

Freedom of Choice

Two Versions of Agent-Relative Consequentialism

provisional version

RAFFAELE MARCHETTI

Dept. of Government, LSE

r.marchetti@lse.ac.uk

via Lucrino 18
00199 Roma, Italy

27/07/2004

This paper develops a comparative analysis of two types of consequentialist normative theories, consequentialist cosmopolitanism and the capability approach, with regard to the issue of freedom of choice, and in particular its epistemological and axiological bases. Despite sharing the same consequentialist paradigm, consequentialist cosmopolitanism and the capability approach are nonetheless distinctive in that they are based on two different foundationalist strategy and epistemological assumptions that produce distinct normative justification of the primacy of freedom of choice as embedded in a consequentialist framework. Following the identification of a number of limits of the capability approach, the paper provides the core argument underpinning consequentialist cosmopolitanism that, in taking into account the epistemological constraints pertaining to interpersonal comparisons of utility, concentrates on the core ideals of freedom of choice and of control over the political system.

“I can choose only a strategy, not an outcome”
(Hardin, 2003, 1)

While traditionally belonging to the deontological domain of ethical discourse related to autonomy, the notion of freedom of choice has recently expanded its spectrum of deployment to the consequentialist paradigm. In the antinomy between procedure and outcome (or input and output legitimacy), self-determination through personal choices has been conventionally associated, despite eminent exceptions such as J.S. Mill, rather with the first than with the second element. More, autonomy of choice has been, in fact, oft used to criticise the teleological paradigm for its disrespect of agent-relative clauses. Recently, however, Amartya Sen has proposed a reinterpretation of relation between two cardinal concepts here at stake, well-being and freedom, which yields significant relevance to the issue of agent's choice as embedded in a consequentialist framework. Following his principal direction of investigation, another version of agent-centred consequentialism can be elaborated: consequentialist cosmopolitanism. In this paper I compare these two versions of agent-relative consequentialism.

While representing two strands of the same consequentialist paradigm, consequentialist cosmopolitanism and the capability approach are distinctive from other major variants of such broad family, in that they are agent-relative and thus centred on the individual freedom of choice. Traditional consequentialist theories such as utilitarianism are characterised, as mentioned, by an agent-independent structure that takes into consideration the final states of affairs rather than how they are generated by the various actors. This allows for public aggregation but also for the well-known criticisms on the separateness of persons. On the contrary, the two theories here under consideration are animated by a differing normative objective: ‘to square the circle’ by combining consequentialist evaluation with a number of apparently (or traditionally associated with) deontological intuitions related to the respect of agent-relativity, such as rights and personal values.

Despite their similarities, consequentialist cosmopolitanism and the capability approach are nonetheless distinctive in that they are based on two different foundationalist strategy and epistemological assumptions that produce distinct (differently defensible and yet compatible) normative justification of the primacy of freedom of choice as embedded in a consequentialist framework. While the former warrants the centrality of freedom of choice through the combination of the consequentialist principle with some constraining observations on the difficulty of interpersonal utility comparisons, the latter does that combining the consequentialist evaluation with the account of the positional objectivity, i.e. the parametric dependence of observation and inference on the position of the observer. Both theories reach similar conclusions on the recognition of the importance of agency freedom, but, this paper will argue, the normative strategy of the latter suffers a number of weaknesses which rend its justification less stable. On this, consequentialist cosmopolitanism claims to offer a more consistent account of a consequentialist ethical approach, which is able to accommodate some of the criticisms raised on Sen's version of consequential evaluation, resulting more appropriate for the challenges of global justice.

This paper begins by sketching out the principal features of the capability approach with regards to the issue of freedom of choice, and by examining a number

of normative problems in it, which require a different consequentialist model. In response to these weaknesses, the paper presents a different consequentialist model: consequentialist cosmopolitanism. The most significant components of the consequentialist cosmopolitan theory of justice are thus set out, including its epistemological foundations and normative grounds. In the last part of the paper, an application of this new model is exposed with reference to the structuring of a political system on a consequentialist conception of global justice. Concluding remarks are presented thereafter.

The capability approach: an introduction

Sen approach to the consequential-evaluation of public schemes of justice is based on the notion of functioning capabilities. Functionings represent a central element of the state of a person. They include things like “activities (as eating or reading or seeing), and states of existence or being, e.g., being well nourished, being free from malaria, not being ashamed by poverty of one’s clothing or shoes” (Sen, 1985, 197-8). These functionings are central in order to measure how well off people are. But more importantly it is the individual capability, rather than the mere prospect, to attain a certain set and level of functionings to count as the indicator of overall quality of life of the agent. Public schemes of justice should thus be arranged consequentialistically in such a way as to promote maximally the functioning capabilities of the individuals (Sen, 1980, 1982b, 1985, 1988, 1992; Nussbaum & Sen, 1993; Nussbaum, 2002).

Two interdependent normative notions are central to the capability approach: well-being and agency. Beginning from the notion of well-being, Sen expand his reasoning to include the recognition of agent-relative values such as freedom, motivations, and rights. In particular, the starting point consists in the observation that the primary feature of a person’s well-being is the functioning vector that he or she achieves (as opposed to other traditional contents of well-being such as happiness, desire fulfilment, opulence, or command over primary goods). From this minimal description of the functioning vector, the argument moves toward the inclusion of the role of agency, in that it takes into account the individual ability to achieve valuable functionings. The shift of attention from the person’s actual functionings to his or her capability to function has thus the effect of taking note of the positive freedoms in a general sense (the freedom “to do this” or “to be that”) that a person can enjoy.

Whether or not agency freedom has to be seen as an integral part of a comprehensive notion of well-being rather than as an independent and yet correlated principles (Pettit, 2001a, 9), a crucial point should be stressed in conjunction with agency freedom, as Sen is keen to remark. Agency freedom has to be valued also for its relation to personal responsibility, besides a person’s actual well-being having intrinsic importance. In order to have a full picture of moral life, it is not enough to focus on the promotion of well-being, as traditionally intended, but it is necessary to consider the need to take responsibility for the consequences of one’s choice. In this vein, Sen affirms:

“The supplementation of well-being by well-being freedom, in the case of responsible adults, involves a refinement in the assessment of the well-being aspect of a person. But well-being freedom is only a specific type of freedom, and it cannot reflect the person’s over-all freedom as an agent; we have to turn to the notion of agency freedom in that context. It is hard to see how any part of

this plurality (involving both well-being aspect and the agency aspect of persons) can fail to have some *intrinsic* importance” (Sen, 1985, 205 italics added).

This last move toward the full recognition of responsibility serves to connect the previous considerations to Sen’s re-interpretation of the consequential evaluation, which he “sees as a discipline of responsible choice based on the chooser’s evaluation of states of affairs” (Sen, 2000, 477). Because the agent is free to pursue whatever the person decides to achieve, he is then to bear the responsibility of his actions. Three different issues characterised Sen’s proposal on consequential evaluation: 1) Situated evaluation as opposed to invariance requirement; 2) Maximising framework as opposed to optimising; 3) Non-exclusion of states components as opposed to arbitrary limits (e.g. utilities). It is Sen’s theory of consequential evaluation which next section will deal with, and in particular the first point according to which a person need not ignoring the particular position from which she is making the choice.

Limits of Sen’s consequential evaluation

While in the next sections, the consequentialist cosmopolitan theory is exposed, with the intention to show that a concentration on agency freedom can be achieved also through a differing consequentialist strategy, this section focuses on two limits of the capability approach. The first limit of the capability approach concerns the problem of impartiality among different point of view and enquires why we should judge as right each single agent-relative point of view. On this, it will be observed that Sen’s theory legitimises the promotion of different goods to different agents in an *intrinsically* agent-relative way, and in maintaining the intrinsic rightness of this relation, it is vulnerable on the side of impartially judging the interpersonal rightness of such activity. The second limit regards the substantive account of human nature—and the correlated biased interpretation of human flourishing— offered by the capability approach, especially by Martha Nussbaum version. On this, it will be clarified how the capability approach in being theory-laden and content-specific is condemned to being partial and thus inapplicable at the global level.

According to Sen’s interpretation of consequentialism, namely the discipline of consequential evaluation, social rules should aim to promote maximally a comprehensive outcome. The latter has to be understood as opposed to a (more traditionally intended) culmination outcome, à la utilitarian¹. Utilitarian welfarism in fact imposes on consequentialism a number of arbitrary restriction that constrain to judge states of affairs exclusively by their utility information related to the respective states. This is most commonly appealed as invariance requirement, according to which any moral consideration should be objectively related to the resulting state of affairs and not depending on personal variables. Against this, Sen is keen to recognise that the interpretation of a state of affairs has to be informationally richer in order to be intuitively respectful of our common sense. A state of affair is in fact arguably composed not only of utilities related to state of affairs (ultimate outcomes as

¹ A political example offered by Sen himself helps to understand the interpretative limits that can be imposed by a reading exclusively focused on culmination outcome. “If, for example, a presidential candidate were to argue that what is really important is not just win the forthcoming elections, but ‘to win the election fairly’, then the outcome recommended is a *comprehensive outcome*, which includes a process consideration (not just the culmination outcome of winning the election –no matter how)” (Sen, 2000, 492).

utilitarian want), but also of actions in general and agent's own actions and values in particular, motivations, processes of choice, realisation of freedom, fulfilment of rights and duties. In this sense, restricting the interpretation focus on outcome utilities is arbitrarily limited and thus unjustifiable. Hence, the consequential evaluation is offered as a technique to normatively interpreted social reality which is free from arbitrary limits. In order to keep the consequential evaluation as open as possible, then the recognition of evaluator relativity and positional objectivity plays a crucial role.

The parametric dependence of observation and inference on the position of the observer is, for Sen, an unavoidable constraint that has to be taken into account. As much as "what we can observe depends on our position vis-à-vis the object of observation" (Sen, 1993b, 126), any moral observation should also be understood as primitively dependent on the position occupied by the evaluator, in that "the goodness of a state of affairs depends intrinsically (not just instrumentally) [...] on the *position* of the evaluator in relation to the state" (Sen, 1983, 114). And yet, this does not deny the possibility to reach an interpersonal consensus. It is possible, from Sen's point of view, to produce a "trans-positional assessment-drawing on but going beyond different positional observations" (Sen, 1993b, 130). Objectivity is thus to be identified in observational claims that are both position-dependent and person-invariant. "Position-relative impersonality requires that parametric note be taken of the respective *positions* of the different persons, but not of the exact personal *identities* involved" (Sen, 2000, 486). In opposition to the utilitarian agency invariance restriction, Sen proposed an authorship invariance, which it is claimed to be impersonal, as ethics requires, but not im-positional. This is however problematic.

The problem of impartiality

The first limit of the capability approach resides exactly on the assignment of intrinsic value to the agent-relative perspective. As said, Sen maintains that "when the restriction [evaluator neutrality, RM] is relaxed but otherwise the hegemony of outcome morality is maintained, I shall call the approach 'consequence-based evaluation'" (Sen, 1982b, 30). This move is motivated by the recognition that "a morality that insists that after killing his wife Desdemona Othello must regard the state of affairs to be morally exactly as good or as bad as others –and no worse than that– would seem to miss something about the nature of moral evaluation of states" (Sen, 1982b, 30). While this is a fair point on the necessity to take into account a personal evaluator point of view, a further problem remains unsolved on what kind of status this point of view has to play in the moral reasoning, if the hegemony of the outcome has to be maintained. In particular, how this personal evaluator point of view is related to an impartial perspective based on justice, which serves to compare different point of view assessing the value of the overall outcome.

Assuming that "a consequence-based morality is evaluator neutral if there is a universal good that all agents are required to promote; and it is evaluator relative if different agents are assigned different goods" (Regan, 1983, 93), two divergent prescriptions could be correspondingly recommended from a consequentialist perspective. Either every agent has the duty to promote the good as comprehensively intended from an impartial point of view (which includes *also* personal evaluations) or he has the duty to promote the good from his point of view (which includes *only* personal evaluations). Alternatively expressed, these duties could be intended as demanding that personal evaluation be taken into account respectively in an *instrumental* or *intrinsic* way.

If the second interpretation of the duty is accepted, then a problem arises on how to judge the justice of each single agent-relative point of view from a third party perspective, how to judge impartially different points of view. A consequentialist perspective is in fact dependent on the single evaluation of the overall outcome (however intended, comprehensively or as culmination). According to consequentialism, we should decide the principles that govern our actions through the consideration of the overall value of the good (e.g. an informationally rich interpretation of well-being) promoted by their implementation. The notion of the goodness is thus the ultimate basis for assessing actions and principles. Now, if intrinsic value is assigned to each personal-evaluator perspective not single ultimate value can be identified and consequently no overarching evaluation of different perspectives is feasible.

A paradigmatically-different response to this dilemma has been given by the contractarian theory, which is consistent with the assignment of intrinsic value to individual perspectives. According to deontological contractarianism, in fact, no overarching evaluation can be offered of the state of affair, in so far as only agent-relative reasons on a singular basis can be provided by individuals. In this regard, what is considered is not the overall value of the resulting state of affair but the reasons that individuals have for accepting or rejecting these principles. This means that we have to consider only the ways in which these principles affect individuals with their personal reflective attitude, not their impact on the promotion of impersonal values. This amounts also to an incapacity to compare interpersonally the reactions of the reciprocally independent individuals without the appeal to an either external or minimally overlapping principle. Similarly, Sen's theory assigns the promotion of different goods to different agents in an *intrinsically* agent-relative way, and in maintaining the intrinsic rightness of this relation, it fails on the side of impartially judging the rightness of such activity².

In a recent article on Sen, Scanlon raises a similar point on the issue of impartiality, which invites for a different consequentialist answer:

“Contractualism thus naturally employs position-relative reasons, but does not require position-relative evaluation of the overall states of the world. This enables it to avoid a prima-facie problem that arises for a position-relative consequentialist theory. Of the consequentialist idea of acting for the best is to provide a single standard of right action, it seems to require a single idea of what is best as its evaluative basis. There is thus a puzzle about how to formulate consequentialism on the basis of multiple, position-relative evaluative standpoints. Perhaps it becomes the view that what morality requires is for each person to act for the best, as judged from his or her position. I will leave open the question of how this is to be worked out” (Scanlon, 2001, 49).

Another way of interpreting the issue of impartiality consists in focusing the attention on the single agent rather than on an impartial point of view. If we take this position, it is fair to ask “why should each agent act on his own point of view instead of some other?” (Regan, 1983, 105). Or alternatively enunciated, why the single agent

² To be fair, in a recent article Sen takes a clear position for an impartial spectator point of view à la Smith (Sen, 2002), but it is interesting (and bizarre) that this clear statement is not explicitly linked to his previous work on the capability approach. Until this link is not made explicit (and how this can be done is not immediately evident), the impartiality problem so far exposed remains.

should maximise the good from his point of view? Sen fails to offer a substantial account of why different agents should maximise the good according to their point of view simply because it is their interpretation rather than somebody else's (Regan, 1983, 103). Again, the lack of an external and overarching point of view does not allow both, as said, for impartial resolutions of disputes between different points of view, and for impartial assignment of agent-relative duties according to a consequentialist ethics.

Hence, Sen's theory is at uneasy for what concerns the impartial assessment of different points of view, in that relies on an intrinsic assignment of value of agent-relative evaluation. The consequentialist cosmopolitan proposal presented in the second part of this paper is distinctive in that the ultimate good it prescribes remains objective—the maximisation of world welfare condition—but can only be promoted through the maximisation of individual—i.e. agent-relative—capacity for choice. Thus, the present proposal, in only being epistemologically and *instrumentally* agent-relative, can offer a consistent twofold response that includes both agent-relative and agent-neutral considerations, through an indirect method of identification of individual welfare.

The intercultural problem

The other limit of the capability approach I want to discuss regards an intercultural problem. Despite the minimal point of departure, i.e. the recognition of the diversity of human beings and the consequent importance of the capacity for freedom of achievement, the conclusions at which the capability approach arrives are culturally thick and thus yield problems on the intercultural side of justice. This culturally thick characteristic is more evident in Nussbaum's rather than in Sen's theory (Nussbaum, 1993; Sen, 1993a), but the point I want to raise applied to both, though in different degrees, and yields decisive normative disadvantages within the context of a world assumed to be profoundly multicultural.

Sen's and Nussbaum's theory of capabilities proposes a substantive account of human nature—and a correlated biased interpretation of human flourishing inspired by Aristotle (Crocker, 1992; Carter, 2001b, 67-9; Donatelli, 2001, 116)—which in being theory-laden and content-specific is condemned to being partial and thus inapplicable at the global level. While a common, neutral ground can be determined in the evaluative space concerned with the vital capacity of individual to pursue their personal choices and projects, Sen's and Nussbaum's further political pretensions to regulate and institutionalise individual entitlements beyond such an elementary level is destined to be flawed. Aiming at identifying a thick set of individual entitlements—beyond a minimal endowment—related to universal capabilities runs into trouble in that this task requires objectivity in a domain where objectivity is not available.

In opposition to this, exercising epistemological self-restraint, consequentialist cosmopolitanism focuses only on a number of vital interests in terms of choice opportunities. In a world of incomparable differences, consequentialist cosmopolitanism's promotion of a minimal international standard promising only the guarantee of politically vital capabilities, is more equipped to comply appropriately with the task of global justice, in that it is able to offer a more widely acceptable set of guarantees for individual freedom and pluralism. Respectful of our limited epistemological capacities, the strategy of consequentialist cosmopolitanism promises to be almost as progressive world-wide as Sen's and Nussbaum's proposal, and yet is consistently more defensible against charges of paternalism and ethnocentrism.

Having outlined a number of preliminary comparisons with the major competing theory of consequentialist justice, it is now time to expose the content of the other version of consequentialist global justice in closer detail.

Consequentialist epistemology

A fundamental epistemological consideration concerning the limitations on interpersonal comparisons of utility distinguishes consequentialist cosmopolitanism from other theories of justice. The issue of comparability is highly contentious both in moral and economic theory, especially after the dramatic influence of logical positivism on Anglo-Saxon social sciences in the thirties. While moral theories such as utilitarianism and contractarianism have generally accepted the possibility of comparing and aggregating utilities of different persons for the sake of redistribution, economics has shown a more ambivalent (and rather sceptical) attitude toward this possibility, most of the time limiting its consideration to the ordinal criterion of Pareto superiority. According to the perspective of consequentialist cosmopolitanism, if the profound fact of cultural pluralism at the international level is to be respected, interpersonal comparisons have to be considered legitimate only at a minimal level.

Traditionally, the possibility of comparing different persons' utilities, intended as descriptive analysis, has been proposed according to three distinct methods: behaviourism; introspective welfare comparison; and introspective 'as if' choice. While the first focuses directly on a person's observable states and relies on the observation of common behaviours such as physical or verbal body expressions, the second and third comparative methods deploy a mental experiment, namely to put oneself in another's shoes, roughly speaking. The welfare comparison reflects on hypothetical questions about expediency, such as "would I feel better off as a person A in a situation *x* or as a person B in a situation *y*?" The 'as if' method, conversely, generates counterfactual situations in which even normative considerations can be included as factors influencing the choice between two different personal situations (Sen, 1982a, § 12).

Possibly the major contester of interpersonal comparison of utility was Lionel Robbins, who argued in 1935 that no comparison is scientifically viable, in that "introspection does not enable A to measure what is going on in B's mind" (Robbins, 1935, 140; 1938), and thus that the act of comparing needs to be considered an essentially normative exercise. While this argument on the inaccessibility of others' minds applies explicitly only to the second and third methods of introspective comparison, the very same observation undermines the method based on behavioural observation when it is applied cross-culturally. Drawing on anthropological studies of the last century, it is not difficult to bring to mind cases where strikingly different cultural interpretations have been made of similar behaviours, such as the ritual meaning of death-related actions or, more prosaically, the diverse understandings of social ties in different communities (Hatch, 1983; Cook, 1999).

A counter-argument to this anti-comparative and anti-paternalist stance points out that if the possibility of utility comparison is denied at the *inter*-personal, it must also be denied at the *intra*-personal level. It continues by claiming that the logical extension of this denial is that even the very notion of rational self-interested choices should be disputed, in so far as all choices are based on some kind of generalisation of the past and thus, according to this view, no long-term personal integrity can be conceived (Parfit, 1984; Gibbard, 1986, IV). To be sure, at the personal level we necessarily rely on some sort of interpersonal comparisons of utility (Davidson, 1986,

195), however, one has to respect the difference running between personal liability and public responsibility. What I contest is the viability of such interpersonal comparisons of utility as sufficiently reliable tools for public policy. In the self-regarding sphere of action, individual fallibility is a private matter of concern, while in the political sphere, the fact of pluralism constrains public policy, and especially international public policy, to respect individual choice in recognition of diversity. In this latter instance, the reliance on imprecise approximations should be reduced as much as possible to protect differences.

An all too scarce consideration of these insurmountable epistemological difficulties has been one of the major flaws of a considerable part of ethical theory, and of utilitarianism in particular. A large part of the recent criticism of the utilitarian school can be related to this insufficient consideration of the epistemological constraints on comparability. In fact, since the first classical Benthamite formulations on pleasure to the more contemporary statements on revealed preferences, utilitarians have always relied heavily on comparability and cardinal utility ordering. In so doing, however, a number of serious ethical problems have been incurred, including the lack of respect for the separateness of persons and the sacrifice of minorities for the sake of majorities. The revised consequentialist proposal advanced here, allows instead for the avoidance of these problems, in so far as it envisages a more personal interpretation of welfare, which in being epistemologically un-demanding produces a strong liberal and anti-paternalistic international political theory.

From the point of view of consequentialist cosmopolitanism these epistemological constraints cannot be legitimately overcome in a project of international ethics, which must take into account both the fundamental pluralism and the fundamental demand for equality which so determine contemporary international affairs. To be sure, pluralism is here simply presumed as one of the major tests for international ethics, in that as no definitive comparison can be effected, no definitive dissimilarity can thus be determined. All that can be determined is that neither an absolute homogeneity nor an absolute heterogeneity can be identified. It is this indeterminacy that shapes the intention of consequentialist cosmopolitanism. Consequently, since diversity cannot ultimately be proven, the requirement to respect and guarantee individuals' own conceptions of a good life rests on and constitutes the prescriptive content of a normative pluralism that accommodates the demands of a presumed empirical pluralism. Only at a very minimal level concerning the vital interests of individuals, can an interpersonal and transcultural ground be found which allows for effective comparisons to be used in public policy. For the rest, an alternative political strategy has to be individuated as a valid means for international ethics to deal with value indeterminacy. Before presenting the remaining bulk of this theory, it is however necessary to suggest a number of further considerations concerning the comparisons of the normative foundations of consequentialist cosmopolitanism with other major theories of justice.

Consequentialist global justice

Consequentialist cosmopolitanism, as a goal-based ethical theory, aims at the promotion of the good, which is assumed to reside in a comprehensive conception of individual well-being. Differing from deontological theories, which purport to both honour and promote values, the objective of consequentialism is only to promote the

value³. It consequently defines the right after the good. Accordingly, an action-guiding principle will be warranted in so far as it is expected to produce the best outcome in terms of general well-being, i.e. if it complies with the test of universalizability. On a more profound, meta-theoretical level, then, the ultimate foundation of the consequentialist approach per se relies on a principal consideration: simplicity. In comparison with non-consequentialist theories, in fact, it scores better in terms of simplicity since it does not need any further argument to justify honouring the value on top of promoting it, i.e. “where consequentialists introduce a single axiom on how values justify choices, non-consequentialists must introduce two” (Pettit, 1993b, 238). Moreover, the latter need to endorse ad hoc justification to identify those values that are to be honoured rather than promoted (Harsanyi, 1979; Hare, 1981; Riley, 1988; Goodin, 1990; Pettit, 1993b; Hare, 1999; Hooker, 2000; Hooker *et al.*, 2000). This single justification, in association with the epistemological constraints examined in the previous section, bears a number of important consequences on the formulation of the theory of consequentialist cosmopolitanism as a proposal for international ethics.

This axiological foundation entails leading the theory toward two central assumptions of contemporary ethical discourse: normative individualism and egalitarianism (alternatively interpreted as anonymity condition). While the first holds that the unique or most relevant agents to be taken into account in the normative exercise are individuals, the second maintains that individuals should fundamentally be considered as equals in the relevant aspects. Broadly understood, these two steps, nicely combined in the Benthamite expression “everybody to count for one, nobody for more than one”, are conventionally deemed uncontroversial in analytical ethical theory (Pettit, 1993a, 23-25). But they have, to be precise, older origins in that from the Greek times of *isogony* (i.e. equality of birth), passing through Christian thought of brotherhood equality later embodied in the law of nature, “every normative theory of social arrangement that has at all stood the test of time seems to demand equality of *something*” (Sen, 1992, 12). Consequentialist cosmopolitanism also relies on these terms. It embraces normative individualism in that it considers the single human agent the principal recipient of the good, but it also implies egalitarianism, in so far as the aforementioned epistemological constraints impose respect for each individual sphere of action as a potential generator of well-being. This last consideration brings us to the core distinguishing political element of consequentialist cosmopolitanism: freedom of choice as metric for well-being.

The consequentialist justification together with the epistemological awareness illuminates a crucial issue of the political theory here proposed, i.e. the ground on which the assessment of the political principles advanced should be made. According to consequentialist cosmopolitanism, due to the unavailability of reliable interpersonal comparisons of well-being, such a indicator of well-being can only be indirectly and causally identified in the individual capacity for choice between different life options. Underpinning this is the best-judge principle, according to which “each person should be free to make his own decisions in matters that primarily affect him alone, [since] the best judge of what is for the good of a person is always that person himself”

³ “A good will be a goal for an agent or agency if and only if the task is to promote the good: to maximise its expected realisation. [...] A good will be a constraint for an agent or agency, on the other hand, if and only if the task is not necessarily to promote it, but to bear witness to its importance or to honour it” (Pettit, 1997, 97-8).

(Gibbard, 1986, 170). Accordingly, this theory maintains a *prima facie*, agent-relative theory of the good, in that it holds that uniquely when agents are in a position to freely choose their preferred course of action through a process of informed and effective personal deliberation, can genuine well-being be presumably attained. Personal choices, rather than some specific theory-laden conception of the good, are thus taken to be the best (albeit indirect) expression of the individual's interests, i.e. what will make the individual generally better off. Of course, the causal connection between a person's autonomous choice and that person's well-being cannot but be empirically subject to exceptions. However, despite the fact that such relations can only attain the status of a reasonable presumption with statistical force, and not scientific certainty, the strength of the present point is no less, in that a reasonable presumption suffices for the role the metric has to play in this argument.

This combination of the consequentialist principle with the recognition of the epistemological constraints generates a new version of consequentialism which is distinct from other teleological theories for its potential of simultaneous inclusion of agent-neutral and agent-relative values, without the addition of further normative principles. Following the path first explored by Sen, consequentialist cosmopolitanism claims to offer a proposal which is able to respond critically to a number of major attacks to the consequentialist paradigm in the last thirty years. Such a task is delivered by the differentiation of central features such as criterion of right and decision procedures or first order and second order principles only through the deployment of the consequentialist principles and epistemological considerations. In this sense, while the consequentialist criterion of the good here adopted remains as laid on the universalist and objective agent-neutral principle of promotion well-being, the decision procedure of the theory relies 'restrictively', because of inevitable epistemological constraints, on a subjective agent-relative mechanism anchored to freedom of choice⁴. Moreover, the coexistence of a second order consequentialist principle (the final arbiter) and different *prima facie* non-consequentialist, agent-relative, and procedural principles as first order rules (the intermediate applicative rules) is envisaged. Hence, through such indirect normative strategy consequentialist cosmopolitanism remains on an axiologically 'simple' basis which being consistent is more easily defensible.

Unlike most other contemporary theories of justice, thus, well-being is here not directly individuated in such specific elements as happiness, preference satisfaction, income, wealth or other kind of resource, since they are assumed to be not measurable in a trustworthy way and thus not viable social tools for political public policies. Instead, consequentialist cosmopolitanism identifies well-being indirectly in the presumed outcome, the unspecified by-product of the agent's freedom of choice, where, more analytically, choice is identified as the opportunity to choose among each subset of the set of alternative options⁵. Such opportunity, to be intended as capability to choose freely *à la* Sen, is characterised by two principal features: content and context independence (Pettit, 2001a, 5-6). The value of the capability of choice has to be content-independent, i.e. decisive regardless of which of the relevant options is

⁴ For similar consequentialist strategies that have highly influenced my views see (Sen, 1982b; Pettit & Brennan, 1986; Hardin, 1988).

⁵ For other points of view on the concept of choice: (Broome, 1978; Dworkin, 1982; Sen, 1985; Scanlon, 1988; Sen, 1988; Reeve, 1990, 115-117; Dowding, 1992; Carter, 2001a). Note that the characterisation of well-being as freedom of choice meets the three criteria commonly required on any conception of well-being, as expressed by Scanlon, in that it represents a general consensus, allows for the fact of individual variation in taste and interests and is result-oriented (Scanlon, 1979, 655-6).

preferred, in that we would be otherwise obliged to think that freedom means adapting our preferences appropriately (Berlin, 1969, xxxviii). Additionally, the capability to choose has to be also context-independent, i.e. decisive regardless of the parametric decisions of the other agents, in that freedom would otherwise be dominated by the goodwill of those around us (Pettit, 1997, § I.2). These consequentialist considerations lead to the general prescription to maximise the individual capacity of choice as the most effective –and epistemologically sound– strategy to aim to the promotion of the general well-being.

The present description of the capability to choose freely is consistent with the kind of republican freedom as individual (non-dominated) power of choice recently re-elaborated by Pettit (Pettit, 1997, 2001a). In his view, freedom as non-domination represents a third type of liberty, which integrates both freedom as non-interference (negative freedom), as in Bentham (Bentham, [1781] 1988), and freedom as self-mastery (positive freedom), as depicted by Berlin (Berlin, 1958). Freedom of choice has then to be interpreted not simply as non-actual interference, but as absence of mastery by others. An agent is free to choose on his life options when he is not exposed to the arbitrary power of the dominating party, when the others are unable to interfere arbitrarily and at will in his own affairs (Pettit, 1997, 22). Since it is possible to be dominated without being interfered, the freedom required for individual pursuit of genuine well-being has to coincide with being in the position to enjoy non-domination –escape coercion– in *any* circumstance.

Freedom as non-domination is, however, just one face of the consequentialist interpretation of freedom of choice, which remains a goal-oriented normative theory and therefore yields an instrumental interpretation of freedom. In this sense, freedom of choice is indeed a crucial component of the model of consequentialist ethics here presented, but this is because it is necessary for promoting individual well-being, not because of its independent value. Before developing more this point in the next section through a contrast with other contemporary theories of justice, however, an objection which targets to the core of the relation between freedom of choice and well-being, and the definition of well-being itself needs to be examined.

This objection to a choice-based notion of well-being stresses that the link between well-being and personal choice is only contingent, that well-being is not achieved (or achievable) through free choice, or vice versa that choices are not conducive to (or motivated by the pursuit of) well-being. Were this remark effective, a consequentialist argument should re-direct its focus directly on well-being or on other strategies concentrated on more significant phenomenological aspects of well-being. My response to this begins by delineating a distinction between a) cases in which the agent is autonomously making a choice of not choosing or of apparently self-harming and b) those cases in which the agent is not capable of choosing freely. From this, different considerations follow which rebut the objection in opposite ways. While in the (a) cases the value of freedom of choice is restated through the disputation of a restricted and unjustified notion of, respectively, free choice and well-being, which violates the epistemological constraints on the interpersonal comparability of utilities, in the (b) it is confirmed through the failed practical implementation.

In particular, four challenging personal cases can be considered in the analysis of the two subsets of the objection. For the first set: a1) A person with masochistic and suicidal preferences; and a2) A person with moral motivation and ideological (externally motivated) reasons, which could lead him up to dying as a consequence of non-choice, as in the cases of heroes, martyrs, Socrates or Jesus. For the second

subset: b1) A person who has to face so many options that she remains paralysed without choosing, such as the story of Buridan's ass and the donkey incapable of choosing (Sen, 1997, 765); and b2) A child or a mentally ill person who is not able to choose autonomously (Sen, 1985, 204). As we will see the relation between well-being and free choice in each of the four cases remains ultimately constant, despite the *prima facie* variants.

Considering (a1), the masochist thinks that in choosing to self-harm or, to the extreme, to suicide he is achieving his well-being –nothing changes, of course, if it is somebody else to harm the masochist, since we suppose the consensual relation between the two. To oppose this maintaining that such is a case of free choice which not conducive to well-being, one has to offer first an alternative, substantive conception of well-being, and second to impose it on the masochist, without his consent. This is only possible through interpersonal utility comparisons, but since we have denied the epistemological plausibility of such possibility, any attempt to circumvent it remains an ideological imposition that is detrimental to well-being promotion. Equally, considering (a2), we can imagine a religious fundamentalist, a civic hero, or a radical philosopher who choose to renounce to do something which could promote their (supposed) well-being or, to the extreme, save their lives, but only at the cost of disowning their own principles. This is a typical case of choice of not choosing, in which the agent autonomously decides for attitudes that would seem apparently to be the exact opposite of well-being-seeking choice-making. After more careful observation, however, it can be discovered that such virtuous conducts are (and indeed can only be) valued *e contrario* by the possibility of not so acting. Fasting is valuable only in so far as individuals could eat; it is the choice of not eating that makes right the act. The well-being of these persons is dependent on their capability to choose (of not choosing) according to their value. Again, denying them the possibility of so choosing and acting would require an unjustified interpersonal assumption on well-being, thus representing an ideological imposition that is detrimental to well-being promotion.

The (b) cases are different, in that they are not cases of mislead assessment of the value of freedom of choice or well-being, but cases of failed practical implementation of the capability to choose freely. Considering (b1), we have to figure out a situation in which a person faces a decision between two or more options without knowing which one to prefer. She is undetermined on which to choose so that she gets stressed without arriving to any conclusive thought, and yet any of the two options would be beneficial to her well-being, just with slightly different degrees. Circumstance like these are indeed quite frequent and invite to think that at least in these cases we should not consider free choice as a effective means conducive to well-being or, the other way round, well-being is achievable more easily through devices other than free choice. Similarly, (b2) presents a case in which a young child or a mentally ill person are not autonomous in their decision-making. Despite scientific difficulties in the exact assessment of mental illness, I assume that a broad consensus can be taken for granted on the very possibility of considering a specific kind of mentally ill persons as incapable of autonomously choosing for themselves. The same applied, more uncontroversially, for young children. Now, both (b1) and (b2) are cases in which freedom of choice, I admit, is not the best strategy to achieve well-being on the provision that the agent under scrutiny is not able to choose, he is not capable to decide for himself about his future. Other strategies just focused on the well-being aspect (rather than well-being and agency freedom) have to be thus identified for these special cases. These, however, constitute only pragmatic

implementation failures, which not only do not confute the general validity of the principle of freedom of choice, but rather they confirm it in that they are based on the principle of freedom of choice itself.

Having responded to an oft-mentioned objection to the value of freedom of choice, I can now proceed to present the other elements of the consequentialist cosmopolitan theory of justice. In particular, the other twofold face of freedom of choice has to be still analysed: responsibility and vulnerability. The agent is free to pursue whatever the person decides to achieve, but then he has to bear the responsibility of his actions. A political system has then to be shaped in order to protect from vulnerability the agent's free choices and to impose responsibility on the agent's decisions. The issue of vulnerability and responsibility, which represents a crucial challenge for any proposal of international ethics, requires a clarification in order to draw the boundaries of the present proposal in a neater way.

Consequentialist global justice: a universal dual metric for a double conception of agency

In the previous sections the epistemological and normative bases of the consequentialist cosmopolitan proposal have been laid out. The coupling of recognition of the constraints on interpersonal comparability with that of the goal-based ethical imperatives has led to a restrictive interpretation of the notion of well-being as individual freedom of choice. In being both ultimately consequentialist and yet able to accommodate various agent-relative requirements, such notion is fitted to challenge a number of alternative theories of justice, including autonomy-based conceptions, utilitarianism, contractarianism, and the capability approach. Following from this argument, this section expands on the global dimension of the present proposal and identifies a precise metric serving as a universal measure able to re-interpret consistently the issue of responsibility and vulnerability in the domain of global ethics.

For its contribution toward the promotion of individual well-being freedom of choice represents a crucial component of the consequentialist ethics which needs to be universally protected and enhanced. As we will see, this will be pursued through a set a profound institutional reforms on several levels of political action world-wide. Before presenting these, however, what imports here is to stress the political principles which underpin such a social-political project. The normative structure of consequentialist cosmopolitanism, as a system of international applied ethics, involves the following three sets of principles (although only the first two are under scrutiny in this chapter). α) The *ultimate* consequentialist principle, i.e. the maximisation of world well-being conditions through the guarantee of freedom of choice. β) The *intermediate* principles, each referring to a specific applicative level, which contribute to the design of the political structure and institutions⁶ of a consequentialist global political system, such as, for example, the 'human rights regime' and the principle of state self-determination. Finally, γ) the *immediate* rules of action which derive from this consequentialist political structure, for instance, policies to guarantee the protection of human rights. Given the ultimate consequentialist norm,

⁶ More particularly, institutions are defined as general patterns or categorisations of activity made up of persistent and connected clusters of (formal and informal) norms. These principles and rules, organised into stable and ongoing social practices that prescribe behavioural roles, constrain activity and shape expectations, are a central ingredient because of their capacity and potential to promote reform and co-operation (Keohane, 1988, 383 and 393; Hurrell, 2001, 38; Parekh, 2003, 11).

the decisive criterion of validity for intermediate principles rests in the assessment of their long-term impartial socio-political performance with reference to the choice-based metric here adopted.

The metric adopted by the consequentialist cosmopolitanism refers to a fundamental political entitlement of each individual to achieve and develop the status of independent choice-maker (Sumner, 1996, § 6-7)⁷. In particular, in order to guarantee each individuals of its personal capability to choose freely and thus to pursue his own well-being, a number of specific social and political actions are needed. They can be grouped in two principal categories pertaining to vital interests and political agency. A first set of rights concerns those *vital interests* that form an inevitable pre-requisite for any other meaningful choice. They can be formulated in a transcultural way and should consequently be implemented universally and considered as absolute trumps to protect agent's autonomy⁸. The second set of legal entitlements regards, instead, the possibility of *political participation* in the public decision-making processes at each level of political action. These rights are intended as citizenship prerogatives and should be guaranteed to each citizen at multiple levels, according to his/her degree of involvement in a given political sphere. These two conditions of free choice are deemed to be fundamental to the enhancement of the individual capacity to control his/her life, and subsequently to promote his/her well-being, and are considered consequently as universal entitlements to be granted to each individuals universally.

Vital interests and political participation represents then the dual metric of the consequentialist global justice, in so far as they indicate the two sub-components of the universal right toward independent choice-making. In order to maximise the capability of choice of the individual, in fact, it is essential both to empower him of the appropriate skills and entitlements and to protect his autonomy from others' arbitrary interference. These are factors that can profoundly the individual capacity for free choice, affecting elements such as the range of options presented as available, the expected payoffs that the agent assigns to those options, and the actual payoffs – the outcomes– that result from the choice (Pettit, 1997, 53). Since they are so crucial for the capability of the individual they are to be considered as prerequisites for the very possibility of choice, and thus as imperatives from a consequentialist perspective that aims at maximising well-being through individual freedom of choice. They can thus be denominated as primary goods, in that they represent a good that a person has instrumental reasons to want, no matter what else he aims at, a good that is required for any other value to pursue.

Key concern of consequentialist cosmopolitanism is the scope and the form of the political system and the correlative method of assessing different multilayered institutional schemes in relation to freedom of choice. The guarantee of vital interests and the political participation of individuals play here a crucial role, as made clear, but they can indeed be interpreted in several ways and generate correspondingly

⁷ The interest in achieving the capability of freedom of choice in order to develop one's own conception of the good overlaps with the third Rawlsian high-order interest, which in his theory is closely connected with democratic citizenship. This is an interest "to protect and advance some determinate (but unspecified) conceptions of the good over a complete life" (Rawls, 1993, 74; 2001, 192).

⁸ In this sense, consequentialist cosmopolitanism avoids the criticism of Williams against consequentialism and utilitarianism according to which they would be "empty vessels", in that it recognises a set of universal vital interests —independent from adaptive preferences (Elster, 1982)— which always take priority over other goods (Williams, 1973, 135; Gray, 1983, 127).

different institutional frameworks. These are thus issues of maximal relevance to a project of international normative political theory that intends to confront the second challenge of international ethics: multilevel dimensionality (see chap. I). In this respect, an initial consideration to be illustrated concerns the scope of the political project. In holding an open and impartial conception of moral relevance, according to which all morally significant consequences affecting all morally significant persons should be taken into account, consequentialist cosmopolitanism maintains a universalistic form of consequentialism. This amounts to an extension of the scope of the ethical project to the entire world and consequently to the acknowledgement that the best moral code is one in which the observance of the political system would produce the best consequences in terms of the increase of world well-being conditions, i.e. in global terms, impartially assessed. Since the latter refers to the well-being functions of every person, the morally ideal world is, in conclusion, identified as that which maximises, through a scheme of public rules, the capability of choice of all world citizens.

Two social principles are inherently entwined with the notion of freedom of choice and the capability for self-determination as presented so far: responsibility and vulnerability. From a political point of view, they play a crucial role as normative considerations that shape the political system according to a reciprocal relationship. The first principle affirms that freedom means fitness for responsibility, and that in order to enjoy fully the value of freedom one needs to be ready to be held responsible for the consequences caused by her action (Sen, 2000; Pettit, 2001b, § 1). The second maintains, conversely, that freedom means avoidance of vulnerability, and that in order to enjoy fully the value of freedom one need not to be held under the sway of external factors that could deprive him of opportunities (Goodin, 1985). Clearly, they shed light on two interdependent normative claims, and yet they are often considered disjunctively at the international level. In this vein, it is common international thinking to consider responsibilities ending at the borders of one's state and vulnerabilities abroad not counting as evil to be repaired. In opposition to this, consequentialist cosmopolitanism holds a universal and reciprocal consideration of these two principles, in that they are implicitly required by the adoption of the freedom of choice ideal.

As a consequence, the characterisation of moral agency here envisaged is centred on the double recognition of the role of both choice-maker and choice-bearer. These two categories are the inevitable tools to offer a concrete normative implementation of the principle of responsibility and vulnerability. *Choice-maker* is here intended as the agent who is in the position to choose, decide, and carry out actions producing consequences on others. *Choice-bearer*, conversely, is the agent who bears the burden of the consequences of the action chosen, decided and carried out by somebody else. When these two categories are conceptualised as universal agents they produce an enlargement of the traditional notions of responsible and vulnerable agents, and identify new vulnerable political subjects and allocate special responsibilities beyond those traditionally charged to states or individuals⁹.

⁹ For the institutional and international application of the principles described so far see (Marchetti, 2004d, 2004a, 2004b, 2004c).

Conclusions

In this paper a comparative analysis of two distinct versions of agent-centred consequentialism, consequential evaluation and consequentialist cosmopolitanism, has been presented with a double intention: defending the possibility of conciliation of the consequentialist paradigm with the agent-relative component of freedom of choice, and identifying the point of contrasts of the two normative strategies. Two limits of the consequential evaluation approach have been detected which regards the issues of impartiality and interculturality. In response to these, consequentialist cosmopolitanism has been unfolded in its epistemological and normative bases and its credentials as a consistent agent-centred consequentialist theory shown.

References:

- Bentham, J. ([1781] 1988). *The Principles of Morals and Legislation*. New York: Prometheus Books.
- Berlin, I. (1958). *Two Concepts of Liberty*. Oxford: Oxford University Press.
- (1969). *Four Essays on Liberty*. Oxford: Oxford University Press.
- Broome, J. (1978). Choice and Value in Economics. *Oxford Economic Papers*, 30, 313-33.
- Carter, I. (2001a). *Choice, Freedom, and Freedom of Choice*. Unpublished manuscript.
- (2001b). Funzionamenti e capacità: una critica liberale alle teorie di Sen e Nussbaum. *Rivista di Filosofia*, XCII (1), 49-70.
- Cook, J. W. (1999). *Morality and Cultural Differences*. New York: Oxford University Press.
- Crocker, D. A. (1992). Functioning and Capability: The Foundations of Sen's and Nussbaum's Development Ethic. *Political Theory*, 20 (4), 584-612.
- Davidson, D. (1986). Judging Interpersonal Interests. In J. Elster & A. Hylland (Eds.), *Foundations of Social Choice Theory*. Cambridge: Cambridge University Press.
- Donatelli, P. (2001). Valore e possibilità di vita: Martha Nussbaum. *Rivista di Filosofia*, XCII (1), 97-120.
- Dowding, K. (1992). Choice: its Increase and its Value. *British Journal of Political Science*, 22 (3), 301-14.
- Dworkin, R. (1982). Is More Choice Better than Less? In P. French & T. Uehling & H. Wettstein (Eds.), *Social and Political Philosophy. vol. 7 of Midwest Studies in Philosophy* (pp. 47-62). Minneapolis: University of Minnesota Press.
- Elster, J. (1982). Sour Grapes - Utilitarianism and the Genesis of Wants. In A. Sen & B. Williams (Eds.), *Utilitarianism and Beyond* (pp. 219-38). Cambridge: Cambridge University Press.
- Gibbard, A. (1986). Interpersonal Comparisons: Preference, Good, and the Intrinsic Reward of Life. In J. Elster & A. Hylland (Eds.), *Foundations of Social*

Choice Theory (pp. 165-94). Cambridge: Cambridge University Press.

- Goodin, R. (1985). *Protecting the Vulnerable: a Reanalysis of Our Social Responsibilities*. Chicago: University of Chicago Press.
- (1990). Government House Utilitarianism. In L. Allison (Ed.), *The Utilitarian Response* (pp. 140-60). London: Sage.
- Gray, J. (1983). *Mill on Liberty: A Defence*. London: Routledge.
- Hardin, R. (1988). *Morality within the Limits of Reason*. Chicago ; London: University of Chicago Press.
- (2003). *Indeterminacy and Society*. Princeton, NJ: Princeton University Press.
- Hare, R. M. (1981). *Moral Thinking: Its Levels, Method, and Point*. Oxford: Clarendon.
- (1999). *Objective Prescriptions, and Other Essays*. Oxford: Clarendon.
- Harsanyi, J. C. (1979). Bayesian Decision Theory, Rule Utilitarianism and Arrow's Impossibility Theorem. *Theory and Decision*, 11, 289-317.
- Hatch, E. (1983). *Culture and Morality: The Relativity of Value in Anthropology*. New York: Columbia University Press.
- Hooker, B. (2000). *Ideal Code, Real World: a Rule-Consequentialist Theory of Morality*. Oxford, New York: Oxford University Press.
- Hooker, B., Mason, E., & Miller, D. E. (Eds.). (2000). *Morality, Rules, and Consequences: A Critical Reader*. Edinburgh: Edinburgh University Press.
- Hurrell, A. (2001). Global Inequality and International Institutions. In T. Pogge (Ed.), *Global Justice* (pp. 32-54). Oxford: Blackwell.
- Keohane, R. (1988). International Institutions: Two Approaches. *International Organization*, 32 (4), 379-96.
- Marchetti, R. (2004a). Cittadinanza cosmopolitica e migrazione. *Teoria Politica*, 20 (1).
- (2004b). Consequentialist Cosmopolitanism and Global Political Agency. In J. Eade & D. O'Byrne (Eds.), *Global Ethics and Civil Society*. Aldershot: Ashgate.
- (2004c). *Global Governance or World Federalism? A Dispute within Cosmopolitanism*. Paper presented at the ISA Annual Convention; *Hegemony and its Discontents*. Panel on Cosmopolitan Democracy, Montreal.
- (2004d). Principi e struttura del cosmopolitismo consequenzialista. In S. Maffettone & G. Pellegrino (Eds.), *Etica delle relazioni internazionali* (pp. 339-70). Cosenza: Costantino Marco.
- Nussbaum, M. (1993). Non-Relative Virtues: An Aristotelian Approach. In A. Nussbaum & A. Sen (Eds.), *The Quality of Life* (pp. 242-69). Oxford: Clarendon Press.
- (2002). Capabilities and Human Rights. In P. De Greiff & C. Cronin (Eds.), *Global Justice and Transnational Justice* (pp. 117-50). Cambridge (Mass.): The MIT Press.
- Nussbaum, M., & Sen, A. (1993). *The Quality of Life*. Oxford: Clarendon Press.
- Parekh, B. (2003). Cosmopolitanism and Global Citizenship. *Review of International Studies*, 29 (1), 3-17.
- Parfit, D. (1984). *Reasons and Persons*. Oxford: Clarendon.
- Pettit, P. (1993a). Analytical Philosophy. In R. Goodin & P. Pettit (Eds.), *A Companion to Contemporary Political Philosophy* (pp. 7-38). Oxford: Blackwell.

- (1993b). Consequentialism. In P. Singer (Ed.), *A Companion to Ethics* (pp. 230-40). Oxford: Blackwell.
- (1997). *Republicanism: A Theory of Freedom and Government*. Oxford: Clarendon.
- (2001a). Capability and Freedom: A Defence of Sen. *Economics & Philosophy* (17), 1-24.
- (2001b). *A Theory of Freedom: From Psychology to the Politics of Agency*. Cambridge: Polity.
- Pettit, P., & Brennan, G. (1986). Restrictive Consequentialism. *Australian Journal of Philosophy*, 64 (4), 438-55.
- Rawls, J. (1993). *Political Liberalism*. New York: Columbia University Press.
- (2001). *Justice as Fairness: A Restatement*. Cambridge MA: Harvard University Press.
- Reeve, A. (1990). Individual Choice and the Retreat from Utilitarianism. In L. Allison (Ed.), *The Utilitarian Response* (pp. 98-119). London: Sage.
- Regan, D. (1983). Against Evaluator Relativity: A Response to Sen. *Philosophy and Public Affairs*, 12, 93-112.
- Riley, J. (1988). *Liberal Utilitarianism. Social Choice Theory and J.S.Mill's Philosophy*. Cambridge: Cambridge University Press.
- Robbins, L. (1935). *An Essay on the Nature and Significance of Economic Science*. London (1952).
- (1938). Interpersonal Comparison of Utility: A Comment. *The Economic Journal*, 48 (192), 635-41.
- Scanlon, T. (1979). Preference and Urgency. *The Journal of Philosophy*, 72 (19), 655-69.
- (1988). The Significance of Choice. In S. M. McMurrin (Ed.), *The Tanner Lectures on Human Values VIII*. Salt Lake City: University of Utah Press.
- (2001). Sen and Consequentialism. *Economics & Philosophy*, 17, 39-50.
- Sen, A. (1980). Equality of What? In S. M. McMurrin (Ed.), *The Tanner Lectures on Human Values*. Cambridge: Cambridge University Press.
- (1982a). *Choice, Welfare and Measurement*. Oxford: Basil Blackwell.
- (1982b). Rights and Agency. *Philosophy and Public Affairs*, 11, 3-39.
- (1983). Evaluator Relativity and Consequential Evaluation. *Philosophy and Public Affairs*, 12 (2), 113-32.
- (1985). Well-Being, Agency and Freedom: The Dewey Lectures 1984. *The Journal of Philosophy*, 82 (4), 169-221.
- (1988). Freedom of Choice. Concept and Content. *European Economic Review*, 32, 269-94.
- (1992). *Inequality Reexamined*. Oxford: Clarendon Press.
- (1993a). Capabilities and Well-Being. In A. Nussbaum & A. Sen (Eds.), *The Quality of Life* (pp. 30-53). Oxford: Clarendon Press.
- (1993b). Positional Objectivity. *Philosophy and Public Affairs*, 22 (2), 126-45.
- (1997). Maximisation and the Act of Choice. *Econometrica*, LXV (4), 745-75.
- (2000). Consequential Evaluation and Practical Reason. *The Journal of Philosophy*, 97 (9), 477-502.
- (2002). Open and Closed Impartiality. *Journal of Philosophy*, 99 (9), 445-69.
- Sumner, L. W. (1996). *Welfare, Happiness, and Ethics*. Oxford: Clarendon Press.

Williams, B. (1973). A Critique of Utilitarianism. In J. J. C. Smart & B. Williams (Eds.), *Utilitarianism: For and Against* (pp. 75-150). Cambridge: Cambridge University Press.