

The Return of Expensive Tastes: Response to Porter¹

Does equality require equalising the extent to which people can satisfy their preferences? Does it require, in other words, equality of subjective welfare (or, to introduce Porter's vocabulary, if we care about equality, should we be distributive subjectivists [DS]?). One familiar objection – the expensive tastes objection – holds that we should *not* give more resources to people who require more simply because otherwise they could not satisfy their preferences to the same extent as others. Or, more simply if somewhat less precisely: people don't have a claim for some additional X amount of resources simply because their preferences are more expensive to satisfy. The proponents of the objection aim to bring our intuitions into focus by invoking examples of a demanding individual called Louis who insists that his tastes are so refined that he must drink champagne where others must be content to drink beer instead. Then they ask if we want to grant Louis a champagne subsidy, expecting us to reject the proposal.

In his paper Porter observes that in so far as the objection rests only on our intuitive responses to such examples, it is unclear why it should count as decisive against distributive subjectivism. After all, intuitions can be misleading: not everyone shares the anti-expensive taste intuitions and even those who do would likely admit that their anti-expensive tastes intuitions are less strong than other intuitions that they may have about justice (for example, that slavery is unacceptable). And yet, notes Porter, the expensive tastes objection carries a lot of weight in debates about DS since, he argues, two other key objections to it (from reasonable regret and adaptive preferences) rest ultimately on the expensive taste objection. That's a lot of weight to carry for an objection that rests merely on intuitions. Porter's paper is meant to provide a more sound grounding for the objection and thus the rejection of DS. In a nut-shell, his key point is that the anti-expensive tastes intuition derives its force from the liberal concern for state neutrality over conceptions of the good. The latter holds that, under conditions of reasonable pluralism regarding what makes for a good life, the state should not privilege one conception of the good over another. This means, argues Porter, that the state should not ground entitlements to resources simply on the need for someone to satisfy her preferences and realize her conception of the good (to the same extent as others can realize it). But, according to Porter, this is precisely what goes on in the successful examples adduced to support the expensive tastes objection.

Since the expensive tastes objection is often invoked against both subjectivist and objectivist conceptions of equality of welfare, let me emphasise that Porter's argument is meant to explain only what's wrong specifically with the subjectivist metrics (although he admits in footnote 17 that 'something like' the expensive tastes objection may apply to objectivist metrics as well). Let me be clear, then, about what I take Porter to mean by DS (and, like him, I am focusing only on *egalitarian* DS). DS holds that when equalizing welfare levels we must see each person as the judge of 'how well ...[his or her] life is going' (5). This does not mean that each individual has a final say over whether her welfare is high or low (or relatively high or low) but rather that we can assess his or her welfare with reference to his or her preferences. So an individual who can satisfy his or

¹ I am grateful for comments to Jonathan Quong.

her preferences to a greater extent than others will have a higher welfare than others (whether or not that person himself correctly assesses the extent to which he can satisfy his preferences). The measure is subjective, then, in the sense that we use the subject's preferences to measure his or her welfare. Porter notes that if we want to opt for such a subjectivist metric we must motivate our choice. And this is precisely where, according to him, DS runs into trouble.

So how can distributive subjectivists motivate their choice of the metric of equality? According to Porter, they can either insist that (1) it is itself important that people satisfy their preferences (to an equal extent) or that (2) satisfying their preferences will allow people to lead more valuable lives. So let me look at each of the strategies (although I will say very little about the first one).

Re: (1). Porter does not think that DS can be grounded in a claim that it matters in itself that preferences be satisfied (to an equal extent). Following Scanlon and Dworkin he finds it implausible that egalitarians (or anyone) should be concerned with the satisfaction of preferences just because people have them. To think that preferences matter in a way that should influence (re)distribution of resources simply because people have them (and not because they allow people to achieve anything of value), would be to conceive of people, in Dworkin's words that Porter reminds us of, as 'tick-addicts' (25-6). I am not sure if this objection to DS is meant to invoke or rests on the expensive taste objection (presumably it is a distinctive objection to DS?), but what I really want to ask is whether the objection retains any force with regard to what Cohen has named 'brute-tastes'? Brute tastes are preferences that are non-judgemental such as, for example, my preference for tofu over fish if fish makes me gag. Is it that implausible to suppose that satisfying brute tastes matters simply because people have them? But perhaps Porter is simply bracketing off brute tastes.

Re: (2) The proponents of DS can alternatively claim that preferences must be satisfied (to an equal extent) because satisfying them allows people to lead (equally) valuable lives. Satisfying preferences would have this result (putting some complications aside) if by a valuable life we mean simply a life that the individual values. But, given the assumption of reasonable pluralism, what one individual values will not necessarily be what another one does. This, argues Porter, presents a problem for an individual who insists that she needs additional resources X to lead an equally valuable life. To see this, consider what strategies are open to the person to ground her demand for X. (i) If she claims that she needs X to lead an equally valuable life, her claim will be challenged by someone who disagrees with her conception of the good. She could respond by insisting that her understanding of what is of value is correct and should be accepted by others, but this seems to be precisely what she cannot claim (or, to be precise, such a claim cannot ground entitlement to X since it would violate the principle of neutrality between conceptions of the good). (ii) She could try grounding an entitlement to X in the (allegedly) neutral value that each person should be able to achieve an equally valuable life, where preference-satisfaction is a measure of the degree to which a person is leading a valuable life. Notice that now the individual does not claim that she should get X in order to lead an equally valuable life, rather she should get it in order to lead a life that is

(equally) valuable by her standards of what is valuable. But, assuming that we do not want the claim to collapse into an assertion that equal satisfaction of preferences is important regardless of whether their satisfaction allows individuals to achieve valuable lives, we seem bound to run into exactly the same problem as with the first strategy: the person will need to insist that satisfying her preferences is necessary for her to lead a valuable life while others who disagree with her conception of the good will reject this claim. Hence, Porter concludes, the proponents of DS cannot present their position as neutral: ‘...it’s an aspect of the fact of reasonable pluralism that in many cases others may reasonably refuse to accept that when some individual lives a life which realises her values to an equal degree, she *does* have an equally good life. So...distributive subjectivists can’t present their account of the correct political conception of individuals’ good as neutral in the way that it would have to be to conform to the liberal principle of legitimacy.’ (31)

I think that Porter is absolutely right to suggest that we reject what I will call unconstrained DS. Unconstrained DS treats *all* assertions about what is of value (what makes life good) as equivalent and equally valid bases for entitlements to resources. Some such assertions, however, can be rejected as unreasonable (i.e. as falling *outside* of the scope of reasonable disagreement). But I am not sure if we need to (or even can) appeal to the principle of liberal neutrality, as interpreted by Porter, in order to reject such *unreasonable* assertions (incidentally, I deal with the problem of disagreement over *reasonable* conceptions of the good below). Here is why I (tentatively) think so. Liberal neutrality, as Porter seems to interpret it, requires that values (conceptions of the good) to which people appeal in order to justify redistribution are acceptable to all (4, 34). This might mean two different things. First, it might mean that such values must be acceptable to all actual members of a given society (whether it be our global society, Britain, an association of French-speaking philosophers, or any other society ripe for egalitarian justice). If this is what it means, however, we should reject it. For imagine that a sizable portion of a given society insists that giving everyone free at the point of use weekly glamorous haircut makes lives better than giving everyone access to resources that will enable them to secure meaningful jobs. Since not all recognize the importance of securing meaningful jobs, demands made for resources that would facilitate access to such jobs could not be granted. But whether such demands should be granted or not ought not to hinge on whether some portion of society favours the haircut conception of the good over the meaningful jobs conception of the good. Rather, we should grant the resources to the job claimants and not the haircut claimants because the former make a reasonable demand and the latter an unreasonable demand in the light of an objectivist metric of welfare (or, as I prefer to call it, interests). So we should reject unconstrained DS because we should recognize some conceptions of the good as objectively less good than others. (Incidentally, note that I do not mean to deny that some value is realised by having weekly glamorous haircuts, I only deny that this value trumps the value of having a meaningful job, whether or not all members of a given society accept this).

Porter could agree, however, with my suggestion that we should not look for agreement among all members of a given society but insist that this move is dictated not by any acceptance of an objectivist metric of value but by a proper rendering of the principle of

liberal neutrality. Following Rawls, Porter could point out that liberal neutrality does not require that we worry about what is acceptable to all members of a given society but only about what is acceptable to the reasonable (idealised) members. In any case, the main point I want to make is this: I suspect that what does the work of rejecting certain demands to resources X is not primarily or necessarily our concern that if we admit them we will not be neutral, but our concern to exclude some conceptions of the good altogether as an admissible basis for making claims on each other. If this is correct, then the anti-expensive tastes intuition would be grounded not in our concern for liberal neutrality but in our recognition that some conceptions of the good are (objectively) unreasonable. Note, of course, that none of the above is meant to undermine Porter's rejection of what I would call unconstrained distributive subjectivism: DS must be constrained to eliminate unreasonable claims about value.

I have one further worry about the role the principle of neutrality can play in our rejection of distributive subjectivism. Assume, for the sake of argument, that all unreasonable demands to resources have been eliminated. Surely this would not eliminate all disagreement about what makes life good; some disagreement remains because some disagreement is reasonable in the sense that one person cannot dismiss another person's views about what is of value (or how to rank different interests) as unreasonable. I want to suggest, then, that when disagreement over entitlements arises from reasonable disagreement over values, the principle of neutrality might be thought to *support* DS (of the constrained type). Here is why I think this is possible. Assume, for the sake of the argument, that we can reasonably disagree about whether being smart or being kind makes life valuable. You think that being smart, and only this, makes life valuable and I think that being kind, and only this, makes life valuable (so you have a 'smart conception of the good' and I have a 'kind conception of the good'). Assume also (so that we put aside irrelevant distractions) that redistribution is in general justified in order to make lives equally valuable. Imagine also that my conception of the good happens to be expensive in that I will need much more than you will (a whole X more) in order to realize my conception of the good (i.e. receive the moral education that will make me kind). We know that you can reasonably disagree with my conception of the good but can you reasonably reject my demand for X?

Porter may be taken to argue that you can: I, in demanding X, ask you to accept my conception of the good with which you disagree; and since you disagree with it, you can therefore reasonably reject my demand for X. However, just because we can reasonably disagree about the two conceptions of the good, it does not follow, or so I want to argue, that you can reasonably reject my demand. That is, from the fact that you can reject my claim about value, it does not follow that you can reject my claim to X. After all, our disagreement is reasonable: both our conceptions are conceptions that reasonable people may hold, so at the very least when I make my demand I do not make a demand that you can characterize as trivial or *manifestly* mistaken or held against the burden of evidence; nor can you see it as a demand that only a selfish person could make. Moreover, we already accepted that we should redistribute resources to make lives more valuable. Assuming (until the next paragraph) that we do not want to give up on this project, redistributing resources so that each of us can realize our conception of the good (to the

extent that we can afford it) seems the most obvious way to go about it. Certainly, if both tastes were equally cheap, it would seem the most obvious way to do it. We could, of course, toss a coin to decide which conception to follow since both are reasonable, but there would hardly be any reason to do that. Of course, my conception of the good is meant to be expensive and this does give us a reason to pick your conception over mine, but this reason, or so it seems to me, is a reason of efficiency and has nothing to do with the liberal concern for neutrality – if anything, I am suggesting that it would sacrifice neutrality (since now one conception becomes dominant). Concern for efficiency may in the end prove decisive, and if this is so then we can expect the expensive tastes objection to track this concern rather than the concern with liberal neutrality.

Of course, when faced with reasonable disagreement over our conceptions, we may decide to abandon the project of redistribution of resources to make people's lives more valuable altogether (and perhaps Porter's argument could be read to suggest this). It may turn out, that is, that our desire to redistribute in order to allow people to lead equally valuable lives was all along grounded in the mistaken view that there is just one objective ranking of values. But we should not jump ship so quickly: if we really think that our disagreement over conceptions of the good is reasonable (that is, no one is asking to receive resources for things that they *should* accept as trivial, etc.), then my insistence that I need resources to become kinder should hardly lead you to conclude that my demand is unreasonable or, worse, that I am tick-addict. In essence, when faced with reasonable pluralism we may do well to conclude that just because we do not endorse the values of others it does not follow that such people cannot ground their claims to resources in a genuine concern for a valuable life, and it does not follow that we can reasonably reject such claims.

Let me note that there is much in Porter's subtle and illuminating paper that I have not addressed (for example, I said nothing about his arguments aimed at showing how other key objections against DS turn on the acceptance of the expensive tastes intuition). I also did not consider objections to DS which, I think, will loom large (and likely prove decisive) when we try to figure out what it requires of us in practice and realise that we cannot construct a single adequate metric for interpersonal comparisons. I only raised some questions about the role appeals to liberal neutrality can play in our acceptance or rejection of DS and of the expensive tastes objection. I have tentatively suggested that we do not need to rely on the principle of liberal neutrality to motivate the expensive tastes objection, and that the principle of neutrality may even lead us to adopt a constrained subjectivism for our welfarist currency of justice (should we want one). As far as I can see, I agree with Porter on what really matters, namely that unconstrained DS should be rejected and that it should be rejected because it allows people to make unreasonable claims on each other.