensive endowment over the other's. Along with several other critics,<sup>5</sup> Arneson is afraid that such a criterion will make transfers stop too soon, leaving handicaps inadequately uncompensated. This risk would not materialize if preferences were homogeneous across the society. In this imaginary case, Arneson would not find undominated diversity too stingy. Indeed, he would find it too generous (at least in an unqualified version which RFA does not endorse), as clearly indicated by his incidental remark that a tiny benefit for a single worst off individual is not worth foregoing a huge windfall for many people who are just slightly better off (39). The risk of what Arneson would regard as inadequate compensation only arises when preferences are heterogeneous, when many conceptions of the good coexist in the same society, yielding different rankings among people's comprehensive bundles.

One part of the problem then is, as Fleurbaey (51) puts it, that "one individual with crazy preferences may be enough to block redistribution". The magnitude of this problem shrinks considerably if one admits, as I do, that "preferences do not closely track what ultimately matters to us about our own lives" (Arneson, 41). Taking actual preferences at face value is particularly inappropriate in this case, as "one can suspect that people are essentially unable to assess handicaps they do not have" (Fleurbaey, 51). Only "a reasonable set of preferences that would withstand rational scrutiny" (Arneson, 41) should therefore be taken into account. While recognizing the practical difficulty of deciding where to stop, I explicitly stated that I had no objection to such trimming of preferences (see sections 3.6 and 3.7 of *RFA*). Had I understood undominated diversity as a scheme in which people would actually be asked to express their current preferences in pair-wise comparisons of comprehensive endowments, I would, along with Fleurbaey, "really hope, and [be] very confident, that no attempt will ever be made to apply [it]" (*ibid.*).

The trickiest part of the problem, however, is what we are left with after this trimming is done: co-existent reasonable conceptions of the good life yield different fully informed pair-wise rankings among comprehensive endowments. Undominated diversity amounts to demanding a transfer only when the ranking is unanimous. Could one not make the criterion less stingy by imposing a weaker condition on the overall profile of preferences<sup>6</sup>, for example by requiring some majority short of unanimity to trigger the transfers, or by appealing to "reasonable average preferences" (Fleurbaey, 51), or by using some independent "measure of the

quality of an individual's life" (Arneson, 41)? Any such move would open the embarrassing possibility that a transfer from A to B will be mandated in a case in which B is better endowed than A in terms of both A's and B's reasonable conceptions of the good life.<sup>7</sup> One way of arriving at (duly trimmed) undominated diversity is by trying to find the most generous consistent criterion of redistribution to the handicapped that rules out this embarrassing possibility.

There is, however, another criterion (as it happens, advocated by Arneson in earlier writings) that would seem to do the job just as well, while being likely to be quite a bit more generous. It consists in equalizing opportunity for welfare, or the highest level of preference satisfaction each person can achieve, given her (comprehensive) endowment and (trimmed) preferences.<sup>8</sup> Undominated diversity and equal opportunity for welfare are obviously equivalent if preferences can be assumed to be the same for all. But even if they cannot, equal opportunity for welfare collapses into undominated diversity if interpersonal comparison of welfare are ruled out. A ban on interpersonal comparisons may be justified by epistemic reasons (the practical difficulty of designing a measuring rod for preference satisfaction) but also by deeper ethical reasons (the radical incommensurability of what counts as success in life). In this light, my option for the less redistributive criterion of undominated diversity can legitimately be described as "a theoretical cost of [my] rigid insistence on neutrality on the good" (Arneson, 41) by those who would like me to be more generous towards those they regard as less talented or handicapped. In order to assess the extent to which this cost "makes the egalitarian credentials of [my] position highly dubious" (ibid.), it is, however, of crucial importance to bear in mind that in the full conception of justice I defend, the less talented are entitled not only to whatever transfer undominated diversity may mandate, but also to the highest sustainable per capita share of the external resources to which the more talented can get access by virtue of their talents. It is only because of this further component – maximum basic income – that my egalitarian concern for the less talented can serenely bear the cost of imposing no more than undominated diversity. <sup>9</sup>

### **Unconditional basic income**

This takes us straight to the most controversial and perhaps least well understood component of the book. Arneson (38) ventures that I "may care more about the basic income grant policy than about the nuances of distributive justice",

while Fleurbaey (49) complains that "the idea of maximizing the basic income income is proposed first, and then it is argued that the complications of real life make at least an acceptable metric of real freedom". In a sense, they are both right. I do not mean that all I am after is an ideological justification for a preconceived policy proposal which I want to push forward by any available means.<sup>10</sup> But along with many others, from Paine and Mill to Russell and Meade, the idea of a basic income has struck me from the start as beautifully accommodating both my firm libertarian and my firm egalitarian intuitions. And *RFA* is to a large an extent an attempt to elaborate a consistent conception of justice that spells out these intuitions and justifies a basic income, while not generating any implication which I would myself find embarrassing.

So, contrary to what some of my formulations may have suggested, my project cannot be described as starting from some abstract notion of equal freedom (Melnyk, 44) or leximin real freedom (Fleurbaey, 51) and then logically deriving the proposition that an unconditional basic income should be maximized. In the prologue to one of the chapters (*RFA*, 32), I emphasized "that 'real-freedom-for-all' is in a way a misnomer — though such a good one that I have decided to keep it. It is not the size or the extent of their real freedom that real-freedom-for-all requires just institutions to maximize for the worst off. It is rather the endowment of means or resources that form the substratum of this real freedom." If all we had to guide us were a concern with equalizing (or maximinizing or whatever) the extent of real freedom, then Fleurbaey (49) would be right that (generally incommensurable) full budget sets (or sets of consumption and leisure possibilities) are what we should concentrate on. But only the arbitrary selection of the "full-leisure hyperplane of the consumption space" (i.e. the part of the budget set that is accessible to people if they do no work at all), it would seem, will lead to maximum basic income as the optimal solution.

Instead, my intuitive starting point is that justice requires people to be equipped for life, if not with equal, at least with maximin endowments.<sup>11</sup> What this means as far as internal resources are concerned is specified by undominated diversity. What this means as far as external resources are concerned is that the value of the least valuable endowment should be maximized. And the value of the external-resource component of someone's endowment is defined by its opportunity cost, by how much other people care about not being able to use it themselves. In a market economy, this opportunity cost is helpfully approximated by competitive prices. Now, even assuming that undominated diversity is satisfied, this approach does not

justify maximizing the basic income under all *imaginable* circumstances. For example, if all people were propertyless and identically talented and if the labour market worked not just in a perfectly competitive way but in a perfectly Walrasian way – i.e. without any competitive forces preventing the market from clearing –, then real-freedom-for-all would recommend a basic income of zero even if it were possible to sustainably finance a significant basic income out of the taxation of labour income. This is exactly the point of departure of my "Crazy-Lazy challenge" (*RFA*, section 4.1).

But our real world is, for deep-rooted reasons, crucially different. In particular, labour income contains a major "gift" or "rent" element because most jobs are scarce relative to the number of people who would like to hold them (even if they could not), whether because they require skills that not everyone has the ability to acquire, or because market forces or institutional constraints keep wages above the market-clearing level. Under such circumstances, maximizing the unconditional basic income through predictable taxation is the fair thing to do. But "how can (one) simultaneously insist on neutrality with respect to conceptions of the good life, and advocate distortionary taxes and transfers that penalize work and favour leisure"? (Fleurbaey, 49). Fundamentally, because of the crucial asymmetry between involuntary unemployment and involuntary employment. The constraint of self-ownership – which implies, in particular, that the labour market operates with formally free workers rather than slaves – bans the latter, but not the former. It is the crucial fact that workers are not owned by their employers, and can therefore leave their jobs, which guarantees (with some qualifications specified in *RFA*) that every worker's job is of non-negative value and hence cannot depress her endowment below the basic income she receives along with everyone else. This is the fundamental reason why an unconditional basic income, which can be said to penalize work and favour leisure, can nonetheless pass the test of neutrality whereas employment subsidies, for example, could not. However "unlikely", it is the case, therefore, that "simply by taking account of the complexity of real life the objective should become the maximization of basic income" (Fleurbaey 49). In the purified world of the simplest economic models, gifts can be assumed away entirely. In the real world, they are ubiquitous. It is in this world that a maximum basic income is justified, to make sure that the person who receives least receives more than the person who receives least under any other feasible arrangement, given an impartial metric of what counts as "more" or "least".

Does this not lead, nonetheless, to "transfers of unconditional income supplements to an heterogeneous class of individuals who have above average real freedom prior to this transfer and should be net givers not takers in a just tax and transfer scheme" (Arneson, 42)? Am I not advocating "a morally topsy-turvy world in which distributive justice transfers would incorrectly require some of the disadvantaged to subsidize the incomes of some of the advantaged" (ibid.)? I would be, if basic income maximization did not operate under the constraint of undominated diversity. Lazy and talented A could then be indulging in a surfing life made possible, via unconditional transfers, by hard-working and untalented B. But once undominated diversity is satisfied, there are, by definition, reasonable conceptions of the good life around in terms of which it is worker W who is more "talented", more "advantaged" than surfer S, even though S has, say, a higher earning potential than W (while being inferior to W in other respects) and is therefore deemed by Arneson more advantaged than W. What I am advocating is impartiality among these conflicting conceptions of the good life – which makes Arneson's description of the situation in terms of advantaged versus disadvantaged intrinsically problematic – while refusing the highly inegalitarian consequences of requiring no more than undominated diversity. And this I can consistently do through demanding a maximin distribution of the value of external endowments. For since those with greater earning power are able to get hold of more valuable jobs, basic income maximization will generally redistribute away from them.

Let me now push Arneson's objection a bit further. Under my conception, it may happen that a low-earning potential high-earner S derives net transfers from a higher-earning person W with a lower earning potential. I am not bothered with this as such, as earning power is only one of many dimensions in people's endowments, which should not receive an undue privilege, and if undominated diversity is met W is advantaged relative to S along other dimensions. The problem is that S's being less keen to work may be due to his having access to other unequally distributed gifts, whose value is not appropriately taken into account in the redistributive scheme (from easy access to the beach to a tight network of friends or a fabulous partner). The unfairness would then be due, not to S not pulling his weight, but to his having access to "external resources" which are not up for redistribution in the same way as those to which W is confined. This is a genuine problem, but it merges into the general issue of pragmatic imperfection: just as standard material gifts can only be roughly identified and valued (what we receive from our parents is not just the estate left at their death, but also, for example, a more or less comfortable living environment throughout our childhood), just as there is quite a bit of fuzziness about

what should be added to a job's pecuniary reward (business lunches, thick carpets, coffee breaks ?) and how they should be assessed, similarly I recognize that there is bound to be no sharp line delineating how far to extend the set of assets whose value should be assessed and redistributed: if jobs are included, why not marriages? (see *RFA*, section 4.8) Although I would welcome any well argued attempt to sharpen the line, I do not find this fuzziness deeply disturbing. As in the case of undominated diversity, the general outline is sufficiently specific to provide firm guidance, jointly with the best available empirical knowledge, on many issues of public policy.

### **Capitalism vs socialism**

Suppose, then, that we can stick to constrained basic income maximization as a criterion of assessment, should one opt for some variety of socialism or some variety of capitalism? Melnyk (44-45) praises my appreciation of "the extraordinary wealth-creating capacity of capitalism", but blames me for failing even to mention what he sees as the knock-down blow against socialism, Mises' and Hayek's economic calculation argument. I have always understood the latter as one of several ways of expressing capitalism's significant informational advantages in terms of both (static) allocation and (dynamic) innovation, which I fully recognize (*RFA*, sections 6.4 and 6.6). What I discuss in the book (see *RFA*, 220) as the socialists' best response to this argument – managers' autonomy – coincides with the one mentioned by Melnyk (44) and I entirely agree with his rejoinder that "decentralized economic decision-making is the key, whatever we care to call it" (*ibid.*). So, although I am quite willing to grant that many of the pro-capitalist (or indeed pro-socialist) arguments I consider could have been phrased in more appealing or illuminating ways, I do not think the lack of an explicit discussion of the calculation argument will be missed by anyone with no taste for overkill.

Fleurbaey (48) regrets, on the contrary, that I did not devote enough space to recent debates on market socialism. Although I regularly return to the possible advantages of an economy made up of labour-owned firms, which is one interpretation of market socialism, I did not include, for example, a discussion of the Bardhan-Roemer model of an economy combining public ownership and a market-like mechanism for efficient capital allocation, which is another plausible interpretation of market socialism. Such a model may well be most relevant to the discussion of possible futures for China. But I suspect that Fleurbaey will agree that in the West the transitional costs alone would be so great as to overshadow any

advantage the model might conceivably have, in terms of real-freedom-for-all, because of the firmer hold over the means of production it permits (see *RFA*, section 6.7).

According to Fleurbaey (48), in any case, the question of socialism versus capitalism "is quite obsolete after the fall of the Berlin Wall". Fine with me. Indeed, one of the most central aims of *RFA* is to shift the focus of discussion "away from the traditional question with which this book started - the choice between capitalism and socialism - towards other dimensions along which socio-economic regimes may vary. Key issues for the future are rather whether, when and how one should introduce an unconditional basic income, attribute redistributive powers to supranational authorities, or constrain the organization of social life so as to nurture feelings of solidarity" (*RFA*, 232-33). What I tried to do in the book is to elaborate and defend a normative vision that would put these issues into perspective and guide the careful thinking and resolute action they urgently call for. This vision remains loyal to the emancipatory project that has been driving many advocates of socialism over the last 150 years. But it radically reshapes this project so as to make it relevant to the technologically sophisticated, ecologically threatened, economically globalized, geographically mobile, culturally fragmented world into which we are moving.

The final years of this millennium are not a time for complacency nor for despair. Threats are everywhere, but disasters can be averted and turned to the good. For this to happen, however, countless conditions need to be met. One of them is the further development, across the borders of disciplines and nations and through relentless critical discussion, of boldly prospective thinking that combines a lucid analysis of the challenges ahead and an explicit conception of what would make a society a good society, of what would make our world a better world. So understood, the "political economy of the good society" is the urgent business to which *RFA*, its four critics and this response have all tried to contribute.

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<sup>1</sup> All page references are to Ph. Van Parijs, *Real Freedom for All* (Oxford : Clarendon, 1995) or to the contributions by Richard J. Arneson ("Should surfers be fed?"), Andrew Melnyk ("Real-Libertarianism Without Foundations?"), Philip Selznick ("Real Freedom for a Never-Never Land") and Marc Fleurbaey ("From Real

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Freedom to Undominated Diversity and Basic Income") to the Symposium about the book published in *PEGS Bulletin* 6 (2), Spring 1996, 38-51.

<sup>2</sup> He could have mentioned even more relevantly James Sterba (*The Demands of Justice*, Notre Dame (Indiana): University of Indiana Press, 1985, ch.5), who offers a contractarian justification of an unconditional basic income at subsistence level.

<sup>3</sup> Arneson runs together this methodological challenge to the asymmetry between the just and the good and a substantive challenge (to be considered in the next section) to all resourcist or opportunity-oriented conceptions of distributive justice "that counsel neutrality of response to variations in individuals' conceptions of the good" (ibid.). Both challenges are interesting and important, but they are crucially distinct. A theory of distributive justice can be defined as "neutral" between conceptions of the good life either in the more general (liberal, or non-perfectionistic) sense that it does not give a privileged status to some particular conception of the good, or in the more specific (resourcist, or non-welfarist) sense that it does not end up recommending that one should award more resources to some than to others because of the particular conception of the good they hold. Justice as equality of welfare (understood as degree of preference satisfaction) is not neutral in the latter sense, but it is just as vulnerable to the rejection of neutrality in the former sense as are resourcist conceptions. Arneson's methodological challenge applies irrespective of whether the just is a matter of preference satisfaction or of opportunities.

<sup>4</sup> For further discussion, see Arneson's contribution ("Real Freedom, Capabilities, Opportunities, and Distributive Justice") and my response to it ("Justice as the fair distribution of freedom: fetishism or stoicism?") in *The Ethics and Economics of Liberty* (M. Fleurbaey & J.F. Laslier eds.), London: Routledge, 1997.

<sup>5</sup> Most adamantly, Brian Barry, who finds undominated diversity "absurdly stingy" and "highly obnoxious". See his "Real Freedom and Basic Income", *Journal of Political Philosophy* 5 (3), 1996, 242-276, and his "Surfer's saviour", *Citizen's Income Bulletin* 22, 1996, 1-4.

<sup>6</sup> Restricting attention to the preferences of the two people involved in each pair-wise comparison would not get us out of trouble, as it could not yield a consistent system of transfers. Pair-wise envy-freeness would not work, as A may prefer B's internal endowment, while B prefers A's internal endowment, so that no corrective transfer could do the trick. Pair-wise undominated diversity would not

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work either as A and B may find A's endowment superior to B's, while B and C find B's endowment superior to C's and C and A find C's endowment superior to A's, in which case each transfer required by undominated diversity for one pair makes matters worse for another.

<sup>7</sup> On the other hand, undominated diversity may not mandate a transfer from A to B, even though A is better endowed than B in terms of both A's and B's conceptions of the good life. It therefore also violates, as recognized in *RFA* (255 fn19), Fleurbaey's weaker condition of full compensation, which states that two people with identical preference schedules should achieve the same level of welfare. In an interesting theorem, Fleurbaey showed elsewhere that this condition of full compensation is incompatible with strict compensation, i.e. the requirement (satisfied by undominated diversity) that people with identical handicaps should be given equal compensation. Given this conflict between two plausible requirements, he believes that I "should argue more convincingly why it is that strict compensation is more important than full compensation: why expensive tastes are more dangerous than severe handicaps" (Fleurbaey, 50). But this is a misleading characterization of what is needed: under reasonable pluralism, the very notion of handicap has to be handled with care. In our example, the inferiority of B's endowment in terms of both A's and B's preferences does not amount to a handicap, let alone to a severe handicap, in a society in which other reasonable and fully informed people find B better endowed than A. This is fundamentally why Fleurbaey's interesting and *prima facie* attractive condition of full compensation is not compelling in my view.

<sup>8</sup> Another apparently quite different way of clarifying the choice for undominated diversity over equal opportunity for welfare is by stating that the former, unlike the latter, holds people *responsible* for the consequences on their welfare of having the (reasonable) preferences they have rather than anyone else's in the relevant community. According to one interpretation, this amounts to assuming that people actually chose their preferences from the set of (reasonable) preference schedules available in the community, or that they could switch over at no cost to any of these. This corresponds to the "wildly implausible" supposition ascribed to me by Arneson "that anybody can choose any preferences at will" (40). Equalizing opportunity for welfare, if one assumes people to be "responsible" in this sense, requires preference not to be taken as given, but to be optimally chosen by each so as to maximize achievable preference satisfaction with her given internal endowments. Applying the criterion then consists in first combining each person's internal

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endowment with her most favourable preference schedule and then allocating (positive and negative) external resources so as to equalize maximum achievable welfare. Nothing guarantees a priori that equal opportunity for welfare, under this interpretation, will involve less redistribution than with given preferences (the less talented will no doubt have access to greater welfare for any given level external resources, but so will the more talented), nor therefore that it will move closer to undominated diversity. Thus, combining equal potential welfare with even full responsibility for one's preferences seems far from yielding undominated diversity. However, as *RFA* (80-82) makes insufficiently clear and Fleurbaey (50) rightly emphasizes, there is a second and quite distinct interpretation of what justifies holding people responsible for the welfare consequences of their preferences: not the assumption that they could change their preferences at will within the set of reasonable preferences, but the assumption that they identify with them. Some people attach great importance to artistic or political achievement, others to saving money for a pilgrimage to Mecca, others again to taking great care of their elderly parents. Given the endowments they happen to have, switching over to the reasonable conception of the good life held by someone else in the society may greatly improve their prospects for preference satisfaction. But whether or not they could do so, they would not, because their conception of the good is part of what they are. But if it is the case that they would not, then they should be held responsible for the welfare consequences of subscribing to their own particular conception. Hence, they should not be compensated for any welfare deficit that may result, i.e. for the cost of being who they are and want to be, rather than some other reasonable person. It does not follow, however, that they should never be compensated, however miserable their endowment. For if according to all reasonable preference schedules around, one person's endowment is worse than someone else's, a transfer from the latter to the former would not contradict the idea that people should be held responsible for the welfare consequences of their identity, i.e. of the particular selection among reasonable conceptions of the good life which is constitutive of their selves. Hence, under this second interpretation of responsibility (for not holding any of the other reasonable preference schedules), the concern with equalizing opportunity for welfare naturally weakens into requiring transfers only in those cases in which all reasonable conceptions around yield the same verdict. Equality of potential welfare degenerates into undominated diversity. (Although the formulation is quite different, the intuition is fundamentally the same as in the ethically motivated banning of interpersonal welfare comparisons.)

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<sup>9</sup> Perhaps it should also lead me to demanding no less than undominated diversity. Sustainable basic income maximization, in my proposal, operates under two constraints: undominated diversity and formal freedom — or a well-enforced system of property rights that incorporates self-ownership for all —, with the latter being given priority over the former. In the path leading up to undominated diversity in *RFA*, I make much of Lovely's plight, who may be forced to work all day in a peep show if alternative prima facie plausible principles of just compensation were used. Undominated diversity, I claim, "avoids the slavery of the talented because talented individuals will not be forced to work up to the point where they envy less talented individuals" (Fleurbaey, 49). However, Fleurbaey notes, "the criterion is very weak and allows a substantial degree of slavery of the talented" (*ibid.*). This is true, but my proposal is basic income maximization subject to undominated diversity, not simply undominated diversity, and this will block a redistribution to the less talented that would make the talented envious. But it does not necessarily block slavery of the talented in the weaker sense of the talented being subjected to a lump sum tax that exceeds their external endowment, an imposition which would conflict with self-ownership as understood in *RFA*. To prevent such slavery of the talented, I give priority to the constraint of formal freedom to the constraint of undominated diversity. But perhaps I should not. In case everyone agrees that B's endowment is clearly worse than A's, I may well consider, in reflective equilibrium, that burdening the better endowed A with a lump sum tax that would make a significant difference to B and still leave A at least as well off as B in her own terms, would be worth a violation of self-ownership.

<sup>10</sup> On the other hand, I may welcome unconventional strategic alliances if they help us forward in what I see as the right direction. Thus, I won't refuse the somewhat unexpected support from Andrew Melnyk's "mild libertarianism": "a free society requires, in addition to a private property-rights system and self-ownership for all, that each person be guaranteed an unconditional income sufficient to serve him or her from the fate of the proletarians [...], perhaps an unconditional income sufficient to obviate the need to work" (Melnyk 44). Given current trends in the U.S. and elsewhere, this indicates that Melnyk and I have a large (and tough) common agenda.

<sup>11</sup> In his useful attempt to reconstruct my argument, Melnyk (44-45) attributes to me a chain of reasoning from justice to freedom, then to equal freedom, then to

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equal shares of the world, then to maximin share of the world and finally to maximum basic income. The fatally weak link is between equal freedom and equal shares: "The fallacy here is the assumption that since freedom requires owning some share of the world, equal freedom requires owning equal shares of the world". But the imperative to equalize (or maximin) the value of the shares of the world we are endowed with is not arrived at by unpacking an abstract notion of freedom given in advance, but by spelling out a conception of justice that would fit not only my own intuitions but also those of the audience the book is primarily address to: people who believe – like Melnyk – that "freedom is of paramount importance", but also – unlike Melnyk ? – that "our capitalist societies are replete with unacceptable inequalities" (*RFA*, 1).