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SYMPOSIUM ON AMARTYA SEN'S PHILOSOPHY: 4 REPLY

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I am most grateful to Elizabeth Anderson (2000), Philip Pettit (2000) and Thomas Scanlon (2000) for making such insightful and penetrating comments on my work and the related literature. I have reason enough to be happy, having been powerfully defended in some respects and engagingly challenged in others. I must also take this opportunity of thanking Martha Nussbaum, for not only chairing the session in which these papers were presented followed by a splendid discussion (which she led), but also for taking the initiative, in the first place, to arrange the session.[1]

COHEN'S CRITIQUE AND PETTIT'S RESPONSE

I begin with Philip Pettit's (2000) paper on capability and freedom. The persuasive clarity that makes us such avid readers of Pettit's writings is present in full measure in this engaging essay. Among the different issues that Pettit has discussed, we can perhaps separate out two different types of contributions he makes.

The first line of contribution relates to Pettit's response to G. A. Cohen's (1993) criticisms of my concentration on capability to function as a major basis of social justice. Pettit points out that, if correct, Cohen's criticisms would indeed be damaging, but then proceeds to show that they are not, in fact, quite correct. I imagine that the reader would not be altogether astonished to learn that I agree with Pettit in his defence of

[1] As it happens, Martha Nussbaum's collaboration as well as her own research has greatly influenced my work on these issues. See, among her other contributions, Nussbaum (1988, 1992); Nussbaum and Sen (1993); Nussbaum and Glover (1995).

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Sen against Cohen's reproach. I must also add that his arguments are much more effective than my own attempted rebuttal (in Sen, 1993b).

Even though I shall not comment further on this part of Pettit's arguments, I must note that his exposition and defence of what the capability-oriented reasoning tries to do are major contributions to the understanding of the central issues involved in this approach. I value this constructive advance greatly, quite aside from the clarification that Pettit provides on the particular points made by Cohen.

CONTEXT DEPENDENCE AND FREEDOM

Philip Pettit's second contribution lies in arguing that there is a missing element in the capability approach. He also indicates how this bypassed element fits with other features of the capability approach. He proceeds to discuss how the missing link can be remedied, and what the modified theory would look like, once appropriately emended. Pettit's style is so gentle and friendly that the reader may not immediately understand that Pettit is actually criticizing what he sees as a significant neglect in my work (his words in pointing to this lacuna take the kindly form: 'this is not explicitly marked by Sen' (p. 6)). It is also important to see that the acceptance of what Pettit suggests would entail a very considerable emendation of the capability perspective.

What, then, is this missing element and why is it important? Since freedom in the capability perspective is related to decisiveness of preference, it is important to know whether the preference is, as Pettit puts it, 'context-independently effective'. He argues that this condition of context-independence has to be met for an adequate interpretation of freedom. The capability approach demands only '*content*-independent effectiveness', and is silent on '*context*-independent effectiveness' (which, Pettit argues, is additionally needed). Perhaps I can quote a passage from Pettit's essay to explain the reasoning:

> Imagine that you have a disposition to choose between A and B that is content-independently decisive but that your enjoyment of such decisive preference depends on the goodwill of those around you . . . You may be said to have decisive preferences but their decisiveness is favour-dependent.[2]

To be 'context-independent' the decisiveness must not be 'favour-dependent'. An adequate view of freedom must include, Pettit argues, context-independence and thus favour-independence. He goes on to point out that this demand is in line with what I have already argued, especially on the value of empowerment and independence.

[2] Pettit (p. 6). See also p. 5).

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> Sen commits himself explicitly to the need for content-independent decisiveness but I believe that his argument equally supports the need for context-dependent decisiveness (p. 8).

Pettit's critical analysis is among the most thought-provoking critiques I have been fortunate to receive. My response to it will take the form of three principal points.

First, I entirely agree that context-dependence is extremely important, for the reasons that Pettit has identified. I also accept Pettit's diagnosis that such an argument can also be seen as an implication of some of the things I have myself said about freedom. Even if one can get what one wants, indeed even if one *invariably* gets whatever one wants (in a *content*-independent way), it would still be relevant to know whether this effectiveness is dependent on the help or goodwill or favour of others. Freedom has a robustness when it is not dependent in this way (that is, not *context*-dependent) which it would lack otherwise.

I see also the force of the analogy that Quentin Skinner (1998) has powerfully presented between the requirement of independence for the individual and the idea of self-government for a state:

> Just as individual human bodies are free . . . if and only if they are able to act or forbear from acting at will, so the bodies of nations and states are likewise free if and only if they are similarly *unconstrained* from using their powers according to their own wills in pursuit of their desired ends. Free states, like free persons, are thus defined by their capacity for self-government (pp. 25–6).

There is clearly a substantial intellectual structure (and historical heritage) behind demanding context-independence decisiveness as a condition of freedom that can be applied to states as well as to individuals. Pettit's (1997) theory of 'republicanism' as well as Skinner's (1998) investigation of 'neo-Roman theory of free states' would seem to make good use of this way of thinking about freedom.

Second, I also accept that if the capability approach is supplemented to define freedom in a context-independent form, then the emended theory will be, in this respect, very like Pettit's 'republican approach'. As Pettit puts it:

> Under my reading, Sen's theory of freedom coincides with the republican approach in this emphasis on the connection between freedom and non-dependency . . . (p. 18).

There are strongly shared elements between even the unamended capability approach (as outlined, say, in Sen, 1985a, 1985c, Nussbaum and Sen, 1993) and the approach of republicanism and neo-Roman theory (see Pettit, 1997 and Skinner, 1998), and once the need for context-

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independence is additionally incorporated into the former, the two would come much closer together. I entirely agree with this diagnosis.

My third point is that nevertheless the capability approach should not be constitutively emended in this way. The reason for this belief is that the capability approach and the republican approach concentrate on different aspects of freedom, and each has importance. Consider three alternative cases related to a disabled person A who cannot do certain things by herself, without help.

Case 1: Person A is disabled, and is not helped by others, and she is, thus, unable to go out of her house.
Case 2: Person A is disabled, but is always helped by volunteers with goodwill, and she is, thus, fully able to go out of her house whenever she wants and to move around freely.
Case 3: Person A is disabled, but has well-remunerated servants who obey – and have to obey – her command, and she is fully able to go out of her house whenever she wants and to move around freely.

In terms of 'capability', as defined in the unamended capability approach, Cases 2 and 3 are largely similar as far as the disabled person is concerned (we do not talk about the servants here, only about her), and they both contrast in the same way with Case 1, in which she lacks the capability in question. However, it can certainly be said that A is free in a way in Case 3 that she is not in Case 2. She is, to use Pettit's term, 'favour-dependent' in Case 2, but not in Case 3. The republican approach captures this difference, and has a particular discriminating power that the capability approach lacks.

However, there is also an extremely important contrast between Case 1, on the one hand, and Cases 2 and 3, on the other. In the former case, A lacks the capability of coming out of her house and is unfree in this respect, whereas in Cases 2 and 3 she has the capability and freedom to come out of her house whenever she wants. It is this distinction that the capability approach tries to capture, and it is an important distinction to acknowledge. The republican approach would, however, see her as being unfree both in Cases 1 and 2: in Case 1 because she cannot have effective decisiveness in coming out of the house, and in Case 2 because her effective decisiveness is *context*-dependent (indeed 'favour-dependent' as well, dependent on the goodwill and generosity of others). The republican approach makes an important point, but there is another point also to be made, which is of some significance as well.

Philip Pettit is bothered also by the possibility of preference 'adjustment', if context-dependence is not demanded. A person may appear to be increasing her freedom if she were only to adjust her preferences to match what is wanted by those on whose favour she depends, since this would make her adjusted preference apparently

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effective (p. 4). This problem can certainly arise, and it has to be addressed. This can be done in different ways; republicanism is only one possible answer to this question.

First, by characterizing *content*-independence (as opposed to *context*-independence) in an adequately demanding way, we can consider how effective the person's choices would have been under different preferences that she could have reasonably held. Rather than asking whether she is dependent on the favour of others, we can then ask whether she would have continued to get what she preferred had her preferences been different. This test can be accommodated within the capability framework, since the effectiveness of preferences can be demanded in a parametrically varying form.

Second, by demanding that preferences be critically scrutinized, we can go beyond what preference a person happens to have (no matter why), and consider the reasons underlying preference. The basis of capability analysis is intended to be a person's reflected *valuation*, rather than just preferences in the purely psychological sense, and the reasoning underlying what is preferred can certainly be brought into capability analysis. Indeed, the capability analysis has been particularly related to people's valuation (including the reasoning behind that valuation), which is not the same as their unexamined preferences (on this see Sen, 1987, pp. 41–7). In this case, it would be necessary to consider whether a person's 'adjusted' preferences were tactically altered to suit those on whom she depends, rather than through a genuine re-examination of her basic aims and objectives.

EXISTENCE VERSUS ROBUSTNESS OF FREEDOM

I would argue that we need both the capability approach and the republican approach to point to different aspects of freedom. The former approach concentrates on whether someone is actually free and able to achieve those functionings that she has reason to want, and the latter on whether the capability enjoyed is conditional on the favours and goodwill of others. If through the emendation proposed by Pettit the capability approach becomes just like the republican approach, then we would be one distinction short.

I end this discussion with three final comments. First, there are many exercises in which it is particularly important to know whether a person is really able to do the things that she would choose to do and has reason to choose to do. The main uses of the capability approach has been on those issues (see Nussbaum and Sen, 1993). For example, a person may not be able to set up her own school, may be dependent on public policy, and may not even be able to have much influence on her own on the public policy for a region (which may be determined by other influences,

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such as national or local politics), and yet the establishment of a school in that region can be said to increase this person's freedom to be educated. This case contrasts sharply with a case in which there are no schools in the region and no freedom for the person to be educated. The distinction between the two cases is important enough and on this the capability approach concentrates, even though in neither case can the person bring about her own schooling independently of the support or goodwill of others.

The Aristotelian focus on what a person has the capability to do (dependent as it is on many factors beyond the control of this person) does point to something quite important for public policy (on this see especially Nussbaum, 1988 and 1992). We live in a world in which being completely independent of the help and goodwill of others may be particularly difficult to achieve, and sometimes may not even be the most important thing to achieve.

Second, context-dependence is certainly an important aspect of freedom. I tend to think of it as being primarily concerned not with the existence and content of freedom, but with its *robustness*. However, I can see that it can be made into a central condition of freedom (as it is in the republican or neo-Roman approach). The disabled person about whom I spoke earlier may be able to do what she wants because of the goodwill of others, but she would be justified in thinking that she is not free in the way she would have been if she did not have the disability which makes her dependent, or had command over resources that would make her independent of the favour of others (Case 3). The idea of 'self-government' is an appealing one even for the individual, as the analogy explored by Quentin Skinner and Philip Pettit clearly brings out.

Finally, freedom has many distinct aspects, and the fact that they are not congruent is not an embarrassment (on this see Sen, 1985a, 1992). William Cowper has made the poetic claim: 'Freedom has a thousand charms to show'. I agree with that and also I believe there is a case for keeping track of each of these 'charms', rather than amalgamating them into one comprehensive concept of freedom.[3] My admiration for the Pettit–Skinner line of reasoning, which relates to the cogency of the republican perspective and the neo-Roman theory of the state, does not, therefore, require me to abandon the capability approach, nor to emend the approach in such a way that the distinction between the two would disappear.

ANDERSON AND THE DIVERSITY OF CONCERNS

I turn now to Elizabeth Anderson's (2000) paper. I much admire her work, particularly her probing scrutiny of the relation between eco-

[3] I discuss the importance of seeing freedom from various perspectives in Sen, 1999 (and even quote Cowper in my defence, p. 298).

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nomics and ethics (see Anderson, 1993). In this paper too she makes a number of interesting and important points. I do not, in fact, agree with the substance of all the points, and it is perhaps right that I should concentrate on issues that divide us, rather than those that place us on the same side (I am, of course, very grateful to her for her lucid exposition of some of the arguments I have tried to present).

Coming now to our differences, I would argue that Anderson may have misunderstood my basic claims regarding the reach of maximizing behaviour in explaining committed action. I have argued (for example, in Sen, 1977, 1993a, 1997) that the maximizing framework, properly defined (in line with foundational ideas of maximization in mathematics, as outlined for example by Bourbaki, 1939, 1968), has a much more extensive reach than the traditional framework of utility maximization. In particular, it can incorporate taking note of process considerations in general and the nature of the acts of choice in particular (important for deontological concerns), and can also allow incompleteness of the maximizing relation (important for accommodating alleged consistency problems). In terms of substantive content, the maximizing relation can be interpreted very differently from the way 'utility' is understood (such as pleasure, desire fulfilment, or a menu-independent preference ordering).

Indeed, the claim that the standard structure of utility maximization is much too limited to be the basic framework for understanding human behaviour is not only a point with which I happen to 'agree' (as Anderson points out (pp. 26–7)), it has in fact been one of the central claims in my approach to economic behaviour for many decades now (Sen, 1973, 1977, 1982a). I have been, in particular, much concerned with some of the problems on which Anderson concentrates, including the failure of standard utility theory to accommodate 'committed' action (Sen, 1985b). We do not disagree on these issues.

The difference between Elizabeth Anderson's and my beliefs relates, in the present context, to my view that the problem does not lie in the maximizing framework itself, which can be characterized with much greater parametric flexibility (on which see Sen, 1970, 1997). It lies, rather, in the specially limiting features of standard models of *utility maximization*, which remove this flexibility, through demanding menu independence, completeness of preference orderings, non-significance of processes, non-valuation of actions, and so on. Indeed, the concepts that Anderson would like to incorporate in discussing committed behaviour, such as 'identity', 'collective agency', and 'reasons for action', can be substantively accommodated in a general maximization framework. In addition, that framework can also incorporate other concerns (not discussed here by Anderson) that can help to explain the nature and influence of committed action, such as 'fiduciary responsibility' and the

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use of 'moral codes', 'process-oriented norms' and 'self-imposed constraints' in choice behaviour (see Sen, 1985b, 1997, 2000).

Since Elizabeth Anderson presumes, if only implicitly, that maximizing behaviour of the inclusive kind that I have tried to explore is essentially the same as standard utility maximization, she assumes that problems that arise with the latter will apply to the former as well. It is possible that this interpretational problem has arisen because of her taking inadequate note of the fact that different uses of the term 'preference' allow considerable versatility of interpretation.[4] But nothing, of course, really depends on what name or appellation is used to indicate the maximizing relation. What matters are the properties that this relation is asked to satisfy, within the mathematical structure of a maximizing exercise (Sen, 1970, 1971, 1997).

NON-UTILITARIAN OBJECTIVES

Consider, for example, Anderson's critique of my claim that 'the act of voting in an election may be very important for a person because of the significance of political participation' (Sen, 1997, p. 750). Anderson wrongly translates my claim in utilitarian terms and declares: '[Sen's] favored strategy for resolving the paradox of voting [is] to postulate that people enjoy the act of voting in itself, apart from its consequences' (Anderson, 2000, p. 26). This interpretation is wrong on two counts. The minor count is that an actual act of voting (a fact of history) and any enjoyment from it (should it be present) would be 'part of' – not 'apart from' – the consequences broadly considered (on this distinction see also Sen, 1999). The more major issue is that this is most emphatically *not* my 'favoured strategy', since 'the significance of political participation' need not be confined only to 'enjoyment' of voting.

Indeed, I had gone on to say immediately following the previous sentence: '. . . it is possible that the voter may enjoy participation, or that she may act under some ''deontic'' obligation to participate *whether or not she enjoys it*' (Sen, 1997, p. 750, italics added). Some people may well enjoy voting (and if so, this can certainly be an influence), but there is no necessity to assume that this must occur in accommodating the influence of a decisional concern for political participation. That concern, which can be incorporated within the objectives used in a maximizing framework (with well-defined mathematical and interpretational properties), need not take the form of the joy of voting (see Sen, 1997).

A similar misinterpretation occurs in Anderson's critique of my discussion of individual and collective agency in games such as the prisoner's dilemma. There is no presumption at all in my work that

[4] On this see Sen, 1977, 1993a. See also Arrow, 1951, Levi, 1986, and in this *issue*, Pettit's 2000 inclusive use of the concept of preference.

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'committed action' must be 'socially and ethically desirable' (Anderson, 2000, pp. 27–8). The commitments that influence a person may, for example, arise from narrowly sectarian objectives, and in some cases, they may even have dreadful effects, such as racist murders committed by white supremacist activists who promote a sectarian 'group cause' at great personal risk (on which see Sen, 1977, pp. 343–4 and 1997, p. 751).

Committed behaviour may also be based on highly unequal and unjust joint contracts, which is a very serious problem in family economics and in the unequal deprivation of women (see Sen, 1990). Indeed, the problem of 'cooperative conflict', I have argued, is a central issue in gender economics, and the implicit contracts to which women cooperatively acquiesce in a traditionalist society can be the source of much injustice and inequity (Sen, 1995a, 1999). Very different 'reasons for action' can be accommodated within the maximizing framework, contrary to what Anderson presumes.

Despite these interpretational problems, the issues that Elizabeth Anderson highlights as being important for the analysis of choice are indeed important. We do agree on that. Our difference lies in her belief that these issues cannot be accommodated within my framework of analysis ('a lacuna in Sen's work', as she puts it). Not only can they be incorporated, but also, I have tried to discuss rather extensively why it is crucial to incorporate them and how exactly this can be done.

In fact, the applied works that I have tried to do in various fields of application have utilized these methods of incorporation to investigate such practical issues as gender inequality, mortality differentials, fertility behaviour, absence or prevalence of corruption, the role of civil and political rights, problems and prospects of cooperative modes of organization, and even the successes and failures of markets and related institutions.[5] These broader concerns are, thus, integral parts of the approach I have tried to develop and apply. I have, therefore, both analytical and empirical reasons to welcome Elizabeth Anderson's advocacy of the importance of the concepts of 'identity', 'collective agency', and 'reasons for action'.

SCANLON'S DISTINCTION AND SIMULTANEITY OF CONSIDERATIONS

I come now to Scanlon's (2000) critique. Since my understanding of moral and political philosophy has been strongly influenced by Tim Scanlon's writings and arguments, I feel particularly fortunate that he has had the time to write a critique of my exposition and defence of consequential evaluation. With many of the particular points he makes, I am in complete agreement. There is, however, still a basic disagreement

[5] See, on these different issues, Sen, 1982a, 1982b, 1987, 1990, 1992a, 1992b, 1995a, 1995b, 1996, 1999, 2000.

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on the overall reading of the nature and plausibility of the approach that I have tried to develop.

The contrast between what Scanlon calls, respectively, 'Foundational Consequentialism' and 'Representational Consequentialism' helps to bring out some distinctions. But I am not sure that it catches adequately the basic differences between (1) consequentialism of the kind that many utilitarians advocate (and on which many anti-consequentialists seem delighted to concentrate), and (2) consequential evaluation of a broader kind that demands situated valuations and focuses on the need to take responsibility for the consequences of one's choice (I have tried to discuss the latter in Sen, 1982b, 1985a, 1999, 2000).

It is certainly true, as Scanlon says, that the former, which he calls Foundational Consequentialism, insists that 'its conception of value [must be] free of deontic notions such as rights and duties' and assumes that 'the idea of ''the good'' has a clearer and more obvious justificatory force than ''the right''' (p. 39), and that these presumptions are not endorsed by consequential evaluation of the kind that I have tried to explore. But in looking for an understandable reason behind my non-endorsement of these claims, Scanlon wonders: 'Why should it be an advantage to *represent* rights, duties and other deontic notions in terms of the value of outcomes, even if in so doing one does not explain them in terms of an independent and allegedly clearer notion of values?' (p. 42, italics added). If 'representation' were all that were involved, this would indeed be a puzzling issue. But the central question surely is not *representation*, but *inclusion* of all the considerations that a person (situated as she actually is and taking responsibility for her choices) has reason to value.

If we have reasons to attach importance to freedom – of ourselves and of others – and to recognize that this entails certain claims on each other's help, then surely these broadly defined rights and corresponding imperfect obligations are part of the conceptual apparatus that one has reason to use in making one's situated valuations and taking responsibility for one's choices. That, at any rate, is what I have tried to argue (Sen, 1985a, 2000), and this surely is more than representation.

So, while I do welcome Scanlon's diagnosis that consequential evaluation need not take the form of what he calls Foundational Consequentialism, I am less sure that seeing the alternative in the form of a mere representational exercise does justice to what is being attempted. A central departure surely is that in doing our valuations, we have reason to take substantive note, *inter alia*, of the claims that we should acknowledge we have on each other. This requires that we pay significant attention to the freedoms and what we see as 'rights' of others (not necessarily legal entitlements), and also to the corresponding obligations – often in the form of what Kant called 'imperfect obligations'

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– that are associated with these broadly defined rights. It is neither that 'the good' comes first, and then 'rights and duties', nor that rights and duties congeal first followed by the good, but that they are linked concepts that demand simultaneous consideration. While considerations of freedoms, rights and duties are not the only ones that matter (for example, well-being does too), they are nevertheless *part* of the contentions that we have reason to take into account in deciding on what would be best or acceptable to do. The issue surely is *simultaneity*. This differs both (1) from 'sequencing' (beginning, first, with 'the good . . . free of deontic notions' and then proceeding to rights and duties), which Foundational Consequentialism demands (as portrayed by Scanlon), and (2) from 'representation' by which deontic ideas are simply represented in the language of consequentialism.

RIGHTS AND UTILITIES

But this general issue is perhaps not as central to Scanlon's critique as the particular points he makes in response to specific cases and arguments that I have tried to present. I shall discuss two cases considered by Scanlon, one taken from an earlier paper of mine, 'Rights and Agency' (Sen, 1982b), and another from Frances Kamm (1996).

There is, however, a more elementary point that I should try to get out of the way before looking at Scanlon's arguments. He is inclined to interpret welfare considerations in terms of preference satisfaction ('considerations of welfare, understood as preference satisfaction', as he puts it, (p. 43)). This is not an easy marriage, since preference satisfaction works for each individual *separately* and it is not clear how interpersonal comparisons, which are central to all these discussions (including the case considered in Sen (1982b), are to be interpreted within that framework. Each person's preference can be given a numerical representation, and by taking some liberty, it can even be called that person's utility, but this would not lead to any kind of interpersonal comparison of different persons' utilities. This is a problem similar to that of trying to obtain interpersonal comparisons of utilities from what economists call 'revealed preference' (that this cannot be done was famously discussed by Samuelson, 1947, p. 205; see also Sen, 1985a, pp. 187–8).

This problem arises also in Scanlon's defence of utilitarianism as a *relatively* plausible consequentialist theory within the rather implausible class of consequentialist theories in general (pp. 40–41). He provides a qualified justification, invoking the conditionality: '. . . if welfare is a matter of preference satisfaction' (p. 41). Since utilitarianism is inescapably involved in using interpersonal comparisons of welfare, we are in need of some explanation as to how this is to be done if welfare is indeed

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taken to be 'preference satisfaction'. There are, of course, specific theories that produce this transcendence (for example, John Harsanyi (1955) does it through hypothetical preferences over imagined possibilities, such as preferring to be someone else in a primordial original position), but those moves do require clarificatory explication as well as conceptual defence.

When Scanlon says that 'overall preference satisfaction would be maximized by Donna's not breaking into Charles's room and thus allowing the beating to occur' (p. 43), I am not quite sure what the informational basis of that judgement would be. The story would have to be interpreted in terms of some other view of utility, such as intensities of pleasure (as in classical utilitarianism), or desire intensities (as in the desire-based version of utilitarianism). There is an ambiguity here. I shall not invoke the preference-based view of 'well-being', and it is sufficient to assume that there exists some agreement on interpersonal comparisons of well-being, even though they may not have been based on preference fulfilment.

Scanlon points out that Donna would have good reasons to break into Charles's room to get the information that would allow her to prevent not just such things as the beating of Ali by a gang of hoodlums, but also to prevent Ali from being blown up by 'an unexploded bomb near where Ali is going' (p. 43). This can be interpreted, Scanlon says, as an attempt to safeguard Ali's 'right not to be deprived of certain ''functionings''', but goes on to ask, plausibly enough: '. . . why do we need to call this a right?' (p. 43). Scanlon also points out that 'many things are morally important without being rights', and this is of course absolutely so.

If I agree with all this, then why do I invoke the idea of rights? There are two points to be made here. First, there is no inescapable priority that suggests that the idea of rights can be invoked only if other – as it were 'prior' – considerations do not provide an adequate explanation of a specific intuition (so that we would 'need' to invoke rights because of the non-availability of other arguments). Rights and imperfect obligations are not arguments 'in reserve' that may be called in if and only if all else fails. If it is understood that people have certain rights in the broad sense to get help from each other, which are associated with imperfect obligations of others, then these considerations are part of the moral landscape. They are not waiting in a queue to be called in only if their turn comes up.

Simultaneity is particularly important here. The relevance of such considerations is not conditional on the failure of other considerations (for example, those yielded by classical utilitarianism) to give the same answer to the choice decision to be taken. For example, the use of arguments involving 'human rights' often co-exist with other arguments

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– even utilitarian ones – that work in the same direction. This is not an embarrassment for the framework of human rights.

Second, as it happens, the change of the description of the case, which Scanlon introduces, from Ali's being beaten up by thugs to his being blown up by an unexploded bomb does make a difference to the adequacy of utility-based reasoning in providing justification for Donna to break into Charles's room to save Ali. The strain for utility-based reasoning arose, in my case, from the postulation that the bashers, of whom there are many, would *together* receive much more joy from the act of bashing than the solitary Ali would lose from being bashed. Further tension was added to this by noting that Ali is in general very much better off than the nasty but miserable bashers and will remain so, in general, even with the occurrence of the bashing (since Ali has many other sources of utility). Given these circumstances, a utility-based argument in favour of trying to stop the bashing was not readily available. In particular, Donna could not rely on utility-based reasoning to justify breaking into Charles's room to prevent an act (Ali's being bashed up by the hoodlums) that would increase the utility sum-total as well as reduce inequality in utilities.

Thus, in the case considered in my example (from Sen, 1982b), utility-based reasoning to justify Donna's activism did not seem convincing, and there was particular use for an argument that takes note of Ali's liberty and his right not to be bashed up and the duty (in the form of imperfect obligation) of others to help if they can. Those considerations are present, in any case (whether or not they are 'needed' to justify Donna's decision) – that was my first point. Additionally, they are also, in fact, critically important for the decision in question, in the postulated case – this is the second point. However, since Scanlon changes the example from Ali's being bashed to his being killed by an unexploded bomb, there are no obvious utility beneficiaries from the tragedy (unlike the hoodlums in the bashing case). And thus the utilitarian argument *against* stopping the misfortune of Ali simply does not arise in this case (unlike in the original example). Scanlon's reformulation leads to the loss of a point of pivotal importance.

HISTORY AND PRESENT DECISIONS

I turn now to another example that Scanlon considers, drawn from Kamm (1996). We are now given the role of advising a person who has 'set a bomb, which will kill five if it goes off', but he can now defuse the bomb, but that would require him 'to kill another person' instead (p. 47). Scanlon finds that a position-related evaluation of the kind that I have discussed (as part of 'situated valuation') will be 'mistaken' here, if it takes the form that:

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> . . . it is permissible to kill the one in such a case because otherwise *you* will have killed the five, and that this would not be permissible (or would be less clearly permissible) if someone else had set the bomb and you were only the person in a position to defuse it (p. 47).

This is a rich case with multi-stage decisions, which we must investigate by separating out its distinct components (even though I ought to make clear that I am not especially thrilled to have the opportunity of giving moral advice to the hero of this particular story).

There are two distinct decisions that our hero is involved in and we must distinguish between two different cases of practical reason that are involved. He has planted a bomb that will kill five unless it is defused by him or by someone else. By the time he is deciding on the second choice, the first event is a part of history. We can all agree that it was a bad – and wrong – thing for him to do (we can invoke a variety of arguments simultaneously here, varying from utilitarian reasoning and pure deontology to deontic-value inclusive consequential reasoning). However, by the time our hero is at the second decisional node, the bomb is there already. Surely the primary issue at the second decisional point involves not the planting of the bomb (it is already there – a fact of history), but the choice between (1) the killing of five innocent people by the already planted bomb which may occur in the future, and (2) the murder of a different innocent person as an alternative future scenario.

Consequential evaluation, situated or not, cannot treat the future in the same way as the past, and while the presence of the planted bomb affects the future directly, the past history of who planted the bomb is not central to, as it were, '*future* history'. Surely the primary consideration at the second decisional point, in consequential reasoning, must be how to balance the badness of killing one against the badness of five people being blown up. To concentrate instead on how our hero may try to make amends for a dreadful past act would surely be the wrong focus of attention here (even though in general it is not irrelevant to think about undoing past mistakes or making amends for criminal actions done in the past).

I should make it clear that I am not arguing that there would be no ground for our hero to kill one innocent person to save the lives of five endangered by his own action. He will have to decide, as others would have had to (if given the same present choice), whether it would be right to kill one person to save five. The decision may be far from clear (no matter who has planted the bomb), and our hero or anyone else cannot be guided only by the deontological prohibition against killing, nor by wanting simply to minimize the number of people killed (in general, or by events caused by his own action). It is worth recollecting, in this context, that even Bernard Williams, in the famous case involving Jim's

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moral dilemma about whether to kill one to save nineteen, came ultimately to the conclusion that it probably would be right to do this. His point rather was that 'if (as I suppose) the utilitarian is probably right in this case, that is not to be found out just by asking the utilitarian's questions' (Williams, 1973, p. 117). The considerations that Williams takes into account would apply to our hero as well. In particular, he cannot short circuit the moral scrutiny by the simple device of adopting some mechanical formula like 'minimize the number of people killed', or 'minimize the number killed by your own action – past and present' (any more than he can rely on the simple deontological constraint: 'never kill anyone').

To conclude this discussion, the fact that our hero has to make a proper situated valuation in general does not require him to make the *particular* situated valuation that Scanlon (and perhaps Kamm) would seem to suggest (as something that a situated consequentialist has to make), to wit, that it would be okay for him to kill one innocent person (since he has, historically, planted the bomb himself), even though it would not have been okay for him to do this if others had planted the bomb. The historical responsibility may be grounds enough for him to make some sacrifice of his own interest as a recompense, but the need to do a situated valuation does not give a person a license to kill to try to undo a past felony of his own. In general, the need for positional evaluation does not eliminate the necessity of critical examination of what is important for the decision that is currently being examined (on this see Sen, 1985a, 1993c). Situated valuation broadens the range of morally relevant information, but it is not an alternative to moral scrutiny.

I end by restating my appreciation of the engaging and forceful critiques that Elizabeth Anderson, Philip Pettit and Thomas Scanlon have presented. They cannot but influence my future thinking on this – and related – subjects. I have reason enough to be extremely grateful.

REFERENCES

Anderson, Elizabeth. 1993. *Value in Ethics and Economics*. Harvard University Press

Anderson, Elizabeth. 2000. 'Unstrapping the straitjacket of ''preference'': a comment on Amartya Sen's contributions to philosophy and economics'. *Economics and Philosophy*, 17:21–38

Arrow, Kenneth J. 1951. *Social Choice and Individual Values*. Wiley

Bourbaki, N. 1939. *Élements de Mathématique*. Hermann

Bourbaki, N. 1968. *Theory of Sets*, English translation. Addison-Wesley

Cohen, G. A. 1993. 'Equality of What? On Welfare, Goods, and Capabilities'. In Nussbaum and Sen (1993)

Harsanyi, John. 1955. *Essays in Ethics, Social Behaviour and Scientific Explanation*. Reidel

Kamm, Frances. 1996. *Morality, Mortality*, Vol. II. Oxford University Press

Levi, Isaac. 1986. *Hard Choices: Decision Making under Unresolved Conflict*. Cambridge University Press

https://doi.org/10.1017/S0266267101000141 Published online by Cambridge University Press

Nussbaum, Martha. 1988. 'Nature, function and capability: Aristotle on political distribution'. *Oxford Studies in Ancient Philosophy*, Supplementary Volume
Nussbaum, Martha. 1992. 'Human functioning and social justice'. *Political Theory*, 20:202–46
Nussbaum, Martha, and Jonathan Glover, eds. 1995. *Women, Culture and Development*. Clarendon Press
Nussbaum, Martha, and Amartya Sen, eds. 1993. *The Quality of Life*. Clarendon Press
Pettit, Philip. 1997. *Republicanism: A Theory of Freedom and Government*. Clarendon Press
Pettit, Philip. 2000. 'Capability and freedom: a defence of Sen'. *Economics and Philosophy*, 17:1–20
Samuelson, Paul A. 1947. *Foundations of Economic Analysis*. Harvard University Press
Scanlon, Thomas. 1999. *What We Owe to Each Other*. Harvard University Press
Scanlon, Thomas. 2000. 'Sen and Consequentialism'. *Economics and Philosophy*, 17:39–50
Sen, Amartya. 1970. *Collective Choice and Social Welfare*. Holden-Day. Republished, 1979, North-Holland
Sen, Amartya. 1971. 'Choice functions and revealed preference'. *Review of Economic Studies*, 38:307–17; reprinted in Sen (1982a)
Sen, Amartya. 1973. 'Behaviour and the concept of preference'. *Economica*, 40:241–59; reprinted in Sen (1982a)
Sen, Amartya. 1977. 'Rational fools: a critique of the behavioural foundations of economic theory'. *Philosophy and Public Affairs*, 6:317–44; reprinted in Sen (1982a)
Sen, Amartya. 1982a. *Choice, Welfare and Measurement*. Blackwell. Republished, 1977, Harvard University Press
Sen, Amartya. 1982b. 'Rights and agency'. *Philosophy and Public Affairs*, 11:113–32
Sen, Amartya. 1985a. 'Well-being, agency and freedom'. *Journal of Philosophy*, 82:169–221
Sen, Amartya. 1985b. 'Goals, commitment and indentity'. *Journal of Law, Economics and Organization*, 1
Sen, Amartya. 1985c. *Commodities and Capabilities*. North-Holland
Sen, Amartya. 1987. *On Ethics and Economics*. Blackwell
Sen, Amartya K. 1990. 'Gender and Cooperative Conflicts'. In *Persistent Inequalities*, Irene Tinker (ed.). Oxford University Press
Sen, Amartya. 1992a. *Inequality Reexamined*. Clarendon Press and Harvard University Press
Sen, Amartya. 1992b. 'Missing women'. *British Medical Journal*, 304
Sen, Amartya. 1993a. 'Internal consistency of choice'. *Econometrica*, 61:495–521
Sen, Amartya. 1993b. 'Capability and Well-being'. In Nussbaum and Sen (1993)
Sen, Amartya. 1993c. 'Positional objectivity'. *Philosophy and Public Affairs*, 22:126–45
Sen, Amartya. 1995a. 'Gender Inequality and Theories of Justice'. In Nussbaum and Glover (1995)
Sen, Amartya. 1995b. 'Moral Codes and Economic Success'. In *Market Capitalism and Moral Values*, Samuel Brittan and Alan Hamlin (eds.). Elgar
Sen, Amartya. 1996. 'Fertility and coercion'. *University of Chicago Law Review*, 63
Sen, Amartya. 1997. 'Maximization and the act of choice'. *Econometrica*, 65:745–79
Sen, Amartya. 1999. *Development as Freedom*. Knopf and Oxford University Press
Sen, Amartya. 2000. 'Consequential evaluation and practical reason'. *Journal of Philosophy*, 97:477–502
Skinner, Quentin. 1998. *Liberty before Liberalism*. Cambridge University Press
Williams, Bernard. 1973. 'A Critique of Utilitarianism'. In *Utilitarianism: For and Against*, J. J. C. Smart and B. Williams (eds.). Cambridge University Press

https://doi.org/10.1017/S0266267101000141 Published online by Cambridge University Press