Duties of Minimal Wellbeing and Their Role in Global Justice

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Abstract

This thesis is the first step in a research project which aims to develop an accurate and robust theory of global justice. The thesis concerns the content of our duties of global justice, under strict compliance theory. It begins by discussing the basic framework of my theory of global justice, which consists in two aspects: duties of minimal wellbeing, which are universal, and duties of fairness and equality, which are associative and not universal. With that in place, it briefly discusses the nature of duties of fairness and equality. I shall argue that they are associative, because they are derived from the form of cooperation at hand; and that there are three kinds of them in our contemporary world: states, local cooperation and trans-state cooperation. It is from their forms of cooperation that these duties are derived.

After that, the thesis focuses exclusively on duties of minimal wellbeing. Against the usual account of these duties - the human-flourishing account - I argue for my human-life account. This account argues that the function of these duties is to secure a human life for individuals; and it begins with a Razian conception of wellbeing, which states that the wellbeing of an individual is fundamentally constituted by: (a) the satisfaction of his biological needs, and (b) his success in whole-heartedly pursuing socially defined and determined goals and activities which are in fact valuable. An account of what constitutes a human life is then derived from this conception of wellbeing – it is a life that consists in having a level of wellbeing that is higher than the satisfaction of biological needs, where this is constituted by the pursuit of goals and activities with a sense of what is worth doing; and this in turn consists in: (a) being able to forms ideas of what is worth doing, (b) being able to revise them in light of further reasons, and (c) being able to coordinate one's actions according to them. I then determine the specific objects of duties of minimal wellbeing (means for the satisfaction of biological needs, education, physical security, freedom of belief, association and expression, freedom of non-harmful conduct, and minimal resources), by determining what is involved in securing such a human life for individuals.

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Chapter 1
Introduction

> We're all here in this world for some reason or another. If you're aware of injustice, you can either ignore it, say there is nothing you can do about it, complain about it and not do anything, or put your energies into doing something about it. And for me, the only thing that is a meaningful use of my life is to work to improve the quality of life for people who are disadvantaged. I don't believe that just because one person is born on one side of some imaginary line and another person is born on the other side means that a lot of people should be getting screwed through no fault of their own.
>
> Ben Cohen[1]

> We do not live in a just world. This may be the least controversial claim one could make in political theory. But it is much less clear what, if anything, justice on a world scale might mean, or what hope for justice should lead us to want in the domain of international and global institutions, and in the policies of state that are in a position to affect the world order.
>
> Thomas Nagel[2]

1. - Introduction.

The subject of this thesis is global justice. By 'justice' here, I do not refer to criminal justice or retributive justice. Rather, I am referring to distributive justice broadly construed. Thus I am not narrowly concerned with the just distribution of economic goods. My thesis is also concerned with the just distribution of advantages, opportunities, liberties, freedoms, capabilities, protections and other non-economic goods. More

[1] American Businessman, Social Activist. Assessed on 20 Dec 2010 at URL = <http://www.betterworldheroes.com/pages-c/cohen-quotes.htm>.
[2] Nagel 2005: 113.

specifically, this thesis is an attempt to develop and argue for a theory of global justice. Such a theory specifies what everyone, as a matter of (broadly distributive) justice, owes towards each other person around the world; and thus it also specifies what constitutes (broadly distributive) justness and unjustness in the global arena.

However, given the extensiveness of this subject matter, this thesis cannot even pretend to have a complete theory of global justice, so construed. It is therefore only the first step, which began with my M. Litt. Dissertation,[3] of a research project, one that I hope will lead to a robust and accurate theory of global justice. This thesis therefore restricts itself to first discussing the basic framework of my theory of global justice, which can be summarized as consisting in two aspects: duties of minimal wellbeing and duties of fairness and equality. The bulk of the thesis then focuses in detail on one of these two aspects – duties of minimal wellbeing.

2. - Assumptions of the Thesis.

Before I explain in detail the structure of this thesis, allow me to first discuss a couple of assumptions behind it.

2.1 – Justificatory Thinness & Justificatory Minimalism.

I take it as a basic requirement that whenever we would like to impose something on others, we need to be able to justify it to them. And this is no different with a theory of global justice, since it imposes obligations on everyone around the world. Seen in this light, this thesis is not just merely developing and arguing for a theory of global justice, it is an exercise in justification, that attempts to justify a theory of global justice, and its demands, to everyone around the world. The arguments in this thesis must therefore be understood against this background.

Because there is such a background, we therefore need to know what it means to

[3] Lee 2007.

justify something to others. This is a notoriously difficult and deep issue, which requires a whole research project in its own right. Without offering a full-fledged account of what it means to justify something to others, I believe we can make (for the purposes of this thesis) the following few points, that would be accepted by any plausible full-fledged account of what it means to justify something to others.

To start with, since it is a theory of global justice that we are attempting to justify, and we are attempting to justify it to everyone around the world, we are therefore not attempting to justify it to a group of homogeneous individuals, who share the same values, beliefs, commitments, conceptions of the world etc. Rather, we are attempting to justify it to a group of heterogeneous individuals who hold different, if not incompatible, values, beliefs, commitments, conceptions of the world etc.

The reason why justification has to take that into account, is because of reasonable pluralism. There are a variety of different, but incompatible and irreconcilable, reasonable conceptions of the good, values etc., because of the burdens of judgement.[4] Thus if that is not taken into account, when trying to justify something as normative as a theory of global justice, the justification would not acknowledge the burdens of judgement.

As a result, I therefore take something like Rawls's overlapping consensus as a working model that reflects this kind of heterogeneity. According to it, we are able to justify a theory of global justice to everyone around the world, if the theory could be agreed upon by individuals who hold different and incompatible, but reasonable, comprehensive doctrines.[5] We are only asking that the theory *could* be agreed upon by individuals, since they might not actually agree on it for reasons of ignorance, self-interest

[4] For reasonable pluralism, see Rawls 1996: 36-37. The general idea here is that given the nature of judgement - its burdens – there can be, and indeed there are, reasonable disagreements concerning them. For burdens of judgement and its relation to reasonable pluralism, see Rawls 1996: 54-58.

[5] This is not exactly what Rawls means by overlapping consensus. For him, the end that is secured by overlapping consensus is stability (or legitimacy according to some, see Muhall & Swift 1996: 184-188), not justification. However, what is significant about Rawls's overlapping consensus for my purposes is the explicit acknowledgement of reasonable pluralism, something that we cannot ignore when talking about global justice, even though Rawls discussions of it seems to confine it to free democratic societies. See Rawls 1996: 133-172 & 2001: 32-38.

or plain irrationality.[6] Yet something cannot be rendered unjustified because of such reasons. We are also asking that the theory could be agreed upon by individuals who hold *reasonable* comprehensive doctrines. Such individuals recognize the need to be able to justify impositions to those on whom one imposes, and the need to have a theory of global justice that takes into account the fact that all individuals around the world have some kind of normative status that is worthy of consideration.[7] An example of an unreasonable comprehensive doctrine would be one which dogmatically asserts that some individuals of a certain race are basically pests that reside in one's garden. Individuals with such unreasonable comprehensive doctrines most probably could not agree with any theory of global justice. But just as individuals who hold the unreasonable view that they have the absolute divine right to kill whoever they want are not exempted from the *obligation not to kill just because one wants to*, even when they would not agree to the obligation at all, so individuals who hold unreasonable comprehensive doctrines are not exempted from the impositions of a theory of global justice, insofar as the theory could be agreed upon by all those who hold reasonable comprehensive doctrines.

In any case, I do not believe that whether a theory of global justice could be agreed upon by individuals who hold different and incompatible but reasonable comprehensive doctrines is something that can be resolved from the armchair. This is because it involves taking all the reasonable comprehensive doctrines around the world, and asking, for each of them, whether the theory could be agreed upon by individuals who hold them. But this cannot be done, unless we know what various reasonable comprehensive doctrines there are around the world. This is not something that can be known in an armchair.

[6] I take this to mirror Rawls's claim that the political conception of justice is supported (e.g. Rawls 2001: 32) or can be supported (e.g. Rawls 1996: 145) by different and incompatible but reasonable doctrines. Although Rawls does sometimes talk in terms of affirmation when he talks about overlapping consensus (e.g. Rawls 2001: 33), he seems to be talking about the affirmation of citizens in a well-ordered society, who are idealized individuals rather than actual individuals.

[7] I take this to be analogous to Rawls's claim that a reasonable comprehensive doctrine is one where the individual who holds it is ready to propose principles that specify the fair terms of cooperation and comply with them even at the expense his own interests as circumstances require, when others are moved to do likewise. See Rawls 2001: 191.

Nevertheless, I believe there are certain commitments that, if incorporated while developing a theory of global justice, will result in a theory that most likely could be agreed upon by individuals who hold different and incompatible but reasonable comprehensive doctrines.

As I shall argue later in chapter 3 when I discuss the human flourishing account of duties of minimal wellbeing, trying to achieve overlapping consensus on something as normative as a theory of global justice is not just about offering it on the table, and asking whether everyone could reasonably agree with it. Rather, it involves making explicit one's comprehensive doctrines, elucidating and justifying one's beliefs, commitments, values, and weaving them all together into a theory of global justice. It also involves engaging the reasonable comprehensive doctrines of others, to understand their elucidation and justification of their beliefs, values and commitments, and understand them by relating them to one's theory of global justice. The hope is that through such a process, a theory of global justice will eventually emerge which everyone could reasonably agree with. If that is the case, then I believe that if we bear in mind the following two commitments, when developing a theory of global justice, it would be easier for it to achieve overlapping consensus.

- Justificatory thinness: the less rich and the less pervasive are the concepts that are involved in a theory of global justice,[8] the more likely that overlapping consensus can be achieved with that theory, and *vice versa.*
- Justificatory minimalism: the fewer are the starting ideas from which everything else is derived in a theory of justice, the more likely that overlapping consensus can be achieved with that theory, and *vice versa.*

These two commitments mirror the intuitive idea that if there is less we need to agree on,

[8] As will become clearer when I argue against the human flourishing account in section 3 of chapter 3, I take a concept being rich to mean that it involves many other concepts, some of which are themselves also rich in this sense. The concept is therefore also pervasive in the sense that its meaning is intricately tied up with the meaning of many other concepts. One cannot understand its meaning independent from the meanings of its connected concepts, and a shift in the meaning of one will lead to a shift in the many others that are connected.

and if the things on which we are trying to agree on are simpler, then we are more likely to reach agreement on them. More specifically, the less rich and the less pervasive are the concepts involved, the easier it would be to elucidate and justify them. It would also be easier for others to understand their elucidation and justification, and relate them to one's beliefs, values and commitments. Furthermore, if the end on which we are trying to seek agreement is derived from fewer starting ideas, then (assuming the end is derived validly from those starting ideas) it would be easier for us to agree on the end. This is because there would be fewer things that we need to agree on, before we can do so. In contrast, if the end is derived from more starting ideas, then it would be harder for us to agree on the end. This is because there would be more that we need to agree on, before we can do so. Thus the less starting ideas there are from which the end is derived, the easier (and therefore the more likely) it is that agreement on the end can be achieved.

These two commitments - justificatory thinness and justification minimalism – are assumed in the background throughout this thesis. In places where they are particularly relevant - for example in my criticisms of the human flourishing account of duties of minimal wellbeing (chapter 3) and in my discussions on the objects of these duties (chapter 7) - I shall make explicit reference to them.

2.2 – Strict Compliance Theory.

In advancing a theory of global justice, this thesis is also restricted to strict compliance theory. It concerns what global justice demands from individuals, assuming that all of them comply with its demands. In contrast, partial compliance theory does not assume that all individuals comply with its demands. Thus it further considers what global justice demands when that happens. Since not complying with the demands of global justice constitutes an injustice, partial compliance theory is therefore concerned with what global justice demands, when there are injustices.[9] An example of a theory of global justice

[9] The distinction between strict compliance theory and partial compliance theory is also drawn by Rawls. See Rawls 1971: 8.

as a partial compliance theory is Miller's position.[10]

One might doubt the value of strict compliance theory, for two reasons: First, it seems too unrealistic an assumption, that all individuals would comply with the demands of global justice. Second, when we apply a theory of global justice, we are not creating a world from scratch according to the theory. Rather, we apply it in the world as we find it. And in the world as we find it, there are already a lot of injustices (recall the Nagel quotation in the beginning). Thus the application of a theory of global justice - as a strict compliance theory - is rather limited, if not having no application at all.

I agree with the above two reasons. However, that just means we should never see strict compliance theory as a complete theory of global justice, not that there is no point in working on strict compliance theory. Indeed, insofar as partial compliance theory concerns what global justice demands when there are injustices, strict compliance theory is needed to specify what constitutes injustices - the demands of global justice that ought to be fulfilled but are not fulfilled in reality.[11] It is only when we know what constitutes injustices that we can identify when there are injustices, and ask what global justice demands with regard to them. Thus at the very least, strict compliance theory supplements partial compliance theory. A complete theory of global justice must therefore include both of them. Given the limited space in this thesis, I therefore limit it to strict compliance theory, and leave out partial compliance theory for future research (see Chapter 8 for further research).

2.3 – Individuals as Primary Duty Bearers.

This thesis is also only concerned with the content of our duties of global justice (under strict compliance theory). Thus it will not discuss who exactly bears these duties. Nevertheless, I believe that the primary bearers of these duties (the subsequent chapters of

[10] Miller 2007. Miller does not draw this distinction between strict compliance theory and partial compliance theory. But remedial responsibilities are what global justice demands from us when there are injustices.
[11] In the case of Miller, this role is played in part by his account of basic human rights. See Miller 2007: 163-200 (chapter 7).

this thesis will discuss what exactly are these duties) are individuals themselves, subject to certain qualifications (e.g. in so far as they are not incapable to fulfil them). To avoid complicating the discussions in this thesis with qualifying clauses, I shall proceed under the assumption, that it is individuals who are the primary bearers of these duties.

The issue of who are the primary bearers of duties of justice, is a very extensive and complicated issue. Given the limited space in this thesis, it is impossible to adequately argue for and defend the above assumption. I shall therefore leave this task for further research (see Chapter 8 for further research). To lend some plausibility to my assumption, I shall now briefly discuss an alternative but prominent position - the primary bearers of duties of justice are states, rather than individuals themselves.

To begin with, note that by holding individuals as the primary bearers of duties of justice, it does not follow that it should be they who have to discharge those duties, or that states do not have any duties of justice. Although individuals are the primary bearers of duties of justice, it seems plausible to suggest that for a variety of reasons (e.g. efficiency, issues of collective action, informational issues, economies of scale, costs, the legitimacy of coercion etc.), it is best that states discharge these duties of justice on behalf of individuals. Thus states are the secondary bearers of duties of justice.[12] Insofar as states appropriately discharge these duties of justice on behalf of individuals, then individuals can be seen as having appropriately discharged their own duties of justice. Thus it is compatible with my position to hold states as the bearers of duties of justice rather than individuals, for a variety of instrumental reasons. The challenge for the alternative position – that states are the primary bearers of duties of justice - is to offer non-instrumental reasons for why that is the case.

Let me now briefly discuss the reasons that Rawls offers, who seems to hold the position that states are the primary bearers of duties of justice, when he argues that the

[12] Secondary in the sense that the duties that they bear are derived from the duties that individuals bear.

primary subject of justice is the basic structure.[13] Rawls offers two sets of reasons for his position. The first set concerns division of labour,[14] while the second set concerns the profound and pervasive influence that states have on the lives of individuals.[15] Let me start with the first set.

According to Rawls, even if a society started out as just (because all the duties of justice are fulfilled), as time goes on together with the actions of each individual, the society would be less just. As he says, "Even though the initial state may have been just, and subsequent social conditions may also have been just for some time, the accumulated results of many separate and seemingly fair agreements entered into by individuals and associations are likely over an extended period of time to undermine the background conditions required for free and fair agreements. Very considerable wealth and property may accumulate in a few hands…".[16] To ensure that does not happen, individuals need to assess their every act, to see whether it compromises the justness of the society. This seems rather costly and practically impossible. A better alternative is to have a division of labour. States work constantly in the background to maintain the justness of the society, and lay down laws that prevent the actions of individuals from compromising that justness. From the perspective of justice, all individuals are required to do is to abide by those laws when they act. This alternative is more practically possible and less costly, than where individuals are required to assess their every act. As Rawls says,

> "we rely on an institutional division of labour between principles required to preserve background justice and principles that apply directly to particular transactions between individuals and associations. Once this division of labour is set up, individuals and associations are then left free to advance their (permissible) ends within the framework of the basic structure, secure in the knowledge that

[13] Rawls 1971: 7-11 & Rawls 2001: 10-12. For the purposes of the argument, I shall take the state to refer to the basic structure of the society. I do not think that any of my subsequent critical discussions depends on this claim.
[14] Rawls 2001: 52-55.
[15] Rawls 2001: 55-57 & Rawls 1971: 7.
[16] Rawls 2001: 53.

> elsewhere in the social system the regulations necessary to preserve background justice are in force…. This allows us to abstract from the enormous complexities of the innumerable transactions of daily life and frees us from having to keep track of the changing relative positions of particular individuals".[17]

I agree that it is costly and practically impossible, for individuals to assess their every act to see whether they are violating duties of justice, or divert all their actions to the fulfilment of duties of justice. However, these are just instrumental reasons for making states the bearers of duties of justice. Acknowledging them is therefore compatible, at least in theory, with holding individuals as the primary bearers of duties of justice. Rawls's first set of reasons, therefore does not necessarily support holding states as the primary bearers of duties of justice.

The second set of reasons that Rawls offered for holding states, rather than individuals, as the primary bearers of duties of justice, is the profound and pervasive influence that states have on the lives of individuals.[18] As he explains,

> "The basic structure is the primary subject of justice because its effects are so profound and present from the start. The intuitive notion here is that this structure contains various social positions and that men born into different positions have different expectations of life determined, in part, by the political system as well as by economic and social circumstances. In this way the institutions of society favour certain starting places over others. These are especially deep inequalities. Not only are they pervasive, but they affect men's initial chances in life…".[19]

It does seem to be true that states have a profound and pervasive influence on the lives of individuals. But so do many other things in the lives of individuals (e.g. his community, his workplace, his church, his friends etc. and the actions of other individuals). Thus at most the state has a *more* profound and pervasive influence on the lives of individuals, than

[17] Rawls 2001: 54.
[18] Rawls 2001: 55-57 & Rawls 1971: 7.
[19] Rawls 1971: 7.

other things in individuals' lives.[20] But that is just a difference in degree rather than a difference in type. Mere difference in degree does not seem to warrant making states the primary bearer of duties of justice, but while denying that other things in individuals' lives, which also have the same feature but to a lesser degree, are also primary bearers of such duties. Furthermore, even if states do have so profound and so pervasive an influence on the lives of individuals - markedly discontinuous with the influence other things have on the lives of individuals - this can be taken into account by paying particular attention to states and their effects on individuals when fulfilling duties of justice, whoever the bearers of those duties are. Thus the fact that states have a profound and pervasive influence on the lives of individuals does not necessarily support holding states as the primary bearers of duties of justice. Neither of the two sets of reasons that Rawls gives necessarily support holding states as the primary bearers of duties of justice.

All this therefore lends plausibility to my assumption that it is individuals who are the primary bearers of duties of global justice. This assumption must be borne in mind when reading through this thesis.

3. - Structure of Thesis.

With the above three assumptions in place, the structure of this thesis is as follows: Chapter 2 starts by illustrating the basic framework of my theory of global justice, which consists in two aspects: duties of minimal wellbeing and duties of fairness and equality (sections 2 to 3). The rest of the chapter (sections 4 to 7) puts duties of minimal wellbeing aside, and focuses on duties of fairness and equality. In particular, it tries to illustrate the content of these duties, by discussing the different kinds of them that we have. After that, the rest of the thesis exclusively focuses on duties of minimal wellbeing. Chapter 3 starts it off by arguing against one common account of these duties – the human flourishing

[20] Even this claim might be doubtful. It seems plausible to suggest that in some remote communities, it is the community rather than the state that has a more profound and pervasive influence on the lives of those who live in them.

account - in favour of my human-life account. According to my account, the function of duties of minimal wellbeing is to secure a human life for all individuals; and an account of what a human life consists in is derived from a conception of wellbeing. This sets the overall direction for the subsequent chapters in this thesis. Chapter 4 argues for and explains my Razian conception of wellbeing. According to it, the wellbeing of an individual is fundamentally constituted by: (a) the satisfaction of biological needs, and (b) his success in whole-heartedly pursuing socially defined and determined goals and activities which are in fact valuable. This is the conception of wellbeing from which an account of what a human life consists in is derived. Chapter 5 then defends my Razian conception of wellbeing against two alternative accounts of wellbeing – the Quality-of-experience View and the Desire Fulfilment Theory. With my Razian conception of wellbeing defended, chapter 6 first derives, from it, an account of what a human life consists in. This is followed by a discussion of how the objects of duties of minimal wellbeing are determined from the account. Using this as a background, chapter 7 then goes on to determine what exactly are the objects of these duties. Chapter 8 concludes the thesis, with a discussion on possible lines of further research, which includes revisiting the above two assumptions mentioned in section 2.2 and 2.3 of this chapter.

Chapter 2
Duties of Minimal Wellbeing and Duties of Fairness and Equality

1. - Introduction.

This chapter sets out my basic framework, according to which global justice is concerned with the following two sets of things: (a) minimal wellbeing and (b) fairness and equality. It is because of this that global justice is, generally speaking, concerned with individuals and the quality of their lives. This basic framework is broadly sufficientarian in character. This means that although global justice requires us to do certain things with regard to minimal wellbeing and fairness and equality, once those are done, global justice requires no more, even if we can do more to improve the wellbeing of individuals, or to make things more fair or equal. This basic framework is also intended for a conception of *global* justice. Thus it is applicable to everyone around the world, whoever they are; no matter their race, nation, political affiliation etc.

In section 2 below, by considering the contemporary literature on global justice, I introduce two sets of distinctions: duties of minimal wellbeing vs. duties of fairness and equality, and the cosmopolitans vs. the neo-cosmopolitans. While the cosmopolitans believe that both duties of minimal wellbeing and duties of fairness and equality are universal, neo-cosmopolitans believe that the latter duties are associative. In section 3, I side with the neo-cosmopolitans by arguing that duties of fairness and equality are associative because they are derived from the form of cooperation at hand, unlike duties of minimal wellbeing. I then set duties of minimal wellbeing aside and focus the rest of this chapter on duties of fairness and equality, in particular the kinds of duties of fairness and equality that we have. To that end, I first discuss in section 4 the nature of cooperation, from which duties of fairness and equality are derived. In section 5, I identify three different kinds of cooperation in our contemporary world: states, local cooperation and

trans-state cooperation. In section 6, I argue that states, comparatively speaking, have a more significant and important role for duties of fairness and equality than the other two kinds of cooperation. I finally address the kinds of duties of fairness and equality that we have in section 7.

As I said in chapter 1 - Introduction, this thesis is concerned with the content of our duties of global justice under strict compliance theory. It will not talk about who exactly bears these duties. Nevertheless, as I have also said there, I do believe that it is individuals who are the primary bearers of these duties.[21] To avoid complicating the rest of the thesis with qualifying clauses, the following discussions proceed under the assumption that it is individuals who are the primary bearers of these duties.

2. - Contemporary Literature on Global Justice.

2.1 – Two Sets of Duties & Two Contrasting Positions on Them.

Two generalizations can be made when we survey the contemporary literature on global justice.

First, global justice is concerned with individuals in two different ways. On the one hand, it is concerned with individuals independently from other individuals - for example, whether their basic needs are fulfilled, whether their basic rights are protected, whether they have the means for a flourishing human life etc. On the other hand, global justice is also concerned with individuals in relation to other individuals - for example, whether they have equal or fair opportunities in life, whether they have a fair or equal share of resources etc. What is common between the former concerns is that if X is something about individuals that global justice is concerned about, e.g. basic needs, basic rights, means to a flourishing human life etc., then it is concerned with how they fare with regard to X – period. Contrast this with the latter concerns. What is common between them is that if X is

[21] I also briefly considered Rawls's alternative view there, that the primary bearers of these duties are states rather than individuals.

something about individuals that global justice is concerned about, e.g. opportunities in life, share of resources etc., then it is concerned with how they fare with regard to X in relation to other individuals, where this relation is specified in terms of fairness or equality. These two kinds of concerns of global justice therefore give rise to two kinds of duties of justice: the former to what I call 'duties of minimal wellbeing', the latter to what I call 'duties of fairness and equality'.

Second, we can roughly divide the various positions in the contemporary literature on global justice into two camps. On the one hand, there are the cosmopolitans; and on the other hand, there are what I call the 'neo-cosmopolitans'. They are *neo*-cosmopolitan in the sense that they are responses to and in opposition to the cosmopolitans. But they also accept a crucial cosmopolitan claim about duties of minimal wellbeing, which is why they are neo- rather than non-cosmopolitan. Both the cosmopolitans and the neo-cosmopolitans believe that duties of minimal wellbeing are universal. These duties are directed towards all individuals around the world. It is on duties of fairness and equality that the two camps are divided. On the one hand, cosmopolitans believe that duties of fairness and equality, like duties of minimal wellbeing, are universal. They are directed towards all individuals around the world, and are concerned with how individuals fare with regard to X in relation to *all other individuals around the world*. The positions of Caney, early Beitz and early Pogge are examples of this.[22] On the other hand, neo-cosmopolitans believe that duties of fairness and equality, unlike duties of minimal wellbeing, are not universal but associative. These duties are only held by and directed towards individuals who have certain associative relationships among themselves, where these associative relationships are more substantive than merely being members of the same species or living on the same planet. Furthermore, these duties are only concerned with how individuals fare with regard to X in relation to *other members of the same associative relationship*. Different neo-cosmopolitan positions identify different associative relationships as being relevant here. For example for

[22] Caney 2005, Bietz 1979 & Pogge 1989.

Nagel, it is sovereign states that act in their subjects' name;[23] for Blake, it is states with coercive property laws;[24] while for Rawls's Law of Peoples, it is peoples.[25] A less clear case of neo-cosmopolitanism is David Miller.[26] He also argues against universal duties of fairness and equality;[27] but for duties of fairness and equality among members in instrumental associations and citizenship.[28] But a set of basic human rights must be protected for everyone everywhere regardless of where and who they are.[29] What distinguishes Miller from other neo-cosmopolitans is his concern with national responsibilities, according to which individuals of a nation can be collectively held outcome responsible for a certain state of affairs;[30] and how these national responsibilities affect what basic human rights demand.[31]

There are exceptions to the above generalization. Certain positions, e.g. Nussbaum's,[32] agree with the cosmopolitans and the neo-cosmopolitans that there are universal duties of minimal wellbeing. Yet it is unclear whether she thinks that duties of fairness and equality are universal or associative. As she says,

> "A list of the central capabilities is not a complete theory of justice. Such a list gives us the basis for determining a decent social minimum in a variety of areas. I argue that the structure of social and political institutions should be chosen, at least in part, with a view to promoting at least a threshold level of these human

[23] Nagel 2005.
[24] Blake 2001.
[25] Rawls 1999.
[26] It is not obvious in the sense that in contemporary literature, he is usually not placed alongside the other neo-cosmopolitans, i.e. Nagel, Blake and Rawls's Law of Peoples.
[27] Miller 2007: 12-17, 27-43 & 51-80. I shall briefly discuss his arguments against the cosmopolitans in the next section.
[28] Miller 1999: 25-32. There are also duties of justice among members of solidaristic communities, which are characterized in terms of needs. But this is not a duty of fairness and equality as I understand them.
[29] Miller 2007: 163-200.
[30] Miller 2007: 111-161.
[31] It is true that beyond his basic human rights, Miller also endorses fair terms of cooperation between societies (Miller 2007: 267). But this is very different from the kind of universal duties of fairness and equality advocated by cosmopolitans. This is because first, it is directed towards societies, while the cosmopolitans' universal duties of fairness and equality are directed towards individuals. Second, even if it gives rise to universal duties of fairness and equality that are directed to individuals (Ibid: 75-80 & 267), these duties are not grounded in a concern for individuals, unlike those advocated by the cosmopolitans. And these duties are only concerned with excessive inequalities and unfairness between individuals, and are thus arguably much more restricted than the cosmopolitans' universal duties of fairness and equality.
[32] Nussbaum 2000, 2006.

capabilities. But the provision of a threshold level of capability, exigent though that goal is, may not suffice for justice, as I shall elaborate further later, discussing the relationship between social minimum and our interest in equality. The determination of such additional requirements of justice awaits another inquiry".[33]

However, in her next book on this topic,[34] rather than these additional requirements of justice, she discusses how her Capabilities Approach can solve three problems of contractarian approaches.

Beitz's position, in his recent book on human rights,[35] is also like this. In discussing his practical conception of human rights,[36] he made it explicit that his account is not committed to the cosmopolitan and neo-cosmopolitan divide.[37] One must also note that he explicitly argued that his account of human rights is also not minimal, in the sense that is taken in contemporary literature. As he says, "... these considerations do not argue that human rights are in any other way "minimalist" - for example, they do not support the idea that human rights are protections of conditions for "a minimally good life" or "for any life at all." For human rights can be said to be "minimalist" in any sense, it is that they constitute only a "proper subset" of the rights of social justice".[38] Accordingly, his account of universal duties of 'minimal' wellbeing, which are basically the corresponding duties of his account of human rights, would be more extensive than the ones we have considered so far.

Other positions seem to deny duties of fairness and equality altogether, even though they agree with the cosmopolitans and the neo-cosmopolitans that there are universal duties of minimal wellbeing. Brock seems to be of this kind when she argues for a needs-

[33] Nussbaum 2000: 75.
[34] Nussbaum 2006.
[35] Beitz 2009.
[36] For his practical conception of human rights, see Beitz 2009: 102-117.
[37] Beitz 2009: 113. The distinction that Beitz draws himself is between 'statist' and 'cosmopolitan' conceptions of global justice. I take it that the latter refers to what I have called the cosmopolitans, while the former refers to one kind of what I have called the neo-cosmopolitans – political conceptions of justice. For a discussion on political conceptions of justice, see section 6 of this chapter.
[38] Beitz 2009: 143.

based minimal floor principle rather than a global difference principle, and argues for ensuring that everyone has a decent set of opportunities rather than equality of opportunities.[39] The later position of Pogge is also an example of this kind,[40] given the Libertarian framework that he is working under. Accordingly his duties of minimal wellbeing are even more minimal than other accounts. They only involve negative duties while other accounts usually involve both negative and positive duties.[41]

Finally, there are positions that explicitly deny the universal duties of fairness and equality advocated by the cosmopolitans. But while they advocate something similar to the neo-cosmopolitans - i.e. that there are associative duties of fairness and equality - I am reluctant to classify them as neo-cosmopolitans. This is because they do not endorse the kind of universal duties of minimal wellbeing that are accepted by both the cosmopolitans and the neo-cosmopolitans. Take for example Richard Miller, who denies cosmopolitans' universal duties of fairness and equality.[42] He argues for duties of minimal wellbeing and duties of fairness and equality among compatriots; these are characterized in terms of duties of civic friendship (which involve a special concern for compatriots' needs), fair provision of benefits, mitigation of socially created disadvantages, and territorial trusteeship (which involves a special concern for those who are severely disabled).[43] But global justice for Miller has the aim of global civic friendship;[44] and it is concerned with exploitation in the transnational economy, inequity in international trade arrangements,[45] negligence in climate harms and imperial irresponsibility.[46] This is because all of them involve taking advantage of individuals, and that is contrary to global civic friendship.[47]

[39] Brock 2009: 73.
[40] Pogge 2002b.
[41] Pogge 2002b: 13. There is a complication here. Pogge argued that if there is a coercive social order under which individuals do not have secure access to the objects of their human rights, then not only is there a duty to not participate in that social order, there is also a duty to reform that social order. (Ibid: 62-63.) Arguably this latter duty to reform is a positive rather than a negative duty. However, it has been argued that this duty to reform is actually inconsistent with the Libertarian framework that Pogge is working under.
[42] Miller 2010: 233-234.
[43] Miller 2010: 43-57.
[44] Miller 2010: 230-234.
[45] Miller 2010: 58-83.
[46] Miller 2010: 84-117 & 118-209.
[47] Miller 2010: 230-231.

Thus it seems that for Miller there is a universal duty not to take advantage of others. This however is not a duty of fairness and equality as I have understood it, which is concerned (intrinsically) with how individuals fare with regard to X in relation to other individuals. This is because insofar as this universal duty (to not to take advantage of others), leads us to be concerned with how individuals fare with regard to X in relation to other individuals, we are only concerned with it instrumentally – as a cause for instances of taking advantage. Thus insofar it is not a cause for any such instances, we would not be concerned with it. This would not be the case with duties of fairness and equality. Furthermore, even though this universal duty (to not take advantage of others) grounds universal duties of justice to relieve individuals from dire needs, because that is one of the main reasons why they can be taken advantage of;[48] it would be a mistake to understand these duties as the universal duties of minimal wellbeing that are accepted by the cosmopolitans and the neo-cosmopolitans. This is because these duties are ultimately grounded on how individuals should relate to each other, rather than a concern for individuals. It is true that Miller (besides global civic friendship) also endorses the Principle of Sympathy, which grounds duties based on the neediness of others.[49] However, these duties are also unlike universal duties of minimal wellbeing. This is because first, if these duties are directed towards one's compatriots, they might have more priority than those that are directed towards foreigners; and second, these duties can be outweighed by other (special) duties that are grounded in one's special relationships with others.[50] Neither of these holds in the case of universal duties of minimal wellbeing.

In spite of the above exceptions, the two distinctions, i.e. duties of minimal wellbeing vs. duties of fairness and equality and the cosmopolitans vs. the neo-cosmopolitans, cover enough ground to be accurate and plausible. I therefore take them as

[48] Miller 2010: 231-232.
[49] Miller 2010: 10-30.
[50] Miller 2010: 23-30.

my starting point, and begin with the disagreement between the cosmopolitans and the neo-cosmopolitans.

2.2 – The Cosmopolitans vs. the Neo-cosmopolitans.

Cosmopolitans tend to argue for universal duties of fairness and equality by taking domestic theories of justice and applying them on a global scale. Along the way, they also establish universal duties of minimal wellbeing. But we can leave the latter for now, since both the cosmopolitans and the neo-cosmopolitans agree on them. Cosmopolitans usually take the best arguments for duties of fairness and equality in the domestic arena, and use them to argue for universal duties of fairness and equality in the global arena. Thus for example, Beitz and early Pogge take Rawls's argument for his Difference Principle in the domestic arena (i.e. the original position),[51] extend the parties involved in the original position to include everyone around the world, and use it to argue for something similar to Rawls's Difference Principle in the global arena.[52] Caney also does this when he argues for his global norms of distributive justice, which include subsistence rights, equality of opportunity, a principle of equal remuneration for equal work, and a priority for the poor.[53] As he said in the beginning of the chapter where he argues for them:

> "… I now want to introduce a general claim about the character of the arguments employed to defend cosmopolitan principles of justice… the scope$_2$ claim: the standard justifications of principles of distributive justice entail that there are cosmopolitan principles of distributive justice. The latter maintains that the very logic that underpins most domestic theories of justice actually implies that these theories of distributive justice should be enacted at the global, and not (or not simply) the domestic, level".[54]

[51] Beitz 1979: 125-176 & Pogge 1989: 240-280.
[52] The difference between Beitz's and Pogge's positions is just that, while Beitz contends that the resulting universal duties of fairness and equality are exactly the same as Rawls's Difference Principle in the domestic arena, Pogge contends that they would be less stringent than their domestic analogues. See Beitz 1979: 151 & Pogge 1989: 272-273.
[53] Caney 2005: 20.
[54] Caney 2005: 107. See also Ibid: 121-125.

Against the cosmopolitans, the neo-cosmopolitans argue that arguments for duties of fairness and equality in the domestic arena cannot and should not be seamlessly moved into the global arena to argue for universal duties of fairness and equality. Some of their arguments target a specific cosmopolitan. For example, against Beitz, Barry argues that trading in the global arena is not the relevant kind of cooperation that grounds Rawls's arguments for his Difference Principle in the domestic arena.[55] Thus Beitz cannot just use Rawls's argument to argue for a Difference Principle in the global arena. There are also arguments targeting certain approaches that cosmopolitans widely use. For example, against the prospect of extending Rawls's theory of justice, i.e. the two principles of justice, from the domestic arena to the global arena, Wenar argues that the global public political culture is different from the public political culture of a liberal democratic society. While the latter supports Rawls's theory of justice in the domestic arena, the former does not support it in the global arena.[56] Against those he calls the 'global extrapolators', Richard Miller argues for a view similar to Barry's, that the mere fact of economic interdependence in the global arena does not sustain a demanding duty to help the disadvantaged. This is because what primarily ground this duty in the domestic arena are not facts of economic interdependence, but facts of political interaction.[57] Finally, there are arguments targeting cosmopolitans in general. For example, Blake argues that there are duties of fairness and equality in the domestic arena, i.e. states that coercively impose property laws. This is because those duties are required to justify this kind of coercion. But this kind of coercion does not exist in the global arena. Thus there are no duties of fairness and equality in the global arena.[58] Nagel also argues for something similar.[59] According to Nagel, there are duties of fairness and equality in the domestic arena, i.e. the arena of

[55] Barry 1982.
[56] Wenar 2006.
[57] Miller 2010: 31-57.
[58] Blake 2001.
[59] I believe that the main difference between Blake's and Nagel's position is how they understand the kind of coercion that is at stake here. For Blake, it is the coercive imposition of property laws by states. While for Nagel, it is the coercion imposed by sovereign states in the name of their subjects.

sovereign states. This is because sovereign states impose coercion in the name of their subjects, and those duties are required to justify such an imposition. But there is nothing in the global arena that imposes coercion in the name of the individuals around the world. Thus there are no duties of fairness and equality in the global arena.[60] David Miller also offers arguments against the cosmopolitans. According to his first argument,[61] there are duties of fairness and equality in the domestic arena because justice involves establishing the conditions under which individuals within a domestic arena can continually act as free and equal citizens. In contrast, nothing in the global arena is equivalent to that. Rather, individuals relate to each other in the global arena "... as citizens of independent national communities, where each citizen body has a collective interest in determining the future of its own community".[62] In his second argument,[63] Miller argues that as long as the cosmopolitans argue for their case by arguing that nationality is a morally arbitrary feature of individuals, then the cosmopolitans can be refuted by showing that nationality is not a morally arbitrary feature of individuals.[64]

2.3 – Siding with the Neo-cosmopolitans.

This debate between the cosmopolitans and the neo-cosmopolitans runs deep. Resolving it therefore requires a whole research project, of which a PhD thesis can at most be a part. As a first step towards this project, I therefore focus this thesis on where the cosmopolitans and the neo-cosmopolitans agree – that there are universal duties of minimal wellbeing. This is the subject of the subsequent chapters in this thesis. Nevertheless, I still would like to take a stand in the debate between the cosmopolitans and the neo-cosmopolitans. In the rest of this chapter, I side with the neo-cosmopolitans and suggest another argument for why duties of fairness and equality are associative, which turns on

[60] Nagel 2005.
[61] Miller 2007: 15-16.
[62] Miller 2007: 15.
[63] Miller 2007: 16-17 & 27-343.
[64] Miller's third argument directly challenges some of the specific principles underlying certain alleged universal duties of fairness and equality. See Miller 2007: 51-80.

the nature of duties of fairness and equality. In the section below, I suggest that duties of fairness and equality are derived from the form of cooperation at hand. Thus they are associative in two senses: first, they are only held by and directed towards individuals who are members of the cooperation from which those duties are derived; and second, these duties are only concerned with how individuals fare with regard to X in relation to other members of the cooperation from which those duties are derived. Furthermore, this relation that is specified in terms of fairness and equality is determined by the form of that cooperation. This is how I think the debate between the cosmopolitans and the neo-cosmopolitans can be resolved.

3. - Duties of Fairness and Equality & Forms of Cooperation

Rawls seems to have suggested that duties of fairness and equality are derived from the form of cooperation at hand. In the beginning of *A Theory of Justice* before he argued for his two principles of justice, he said, "The various forms of justice are the outgrowth of different notions of society against the background of opposing views of the natural necessities and opportunities of human life"[65]. Since Rawls conceives the society as a social cooperation,[66] the various conceptions of justice are therefore the outgrowth of different notions of social cooperation. I take it that different notions of social cooperation incorporate different views of the natural necessities and opportunities of human life. Rawls continues, "[f]ully to understand a conception of justice we must make explicit the form of social cooperation from which it derives".[67] He therefore seems to be suggesting that conceptions of justice are generally speaking derived from forms of social cooperation. Accordingly, if we have different forms of social cooperation, then we would also have different conceptions of justice. This is the idea that I shall discuss.[68] I suggest

[65] Rawls 1971: 9.
[66] Rawls 1971: 4.
[67] Rawls 1971: 9-10.
[68] This idea has also been discussed in relative detail by David Miller, though in different terms. See Miller 1976: 253-344.

that duties of fairness and equality are derived from the forms of social cooperation at hand; and accordingly, different forms of social cooperation yield different duties of fairness and equality. This lends plausibility to the claim that duties of fairness and equality are associative, while duties of minimal wellbeing are universal.

3.1 – Duties of Fairness and Equality as Deriving from Forms of Cooperation.

What is the form of social cooperation on which Rawls focuses, from which his two principles of justice are derived? In the beginning of *A Theory of Justice*, he says:

> "Let us assume, to fix ideas, that a society is a more or less self-sufficient association of persons who in their relations to one another recognize certain rules of conduct as binding and who for the most part act in accordance with them. Suppose further that these rules specify *a system of cooperation designed to advance the good of those taking part in it*. Then although a society is a cooperative venture for mutual advantage, it is typically marked by conflict as well as by an identity of interests. There is an identity of interests since *social cooperation makes possible a better life for all than any would have if each were to live solely by his own efforts*. There is a conflict of interests since persons are not indifferent as to how the greater benefits produced by their collaboration are distributed, *for in order to pursue their ends they each prefer a larger than lesser share*. A set of principles is required for choosing among the various social arrangements which determine this division of advantages and for underwriting an agreement on the proper distributive shares. These principles are the principles of social justice..."[69]

Rawls seems to have something like the following form of social cooperation in mind, from which his two principles of justice are derived: It is a form of social cooperation that advances each individual's pursuit of their own ends, beyond their ability to do so individually by themselves without cooperating. With this, it seems plausible to

[69] Rawls 1971: 4. My Italics.

suggest that the best way to fairly distribute the burdens and benefits of the social cooperation, is to distribute them unequally to the greatest advantage of the worst off. That is basically the Difference Principle, which is part of Rawls's second principle of justice.[70] This seems plausible for the following reasons: Even if everyone's pursuit of their own ends is already advanced by the social cooperation beyond their ability to do so individually, it still seems plausible that for those who are in a better off position, the pursuit of their own ends is advanced more by the social cooperation, than it is for those who are in a worse off position. If distributing the benefits and burdens of the social cooperation in a way that best advances the worst offs' pursuit of their own ends would also advance the better offs' pursuit of their own ends,[71] then the best way to ensure that the social cooperation advances each individual's pursuit of their own ends beyond their ability to do so individually, is to distribute its burdens and benefits in a way that best advances the worst offs' pursuit of their ends. In other words, to the greatest advantage of the worst off.[72]

Earlier I said that different notions of social cooperation incorporate different views of the natural necessities and opportunities of human life. Rawls's form of social cooperation is also informed by his view of the natural necessities and opportunities of human life. It is because he sees each individual as having their own ends to pursue,[73] and that we are finite beings who can better pursue our own ends if we cooperate, that he conceives social cooperation as advancing each individuals' pursuit of their own ends beyond their ability to do so individually. But one might have a different view of the

[70] Rawls 1971: 75-83.
[71] This is the idea of 'chain connection' that Rawls painstakingly argued for. See Rawls 1971: 81-82. However, it is doubtful whether it necessarily holds.
[72] Note that here I am not trying to argue that it is justified to think that the Difference Principle is the most fair way, to distribute the benefits and burdens of the kind of social cooperation that Rawls had in mind. That would require a systematic assessment of all the arguments that Rawls offered for his two principles of justice, and that is beyond the scope of this thesis. What I am trying to show here is how one can see Rawls's conception of justice as arising from, or as derived from, his conception of social cooperation. This is illustrated by considering the plausibility of his conception of justice in relation to the conception of social cooperation he had in mind.
[73] Recall Rawls's idea of 'Free and Equal Persons', who have 'two moral powers'. One of these powers being the capacity for a conception of the good. See Rawls 2001: 18-24.

natural necessities and opportunities of human life, and subsequently a different form of social cooperation in mind than that on which Rawls focuses. If that is the case, then it seems plausible to suggest that at least under that alternative form of social cooperation, some conception of justice other than Rawls's is the best way to fairly distribute the burdens and benefits of that social cooperation. Let me illustrate this with three examples.

a) One might have a view that a human life is a life that is only authored by the individual whose life it is. This might lead to a form of social cooperation that is aimed at only mitigating the effects of the 'natural lottery' on each individual's pursuit of their own ends.[74] Under such a form of social cooperation, it seems plausible to suggest that the best way to fairly distribute the burdens and benefits of the social cooperation is to make the distribution sensitive to individuals' choices.[75]

b) One might have a view that a human life is a life that is devoted to the achievement of some impartial end. One can imagine people who devote their lives to the service of God as examples of this. One might then have a form of social cooperation that is aimed at achieving that impartial end. It then seems plausible to suggest that the best way to fairly distribute the burdens and benefits of such a social cooperation is to make the distribution sensitive to each individual's contribution to the achievement of that impartial end.

c) One might have a view that a human life is a life that has to have a certain specific good, for example basic healthcare. One might then have a form of social cooperation that is aimed at securing that certain specific good for each individual. It then seems plausible to suggest, that the best way to fairly distribute the burdens and benefits of such a social cooperation, is to distribute them in a way that secures this certain specific good for each individual.[76]

[74] By the effects of 'natural lottery', I refer to the effects that originate from things over which individuals have no control. For example their level of inherent natural talents.
[75] Such a conception of justice is basically the position of Luck Egalitarianism. See Dworkin 2000: 65-119 for an example of such a position.
[76] I think a good example of this is the National Insurance Scheme for NHS in U.K.

If the above are true, then they lend plausibility to the following: Since duties of fairness and equality are derived from the form of cooperation at hand, these duties are therefore associative in the sense that they are restricted to members of the cooperation from which they are derived. More specifically, they are only held by and directed towards individuals who are members of the cooperation from which they are derived, and they are only concerned with how individuals fare with regard to X in relation to other members of that cooperation. Furthermore, given that different forms of cooperation yield different duties of fairness and equality, when these duties are concerned with how individuals fare with regard to X in relation to other members of the cooperation, this fairness and equality relation is determined by the form of that cooperation.

In contrast, duties of minimal wellbeing are not derived from forms of cooperation. Of course, that is not to say that what they amount to is blatantly obvious, or that there is nothing from which they are derived. As I shall argue in the next chapter, duties of minimal wellbeing are concerned with securing a human life for individuals. One might flesh this out in terms of an account of human flourishing, and subsequently see duties of minimal wellbeing as deriving from it.[77] But I shall argue that a better way to do so is through an account of wellbeing, or more specifically my Razian conception of wellbeing. All of this will be discussed in the next chapters. Nevertheless, we can talk about what is involved in securing a human life for individuals without appealing to any form of cooperation or even notions of fairness and equality. All we need is some general account of what it means to live a human life, and that all human beings are entitled to live a human life. The duties of minimal wellbeing that are derived from that general account are then applicable to all individuals, in virtue of the fact that they are human beings. Duties of minimal wellbeing are thus universal, in the sense that they are directed towards all individuals around the world. Of course, notions of fairness and equality might appear as a result of this process. For example, one might think that what the above leads to is that it is

[77] Nussbaum's approach of the ten central capabilities is an example of this. See Nussbaum 2000 & 2006.

unfair, if some individuals have less of the things that securing a human life involves, while some other individuals have more. Or that all individuals should have an equal amount of those things. Nevertheless, even if notions of fairness and equality do appear as a result of this process, they are not derived from forms of cooperation. Duties of minimal wellbeing are therefore universal, in contrast to the duties of fairness and equality I mentioned in the previous paragraph, which are associative because they are derived from forms of cooperation.

3.2 – Forms of Cooperation.

I take the above examples - (a) to (c) together with Rawls – as paradigmatic examples of different forms of cooperation.[78] Each of them incorporates a different view of the natural necessities and opportunities of human life, and different duties of fairness and equality are derived from each of them. A view of the natural necessities of human life is a view of what is needed for us to lead a human life, given the kind of being that we are; while a view of the opportunities of human life is a view of what (very broadly understood) people can do, or ought to do, with their lives. It can refer to something as minute as writing a book or taking up a hobby, to something as grand as lifelong plans or the structure and direction of peoples' lives. A scheme of cooperation aims to realize its corresponding view (of the natural necessities and opportunities of human life) among its participants. This is the *specific* aim of the scheme of cooperation - what the cooperation is *specifically* about. Its form of cooperation is abstracted from its specific aim. It is the *general* aim of the scheme of cooperation – what the cooperation is *generally* about. It is in this sense that forms of cooperation incorporate views of the natural necessities and opportunities of human life. The above example (b) best illustrates this difference between the specific aim of a scheme of cooperation and its general aim. The specific aim of that scheme of cooperation is realizing, among its participants, a life that is devoted to the

[78] They are not exhaustive though.

service of God. Its abstracted form of cooperation - its general aim - is the achievement of an impartial end.

My claim is that duties of fairness and equality are derived from forms of cooperation. The kind of derivation that I have in mind is something like this: given this form of cooperation, it follows there are such and such duties of fairness and equality, whether or not in fact participants of the corresponding scheme of cooperation recognize them.

As I shall argue later in section 4.2 of this chapter, the forms of cooperation (and subsequently their incorporated views of the natural necessities and opportunities of human life), are expressed, if not defined by, the rules of their corresponding schemes of cooperation. But I take that to mean, generally speaking, that the forms of cooperation are implicit in the values that are (widely) shared among the participants of their corresponding schemes of cooperation.[79] This is because of the following: As I shall argue later in section 4.1 of this chapter, a scheme of cooperation cannot be said to exist, unless most of its participants abide by its rules. They might do so freely and voluntarily, or they might do so out of coercion. But they would not do so freely and voluntarily, unless they accepted those rules, and by extension, the form of cooperation. But why would they accept them? The most straightforward explanation is that those rules (and their corresponding form of cooperation) exhibit values that they hold. Something similar happens in the case of coercion, but with a twist. Since coercion is involved, we need to ask whether it is legitimate - whether the coercion is justified to those who are subject to it. But how might one proceed with such a justification? The most straightforward way is to appeal to the values that they hold, and show that the rules (and their corresponding form of cooperation) also exhibit those values. Thus it is justified to coerce them to abide by these rules, because these rules (and their corresponding forms of cooperation) exhibit

[79] Since duties of fairness and equality are derived from forms of cooperation, I take this as one way of understanding Rawls's claim, that his conception of justice is expressed in terms of certain fundamental ideas that are implicit in the public political culture of a democratic society. See Rawls 1996: 13-15 & 2001:5-7.

values that they (implicitly) hold. As one can see, in both cases, forms of cooperation are implicit in the values that are (widely) shared among the participants of their corresponding schemes of cooperation.[80]

I do think that there is a variety of different views of the natural necessities and opportunities of human life. But not all of them are on par with each other. There might be some views that are harmful, immoral or just plain evil. An example of this might be a view that is predicated on racial superiority and the extermination of 'inferior' races. There might also be some views that are false, for example a view that is predicated on serving a non-existent being. Are there duties of fairness and equality that are derived from the forms of cooperation, which incorporate such kinds of bad or false views?

I think there are. Just as there are duties to fairly and equally distribute stolen goods among a group of thieves, there are duties to fairly and equally distribute the benefits and burdens of the cooperation between participants of a cooperation, even if its form of cooperation incorporates a bad view (of the natural necessities and opportunities of human life). It is just that since the participants are cooperating to do bad, they incur other duties, e.g. duties of compensation, that override the duties of fairness and equality among themselves. But that is not to say that there are no duties of fairness and equality among them, just because they are cooperating to do bad. The reason behind this is rather simple. What grounds the requirement to fairly and equally distribute the benefits and burdens of a scheme of cooperation, is not what the cooperation is about, i.e. the content of its form of cooperation. Rather, it is the fact that its participants play their roles in the scheme of cooperation, and therefore do not only contribute, but are also benefited or burdened by it. If that is the case, then even if the participants of a scheme of cooperation are cooperating to do bad, there are still duties of fairness and equality among them, in virtue of the fact that they, as participants, play their role in the cooperation. But if that is the case, then for

[80] Of course this only holds generally, since it might not apply in cases of illegitimate coercion, and in certain cases of legitimate coercion which involve different kinds of justification.

exactly the same reasons, there are duties of fairness and equality also in cases that involve false views. Even though its form of cooperation incorporates a false view, the participants of such a scheme of cooperation have played their roles in the cooperation. Insofar as their contributions, benefits or burdens are real, that already grounds the requirement to fairly and equally distribute among them the benefits and burdens of the cooperation, regardless of the fact that its form of cooperation incorporates a false view. Thus to answer the above posed question: Yes, there still are duties of fairness and equality that are derived from the forms of cooperation, which incorporate bad or false views of the natural necessities and opportunities of human life.

3.3 – Summary: The Basic Framework of My Theory of Global Justice.

I have been laying out the basic framework of my conception of global justice. It is a neo-cosmopolitan position, which holds that there are duties of minimal wellbeing and duties of fairness and equality in the global arena. While the former duties are universal, in the sense that they are directed towards all individuals around the world, the latter duties are associative. I suggested that the reason for this is that they are derived from the form of cooperation at hand. Thus they are associative in the sense that first, they are only held by and directed towards individuals who are members of the cooperation from which those duties are derived. And second, these duties are only concerned with how individuals fare with regard to X in relation to other members of that cooperation. Furthermore, this fairness and equality relation is determined by the form of that cooperation.

This can also explain why, contra the cosmopolitans, arguments for duties of fairness and equality in the domestic arena cannot and should not be seamlessly moved into the global arena, to argue for universal duties of fairness and equality in the global arena. This is for two reasons. First, insofar as there are no schemes of cooperation in the global arena that include everyone around the world, there are no universal duties of fairness and equality in the global arena. This is because there is no form of cooperation at

hand, from which duties of fairness and equality are derived. Second, even if there were schemes of cooperation in the global arena that included everyone around the world, universal duties of fairness and equality might still be very different from the duties of fairness and equality in the domestic arena. This is because the form of cooperation from which they were respectively derived might be very different.

However as of now, the claim that duties of fairness and equality are derived from the form of cooperation is at most a suggestion. Much more needs to be said for it to constitute a plausible position against other rival neo-cosmopolitan positions, or argue against the cosmopolitans.

One potential objection that needs addressing is this: Even if duties of fairness and equality are derived from the form of cooperation at hand, it does not necessarily follow that they are associative. One might think that it is their contents that are derived from the form of cooperation at hand, but not the duty itself. Accordingly, one might hold (despite my above arguments) that there is an abstract and general *universal* duty of fairness and equality, of which its specific contents are determined by the form of cooperation at hand.

I do not have a decisive response to this yet. But I have reservations against an abstract and general duty of fairness and equality. I take it that duties have to be action guiding. Not only do they guide those who bear them with regard to what they should do (or should not do), they also guide third parties with regard to the assignment of blame and remedial responsibilities. The problem with the above mentioned abstract and general universal duty is that it seems too general and abstract for it to be action guiding. All it tells us is that we should fairly and equally distribute the burdens and benefits of cooperation, without telling us anything more about what constitutes a fair and equal distribution in cases at hand. It therefore offers no guidance as to who should get what for what amount; and accordingly it offers no guidance as to when people can be blamed for not fulfilling their duty, and what can be done to rectify the situation. I do not deny that there is a

general and abstract universal *requirement* to fairly and equally distribute the burdens and benefits of cooperation,[81] but given how abstract and general it is, I am inclined to think that it is not a duty *proper*. As a result, given my above arguments about how duties of fairness and equality are derived from the form of cooperation at hand, I am inclined to think that, partly for this reason, these duties are associative. Of course, much more needs to be said to establish this as a valid response against the potential objection. However, given the limited space in this thesis, and that this thesis is mainly concerned with duties of minimal wellbeing, I cannot settle the issue here. I shall leave it for further research.

Nevertheless, there are also a couple of pertinent questions concerning my position on duties of fairness and equality: How and in what way are duties of fairness and equality derived from the form of cooperation at hand? What are the different kinds of forms of cooperation? Are they all reducible to one form?[82] Or should all schemes of cooperation be set up according to one particular form of cooperation? Do we have a duty to set up schemes of cooperation with a particular form of cooperation? An affirmative answer to the last three questions might even undermine the argument against the cosmopolitans.

As I said before in section 2.3 of this chapter, as a first step towards a research project that aims at resolving the debate between the cosmopolitans and the neo-cosmopolitans, this thesis will focus on duties of minimal wellbeing. As a result, the above questions will be bracketed to one side and will not be dealt with in this thesis. Nevertheless, since this thesis is concerned with the content of duties of global justice (under strict compliance theory), I therefore devote the reminder of this chapter to discussing the kinds of duties of fairness and equality that we might have, in order to illustrate the content of these duties.

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[81] This requirement can be seen as one of the grounds for duties of fairness and equality.

[82] For example, one might think that they can all be re-described as merely aiming to achieve certain ends. Take for instance examples (a) and (b) in section 3.1 of this chapter. One might think that both of their forms of cooperation can be re-described as merely aiming to achieve certain ends. In (a), that end is the mitigation of the effects of the 'natural lottery' on each individual's pursuit of their own ends; while in (b), that end is the impartial end of serving God. If that is the case, then both of them have the same form of cooperation, i.e. aiming to achieve certain ends.

To that end, section 4 discusses the nature of cooperation, from which duties of fairness and equality are derived. This is then applied to the contemporary world in section 5, identifying three different kinds of cooperation in our contemporary world, from which duties of fairness and equality are derived: states, local cooperation and trans-state cooperation. Section 6 argues that states, comparatively speaking, have a more significant and important role for duties of fairness and equality than the other two kinds of cooperation. Section 7 finally discusses the kinds of duties of fairness and equality that we have.

4. - The Nature of Cooperation.

There are two points concerning the nature of cooperation. The first is that for a cooperation to exist among a group of individuals, those individuals have to abide by the rules of that cooperation. The second point is that the rules of a particular cooperation express, if not define, the form of that particular cooperation.

4.1 – Rules.

The first point consists in two sub-points. First, cooperation requires the existence of rules; and second, for a group of individuals to be said to cooperate, most of them have to abide by the rules of the cooperation.

For a group of individuals to cooperate, there must be certain rules that aim to guide the actions of those individuals. They might originate from agreement between the participants of the cooperation. Or they might originate from the nature of the particular cooperation in question, such that to engage in that particular cooperation is to be guided by those rules. Where these rules originate from is not particularly important here. What is important here is the necessity for such rules to exist in schemes of cooperation. A group of individuals who do whatever they happen to want cannot be said to be cooperating. It is necessary to have some rules that aim to guide their actions if they are to be said to be

cooperating. This seems evident by looking at how we cooperate in our daily lives. For example, if you and I agreed to cooperate to write a book, we need to set up some rules that aim to guide our actions in cooperating to write the book. For example, we might agree that I write the first half of the book while you write the second half of it. Such rules might be explicit or implicit,[83] but that is also not important here. What is important is the necessity for such rules to exist in schemes of cooperation, either explicitly or implicitly. One can imagine that if there were no rules whatsoever in our cooperation to write the book, we would have no idea how to act in cooperating with each other to write the book (e.g. which part should I be writing?). And we are definitely not cooperating to write the book, if each of us acts in whatever way we want with regard to writing that book. This not only applies to our everyday cooperative ventures that involve the production of certain things. It also applies to cooperative ventures that are coordinative in nature, for example the coordination of traffic. Traffic is coordinated through the existence of certain rules that aim to guide the actions of drivers, e.g. driving on the left side of the road on a two-way traffic road. One can imagine that traffic would not be coordinated, and would most probably be in a total mess, if there were no rules that aim to guide the actions of the drivers.

However, even if there are rules in a scheme of cooperation that aim to provide guidance for individuals to act, it is still hard to see that a group of individuals are cooperating, when most of them do not abide by those rules. This brings me to the second sub-point. Consider again the above example of us cooperating to write a book. Let us assume that we have agreed that I write the first half of the book, while you write the second half of the book. It does not seem that we are cooperating when we are not abiding by that rule. Thus for instance, if I just write half of the first half of the book, or I write your half instead of mine, or I just write nothing; then it is hard to see how I am actually cooperating with you to write a book. And this is evidenced from the natural response you

[83] Conventions are examples of implicit rules in schemes of cooperation.

might offer, when I do any one of the above three things, "you are not cooperating at all!". The same goes for coordination of traffic. If most drivers do not abide by the traffic rules, then traffic is not coordinated and it would most probably be in a total mess. Thus for a cooperation to exist between individuals, it is not only necessary to have rules that aim to guide the actions of those individuals, most of them also need to abide by those rules.

Of course, it is not necessary for most individuals to abide by the rules of the cooperation to *achieve the original intended end of that cooperation*.[84] Thus even if I do not abide by the rule in our cooperation to write a book, a book might still result from our 'cooperation', maybe because you wrote my half of the book also. Similarly, even if most drivers do not abide by the traffic rules, the traffic would not necessarily be in a total mess. However, the point that I am making here is not that the original intended end of the cooperation can only be achieved if most individuals abide by the rules of the cooperation. Rather the cooperation between those individuals cannot be said to exist, if most of them do not abide by its rules Thus it is hard to see how we are cooperating to write a book, when I do not write my half of the book. And it is also hard to see how traffic is being coordinated, when most drivers do not abide by the traffic rules. Traffic might happen to be in coordination when that happens. But it is not being coordinated.

It follows from the above, that the nature of cooperation is such that for a cooperation to exist among a group of individuals, it is not only necessary to have rules that aim to guide the actions of those individuals; most of them also need to abide by those rules. This leads to a contingent feature of schemes of cooperation. There is usually a coercive structure behind them that exercises coercive power, to ensure that at least most of their respective participants abide by their respective rules. This is because, although we can imagine that it is possible for participants to freely and voluntarily abide by the rules of their cooperation, it is most probably not the case in our real world. As a result, at least in our real world, there is most probably a coercive structure behind a cooperation that

[84] This is why it is possible to have problems of the 'Free Rider'.

exercises coercive power, to ensure that at least most individuals abide by the rules of the cooperation. The kind of coercion might be explicit or implicit; and can range from something as mild as being frowned upon, to something as serious as physical punishment. What determines the level and kind of coercion used to back up any rule of a cooperation is a function of (a) the significance or importance of the cooperation at hand, (b) the willingness of the individuals to abide by that rule, and (c) the role that rule plays in the cooperation. In any case, no matter what the level and kind of coercion that we ultimately decide to use, most probably some coercive structure is needed, to ensure that at least most of those individuals abide by the rules of the cooperation. Otherwise, insofar as most individuals do not abide by them, then the cooperation cannot be said to exist. As a result, at least in our real world, if there are any schemes of cooperation, then most probably there is a coercive structure behind them that exercises coercive power, to ensure that at least most participants abide by their respective rules.

One additional note concerning this before I move on: since the existence of cooperation usually implies the existence of a coercive structure, the existence of cooperation usually gives rise to issues of legitimacy - there is a requirement of legitimacy for cooperation that has a coercive structure. Accordingly, if there is already cooperation in place within a group of individuals, the corresponding coercive structure, if there is one, is required to be legitimate in exercising coercion over that group of individuals. If there is no cooperation in place within a group of individuals, but there is a reason to set up one, then the corresponding coercive structure that is to be established, if it requires one, is required to be legitimate in exercising coercion over that group of individuals.

4.2 – Rules & Forms of Cooperation.

The second point about the nature of cooperation is that the rules of a cooperation express, if not define, the form of that particular cooperation. Since the purpose of the rules of a scheme of cooperation is to guide the actions of the individuals who participate in it,

insofar as the cooperation is not concerned with a certain thing, then there is no point for it to have rules that aim to guide the participants' actions in relation to that thing. But if the rules of a cooperation extend to that thing (and thus they aim to guide the participants' actions in relation to it), then what the cooperation is concerned with also extends to include it as well, and *vice versa*. Since the form of cooperation is what its corresponding scheme of cooperation is generally about (what it is generally concerned with), it is in this sense that the rules of a cooperation express, if not define, the form of that particular cooperation.

The two examples I used before can illustrate this. If we look at our cooperation to write a book, it is hard to imagine why there would be a rule in our cooperation that is something like this: I prepare and deliver the first half of a lecture, while you prepare and deliver the second half of a lecture; but the lecture has nothing to do with the book.[85] The reason why it is hard to imagine so is because what that rule is about is not something that the cooperation is concerned with. There is no point in a cooperation guiding the actions of its participants in relation to the things it is not concerned with. However, if there indeed is such a rule in our cooperation, then it is not just a cooperation to write a book. It is also a cooperation to prepare and deliver lectures. Thus when the rules of a scheme of cooperation extend beyond what it originally is concerned with, the form of that cooperation also extends accordingly. The reverse is also true. If we imagine that now we void the rule that I write the first half of the book, while you write the second half of the book, and only retain the rule that I prepare and deliver the first half of the lecture, while you prepare and deliver the second half of the lecture, then we are not cooperating anymore to write a book *and* prepare and deliver lectures. We are just cooperating to prepare and deliver lectures. All this applies also to the example of traffic coordination. It is hard to imagine that there is a rule in there which is something like this: drivers are not

[85] It is possible that the lecture is a lecture about the book that we are cooperating to write. In that case, it is not hard to imagine why there would be such a rule.

allowed to drive cars that have emission levels higher than a certain level. This is because such a rule does not pertain to traffic coordination anymore. But insofar as there is such a rule, then we are not just cooperating to coordinate traffic, but also to reduce emission levels (maybe because we are cooperating to reduce environmental damage).

All this does not only apply to our everyday concrete schemes of cooperation like the two I have described above. It also applies to more general kinds of cooperation that I have discussed in section 3. For the sake of brevity, I shall only illustrate one of them here - the one from Rawls: a kind of social cooperation that advances each individual's pursuit of their own ends, beyond their ability to do so individually by themselves without cooperating. Under such a scheme, the ends that individuals pursue are not generally a matter of concern. Though only generally, since some of the ends that individuals pursue might prevent other individuals from pursuing their own ends, or they might disrupt the cooperation itself, or they might impede the advancement of individuals' pursuit of their own ends beyond their ability to do so individually etc. But insofar as the ends that individuals pursue do not have any of the above negative effects, then the cooperation is not concerned with what ends these individuals specifically pursue. Thus it is not hard to imagine that under it, there is no rule that specifies what specific ends that individuals pursue are advanced by the cooperation; insofar as the ends that they pursue do not have any of the above negative effects. Indeed, one would imagine that it would have a rule which forbids exactly such a specification. This is to ensure that any ends that individuals pursue, whatever they might be, are advanced by the cooperation, insofar as those ends do not have any of the above negative effects. But suppose the cooperation voids that rule, and establishes something like the following restriction as a rule: there is a certain list of ends the pursuit of which is to be advanced by the cooperation; but for any ends outwith the list, the cooperation is not concerned with advancing individuals' pursuit of them, even if those ends do not have any of the above negative effects. In that case, then the

cooperation is not anymore a kind of cooperation that advances each individual's pursuit of *his own ends*, beyond his ability to do so individually. Rather it is a kind of cooperation that advances each individual's pursuit of *certain ends*, beyond his ability to do so individually.[86] As one can see, the idea that the rules of a particular cooperation express, if not define, the form of that particular cooperation, also applies to more general kinds of cooperation.

4.3 – Summary: The Nature of Cooperation.

This section was concerned with the nature of cooperation. A scheme of cooperation cannot be said to exist between individuals, if there are no rules that aim to guide the actions of those individuals. Furthermore, the particular rules express, if not define, the particular form of their respective cooperation. However, a scheme of cooperation can only be said to exist between individuals, if most of them actually abide by those rules. And in the real world, not all individuals voluntarily and willingly abide by the rules of the schemes of cooperation that they participate in. There usually are coercive structures behind schemes of cooperation that exercise coercive power, to ensure that at least most individuals abide by the rules of the cooperation that they participate in. Thus at least in the real world, the existence of cooperation usually implies the existence of coercive structures. However, this gives rise to issues of legitimacy. And I argued, it is required that the coercive structure of a scheme of cooperation, if there is one, is legitimate in exercising coercion over the participants of the cooperation.[87]

5. - Three Kinds of Duties of Fairness and Equality in the Contemporary World.

This section applies my discussion in section 3 to the contemporary world. There I suggested that duties of fairness and equality are derived from the form of cooperation at

[86] A concrete example of this is a liberal society moving from being strictly neutral with regard to reasonable conceptions of the good to being perfectionist.
[87] Note that this requirement is not a requirement of justice. I take issues of legitimacy and issues of justice as two separate and different sets of issues.

hand. This section identifies the kinds of cooperation in the contemporary world from which duties and fairness are derived. Note that in the following discussion, I shall be using concepts – e.g. legitimacy, authority – in their normative (moral) sense, rather than in their legal (political) descriptive sense.

The most conspicuous feature of our contemporary world is that there are states. For the purposes of this thesis, I assume that a state is an entity which has effective coercive power over its purported subjects. This, as I said earlier, gives rise to issues of legitimacy. I also leave it open as to what are the conditions for an agent or entity to have legitimate authority over others, and consequently to be legitimate in exercising coercive power against others. Thus what are the conditions for a state to be legitimate is also left open in this thesis. Nevertheless, the following seems true, with regard to what it means for a state to be legitimate or illegitimate. If a state is legitimate, then it implies three things. First, a legitimate state has justified supreme authority over its purported subjects.[88] Second, since a state is an entity which has effective coercive power over its purported subjects, a legitimate state therefore has legitimate effective coercive power over its purported subjects.[89] And thirdly, the legitimacy of the coercive power exercised by any entity under a legitimate state is grounded in the legitimate state's authorization. On the other hand, if a state is illegitimate, then it implies the negation of the above three things. First, an illegitimate state does not have justified authority over its purported subjects. Second, an illegitimate state has illegitimate effective coercive power over its purported subjects. And thirdly, the legitimacy of the coercive power exercised by any entity under an illegitimate state is not grounded in the illegitimate state's authorization.

States are also schemes of cooperation of some kind. I shall refer to these schemes of cooperation as 'state-level cooperation'. Each state has its own rules, that aim to guide

[88] By 'justified supreme authority', I mean normatively justified supreme authority. Furthermore, I take it that even if an entity has justified authority, it does not follow that it necessarily has coercive power over its subjects.

[89] Cf. Above fn. The reason for why a legitimate state has legitimate *effective coercive power*, is not because it has normatively justified supreme authority. Rather, it is because a state is an entity which has effective coercive power over its purported subjects.

the actions of individuals within it; and these rules express, if not define, the form of cooperation of the state-level cooperation. Most of the time, states also utilize their effective coercive power, to ensure that at least most of their respective subjects abide by their respective rules. If the state is legitimate, then it is legitimate in utilizing its effective coercive power to do so. If it is not legitimate, then it is illegitimate in utilizing its effective coercive power to do so.

However, states are not the only schemes of cooperation that exist in our contemporary world. There are also many schemes of cooperation within states, which I shall refer to as 'local cooperation'; and schemes of cooperation that are beyond the boundaries of the state, which I shall refer to as 'trans-state cooperation'. Each of these schemes of cooperation has its own rules, that aim to guide the actions of the individuals who participate in them; and their respective rules express, if not define, their respective form of cooperation. Sometimes these schemes of cooperation have a coercive structure behind them that exercises coercive power, to ensure that at least most of their participants abide by their respective rules. This also gives rise to issues of legitimacy. However, the presence of legitimate states does complicate these issues a bit more here.

Given that the legitimacy of the coercive power exercised by any entity under a legitimate state is grounded in the legitimate state's authorization, if the local cooperation is under a legitimate state, then its coercive structure, if there is one, is legitimate only if it is authorized by the legitimate state under which it falls. Something similar goes on with trans-state cooperation. Insofar as trans-state cooperation exercises coercive power over its participants, who are subjects of a legitimate state, the legitimacy of that is grounded in the authorization of the legitimate state under which those participants fall.[90]

What if there were no legitimate states? Of course, it is not only under legitimate

[90] Here I have assumed the primacy of states (over trans-state cooperation) with regard to legitimacy. This is not uncontroversial. However, it is a complicated and extensive issue that requires an extended discussion in its own right. Given the limited space in this thesis, together with the fact that its topic is on global justice, rather than on political legitimacy, I shall reserve this issue for future research. For a critical discussion on my assumption here, see Buchanan 2004: 289-327 (chapter 7).

states that coercive structures or exercises of coercive power can be legitimate. Under what conditions they are legitimate depends on one's theory of legitimacy,[91] which is something I leave open for the purposes of this thesis, as I said before. Nevertheless, whatever those conditions are, this seems to be the case: In the absence of legitimate states, the coercive structure of a local cooperation, if there is one, is legitimate insofar as it satisfies those conditions for legitimacy. Similarly, in the absence of legitimate states, the exercise of coercive power in trans-state cooperation is legitimate, insofar as it satisfies those conditions of legitimacy.

In any case, duties of fairness and equality are derived from the forms of cooperation of all these kinds of cooperation - states (or what I call 'state-level cooperation'), local cooperation and trans-state cooperation - whether or not they have legitimate authority, and subsequently whether or not their corresponding coercive structure or their exercises of coercive power are legitimate. Insofar as these schemes of cooperation have different forms of cooperation, they would yield different duties of fairness and equality.

6. - Duties of Fairness and Equality & Political Conceptions of Justice.

The previous section argued that duties of fairness and equality are derived from the forms of cooperation of states, local cooperation and trans-state cooperation. Thus states are but one source of duties of fairness, and therefore these duties are not only held among those who are within the same states. But states do play a more significant and important role with regard to these duties than the other two sources. This section first argues for this more significant and important role of states. It then critically discusses certain political conceptions of justice, which are prominently held by some neo-cosmopolitans. Political conceptions of justice are a kind of statist theory which maintains,

[91] One possible example of this is when all the participants of a scheme of cooperation freely, willingly and voluntarily submit themselves under a coercive structure, that enforces their abidance to the rules of that cooperation.

contra my own position, that states are the only source of duties of fairness and equality. For adherents of political conceptions, duties of fairness and equality are therefore only binding between those within the same state.

6.1 – The Significance of States

There are three reasons for states being more significant and important with regard to duties of fairness and equality, even though they are only one among three sources of these duties.

6.1.1 – Their Effective Coercive Power.

First, whether states are legitimate or not, they wield effective coercive power.[92] Although it might be possible for other kinds of cooperation to wield coercive power, it is not effective coercive power that they are wielding. Thus accordingly, although it is the case that in all schemes of cooperation, individuals are most probably, in some way or another, prevented from leaving the cooperation, it is only in state-level cooperation that they are effectively prevented from leaving. The effective coercive power of the state leaves fewer, if not no, means of escape from the state-level cooperation than other kinds of cooperation. One might think that because of this, it is more important to ensure that the burdens and benefits of state-level cooperation are distributed fairly, than they are in other kinds of cooperation. Thus the duties of fairness and equality that are derived from the form of cooperation of state-level cooperation are, in this sense, more important than those that are derived from the form of cooperation of other kinds of cooperation.

6.1.2 – Their Ability to Control Forms of Cooperation.

Second, since states, whether they are legitimate or not, wield effective coercive power, they can control the schemes of cooperation that are under them. Thus they can control those schemes' forms of cooperation. But since those schemes' duties of fairness

[92] By effective coercive power, I mean that it extends to and reaches more aspects of peoples' lives than does the power exercised in other modes of cooperation. It therefore also leaves fewer means of escape.

and equality are derived from their respective forms of cooperation, the fact that the state can control their forms of cooperation also means that, their duties of fairness and equality can also be under the control of the state. I shall explain this with legitimate states first, then with illegitimate states.

Recall that a scheme of cooperation can only be said to exist, if most of its participants abide by its rules. Thus there is a need for a coercive structure in the cooperation, to ensure that at least most of its participants abide by its rules, when it is not the case that most of them do so voluntarily. However, given that the legitimacy of the coercive power exercised by any entity under a legitimate state is grounded in the legitimate state's authorization,[93] in the presence of legitimate states, the coercive structure of a scheme of cooperation (whether it is a local cooperation or a trans-state cooperation) can legitimately exercise coercion to ensure that at least most of its participants abide by its rules only when it has gained the authorization from the legitimate state to do so. And it can gain the authorization of the legitimate state to do so, only if it conforms to the requirements, i.e. the rules, of the legitimate state. Insofar as the cooperation does not conform to the rules of the legitimate state, it has to alter its rules according to the rules of the legitimate state, so that the coercive structure of the cooperation then has the authorization to legitimately exercise coercion. If the cooperation does not do so, its coercive structure is exercising illegitimate coercion. A legitimate state would then be required to exercise its effective coercive power to curtail that. But without a coercive structure, the cooperation cannot be said to exist, when most of its participants do not abide by its rules voluntarily. As a result, if there are any schemes of cooperation that have a coercive structure in the presence of legitimate states, their rules have to conform to the rules of the state-level cooperation. Otherwise, it cannot be said to exist, when most individuals do not abide by their respective rules voluntarily. Since the rules of a scheme of

[93] As discussed in section 5 of this chapter, this is one of the three things that I take as what it means for a state to be legitimate.

cooperation express, if not define, its form of cooperation, it is in this sense that legitimate states can control the form of cooperation of the other kinds of cooperation.

Of course it is also possible to have schemes of cooperation which do not have coercive structures, because their participants all abide by their respective rules willingly and voluntarily. However, in cases like these, in the presence of legitimate states, states can still control the form of cooperation of these kinds of cooperation. This is because since legitimate states have justified supreme authority and legitimate effective coercive power over their purported subjects,[94] the participants in these kinds of cooperation should not and cannot, willingly and voluntarily, abide by those rules, if the rules in the state-level cooperation disallow that. Thus if there is a scheme of cooperation which has rules that participants are forbidden to abide by, because of those of the state-level cooperation, the cooperation has to alter its rules according to the ones of the state-level cooperation, so that its participants are allowed to abide by them voluntarily and willingly. To the extent that the cooperation does not do so, its participants should not and cannot abide by them (even if they would do so willingly and voluntarily); and the cooperation in question cannot be said to exist. Thus in the presence of legitimate states, even if there are schemes of local cooperation or trans-state cooperation which do not have coercive structures, because their participants willingly and voluntarily abide by their respective rules, their forms of cooperation are also under the control of the legitimate state.

Something similar happens in the presence of illegitimate states. Even though illegitimate states are illegitimate, they still have effective coercive power over their purported subjects. As a result, in the presence of illegitimate states, insofar as the rules of the cooperation (whether they are local cooperation or trans-state cooperation) do not conform to those of the state-level cooperation of the illegitimate state, the illegitimate state can always exercise its effective power, which would lead those schemes of

[94] As discussed in section 5 of this chapter, these are basically the other two of the three things that I take as what it means for a state to be legitimate.

cooperation to alter their rules according to those of the state-level cooperation. This can be done in two ways: (a) prevent the cooperation from exercising their legitimate or illegitimate coercion, in cases where not all their participants voluntarily abide by their respective rules; or (b) prevent their participants from abiding by their respective rules, in cases where the participants would willingly and voluntarily abide by them.

Since (a) states (whether they are legitimate or not) wield effective coercive power over their purported subjects, (b) legitimate states have justified authority over their purported subjects, and (c) the legitimacy of the coercive power exercised by any entity under a legitimate state is grounded in the legitimate state's authorization, insofar as other kinds of cooperation (be it local or trans-state) have states' purported subjects as their participants, then states can control their form of cooperation, and subsequently their duties of fairness and equality. It is because of this, together with the inescapability of state-level cooperation,[95] that states (or state-level cooperation) play a more significant and important role with regard to duties of fairness and equality than local cooperation and trans-state cooperation.

6.1.3 – Their Ability to Resolve Conflicting Duties.

There is another reason why states play a more significant and important role, with regard to duties of fairness and equality, than other kinds of cooperation. This concerns the possible conflicts between different duties of fairness and equality.

Duties of fairness and equality are derived from the form of cooperation at hand. But in our contemporary world, there are generally three kinds of cooperation: state-level cooperation, local cooperation and trans-state cooperation. There is no guarantee that these three kinds of cooperation would have the same form of cooperation. Neither is there any guarantee that instances of the same kind of cooperation would have the same forms. However, it seems plausible to suggest that an individual would participate in more than

[95] As discussed earlier in section 6.1.1 of this chapter, this is because they have effective coercive power over their purported subjects.

one of those schemes of cooperation. Thus insofar as the schemes of cooperation that the individual participates in do not have the same forms of cooperation, then different duties of fairness and equality would bear on him. What should he do when these duties conflict?

Here lies the other reason why states, or more particularly legitimate states, play a more significant and important role with regard to duties of fairness and equality than other kinds of cooperation. Since a legitimate state has justified supreme authority over its subjects, insofar as an individual is a subject of a legitimate state, the state-level cooperation in which he participates (in virtue of the fact that he is a subject of that legitimate state) has justified supreme authority over him; while other schemes of cooperation (be it local or trans-state), that he might happen to participate in do not. Thus the duties of fairness and equality which are derived from the form of cooperation in the state-level cooperation bind him in a way that other duties of fairness and equality, which are derived from the form of cooperation in the other schemes of cooperation that he participates in, do not. Accordingly, if his different duties of fairness and equality do conflict, he should follow the ones that are derived from the (legitimate) state-level cooperation of which he is a participant - rather than the ones that are derived from the other kinds of cooperation that he happens to participate in. Thus legitimate states have this function that can resolve conflicts which arise from having different specified duties of fairness and equality bearing on individuals.

6.1.4 – Summary: The Significance of States.

Although I do not endorse the claim that states are the only source of duties of fairness and equality, and therefore these duties are not only held among those who are within the same states, I do believe that states play a more significant and important role, with regard to these duties, than the other two kinds of cooperation - local cooperation and trans-state cooperation. This is mainly because (a) as states, they wield effective coercive power over their purported subjects; and (b) as legitimate states, they have justified

supreme authority over their purported subjects. It is because of (a), and the inescapability that it implies, that we are particularly concerned with the duties of fairness and equality that are derived from the form of our state-level cooperation. It is also because of (a), together with the claim that the legitimacy of the coercive power exercised by any entity under a legitimate state is grounded in the legitimate state's authorization, that states can control the duties of fairness and equality that are derived from the other kinds of cooperation. Finally, it is because of (b) that legitimate states have this function that can resolve conflicts which arise from having different duties of fairness and equality bearing on individuals.

6.2 – Political Conceptions of Justice.

My neo-cosmopolitan position contends that states are but one source of duties of fairness and equality among others, i.e. trans-state cooperation and local cooperation, even though states play a more significant and important role than them with regard to these duties. It is therefore at odds with political conceptions of justice, which are prominent among some neo-cosmopolitans. According to them, states are not one, but the only source of duties of fairness and equality. This section briefly discusses two specific political conceptions of justice: Nagel's and Blake's.[96] I shall argue that the reasons they each offer for their claim that states are the only source of duties of fairness and equality do not seem to warrant it. In fact, if one looks at their position closely, they point in the direction of my contention.

6.2.1 – Nagel.

Nagel's political conception of justice draws a distinction between basic humanitarian demands and the more demanding requirements of justice.[97] The former are structurally similar to my duties of minimal wellbeing,[98] while the latter are structurally

[96] E.g. Nagel 2005 & Blake 2001.
[97] For the distinction between basic humanitarian demands, and the more demanding requirements of justice, see Nagel 2005: 125-126.
[98] There is the issue of whether basic humanitarian demands are demands of justice, but I think we can set

similar to my duties of fairness and equality. Although basic humanitarian demands are universal, i.e. they bear on everyone against everyone else, the more demanding requirements of justice are not.[99] This is because it is only within sovereign states that there are the more demanding requirements of justice. The reason is that sovereign states impose coercion in the name of their subjects, and that requires justification in terms of the more demanding requirements of justice. Otherwise it would be no different from pure coercion. As Nagel explains,

> "I submit that it is this complex fact – that we are both putative joint authors of the coercively imposed system, and subject to its norms… that creates the special presumption against arbitrary inequalities in our treatment by the system… Without being given a choice, we are assigned a role in the collective life of a particular society. The society makes us responsible for its acts, which are taken in our name… and it holds use responsible for obeying its law and conforming to its norms, thereby supporting the institutions through which advantages and disadvantages are created and distributed. Insofar as those institutions admit arbitrary inequalities, we are… responsible for them, and we therefore have standing to ask why we should accept them… The reason is that its requirements claim our active cooperation, and this cannot be legitimately done without justification – otherwise it is pure coercion".[100]

Since Nagel believes that it is only sovereign states that impose coercion in the name of their subjects,[101] the more demanding requirements of justice therefore only arise in the context of sovereign states. Thus under Nagel's political conception of justice, states, or more specifically sovereign states, are not just the more significant and important source of duties of fairness and equality. They are the only source of duties of fairness and

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that aside for the purposes of this discussion.

[99] Nagel 2005: 130.

[100] Nagel 2005: 129.

[101] Although Nagel never said this explicitly, it seems rather evident in his discussion on why the more demanding requirements of justice are not applicable in the global arena. See Nagel 2005: 136-140.

equality.

However, it might be true that it is only sovereign states that impose coercion in the name of their subjects, and this can only be justified in terms of the more demanding requirements of justice. But why think that it is only acts of imposing coercion in the name of individuals that require justification in terms of the more demanding requirements of justice? Nagel never seems to have defended this assumption. And intuitively, it seems that there are a lot of other acts that also require justification in terms of the more demanding requirements of justice, which do not involve coercion in the name of individuals. For example, a capitalist does not usually coerce his labourers in their name. However, when it comes to distributing the profits that he made by selling the products that his labourers have produced, he needs to justify the distribution in terms of the more demanding requirements of justice; i.e. he and his labourers should all have, in some sense, a fair and equal share of the profit. Thus contra Nagel, it is not the case that sovereign states are the only sources of duties of fairness and equality, even though they might very well be the only entities that impose coercion in individuals' names. This points us at least back to the direction that states are but one source of duties of fairness and equality, even though they do play a more significant and important role.

6.2.2 – Blake.

Blake's political conception of justice is concerned with the distribution of economic resources. He draws a distinction between two types of deprivation of economic resources, that individuals suffer from, which justice can be concerned about: absolute deprivation and relative deprivation.[102] When justice is concerned about them, they are structurally similar to my duties of minimal wellbeing and duties of fairness and equality respectively. This is because if there are deprivations that duties of minimal wellbeing and duties of fairness and equality are concerned about, duties of minimal wellbeing are

[102] Blake 2001: 258-260.

concerned with the absolute kinds of them, while duties of fairness and equality are concerned with the relative kinds of them. According to Blake's political conception of justice, justice is concerned with absolute deprivation universally. But it is not concerned with relative deprivation universally, since it is only within states that justice is concerned with relative deprivation. Thus similarly to Nagel, states are not simply the more significant and important among other sources of duties of fairness and equality. They are the only source of these duties. The reason is that states exercise a very distinctive kind of coercion, namely a pattern of law that defines how we may hold, transfer, and enjoy our property and our entitlements;[103] and this can be justified to their subjects only if it generates a fair and equal pattern of distribution.[104] It is in this sense that justice is concerned with relative deprivation, but only within states.

Central to Blake's position is the principle of autonomy, which states that "all human beings have the moral entitlement to exist as autonomous agents, and therefore have entitlements to those circumstances and conditions under which this is possible".[105] Blake adopts a Razian understanding of autonomy, where an autonomous agent is an agent who is capable of selecting and pursuing plans of life in accordance with his or her own conception of the good.[106] It is this principle of autonomy that grounds the concern that justice has for absolute deprivation and coercion. As he says, "There is, I think, a threshold to decent human functioning, beneath which the possibility of autonomous human agency is removed. It seems to be a matter of moral gravity whenever we might prevent someone from falling below that line and fail to do so.";[107] and "… coercive proposals violate the autonomy of those against whom they are employed… A question therefore arises about

[103] Blake 2001: 281.
[104] Blake 2001: 281-285. It is true that Blake uses Rawls's original position as a device for justification here. However, given that Rawls's original position is also a device that is used to flesh out what it means to fairly and equally distribute the goods in question, in saying that Rawls's original position is a device for justification here, Blake is *inter alia* saying that the justification is to be done in terms of a fair and equal distribution of the goods in question.
[105] Blake 2001: 267.
[106] Blake 2001: 266-273.
[107] Blake 2001: 259.

the appropriate forms of justification, by which an otherwise impermissible invasion of autonomy might be legitimated".[108] I agree that given the principle of autonomy, justice is concerned with certain kinds of absolute deprivation and coercion, especially the kind of coercion exercised by states; and it is not concerned with relative deprivation, unless there is the kind of coercion that is exercised by states, for the reasons that Blake gives.

However, what I disagree with is the assumption that Blake holds in his arguments. He assumes that all justice requires is the principle of autonomy. Justice, according to Blake, is *only* concerned with the 'global protection of individual autonomy'.[109] But why think that is true? If my arguments in this chapter are sound, then justice is also concerned with the fair and equal distribution, among the participants, of the benefits and burdens of schemes of cooperation. If one further accepts my arguments that states are just one kind of cooperation among many (I argue that there are also local and trans-state cooperation), then justice is also concerned with relative deprivations among the participants in these other kinds of (non-state) cooperation, even if these other kinds of cooperation do not exercise the kind of coercion that is typically exercised by states. Of course, as I have argued before, given the nature of the kind of coercion that is typically exercised by states, justice should be more concerned with the relative deprivations among the citizens in states, than with those among the participants in other kinds of cooperation. But it does not follow from this that justice is only concerned with the relative deprivations among the citizens in states.

As one can see, it is because Blake unduly restricts justice to only the principle of autonomy, that he is led to conclude that justice is only concerned with relative deprivations among the citizens in states. But since Blake did not argue for his assumption, given my arguments in this chapter I am inclined to maintain that (contra Blake and going back to my analogy between duties of fairness and equality and justice being concerned

[108] Blake 2001: 272-273.
[109] Blake 2001: 266-267.

with relative deprivations) states are but one source of duties of fairness and equality, even though they play a more significant and important role with regard to these duties than the other sources.

7. - The Kinds of Duties of Fairness and Equality We Have.

We are now finally in the position to identify the kinds of duties of fairness and equality that we have. Among members of any one of the following three kinds of cooperation - states (state-level cooperation), local cooperation and trans-state cooperation – there are duties of fairness and equality, which are derived from the form of cooperation that they are participating in. These duties of fairness and equality are owed towards the respective fellow members of the same cooperation that one is in. Thus, if one is a member of a state, then one owes the respective duties of fairness and equality to fellow members of that state. If one is also a member of a local cooperation, then one also owes the respective duties of fairness and equality to the respective fellow members of that local cooperation; the same goes for trans-state cooperation, and so on and so forth. If these different duties of fairness and equality conflict, and if the state that one is a member of is legitimate, then the duties of fairness and equality that one owes to the respective fellow members of that legitimate state trump the other conflicting duties of fairness and equality. This, however, would not be the case if the state of which one was a member was not legitimate.

8. - Conclusion.

This chapter has been laying out the basic framework of my conception of global justice. This framework consists in: (a) There are duties of minimal wellbeing, which bear on all individuals against all other individuals. (b) There are also duties of fairness and equality. (b-i) These duties are derived from the form of cooperation at hand. And in our contemporary world, there are three kinds of cooperation: states, local cooperation and

trans-state cooperation. (b-ii) Though states are not the only source from which these duties can be derived, they do play a more significant and important role than the other two sources. (b-iii) These duties bear on individuals who are members of the so concerned cooperation against all other individuals who are fellow members of it. (b-iv) In cases of conflict, those that are derived from (the form of cooperation of) one's legitimate state, trump the other conflicting duties of fairness and equality that one has.

As I said at the beginning of this chapter, this thesis assumes that the primary bearers of these duties are individuals. And I briefly defended this view by criticizing Rawls's alternative view that states are the primary bearers of these duties, as opposed to individuals, in Chapter 1 - Introduction. Nevertheless, as I have also argued there, holding individuals as the primary bearers of these duties, is consistent with holding other entities (e.g. states, associations, collectives etc.) as secondary bearers of these duties, for various instrumental reasons (e.g. efficiency, issues of collective action, informational issues, economies of scale, costs, the legitimacy of coercion etc.). Thus although I have framed the above discussion as duties that individuals have, it might be the case that in actual life, it is other entities that bear these duties.

As I said in section 3.3 of this chapter, for the rest of the thesis, I shall focus on duties of minimal wellbeing. The next chapter argues for an account of duties of minimal wellbeing – the human-life account, and against the usual account – the human flourishing account.

Chapter 3
An Account for Duties of Minimal Wellbeing

1. - Introduction.

This chapter discusses accounts of duties of minimal wellbeing, accounts from which the objects of such duties are derived. I consider three accounts: the human flourishing account and the needs-based account, both of which are prominent in the literature; and my account, the human-life account. I argue that my account is superior to the human flourishing account, and contrast it with the needs-based account.

In section 2 below, I discuss a couple of structural points that any account of duties of minimal wellbeing has to take into consideration. I then consider the human flourishing account, and its problems, in section 3. In section 4, I introduce my human-life account, and argue that it is superior to the human flourishing account. Finally, I contrast my account with the needs-based account in section 5.

2. - Duties of Minimal Wellbeing & Sufficientarian Conception of Justice.

Duties of minimal wellbeing are concerned with the quality of life of individuals. That is, they are concerned with how good or how bad an individual's life is for that individual. However, they are not just concerned with the quality of life of individuals *per se*. More specifically, they are concerned with individuals having a certain level of quality of life, where this level is in some sense 'minimal'. In other words, duties of minimal wellbeing are concerned with individuals having a quality of life that is at or above a certain threshold. Different accounts conceive this threshold differently. The main aim of this chapter is to discuss what account offers the most appropriate conception of this threshold.

Given that duties of minimal wellbeing are concerned with individuals having a quality of life that is at or above a certain threshold, they assume a sufficientarian

conception of justice. Such a conception states that if individuals have a quality of life that falls below a certain threshold, then there is priority in benefiting these individuals until they reach the threshold; while individuals whose quality of life is at or above the threshold should not be prioritised to the same extent. Call this the positive thesis. Sometimes the positive thesis is coupled with the negative thesis which states that prioritarian and egalitarian concerns are not applicable in any way to individuals whose quality of life is at or above that threshold.[110] If one believes that prioritarian and egalitarian concerns exhaust all the concerns of justice, this negative thesis has the effect of implying that all justice demands is that individuals have a quality of life that is at least at the threshold. Once everyone's quality of life is at or above that threshold, justice demands nothing more. Some advocates of the sufficientarian conception of justice advance both the positive thesis and the negative thesis,[111] while some only advance the positive thesis.[112] Since under my account, duties of minimal wellbeing are only one aspect of global justice (the other being duties of fairness and equality), I therefore only advance the positive thesis. Indeed, one reason why a sufficientarian conception of justice is implausible is because it endorses the negative thesis on top of the positive thesis.[113] It seems very counter-intuitive that as long as everyone is above a certain threshold, then any inequalities (no matter how grave) do not matter from the point of view of justice.

In my M. Litt. Dissertation,[114] I argue that the most plausible sufficientarian conception of justice has the following three features:

First, it is a strong sufficiency view. There is absolute priority in non-trivially benefiting those individuals whose quality of life is below the threshold, even if this means forgoing greater benefits to a greater number of those whose quality of life is already at or above the threshold, or when inequalities are increased as a result. There are two reasons

[110] I have taken from Casal this distinction between the positive thesis and the negative thesis. See Casal 2007: 297-303.
[111] For example Frankfurt 1997 & Crisp 2003.
[112] For example Nussbaum 2000, see particularly p. 75.
[113] See Casal 2007 & Benbaji 2006.
[114] Lee 2007.

for this: First, the moral commitment of sufficientarian conceptions of justice is that we should benefit those whose quality of life is below the threshold because they are absolutely worse off. This commitment is betrayed when benefits to a greater number of those whose quality of life is already above the threshold are allowed to outweigh the non-trivial benefits to those whose quality of life is below the threshold. Second, it is also susceptible to the criticism that the lives of those who are already well off are further improved, when that improvement can benefit certain people who are living a miserable life (i.e. those whose quality of life is below the threshold).

Second, it has only one threshold. This is in response to Benbaji's Multilevel Sufficiency View. Benbaji argues that the most plausible sufficientarian conception of justice has three thresholds: the personhood threshold, the pain / poverty threshold and the luxury threshold; and the priority to benefit individuals diminishes as we move up the thresholds. [115] I argue that if we look in detail at his arguments for each of those thresholds, they all collapse into a single threshold. Thus it is not an objection to a sufficientarian conception of justice, if it only has one threshold.

Third, the concepts that are used to define the threshold should be 'threshold concepts' rather than 'graded concepts'. This is in response to the objection that a sufficientarian conception of justice implies wellbeing dis-continuity,[116] which I consider as the most serious objection. Advocates of wellbeing continuity argue that since individuals' quality of life is a continuous scale, why is there an absolute priority in benefiting person X whose quality of life is slightly below the threshold, while there is no such priority when person X's quality of life is slightly above the threshold? They argue that it seems arbitrary to attribute such a large moral difference to such a small difference in quality of life, when person X's quality of life moves from slightly below the threshold to slightly above it. In response, I argue that it would not be arbitrary if the concepts that

[115] Benbaji 2006: 338 & 343.
[116] See Benbaji 2006: 331-333 & Arneson 2000: 56.

are used to define the threshold are threshold concepts rather than graded concepts. Threshold concepts are concepts that do not admit degrees in their application, while graded concepts are concepts that admit degrees in their application. I argue, for example, that the status of being a human being is a threshold concept. One is either a human being or not, there are no degrees in being a human being. If we define the threshold with such threshold concepts that carry great normative weight, then there is a large qualitative difference between the individual whose quality of life is at the threshold and the individual whose quality of life is slightly below it, even though there is only a small quantitative difference between them. This large qualitative difference can then ground the absolute priority in benefiting the latter individual over the former individual.

Most contemporary sufficientarian conceptions of justice have at least one of the above three features. For example Nussbaum's position (which is what I call the 'human flourishing account') has all of the above features.[117] Although I need to further elaborate or strengthen some of my arguments for the above features, I am not doing so here for the following three reasons:

First, recall that duties of minimal wellbeing assume a sufficientarian conception of justice because they are concerned with individuals having a quality of life that is at or above a certain threshold, and this chapter aims to discuss what account offers the most appropriate conception of this threshold. It is therefore not the aim of this chapter to argue in detail about what is the most plausible sufficientarian conception of justice. Rather, I take for granted a sufficientarian conception of justice that has *prima facie* plausibility, and discuss what account offers the most appropriate conception of the threshold. This is then used to explain in chapter 7 what the objects duties of minimal wellbeing are.

Second, although I believe no account can offer an appropriate conception of the

[117] One thing to note is that it is true that in her definition of the threshold, i.e. a life worthy of human dignity, 'human dignity' is a threshold concept. However, she fleshes that out by saying "… the human being as a dignified free being who shapes his or her own life in cooperation and reciprocity with others, rather than passively shaped or pushed around by the world in the manner of a "flock" or "herd" animal" (Nussbaum 2000: 72). This seems to undermine 'human dignity' as a threshold concept since shaping one's own life in cooperation and reciprocity with others comes in degrees.

threshold unless it takes the above three features in consideration, my criticism against human flourishing account does not depend on the above three features.[118] In fact as I have said earlier, it has already taken them into consideration. The purpose to make explicit the above three features, is to illustrate how my human-life account still yields a plausible sufficientarian conception of justice for duties of minimal wellbeing, even though it rejects the human flourishing account. This is because, like the human flourishing account, it takes the above three features into consideration. This is discussed in section 4 of this chapter.

Third, the plausibility of some of the above three features depends on how the threshold is conceived. For example with the first feature: is the threshold conceived in such a way that there is an absolute priority in benefiting those whose quality of life is below the threshold? Thus discussing what account offers the most appropriate conception of the threshold for a sufficientarian conception of justice, is part of the argument for some of the above three features.

Thus the above three features play different roles with regard to the aim of this chapter: whether the first feature is plausible depends on what account offers the most appropriate conception of the threshold. The second feature implies most probably that only one threshold is needed. The third feature is a constraint on what is the most appropriate account. All this is further discussed in relation to my human-life account in section 4 of this chapter.

3. - The Human Flourishing Account & Its Problems.

Here I discuss one of the most prominent accounts of duties of minimal wellbeing, i.e. the human flourishing account. This account usually starts with a conception of human flourishing, and asks what is minimally required for an individual to lead such a life. The objects of duties of minimal wellbeing are then those things that are minimally required for an individual to lead a flourishing human life. The function of duties of minimal wellbeing

[118] This is in section 3 of this chapter.

is to secure those objects for individuals.[119]

Due to their commitment to overlapping consensus,[120] most contemporary advocates of the human flourishing account tend to formulate their conception of human flourishing in a general and abstract way. Subsequently their derived lists of things that are minimally required for an individual to lead such a life are also general and unspecific. The objects that constitute their derived lists are usually types of things that are minimally required for an individual to lead such a flourishing life.[121] However, I have three worries with using human flourishing as a starting point.

First, if overlapping consensus is achieved by reducing contestability, then a conception of human flourishing and a derived list that is general, abstract and unspecific is unhelpful and does not necessarily achieve that aim. It might reduce the contestability of items on the list, but sometimes that is not because they are really incontestable. Rather it is because their general, abstract and unspecific nature that makes it harder to reasonably and rationally contest them. Indeed, in so far as one actually began with a substantive conception of human flourishing which would most probably be highly contestable, it seems a bit deceptive in trying to achieve overlapping consensus by formulating it and the derived list in general, abstract and unspecific terms. This might not be with a fair criticism of Nussbaum, but it seems applicable to Pogge: "Facing up to this daunting responsibility requires that we develop, within our conception of the justice of social institutions, a *substantive* conception of human flourishing". But then he says, "The sought universal criterion of justice ought to work with a *thin* conception of human flourishing, which might be *formulated* largely in terms of *unspecific means*, rather than components of, human flourishing. Though disagreements about what human flourishing consists in may prove

[119] See Pogge 2002b 27-51. For Nussbaum, the conception of human flourishing is a life that is worthy of human dignity. Nussbaum 2006: 74-78.
[120] The general idea behind 'overlapping consensus' is that for a conception of justice to be stable (and hence a plausible conception), it has to be the case that its principles of justice can be agreed upon by people who hold different and incompatible but reasonable comprehensive conceptions of the good. See Rawls 1996: 144-150.
[121] See Pogge 2002b: 36 and Nussbaum 2006: 76-79.

intractable, it may well be possible to bypass them by agreeing that nutrition, clothing, shelter, certain basic freedoms, as well as social interaction, education, and participation are important means to it…"[122]

Nevertheless, one might think that we can avoid this by taking seriously what Pogge says in the latter quotation. Rather than starting with a substantive conception of human flourishing, we start with, as Pogge suggests, a thin conception of human flourishing which is constituted by unspecific means to human flourishing. Then maybe we can achieve overlapping consensus by bypassing the contestability, which originates from a substantive conception of human flourishing. This, however, leads to my second worry.

I agree that maybe we can achieve overlapping consensus by starting with a thin conception of human flourishing, which is constituted by unspecific means to human flourishing. However, the problem here is that we seem to be misconstruing their significance. As I shall argue later in chapter 7, means to the satisfaction of biological needs, education, physical security, freedom of expression, belief and association and freedom of non-harmful conduct are all constitutive of securing a human life for individuals. Of course there is the prior problem of what Pogge means by certain basic freedoms, social interaction, education and participation. But insofar as they refer to what I argue for in chapter 7, they are not just unspecific means to human flourishing. Rather, they are constitutive of securing a human life for individuals. It is true that what is constitutive of securing a human life for individuals is (part of) the means to human flourishing, since an individual cannot flourish unless a human life is secured for him. But construing them as merely unspecific means to human flourishing, fails to accurately identify the role they play in the life of individuals. Indeed, this role that they play – being constitutive to securing a human life for individuals - is arguably more important than just

[122] Pogge 2002b: 36. My italics. Note that these unspecific means are different from (maybe narrower than) Rawls's primary goods. The latter are means for pursuing one's ends, whatever they might be. In contrast, unspecific means to human flourishing are means for pursuing one kind of ends, namely human flourishing. For Rawls's primary goods, see Rawls 1971: 62 & 92.

being unspecific means to human flourishing. This is because first, being able to lead a human life is arguably more important than being able to lead a flourishing human life; and second, being *constitutive to securing* an end (which in this case is a human life for individuals) is arguably more significant than just being *unspecific means* to an end (which in this case is human flourishing).

Third, overlapping consensus is definitely an attractive ideal that we cannot do without. But any conception of human flourishing (indeed anything normative) that we endorse necessarily comes from our own comprehensive doctrines – our religious, philosophical or moral doctrines in which we are brought up.[123] Their intelligibility and meaning are tied to their respective comprehensive doctrines. Thus trying to achieve overlapping consensus on such issues is not just to offer a general, abstract, unspecific and vague list, and ask whether everyone would reasonably agree with it. Agreement between reasonable individuals is much more rich and deeper than that. It is about engaging with others in a rich discursive practice. It involves making explicit the underlying comprehensive doctrines, elucidating and justifying one's beliefs, commitments, values and weaving them all together into a conception of human flourishing. It also involves engaging the reasonable comprehensive doctrines of others, and understanding their elucidation and justification of their beliefs, values and commitments by relating them to one's conception of human flourishing. The hope is that through such a process, a conception of human flourishing and a derived list will eventually emerge which everyone can reasonably agree on. I am not implying that Pogge and Nussbaum have not set out something like this, though arguably Nussbaum has done a better job than Pogge with regard to this.[124] However, if that is the nature of overlapping consensus, then starting with a conception of human flourishing is not an easy way to reach it.

[123] I am using 'comprehensive doctrines' in the manner Rawls uses it. See Rawls 1996: 59.
[124] Pogge only talked about the different components in his conception of human flourishing, and then proceeded to assert that everyone would agree with his list of general unspecific means to human flourishing. Nussbaum elucidated her conception of human flourishing and her derived list with her rich and detailed examples of Vasanti and Jayamma. See Pogge 2002b: 27-36 & Nussbaum 2000: 15-24.

This is because the concept of human flourishing is a very rich and pervasive concept. As will become clearer in the discussion, a concept is rich in the sense that it involves many other concepts, some of which are themselves also rich in this sense. It is therefore also pervasive in the sense that its meaning is intricately tied up with the meaning of many other concepts. One cannot understand its meaning independently of the meanings of its connected concepts; and a shift in the meaning of one will lead to a shift in the many others that are connected.

The concept of human flourishing is rich and pervasive in this sense: It involves a lot of our commitments, values and beliefs, some of which are themselves very rich and deep, like dignity, worth etc. Thus it is tied up with our comprehensive doctrines in such an intricate way that it is really hard to engage with others in a rich discursive practice about it. This is because it is hard to disentangle the elements that constitute one's conception of flourishing, elucidate them clearly and see how they are inter-woven together. This makes justifying them especially hard. This also means that others would have a hard time trying to grasp and understand one's conception of human flourishing, let alone understand it by relating it to their own conceptions of flourishing. It is therefore not surprising that the conception of human flourishing that Pogge and Nussbaum start with is a general and abstract one. This is because it is quite hard to elucidate one's conception of human flourishing clearly and systematically, let alone justify it and compare it with other rival conceptions. There are ways to make this easier. Nussbaum argues that the argument for each of the items on her list involves imagining how a life without them is not a life worthy of human dignity.[125] Such arguments might help to clarify and elucidate the elements that constitute her conception of human flourishing, and see how they are inter-woven together. But I think it only makes it less hard rather than easier. This is evident from the fact that Nussbaum tried to do so with only two items on her list: affiliation and practical reason,[126]

[125] Nussbaum 2006: 78.
[126] Nussbaum 1995.

and her subsequent discussion of the list is not particularly clearer because of that.

Furthermore, even if we can find a way of disentangling the elements that constitute one's conception of human flourishing, elucidate them clearly and see how they are inter-woven together; given the pervasiveness and richness of the concept of human flourishing, it seems reasonable to suppose that not everyone can reasonably agree on one conception of human flourishing. First, deep and rich concepts like dignity, worth etc. do not lend themselves to further explanation and justification. Sometimes what dignity means is just this or that, and what at most support them are intuitions. They are the bedrock, and there is nothing deeper than that.[127] Sometimes people share them and sometimes they don't, even after much convincing. However, it might be too quick to presume that they are unreasonable just because they do not share them. For example, some might reasonably contend that human dignity lies in being able to control one's life; while others might also reasonably contend that human dignity lies in being able to do what is required, even when this is daunting or demanding. It seems a bit quick, if they do disagree, for either side to dismiss the other as being unreasonable. Second, the same consideration applies to how the elements of a conception of human flourishing are tied together, especially with regard to its constitutive values. It is not just simply that the ordering of its constitutive values does not lend itself to further explanation and justification. Sometimes there is just no fact of the matter to prefer one ordering rather than the other. This is because the constitutive values might be incommensurable with each other.[128] Thus for example, being able to form affiliations with other individuals and being able to have achievements in life are both constitutive of a flourishing human life. A life without either of them is not flourishing. However, which one is more important with regard to a flourishing human life? Some might contend that being able to form friendships outweighs the importance of being able

[127] Nussbaum herself also admitted that the arguments for her conception for human flourishing and her derived list are intuitive and discursive. See Nussbaum 2006: 78.

[128] For various discussions on the incommensurability of values, see Wiggins 1997, Raz 1986: 322-366, Griffin 1986: 75-92 & Broome 1997. The most comprehensive argument against the incommensurability of values is Chang 2002. I have written a paper against Chang's position (Lee 2008) but unfortunately there is no space to include it in this thesis.

to have achievements with regard to a flourishing human life, while others contend otherwise. Both of them seem reasonable enough. I believe this is so because they are incommensurable. Thus there is no fact of the matter as to which is more important in a conception of human flourishing. There are a couple of ways around this. Nussbaum stipulates that the components in her conception of human flourishing are all of central importance and distinct in quality.[129] Pogge leaves it open in his conception of human flourishing how its components relate to each other.[130] However, legislators require some sort of guidance with regard to the relative importance or priority of the various components in a conception of human flourishing. Leaving it open or stipulating that they are all of central importance is not particularly helpful, especially when in many cases certain things like life, bodily health, bodily integrity are in my view more important than practical reason and affiliation, which are in turn more important than other species and play in an account of human flourishing.[131]

These are not definitive arguments against the human flourishing account. They are just worries. I believe that Nussbaum's and Pogge's positions have gone a long way in trying to reduce the severity of these worries. However, if there is another starting point that does not suffer from the above worries as much as human flourishing does, i.e. it is less rich and pervasive, involves less rich and deep concepts and provides an ordering of its constitutive elements, and if it does as good a job as a conception of human flourishing, then it would be a better starting point for an account of duties of minimal wellbeing.

4. - The Case for the Human-life Account.

In this section, I shall first introduce my human-life account for conceiving the threshold for duties of minimal wellbeing. I shall then argue for it being superior to the human flourishing account with respect to the three worries I have identified in the

[129] Nussbaum 2000: 81.
[130] Pogge 2002b: 28.
[131] For the various components of Nussbaum's conception of human flourishing, see Nussbaum 2000: 78-80.

previous section. Finally, I shall discuss it in relation to the three features that any account for conceiving the threshold has to take into consideration, for them to yield a plausible sufficientarian conception of justice for duties of minimal wellbeing.

4.1 – The Human-life Account.

Despite the above worries with the human flourishing account, it is still instructive for our purposes to look at the concept of human flourishing again.

If an individual is living a flourishing human life, then his life is of a certain quality *for* him. It is of a certain quality *for* him because we are concerned with the flourishing of his life, not the flourishing of the human species or the flourishing of the society in which he is living. It is also not the quality of his life *to* him. Since it might be the case that *to* him, for whatever reason, he is not living a flourishing life, yet his life is in fact flourishing. For example, someone who has very low self-esteem and self-confidence might think that he has achieved nothing in life, even though he has in fact achieved much in it. In this thesis, I shall call the quality of an individual's life for him the wellbeing of that individual. Thus what a conception of human flourishing refers to is a certain level of wellbeing. Different conceptions of human flourishing differ from each other as to what exactly constitutes this level of wellbeing, i.e. the things that he needs to have such that his life is at that level of wellbeing. This is the source of the richness and pervasiveness of an account of human flourishing, since specifying this involves appealing to rich and deep concepts like dignity, worth etc. Given the above worries, a better alternative is to take a step back and instead of asking what constitutes the level of wellbeing where one's life is flourishing, we ask what constitutes the wellbeing of individuals, i.e. what makes an individual's life go better and what makes their life go worse. The next two chapters argue for and defend what I call a Razian conception of wellbeing. According to this, the wellbeing of an individual is fundamentally constituted by:

(a) the satisfaction of his biological needs; and,

(b) his success in whole-heartedly pursuing socially defined and determined goals and activities which are in fact valuable.

Accordingly, the more of an individual's biological needs are satisfied, and the more successful and whole-hearted he is in pursuing socially defined and determined goals and activities, and the more these goals and activities are in fact valuable, then all other things being equal, the higher is his wellbeing; and *vice versa*.

Based on this account of wellbeing, an account of what constitutes a human life can then be derived. According to it, a human life consists in having a level of wellbeing that is higher than the satisfaction of biological needs, where this is constituted by the pursuit of goals and activities with a sense of what is worth doing.[132] Under my human-life account, the function of duties of minimal wellbeing is therefore to secure a human life for individuals. Thus the threshold for duties of minimal wellbeing is constituted by whatever is involved in securing a human life for individuals. Determining what this amounts to then determines the objects of duties of minimal wellbeing.[133]

4.2 – The Human-life Account vs. the Human Flourishing Account.

My human-life account is superior to the human flourishing account. This is because it is less pervasive and less rich than a conception of human flourishing, as it does not appeal to rich and deep concepts like dignity, worth etc. The Razian conception of wellbeing does appeal to whole-heartedness and the value of goals and activities, and they might involve rich and deep concepts. But as it turns out in chapter 6 and 7, they do not play much role in the account of human life and in determining the objects of duties of minimal wellbeing. The latter does involve identifying what I call 'justice-violating goals and activities', but that can be done without appealing to rich and deep concepts. The derived account of human life does have a notion of human agency.[134] But it is much

[132] This is discussed in detail in chapter 6.
[133] This is the subject of chapter 7.
[134] As captured by the clause '…with a sense of what is worth doing'.

thinner and less value laden than other notions of human agency, e.g. autonomous agency. [135] All it involves are the abilities to form ideas of what is worth doing, revise them in light of further reasons and coordinate one's actions according to them; and they are just grounded in the thought that individuals pursue certain goals and activities because they find them worth doing. Chapter 6 discusses all this in greater detail.

The Razian conception of wellbeing and the derived account of human life are also not just disguised conceptions of human flourishing. Imagine a biologically healthy individual who is an agent in the above sense. He is able to forms ideas of what is worth doing, revise them in light of further reasons and coordinate his actions according to them. However, his life is devoted to his job as a toilet cleaner, which is definitely a valuable activity. He is whole-hearted in his job and is relatively successful in it. According to the Razian conception of wellbeing, he has a positive level of wellbeing that is beyond the satisfaction of his biological needs. Since this positive level is constituted by his pursuit of goals and activities with a sense of what is worth doing, he is also leading a human life according to the derived account of human life. However, it is doubtful that he is living a flourishing human life. Such a life is usually not the kind of life that people intuitively think of when they imagine a flourishing human life. Thus my human-life account is not a disguised human flourishing account.

My account also has an ordering of its constitutive elements. The satisfaction of biological needs is usually lexically prior to pursuing goals and activities, since it is one of the necessary conditions for pursuing goals and activities. However there are cases where this is not true. This is because there are certain goals and activities which are justifiably valuable, but involve the non-satisfaction of biological needs. For example fasting for a political cause or leading an ascetic life for spiritual reasons. Thus depending on the goals and activities that one pursues, the negative effects on wellbeing caused by the non-satisfaction of biological needs can be outweighed. All other things being equal, if an

[135] Please refer to section 6.3.3 of chapter 7 for this.

individual successfully pursues a valuable goal or activity which involves non-satisfaction of biological needs, then the negative effects on his wellbeing would be outweighed; otherwise it would not. Chapter 4 also argues that whole-heartedness consists in three levels: dis-heartedness, half-heartedness and whole-heartedness. The effects of dis-heartedness on wellbeing cannot be outweighed by the effects of success and the value of the pursued goal or activity. While for half-heartedness, whole-heartedness, success and the value of the pursued goal or activity, none of them can necessarily outweigh the others. Chapter 4 elaborates more on this.

Since compared with the human flourishing account, my human-life account is less rich and pervasive, involves less rich and deep concepts and provides an ordering of its constitutive elements, it would be easier to achieve overlapping consensus with it than with the human flourishing account. Thus it is a better account of duties of minimal wellbeing than the human flourishing account.

4.3 – The Human-life Account & Sufficientarian Conception of justice.

So, how does my human-life account fare in relation to the features that I have identified in section 2 of this chapter?[136] Recall that if an account does not take these features into consideration, then it cannot offer an appropriate conception of the threshold for a sufficientarian conception of justice.

The first feature states that there is absolute priority in non-trivially benefiting those whose quality of life is below the threshold, even if this means forgoing greater benefits to a greater number of those whose quality of life is already above the threshold, or inequalities are increased as a result. My human-life account supports this feature. Recall that the function of duties of minimal wellbeing is to secure a human life for individuals, and that the threshold is constituted by what is involved in doing so. The main reason behind this is because individuals have a basic entitlement to live a human life, and this

[136] I shall leave out the second feature in the following discussion, according to which there is only one threshold. This is because it merely specifies that there do not have to be more than one threshold.

entitlement is fulfilled when a human life is secured for them. Here lies the significance of my threshold for duties of minimal wellbeing: it fulfils individuals' basic entitlement to live a human life, by securing a human life for them. If individuals have any basic entitlements in virtue of the fact that they are human beings, they have a basic entitlement to live a human life. I really cannot think of anything else that can outweigh this basic entitlement.[137] Thus there is an absolute priority in non-trivially benefiting those whose quality of life is below the threshold, even if this means forgoing greater benefits to a greater number of those whose quality of life are already above the threshold, or inequalities are increased as a result. We are here trying to secure a human life for individuals. Thus it seems implausible that greater benefits to those with secured human lives, or decreased inequalities among those who can already live a human life, can outweigh that.

This leads to the third feature, according to which the concepts that are used to define the threshold should be 'threshold concepts' rather than 'graded concepts'. My account also conforms to this. Although it seems that 'living a human life' is a graded concept, there are considerations to suggest otherwise. First; although it makes sense to say that the life of a gorilla is closer to a human life than a life of a snake, it does not quite make sense to say that a gorilla lives a more human life than a snake. Second; even when an individual's life is better than another's, insofar as both of them are living a human life we do not say that the former individual is living a more human life than the latter individual. The difference between their lives does not lie in the fact that one is more human than the other, rather it lies in how they respectively live out their human lives. These two considerations suggest that living a human life is an 'all-or-nothing states of affairs".[138] Either you are living a human life or you are not. One is not living a human life when the life that one is living is partly a human life. If one is already living a human life,

[137] For possible exceptions to this, see section 3.2 of chapter 6 and section 6.4 of chapter 7.
[138] According to Benbaji, this is a mark of a threshold concept. See Benbaji 2006: 399.

one cannot live a more human life, one can only make more out of the human life that one is living. But even if one makes more out of it, one is still living a human life.

5. - Needs-based account and duties of minimal wellbeing.

Besides the human flourishing account, another prominent account of duties of minimal wellbeing is the needs-based account. According to it, individuals have certain needs, such that they would be harmed if those needs are not fulfilled.[139] Of course, not all needs have such a normative status. Needs that are predicated on individuals' contingent goals, aims, ends etc. - instrumental needs – do not have such a normative status.[140] It is only those that are in some sense fundamental,[141] intrinsic,[142] basic,[143] categorical or absolute,[144] that have such a normative status. The function of duties of minimal wellbeing is to secure the fulfilment of these needs for individuals. The objects of these duties are therefore constituted by these needs. What exactly constitute these needs, depends on the account of harm that one holds. This account specifies a standard, according to which individuals are harmed if they are unable to reach it. These needs are then constituted by what exactly is required for individuals to reach that standard.

In principle, this standard can be a conception of human flourishing.[145] But it can also be something else. If it is a conception of human flourishing, then the corresponding needs-based account would be basically a human flourishing account. Thus my worries with the human flourishing account would then extend to such a needs-based account. In any case, most advocates of the needs-based account endorse a different standard, to distinguish their account from the human flourishing account; and this standard is usually lower than the standard of human flourishing.[146] In the following, I would like to discuss

[139] A good discussion on the nature of needs, and their relation to harm, is Thomson 1987.
[140] Thomson 1987: 7-9.
[141] Thomson 1987: 8.
[142] Miller 2007: 179.
[143] Brock 2009: 63-69.
[144] Wiggins 1991a: 6-11.
[145] See for example Wiggins 1991a: 11-14.
[146] This is not surprising, since if the standard is higher than human flourishing, then it would seem

two such accounts – Miller's and Brock's – and how they relate to my human-life account. I shall argue that my human-life account is very similar to both of them.

5.1 – Miller.

Miller argues for basic needs, which are the conditions that must be met for an individual to have a decent human life *in any society.*[147] These needs are intrinsic, as opposed to instrumental;[148] and they are basic, in contrast to (intrinsic) societal needs, which are the more expansive conditions that must be met for an individual to have a decent human life *in the particular society which he belongs*.[149] These basic needs include, but are not exhausted by: food and water, clothing and shelter, physical security, health care, education, work and leisure, freedoms of movement, conscience and expression.[150]

Although Miller uses these basic needs to ground universal basic human rights,[151] I do not see a necessity in doing so, if we are only trying to establish duties of minimal wellbeing.[152] If the non-fulfilment of these basic needs constitute harm on individuals, then it seems that fact alone, is sufficient enough to ground duties on others to fulfil these basic needs. Thus it is possible to argue that there are duties of minimal wellbeing, which are grounded on these basic needs, without committing to Miller's claim that there are universal basic human rights, which are also grounded on these basic needs. In any case, even if we accept Miller's claim here, there still are duties of minimal wellbeing that are grounded - in some sense - on these basic needs. This is because the universal basic human rights (that are grounded on these basic needs) have correlative duties; and these correlative duties would then be duties of minimal wellbeing.

However, it is not at all clear what constitutes a decent human life in any society.

implausible to hold that individuals are harmed when they are unable to reach it.
[147] Miller 2007: 182.
[148] Miller 2007: 179.
[149] Miller 2007: 182.
[150] Miller 2007: 184.
[151] Miller 2007: 178-197.
[152] For the relationship between duties of minimal wellbeing and universal basic human rights, see section 2.2 of chapter 8.

Miller talks about it being constituted by core human activities, but he never exactly explained what are core human activities, besides giving a couple of examples.[153] I shall therefore suggest that my account of what constitutes a human life (having a level of wellbeing that is higher than the satisfaction of biological needs, which is constituted by the pursuit of goals and activities with a sense of what is worth doing, see section 2 of chapter 6), can in some sense supplement his position, by giving content to what one means by 'a decent human life in any society'. Allow me to motivate this a bit more in the following.

Let me start with what Miller says about living a decent human life *in the society to which one belongs*. One way that Miller fleshes this out, is that each society has a shared conception of a range of activities that make up a normal human life.[154] Accordingly, if an individual engages in the range of activities, that his society takes as making up a normal human life, then he is living a decent human life *in the society to which he belongs*. In that case, my account of what a human life consists in, captures the idea that a decent human life *in any society* involves engaging in certain activities, without making references to the particular range of activities, that particular societies take as making up a normal human life. This is because my account basically says that a human life consists in, besides the satisfaction of biological needs, the pursuit of goals and activities. But it does not specify exactly what these goals and activities are, since under my account (like a decent human life *in the society to which one belongs*), that depends on the society in which one lives.[155]

My account is also not just a life that is merely living - recall that my account is a life that is *more* than the satisfaction of biological needs - but more importantly, it incorporates a sense of human decency; and that captures the sense in which a life is a *decent human* life. For example, my account includes a respect that we owe to others, in virtue of the fact that they are human beings, not to coerce or manipulate them (I have

[153] Miller 2007: 184.
[154] Miller 1999: 210.
[155] More specifically, they are the ones that are latent in the social form of the society in which one lives.

called this the requirement to respect individuals as someone who leads a human life, see section 6.3.4 of chapter 7). Thus someone who pursues goals and activities, besides the satisfaction of biological needs, is (in some sense) living a human life. But as long as he is subject to coercion or manipulation, then he is not leading a *decent human* life. Note that this requirement is not grounded in any particular societal norm. Rather, it is grounded in the fact that individuals are human beings, and what a human life consists in. Both of which are not tied to any particular societal norm. Thus it captures the sense in which a life is a *decent human* life *in any society*.

Furthermore, if ones compares Miller's list of basic needs, and the objects of my duties of minimal wellbeing, they are strikingly similar: food and water, clothing and shelter, health care, mirror my means for the satisfaction of biological needs. Freedom of movement mirrors my freedom to non-harmful conduct. The more obscure one is work and leisure, which I take as goals and activities that are latent in the social form of the society in which one lives, from which no one in that society should be prevented from pursuing.[156] The rest of the basic needs exactly mirror my other objects of duties of minimal wellbeing. Since Miller's list of basic needs are derived from what he takes as a decent human life in any society, while my objects of duties of minimal wellbeing are derived from my account of human life, this suggests that what I take to be a human life is very similar to what Miller takes as a decent human life in any society.

Given all these considerations, it therefore seems plausible to suggest that my human-life account can, in some sense, supplement Miller's position, in the way I have described above.

5.2 – Brock.

As a component of her theory of global justice, Brock argues for a needs-based minimum floor principle.[157] For Brock, the (basic) needs that constitute this principle are -

[156] This excludes what I call justice-violating goals and activities. See section 6.1 of chapter 7.
[157] Brock 2009: 46-58.

following Len Doyal and Ian Gough - universalizable conditions that enable non-impaired participation in any form of life.[158] According to her, to be able to participate in a form of life, one has to be capable of performing acts. Thus needs are basically the conditions for human agency;[159] and they are: (a) a certain amount of physical and psychological health; (b) sufficient security to be able to act; (c) a sufficient level of understanding of the options one is choosing between; (d) a certain amount of autonomy; and (e) decent social relations with at least some others.[160]

I basically share the same starting point as Brock, when I argue that what is relevant to an individual's wellbeing are his actions (section 3.1 of chapter 4). However, unlike me, who goes beyond that, and further characterizes in what sense an individual's actions are relevant to his wellbeing (this leads me to the Razian conception of wellbeing, see section 3.2 and onwards in chapter 4), Brock stops there, and proceed to discuss what is needed for individuals to be agents, i.e. be capable of performing acts. Since Brock never further characterizes and substantiates the end from which needs are derived, her list of needs – (a) to (e) above - are therefore more vague and less determinate, than my objects of duties of minimal wellbeing. This is evidenced by phrases like 'a certain amount', 'a sufficient level', 'decent' etc. in her list of needs.

I have no idea, had Brocke further characterized and substantiated the end from which her list of needs are derived, whether my account would still be in line with her account. But it is possible to see elements within my account, that correspond to her list of needs: Means for the satisfaction of biological needs and whole-heartedness correspond to (a); physical security corresponds to (b); pursuing goals and activities with a sense of what is worth doing correspond to (c); freedom of non-harmful conduct corresponds to (d); and freedom of association corresponds to (e). If that is the case, then this suggests that, had

[158] Brock 2009: 64-65.
[159] Brock 2009: 65.
[160] Brock 2009: 66.

Brocke further characterized and substantiated her account, my account would still be in line with hers.

5.3 - Needs-based account and the human-life account.

All that said, there is still a crucial difference between my account and a needs-based account. For a needs-based account, the normative force of duties of minimal wellbeing (whose objects are just those needs) are grounded in the fact that an individual is harmed, when those needs of his are not fulfilled. In contrast, in my account, the normative force of these duties are grounded in the fact that an individual's entitlement (to lead a human life) is not fulfilled, when the objects of these duties are deprived from them. Thus there is a difference between my account, and the needs-based account, on what grounds the normative force of duties of minimal wellbeing. Nevertheless, one must not exaggerate the difference here. This is because as long as one does not understand 'harm' narrowly as only referring to perceivable or tangible harm, then there is a sense in which one is harmed, when one's entitlement is not fulfilled. Thus even under my account, it is still possible to ground the normative force of these duties on the notion of 'harm'. It is just that this notion of 'harm' can then be further analysed in terms of the non-fulfilment of certain entitlements.

Given the similarity between my account and the needs-based account, why did I opt for a language of entitlements, rather than needs? The reason is basically a methodological one. As I said before, to identify what are the relevant needs that ground duties of minimal wellbeing, we need an account of harm. An account that tells use what constitutes harm and what does not. The worry that I have here is that once we go beyond tangible, physical, biological or perceivable harms, our intuitions on what exactly constitutes harm (and what does not) become rather vague, unclear and controversial.[161] One might hold, following Brock, that one is harmed if one is unable to be an agent. Alternatively, one might hold, in line with Miller, that one is harmed if one is unable to

[161] Of course, we can restrict to only those harms that are tangible, physical, biological or perceivable. But then most probably, this would only yield too narrow a set of duties of minimal wellbeing.

lead to a decent human life (whether or not it is in any society, or in the society to which one belongs). It seems very hard to adjudicate between them. And even if we can do so – say a decent human life is the correct account – it still seems very hard to adjudicate between different understandings of it. And since duties of minimal wellbeing are derived from it, different understandings of it would lead to different duties. It then becomes hard to decide what exactly are our duties of minimal wellbeing.

Contrast this with my human-life account. According to it, the normative force of these duties is grounded in the entitlement that all individuals, in virtue of the fact that they are human beings, are entitled to lead a human life. This entitlement, I take, should be rather uncontroversial. What exactly constitutes our duties of minimal wellbeing, are then derived from an account of what constitutes a human life, which in turn are derived from an account of wellbeing (the Razian conception of wellbeing); and I have offered arguments for this account of wellbeing (in chapter 4), and against alternative accounts of wellbeing (in chapter 5). If the end from which these duties are derived is in dispute, there seem to be more resources here (compared with a needs-based account), to adjudicate the dispute. Thus if one disputes what exactly constitutes a human life, we can appeal to the Razian conception of wellbeing from which it is derived. If one then disputes that, we can appeal to the arguments for it, and the arguments against alternative accounts of wellbeing. Thus it seems here, there are more resources (and therefore less hard) to adjudicate disputes over the end from which these duties are derived, than a needs-based account. It is because of this that I opted for a language of entitlements, rather than needs.

Indeed, in this respect, there is an advantage in opting a language of entitlements. As I said earlier, it is open for my position to argue that one is (in some sense) harmed, when one's entitlement is not fulfilled. If that is the case, then the language of entitlements can even inform our vague, unclear and controversial intuitions on what does, or does not, constitute harm.

6. - Conclusion.

In this chapter, I have argued that my human-life account is more appropriate than the human flourishing account for duties of minimal wellbeing. I have also discussed in what respect it is different from, and similar to, the needs-based account. Central to the human-life account is the claim that all individuals have a basic entitlement to lead a human life, and the function of duties of minimal wellbeing is to fulfil this entitlement by securing a human life for individuals. What is involved in doing so therefore constitutes the objects of duties of minimal wellbeing. Chapter 7 discusses what these objects exactly are. But before we do so, we need to know what constitutes a human life, which is derived from the Razian conception of wellbeing. The next two chapters argue for and defend the Razian conception of wellbeing.

Chapter 4
The Razian Conception of Wellbeing

1. - Introduction.

The last chapter argued for my human-life account of duties of minimal wellbeing. Central to it is my Razian conception of wellbeing. This is the subject of this chapter.

As I argued in section 4.1 of the last chapter, the 'wellbeing' of an individual refers to the quality of his life *for* him.[162] This contrasts with two related notions: the quality of his life *per se* and the quality of his life *to* him. The former includes an evaluation of the quality of an individual's life from various perspectives which are not his perspective - for example, how his life contributes to the collective, or to the society etc. By contrast, the latter refers to the quality of his life solely according to his assessment, i.e. the quality of his life as he himself sees it. In this case, the assessment is on the individual's own terms; we do not evaluate how the individual thinks or assesses how good or bad his life is. In contrast to these two notions, the quality of an individual's life *for* him refers to this: it is an objective evaluation of how good or how bad the life of an individual is from the perspective of the individual whose life it is.[163]

The Razian conception of wellbeing states that the wellbeing of an individual is fundamentally constituted by:[164]

(a) the satisfaction of his biological needs, and;

(b) his success in whole-heartedly pursuing socially defined and determined goals and activities which are in fact valuable.

Besides a few points that section 2 discusses, (a) is rather uncontroversial as an essential component of wellbeing. This chapter shall focus on (b).

The argument proceeds in stages. Section 3 discusses the central idea that it is an

[162] Crisp 2005: n. pag., Crisp 2006: 100 & Arneson 1999: 113.
[163] Raz 1986: 289-290.
[164] It is a 'Razian' conception because it is basically the one endorsed and argued by Raz, albeit very slightly and in a very sketchy manner. See Raz 1994: 3-8 & Raz 2004: 269-281.

individual's goals and activities that are of relevance to his wellbeing. This brings in the other elements in my account: 'pursue', 'value', 'success' and 'whole-heartedness'. Section 4 discusses the nature of goals and activities as possible objects of pursuit for individuals. Central to this is an idea of 'social embeddedness'. Section 5 elucidates the various elements in my account: 'pursue', 'success', 'value'; their relationships with each other and how they are related to goals and activities. Section 6 argues for a conception of whole-heartedness, and discusses its relationship with 'pursuing goals and activities'.

2. - Wellbeing and the Satisfaction of Biological Needs.

By 'an individual's biological needs', I refer to the needs that are required to sustain the healthy biological life of a human being, as given by our best biological theories. Although it is true that "[o]ther things being equal, a person is better off when well fed, in moderate temperature, with sufficient sensory stimulation, in good health, etc., whether he adopts these as his goals or not",[165] the satisfaction of the biological needs of an individual is not necessarily conducive to the wellbeing of that individual. This is because some valuable goals and activities consist in the non-satisfaction of one's biological needs, for example fasting for a just political cause. Thus for an individual who whole-heartedly pursues these valuable goals and activities, satisfying his biological needs would not only frustrate his whole-hearted pursuit of them. It would also effectively prevent him from pursuing them. This would be highly detrimental to his wellbeing. Thus as Raz says, "… their [the satisfaction of biological needs] contribution to the well-being of the person concerned may depend on their satisfaction being consonant with his comprehensive goals".[166] This will be brought up again when I discuss what constitutes a human life in chapter 6, and the objects of duties of minimal wellbeing in chapter 7. Nevertheless, although (a) is normally a necessary condition for (b), the satisfaction of biological needs

[165]Raz 1986: 290.
[166] Raz 1986: 290.

does not only have an instrumental value to the wellbeing of individuals. Insofar as human beings are biological beings, the satisfaction of biological needs also contributes non-instrumentally to their wellbeing. Thus the wellbeing of individuals is not just fundamentally constituted by (b), but also (a). Otherwise we are not giving proper attention to their biological nature

3. - Wellbeing and Actions.

'Wellbeing' is not an empty concept. It is already used by us in our everyday language, and thus we already have a rough and vague understanding of what it means. An account of wellbeing therefore does not start from scratch. Rather it starts from our rough and vague understanding of what 'wellbeing' means. From there, it elucidates, substantiates, clarifies and, one would hope, justifies our rough and vague pre-theoretical understanding of it. I believe that it is instructive to start with Nozick's diagnosis of the problems raised by the Experience Machine Objection against the Quality-of-experience View.

The Quality-of-experience View states that the wellbeing of an individual is the quality of his experiences in life. I shall discuss the Quality-of-experience View in chapter 5. The Experience Machine Objection argues for the following: The Quality-of-experience View entails that as long as an individual who is hooked onto the experience machine has the same quality of experiences as another individual who lives his life as we all normally do, then they have the same level of wellbeing. However, intuitions suggest otherwise. Indeed, it might even seem that the former individual has a lower wellbeing than the latter individual. Thus the Quality-of-experience View is not a plausible account of wellbeing.[167]

I do not claim that the Experience Machine Objection successfully refutes the Quality-of-experience View. I do believe that the Quality-of-experience View is implausible, but for reasons other than those raised by the Experience Machine Objection.

[167] Nozick 1974: 42-45.

Chapter 5 discusses that. But irrespective of whether the Experience Machine Objection does raise genuine problems for the Quality-of-experience View, and whether Nozick's diagnosis captures these problems, his diagnosis captures something significant about what it means to live a human life.

3.1 – The Centrality of Actions.

Nozick says the following in his diagnosis of the problems raised by the Experience Machine Objection against the Quality-of-experience View:

> "What does matter to us in addition to our experiences? First, we want *to do* certain things… A second reason for not plugging in is that we want *to be* a certain way, to be a certain sort of person… Thirdly, plugging into an experience machine limits us to a man-made reality, to a world no deeper or more important than that which people can construct. There is no *actual contact with any deeper reality*, though the experience of it can be simulated. Many persons desire to leave themselves open to such contact and to a plumbing of deeper significance".[168]

Rather than focusing on the notions of 'want' or 'desire' in the above,[169] let us focus on the objects that Nozick says we desire or want: to do, to be and to engage with reality.

It seems that they can all be captured by the notion of 'actions'. First, it seems obvious that actions are doings. Thus acting in a certain way is basically doing a certain thing - acting an act X is basically doing X. Second, it is through our actions that we engage with reality. This involves two elements: On the one hand, the reality within which we find ourselves not only shapes, but also, to a certain degree, constrains our actions. On the other hand, our actions also, to a certain degree, shape the reality within which we find ourselves. Finally, our actions are to a certain degree a reflection of who we are. We act in such and such a way because of who we are. But it also seems true that we are who we are

[168] Nozick 1974: 43. My italics.
[169] Focusing on them leads one to an alternative account of wellbeing - Desire Fulfilment Theory. I shall discuss Desire Fulfilment Theory in chapter 5.

because of our actions.[170] If I never act courageously, kindly, intelligently, wittily or lovingly, I cannot be said to be courageous, kind, intelligent, witty or loving,[171] even if I sincerely believe myself to be so. If that is the case, then one way of reading Nozick's diagnosis is this: the reason why the person connected to the Experience Machine has lower wellbeing than another person who is not and lives his life as we all normally do everyday is because the life of the latter person involves actions, while the life of the former person does not involve actions on his part. Although he has some qualitative feelings in response to the experiences that are fed to him by the Experience Machine (and he might well *think* that he is performing actions), they are not 'actions' in any sense of the word.

Thus the kind of difference in wellbeing between the person connected to the Experience Machine and the one who is not, is not the kind of difference in wellbeing between the person who earns a small but sufficient salary and another person who earns a huge salary. The difference is more distinctive and significant than that. Since the life of the person connected to the Experience Machine does not involve actions on his part, it is hard to see how he is actually living a life at all. This is because the idea of 'living a life' is closely connected to the idea of 'being active', such that it is hard to see how one is *living a life* when one is not *active* in some substantive sense. As Raz explains, "While being alive does not literally imply activity, we recognize non-active life as vegetative. 'X is very much alive' cannot be said of the comatose; it implies being 'alive and kicking'. So the concentration on activity is meant to flow from the very notion of a life".[172] This does not mean that a person whose life involves no actions on his part is not living at all. But what is so distinctive and significant about the individual who is connected to the Experience Machine, is that it is hard to see how he is living a life at all, since his life involves no actions. There is a sense in which it is not just that he has a lower level of wellbeing.

[170] This echoes Sartre's argument that who we are is defined by our actions. See Sartre 1974.
[171] These are actually the examples used by Nozick to illustrate his point here.
[172] Raz 1994: 3.

Rather, he does not have wellbeing. Since if he is not living a life, then nothing can be said concerning the quality of his life for him.

However, one must not overemphasize the role that 'action' plays in the wellbeing of individuals. In my view, it is the central constituent of wellbeing. But it is not the only constituent. I am not denying that other things, e.g. the quality of one's experiences, also play a part in constituting one's wellbeing. It is just that they cannot outweigh or replace the role that 'action' plays in the wellbeing of individuals. This is why (a) and (b) are *fundamental* constituents of an individual's wellbeing, rather than the *only* constituents.

3.2 – One's Actions and One's Wellbeing.

Since the wellbeing of an individual is the quality of his life *for* him, if 'actions' play a central role in an account of wellbeing, then the kind of 'actions' relevant here are the kind where there is some connection with the individual whose wellbeing it is. A trivially true way to forge such a connection is that the kind of 'actions' relevant to an individual's wellbeing are at least *his* actions. We therefore need a characterization of what actions count as an individual's actions.

It might seem for an action to be one's own, all that is required is that it is one's physical body which performs the action in question. Thus it is me who is hammering the nail into this board, if it is my arms that are yanking up and down with the hammer that is held in my hand, in such a way that the head of the hammer hits the nail appropriately which drives the nail into the board. However, that cannot be all that is required. Take for example the case where my brain, without my knowledge, is wired up by a brilliant neurologist. He wires it up in such a way that it is he who, through controlling my brain, instructs my arm to pick up the hammer and yank it up and down, in such a way that the head of the hammer hits the nail appropriately which drives the nail into the board. Arguably in this case, although it is my physical body which nailed this nail into the board, it is not *my* action.

I do not intend to engage in the ambitious project of formulating the criteria for one's actions. I am rather offering a more modest proposal. I believe that one way to characterize when an action that an individual performs counts as *his* action is to say that one can understand how, simply given his beliefs and desires, he performed the action in question. I do not have strict arguments for this. But I believe it captures the intuitive idea that generally speaking, actions that an individual performs are his actions, if they are connected in some way to him, i.e. his self so to speak. If the 'self' of an individual is constituted at least by all his beliefs, desires and commitments etc; then the above modest proposal characterizes and fleshes out this connection, by saying that an action is that individual's when one can understand how, simply given his desires and beliefs, he performed those actions.

Thus the problem with the above case of my brain being wired up by the neurologist is this: Since I do not know my brain is so wired up, one cannot understand how, by simply appealing to all my beliefs and desires, I performed that action. Accordingly, it is not *my* action. Indeed, that case is no more different than another case in which the brilliant neurologist, rather than wiring up my brain, wires up the brain of a zombie to make him hammer the nail. This is because *I*, in some substantive sense of the word, am not involved in the action of hammering the nail in the original case. And I believe that one of these substantive senses can be characterized in terms of the modest proposal. Thus the kinds of actions relevant to an individual's wellbeing are the kinds for which it is true to say that one can understand, simply given his beliefs and desires, how he performed those actions.

However, for one to be able to understand how, simply given his beliefs and desires, an individual performed the action in question, the action and his beliefs and desires must be connected in the right sort of way. I believe that the right connection is basically this: the action that an individual performs is, or at least is believed by him to be,

means towards achieving a goal or part of the activities that he intends to achieve or engage in. This is evidenced by looking at the following example: After reading a website on self-help written by a prankster, I come to believe that my destiny, and the key to my happiness lies in counting the grains of sand in any given beach. (Suppose I feel lost in life and am pretty depressed.) A strong desire grows in me to count the grains of sand in the beach in front of my house. In this example, one can understand how, given my beliefs and desires, I have a goal which is to fulfil my destiny and achieve happiness; and a desire to engage in the activities that are part of my destiny and will lead me to happiness. However, one cannot understand how, just by appealing to these beliefs and desires, I count the grains of sand in the beach in front of my house. One can do so only by also appealing to my (erroneous) belief that it is a means to achieve that goal and is part of those activities. Of course, it is doubtful that counting the grains of sand in a beach contributes to my wellbeing, since it does not seem to be an activity that has objective value, and certainly in this case, it is based on an erroneous belief. However, the issue here is not whether it contributes to one's wellbeing, but whether it is one's action. It is only when we know that it is one's action, that we can ask the further question of whether it contributes to one's wellbeing or not.

Thus we have seen that the actions that are relevant to an individual's wellbeing are *his* actions; and those actions are *his* if one can understand how, simply given his desires and beliefs, he performs those actions. But one can do so only by appealing to his belief that the action in question is a means towards achieving a goal or part of the activities that he intends to achieve or engage in. Thus in effect, to say that it is an individual's actions that are relevant to his wellbeing, is to say that it is the goals and activities that he is working towards and engaging in that are relevant to his wellbeing.

Goals and activities are structured in a way that some actions are means of working towards a certain goal or are part of a certain activity, while other actions are not. For an

individual who is working towards a certain goal or engaging in a certain activity, he is not performing actions just randomly. Rather, he *pursues* them in the sense that the actions he performs are either means of working towards that goal or are part of that activity (I shall call this the 'structures' of goals and activities). The notion of 'pursue' here captures the idea that since goals and activities have structures, it is not the case that when an individual is working towards goals or engaging in activities, he is merely acting without any guidance or direction. Rather, he is in some sense guided or directed by the particular structures of those goals or activities. Furthermore, since goals and activities have structures, and the actions that an individual performs in pursuit of them may or may not conform to their particular structure, we can therefore evaluate an individual's pursuit of goals and activities, by appealing to how much his actions in pursuit of them conform to their particular structures. This evaluation constitutes the *success* of an individual's pursuit of goals and activities. Finally, since individuals do not just pursue goals and activities randomly - rather they pursue these or those goals and activities because they find them worth doing,[173] the *value* of the goals and activities that he pursues are also relevant to his wellbeing. Thus one can see that by putting all these together, the wellbeing of an individual is fundamentally constituted by his successful pursuit of goals and activities which are in fact valuable.[174]

4. - The Nature of Goals and Activities.

I would now like to address the following questions regarding the nature of goals and activities that is central to my account of wellbeing.

First, how do goals and activities come to have the particular structures that they have? In other words, what determines the particular structures of goals and activities? Recall that the particular structures have at least the following significance: they in some

[173] This will be discussed in more detail in section 2.2 of chapter 6, when I discuss the kind of agency that is involved in a human life.
[174] Note that this is only a preliminary definition. It will be further qualified in the subsequent discussions.

sense guide or direct the actions that an individual performs when he pursues the respective goal or activity; through them, we can see how the goal or activities that an individual pursues are relevant to his wellbeing; and they determine what counts as success in an individual's pursuit of the respective goal or activity. Presumably, they are not determined solely by the individual who is pursuing that goal or activity. They do not have their particular structure just because the individual who is pursuing them thinks they do. The second question follows from this: How do individuals come to pursue the goals or activities that they are pursuing? Answers to these questions further substantiate my account of wellbeing. Central to this is the idea of 'social embeddedness'. I shall first explain what that is, and further characterize it in relation to 'goals and activities', 'pursue' and 'success'. This should give an answer to the above two questions.

4.1 - Social Embeddedness.

The basic idea behind 'social embeddedness' is this:[175] Each society has its own social form which consists in, according to Raz, "shared beliefs, folklore, high culture, collectively shared metaphors and imagination, and so on"[176]. Given that all these presuppose sets of values, the social form of a society expresses or embodies the values of its respective society. I refer to 'values' descriptively here. They in general are values that (partially) constitute the conceptions of good or the conceptions of bad of the people who live in that society. The goals and activities that we find in a given society which are possible objects of pursuit, are based on the social forms of that society in the following five ways:

First, certain goals and activities are possible objects of pursuit only if the society in which we find them has the appropriate social forms. As Raz says, "One cannot pursue a legal career except in a society governed by law, one cannot practice medicine except in a

[175] My idea of social embeddedness echoes the communitarian thought that individuals are, in some sense, shaped by the society or community in which they live. A good discussion on this aspect of the communitarian position, see Mulhall & Swift 1996: 13-18 & 40-126.
[176] Raz 1986: 311. Note that the institutional structures of a society also incorporate the social form of that society.

society in which such a practice is recognized… A doctor participates in a complex social form, involving general recognition of a medical practice, its social organization, its status in society, its conventions about which matters are addressed to doctors and which not…, and its conventions about the suitable relations between doctors and their patients".[177]

Second, most of the goals and activities that are found in a society which are possible objects of pursuit, involve appropriate interactions with other people. However, people can only interact appropriately if there is some kind of implicit shared background between them. This implicit shared background is provided by the social forms of the society in which they all live. Thus people can pursue these goals and activities only if they are based on the social forms of the society in which they all live. This is best explained by Raz, "… often when the goal concerns interaction between people, its very possibility depends on the partners having the correct expectations concerning the meaning of other people's behaviour. The significance of a thousand tiny clues of what is known as body language contribute, indeed are often essential, to the success of the developing relationship. All these are derived from the common culture, from the shared social forms… our continued awareness of the common culture continuously nourishes and directs our behaviour in pursuit of our goals".[178]

Third, the significance and meaning of the goals and activities that are found in a certain society are given by the social forms of a society.[179] Raz illustrates this with the following example, "Bird watching seems to be what any sighted person in the vicinity of birds can do. And so he can, except that that would not make him into a bird watcher. He can be that only in a society where this, or at least some other animal tracking activities, are recognized as leisure activities, and which furthermore shares certain attitudes to natural life generally. The point is that engaging in the same activities will play a different

[177] Raz 1986: 310-311.
[178] Raz 1986: 312.
[179] By 'the significance and meaning of goals and activities', I am referring to what their significance and meaning is *to individuals*. E.g. what roles do the goals or activities play in the lives of those who pursue them, are they leisure or serious activities? Are they something that everyone should have in some sense pursued before, like for example football in our societies? Etc.

role, have a different significance in the life of the individual depending on social practices and attitudes to such activities. Much of the interest that people have in goals of these kinds is available to them because of the existence of suitable social forms".[180] I believe this illustrates two points: (a) the significance and meaning of the goals and activities that are found in a society are given by the social forms of that society. If we move them from one society with particular social forms to another one with very different social forms, their significance and meaning would be altered; and they would thereby become different goals and activities. (b) If we divorce a goal or activity from all the social forms from which its significance and meanings are given, it ceases to be a possible object of pursuit; and as such it ceases to be a goal or activity. Thus for people who are living in a society, it is only in relation to the social forms of that society that a goal or activity is a possible object of pursuit, and therefore *is* a goal or activity.

Of course, this does not mean that people in a given society cannot or would not pursue goals and activities that are not based on the social forms of the society in which they are living. However, in such cases, the significances and meanings of such goals and activities are constituted by how they react against or develop from the existing social forms of that society.[181]

Take for example the development of art movements. Most painting styles that are radical during the time when they were painted, were understood as rejecting or further developing the central ideas that were embodied in the painting styles widely practised or dominant at that time. One can see this from the early stages of Modernism, i.e. Expressionism and Impressionism. Before Modernism, one of the central ideas that was embodied in the painting styles of that period was that paintings have to represent the world more or less accurately, irrespective of how we experience it. One way to understand the development of Modernism is as rejecting this idea and insisting that painting can also

[180] Raz 1986: 311.
[181] Raz 1986: 312-313.

be about how we experience the world. This can be seen in the early stages of Modernism – Impressionism. This was further developed in early 20th Century by Expressionist painters. Their paintings still represent the world, but in a way that is highly tainted by our qualitative experience of it, rather than being an impartial and accurate depiction. This rejection is so entrenched in the art styles by the time of Abstract Expressionist painters, that their radical styles were seen as further developing the idea that a painting can be about our qualitative experience of the world, but to the extent that it is not representing the world at all. The same can be seen in the development of political ideas. For example, at least for Mill, one of the meanings and significances in arguing for the value of individual liberties is to protect them from 'the tyranny of the majority', which was practised in the democratic republics of his time.[182] Thus in so far as people can, would or do pursue goals and activities that are not based on the existing social forms of their society; the significance and meaning of their pursuit are understood in terms of how they react against, or develop from the social forms of their society at that time. In the case of Impressionist painters, it was rejecting the idea that paintings had to represent the world more or less accurately. While in the case of Mill, it was the limitation that has to be placed for the protection of individuals, in democratic republics that were widely practised and accepted in his time.

Fourth, since the significance and meaning of goals and activities are given by the social forms of the society in question, the social forms of the society also define the nature of the goals and activities that are found in that society. They define what counts as pursuing or not pursuing the goal or activity in question (which includes not only that actions that an individual may perform, but also the attitudes, reasons or motivations etc. that he might have), and thus they determine how it is to be pursued. For example, it is because we have a certain attitude towards natural life and our understanding that it is a

[182] 'Tyranny of the majority' is a term used by Mill to refer to the effects of Democratic Republics on individuals that individuals need to be protected from. See Mill 1974: 61-63.

kind of leisure activity, that bird watching involves, among other things, going into the wild away from the normal routines and chores of daily life, and quietly observing and appreciating the activities of birds in their natural habitat undisturbed by the activities of our modern world. But if someone captures a bird and observes its activities in a cage, then he is not bird-watching.

Fifth and finally, since the particular structures of goals or activities are constituted by their respective significances and meanings, how they are to be respectively pursued and what respectively counts as pursuing or not pursuing them, it follows that the particular structures of goals and activities are also based on the social forms of the society in which we find them. Thus how successful one is in pursuing them is also based on the social forms in which one is living.[183]

It is in the above five ways that the goals and activities, as possible objects of pursuit that we find in a given society, are based on the social forms of that society. Since the social form of a society expresses or embodies the values of its respective society, the goals and activities that we find in a society also embody, exhibit, express or instantiate the values of that society.

4.2 – Qualifications to Social Embeddedness.

There are two qualifications to the above discussion. First, one must note that the three elements - the values of a society, the goals and activities that are found in that society and the social forms of that society - affect each other dynamically and reciprocally. Sometimes it is the social forms that affect the values of a society, and the goals and activities that are found in that society. An example of this might be the social forms of medieval feudal societies. They not only give rise to the distinction between aristocratic values and peasantry values. They also give rise to goals and activities that are

[183] Note that I am not saying that the *success* of one's pursuit is based on social forms. In so far as we assume that the particular structure of a goal or activity is given, the success of one's actual pursuit of that goal or activity is constituted by how far one's actual pursuit of it conforms to that particular structure; and that has nothing to do with social forms. Rather I am saying that it is *those given particular structures* that are based on social forms.

only possible objects of pursuit for the peasants, and those that are for the aristocrats.

Sometimes it is the values of a society which give rise to the social forms or the goals and activities that are found in that society. One example of this might be the civil rights movement between 1960-1980. The change in social forms in say, America, after that movement, and the change in goals and activities that are found in America after that movement (e.g. access to public establishments cannot be denied based on skin colour or race, and African Americans are allowed to hold public offices etc.), seems to originate from the value of equality that was implicit in the values of the American society before the movement.

Sometimes it is the goals and activities that are found in the society that affect the social forms of that society and the values of that society. This is possible, because some people can and would pursue goals and activities that are not based on the existing social forms of the society they are living in, as I have discussed earlier. But if those goals and activities become widely recognized as possible objects of pursuit, it would affect existing social forms and the values of that society. This is evident from the previous example of art movements. As more paintings that were painted after Impressionism were about how we experience the world rather than about representing the world correctly and accurately, by the time of Abstract Expressionism it was widely accepted that a painting does not necessarily have to be representative, but can still be valuable and aesthetically pleasing. Another example is the social movements in communist China and Russia. They usually started off with isolated incidents of proletarian movements against capitalists, which then spread to become nation-wide communist revolutions. Through such revolutions, the social forms of those societies were significantly changed, and the original values of the society were replaced with communist values. Since the goals and activities that are found in a society, the social forms of that society and the values of that society, affect each other reciprocally, dynamically and continuously, the existing social forms of any society are

therefore not static. They are evolving together with the changes in values of that society, and the goals and activities that are possible objects of pursuit.

A second qualification to my discussion in 4.1 is as follows: the discussion only applies to most of the goals and activities that are found in a society and most of its values. This is because a society is not a homogenous entity. In any society, some people's conceptions of good or bad would contain values that are not embodied in the social forms of the society in which they live. Some people would also pursue goals and activities that are not based on the social forms of the society in which they live. This qualification must not be exaggerated though. To the extent that a certain goal or activity that an individual pursues is not *directly* based on existing social forms of the society he lives in, it must still be *indirectly* based on them. Its significance and meaning as a possible object of pursuit is understood in terms of how it reacts against or develops from the existing social forms of the society, as discussed earlier. And the same goes for the values that individuals have. Even if they are not directly embodied or expressed in the social forms of the society, they are still understood in relation to those values that are, in terms of how they react against or develop from them. Take the example of the civil rights movement again. The idea of equality between blacks and whites definitely embodies the value of equality, which was implicit in the social forms of America at that time; and it is in relation to this value of equality that this idea is understood. Thus if there are any instances in which a person holds values that are not, in any sense, expressed or embodied in the existing social forms of the society in which he lives; or he pursues a certain goal or activity that is not in any sense based on them; then these instances would be of the same kind as when a person holds the value of competitiveness in a society where there are no meritocratic values, or when he tries to be an amateur race driver in a society where there is no conception of competitive leisure activities. As one can see, such instances, if there are any, would be very few.[184]

[184] Note that this is not to say that their relevance to individuals' wellbeing is unclear. Insofar as they are

5. – Goals, Activities and the Other Elements of Wellbeing.

This section further characterizes these notions in light of the above discussion: *goals and activities*, the *pursuit* of them, the *success* in pursuing them and their *value*.

5.1 - 'Pursuing' Goals and Activities.

Some people pursue some goals and activities because they have chosen them as a result of deliberation. For example, I am doing a PhD in philosophy because I realized that I love doing philosophy, and would like to work as a professional philosopher. Given that the best way to do so is to get a PhD in philosophy, I therefore decided to do a PhD in philosophy when I finished my masters. However, not all the goals or activities that people pursue are like that. Sometimes people pursue some goals or activities out of habit or entrenched daily routines, as for example when one goes to brush one's teeth every morning when one wakes up. At other times people pursue some other goals or activities because of the environment in which they are brought up. For example people in Asian countries tend to work immediately after graduation from school or university, while people do not tend to do so in western countries like USA or UK. Indeed, some goals or activities cannot be pursued by deliberation. Rather they can only be pursued by being immersed in an environment, or more specifically the social forms, in which they are pursued and practiced by others. This is because either they are too dense or complicated for deliberation, or deliberation is incompatible with the nature of pursuing that goal or activity. This is especially true of most inter-personal relationships, as Raz says,

> "… an individual cannot acquire the goal by explicit deliberation. It can be acquired only by habituation. Consider again the relations between spouses, or parental behaviour. Such relations are dense, in the sense that they involve more than individuals. They involve for example ways of treating a tired and distressed

goals or activities, then they are relevant to the wellbeing of the individual who pursues them. What is unclear is how the individual comes to acquire such goals or activities as possible objects of pursuit. However, I do not believe this poses a problem for my account of wellbeing since my account is not concerned with how individuals contingently come to acquire this or that goal or activity as a possible object of pursuit.

friend. Each one of us reacts somewhat differently to different friends in the same situation. This is in part a response to the personality of the friends. But it is in part a reflection of conventions of appropriate behaviour… They include clues by which one judges the intensity or intimacy the relationship has reached, and these in turn determine what reaction will be appropriate… But they are too dense to allow explicit description or learning, they can be learnt only by experience, direct or derived (e.g. from fiction)".[185]

Thus the notion of pursuing a goal or activity not only includes cases where individuals pursue a goal or activity because they have deliberated to do so. It also includes cases where individuals do so out of habit or entrenched daily routines, or because in the environment in which they are brought up, such goals or activities are usually or expected to be pursued.

5.2 - The 'Value' of Goals and Activities.

According to my account, the value of a given goal or activity is given by all its features and properties;[186] and it may be one of the following:[187]

a) Valuable – (it has a positive value).

b) Dis-valuable – (it has a negative value).

c) Value-less – (it does not possess any features or properties that can give it value at all).

d) Neutral value – (the features or properties of that goal or activity that give it a positive value and the features or properties of that goal or activity that give it a negative value balance each other out).

e) Indeterminate Value – (the value of that goal or activity is indeterminate (for epistemological or semantic reasons)).

The above is an axiological account of value which leaves the following issues open: First,

[185] Raz 1986: 311-312.
[186] This is discussed in more detail in my paper titled "The Incommensurability of Valuable Goals and Activities" (August 2008).
[187] This is discussed in more detail in section 5 of chapter 7.

what are the relevant features or properties that give (either positive or negative) value to a goal or activity? Second, are the values of goals or activities constituted by a plurality of irreducible contributory values (value pluralism), or by only one kind of contributory value (value monism)? Third, how do the differing values which are given by the different features or properties of a goal or activity constitute the value of that goal or activity? Given that my account of wellbeing leaves the above issues open, it should be compatible with different substantive theories of value. The only exception to this is the kind which says that a goal or activity is valuable if it increases the wellbeing of the individual who pursues it, or *vice versa*. Let us call this theory of value the 'agent-directed theory'.

The reason for this exception is because the agent-directed theory would render my account of wellbeing circular. Recall my account argues that one's wellbeing increases when one pursues valuable goals and activities.[188] But if they are valuable because they increase the wellbeing of the individual who pursues them, then it seems my account implies that one's wellbeing increases when one pursues valuable goals and activities, because they increase one's wellbeing. This is circular.

Just as I must eschew the agent-directed theory of the value of goals and activities in order to avoid circularity in my account of wellbeing, so that theory must eschew mine for the same reason. The agent-directed theory must therefore assume some alternative account of wellbeing.[189] But what might that account be? One candidate is the Quality-of-experience View, which states that the wellbeing of individuals depends on the quality of their experiences. Another candidate is the Desire-based Account, which states that it depends on the satisfaction of certain kinds of desires. But both of these accounts are rejected in the next chapter. Assuming that those arguments are sound, and given the arguments in this chapter for my account of wellbeing, the onus therefore falls on the

[188] We can put aside success and whole-heartedness for the purposes of the discussion here.
[189] Let me briefly illustrate why it would be circular if it does not do so: If a goal or activity is valuable when it increases the wellbeing of the individual who pursues it, and if the wellbeing of the individual who pursues it increases because it is valuable, then it seems that it is valuable when it increases the wellbeing of the individual who pursues it, because it is valuable – a circularity.

agent-directed theory to offer an alternative account of wellbeing, or argue against my account of wellbeing. In the absence of that, we should accept my account of wellbeing; and conclude that the agent-directed theory is implausible because it assumes a contrary account of wellbeing.

5.3 - The 'Structure' of Goals and Activities & Their 'Value'.

Some goals and activities are independent from each other. But there are also some other goals and activities that are means towards the pursuit of other goals and activities, and these goals and activities themselves are also means towards the pursuit of further goals and activities. Thus the value of some goals and activities consists in two components: their instrumental value (as means towards other goals and activities) and their non-instrumental value. It is not obvious why the value of a goal or activity has to be either instrumental or non-instrumental but not both. It is therefore possible for a goal or activity to be not only instrumentally valuable but also non-instrumentally valuable. For example, education is instrumentally valuable for finding work, but it is also non-instrumentally valuable because one gains knowledge through it. Let us call the goals and activities for which other goals and activities are means 'over-arching goals and activities', and the goals and activities that are means for these over-arching ones 'nested goals and activities'. When an individual pursues an over-arching goal or activity, but fails to pursue it successfully, the instrumental value of the nested goals and activities that he pursues contributes nothing to his wellbeing. However, insofar as these nested goals and activities have non-instrumental values, his success in pursuing them while he was trying to pursue his over-arching goal or activity contributes (all things being equal) positively to his wellbeing.

The same goes for the actions that individuals perform when they are pursuing a certain goal or activity. Take for example my unsuccessful pursuit of the goal of alleviating everyone in the world from poverty. I gave some money to the beggar sitting on the street.

My act here has value, which is independent from the fact that it is a means towards alleviating everyone in the world from poverty or part of the activity of doing so. Thus it contributes (all things being equal) positively to my wellbeing, even when I am unsuccessful in my pursuit of alleviating everyone in the world from poverty. Thus even if an individual is unsuccessful in his pursuit of a goal or activity, it is not the case that there is nothing in his (failed) pursuit that contributes to his wellbeing.

Over-arching goals and activities usually encompass or permeate many aspects of a person's life for long stretches of time. But they are not the only kind of goals and activities that are relevant to an individual's wellbeing. As Raz says, "A good life need not be integrated through one or a small number of dominating goals. It can be episodic and varied".[190] Thus my account does not discriminate between goals and activities that are over-arching, nested or independent. This has two implications: (a) To the extent that the success of one's over-arching goal or activity counts more towards one's wellbeing, it does not follow that one's success in pursuing other kinds of goals or activities counts nothing towards it; and (b) an individual who is successful in pursuing over-arching goals or activities, does not necessarily have a higher wellbeing than another individual, who never pursues over-arching goals or activities but is successful in pursuing quite a few valuable non-over-arching goals or activities.

6. - The Subjective Component of Wellbeing.

The previous sections discussed how an individual's wellbeing is fundamentally constituted by, among other things, his success in pursuing socially defined and determined goals and activities that are in fact valuable. But there is a further subjective component to this, and it is related to the idea of an individual *pursuing* a goal or activity. For any individual who is pursuing a given goal or activity, he may be said to be doing so whole-heartedly, half-heartedly or dis-heartedly. I shall now characterize what this is and how it

[190] Raz 1994: 4.

relates to the wellbeing of an individual.[191]

6.1 – Dis-heartedness.

Whole-heartedness does not refer to an individual's actions. Rather it refers to the individual's subjective mentality with regard to the goals or activities that he is pursuing (hence it is a subjective component), i.e. his feelings, his motivations, his attitudes towards them etc.

Let me first focus on dis-heartedness. Raz characterizes 'whole-heartedness' as follows, "In the main, the notions involved are negative; they exclude resentment, pathological self-doubt, lack of self-esteem, self-hate etc. One is acting whole-heartedly if one is not prey to one of these attitudes. Nothing else is required: no reflective endorsement of one's activity, no second-order desire to continue with it, etc".[192] It seems more plausible to understand these as the necessary conditions for whole-heartedness (I shall argue later why this is so). Thus if an individual feels resentment, has pathological self-doubt, lack of self-esteem or self hate when he is pursuing goals or activities; then he is pursuing them dis-heartedly. The following discusses these negative attitudes respectively.

To have pathological self-doubt is to be doubtful about oneself, when one is unjustified in doing so - for example with regard to one's ability to do things, how successful one is in doing those things, the choices that one makes, their significance, their value or worth etc. To have a lack of self-esteem means that one fails to appreciate one's own worth. It can be manifested through being unable to recognize that one has the ability to do things, can be successful in doing them, can make the right choices etc. But when one doubts or fails to recognize one's ability to do things and the choices that one makes, then one would be reluctant to pursue goals and activities which are in fact valuable, and that

[191] This component has also been argued for by Raz, although he does not develop it as fully as I do. See Raz 1994: 3-8 & Raz 2004: 269-281.
[192] Raz 1994: 6.

one in fact can be successful in. Indeed, an individual who pathologically doubts himself or lacks self-esteem would be reluctant to take on goals or activities and pursue them, let alone those that he can be successful in and are in fact valuable.

To have self-hate is to hate oneself; or more specifically, to hate the things regarding or about oneself. Thus if one hates oneself, then most probably one also hates the goals or activities that one is pursuing. But if one hates them, then one is, all others things being equal, not motivated to pursue them, even if it is the case that they are indeed valuable and one can be successful in pursuing them.[193] However, the effect of self-hate is more pervasive than that. Since self-hate is directed towards the things regarding oneself, and any goals or activities that one pursues, tries to pursue or wants to pursue are things regarding oneself, it therefore seems very likely that an individual who has self-hate is *inter alia* all things being equal, not motivated to pursue any goal or activity.[194]

When an individual feels resentment towards the goals or activities that he is pursuing, he does not identify himself with those goals or activity. He does not see them as his goals or activities. But there is a more pervasive kind of resentment. This is when an individual feels resentful in general. He does not identify with the state he is in, and therefore does not identify with anything he does, tries to do or wants to do. This is more pervasive than the former case of resentment. This is because it negatively affects not just his ability to pursue the goals or activities that he feels resentment towards, but any goals or activities that he so happens to pursue, tries to pursue or wants to pursue.

Imagine an everyday standard case where an individual pursues a goal or activity which contributes to his wellbeing. In such a case, all external conditions are favourable. He has effective and secure access to goals and activities, absence of coercion etc. Although he might not be pursuing the goal or activity with the best of reasons, and may

[193] All other things being equal because he can still be externally motivated to pursue it, for example when he is coerced etc.

[194] It is only 'very likely' or 'most probably' because it is possible for someone to hate oneself, but not hate one's goals or activities. For example, one might hate oneself for being weak-willed and therefore unable to follow through with one's commitments. In such a case, one might not hate one's goals or activities at all, one only hates one's lack of will to pursue them. However, I do not think that such cases are common.

not have a positive attitude towards it, he at least identifies, in some minimal sense, with the goal or activity that he is pursuing, is motivated (not because of coercion) and is not reluctant to pursue it. The above negative attitudes therefore negatively affect the wellbeing of the individual who has them, because they undermine those three conditions. As a result, an individual who has either of the above negative attitudes, is not pursuing goals or activity in the relevant sense that contributes to his wellbeing.

6.2 – Half-heartedness.

However, the absence of the above negative attitudes is not sufficient for an individual to be pursuing goals and activities whole-heartedly. Consider the case where Tom becomes a friend of John who has a high social standing. Tom did so because by becoming friends with him, he can be introduced into the world of the rich and famous. Tom does not hate himself in doing so. Neither does he have a lack of self-esteem or pathological self-doubt. He knows that John is a bit naive and therefore would never find out his true intentions. He might even enjoy every moment he spend with John, and therefore does not feel any resentment towards anything. Indeed, Tom might be enthusiastic towards his friendship with John. This might be because John is his ticket to the kind of life he has always longed for. Although Tom has none of the above negative attitudes, and thus he is not friends with Tom dis-heartedly, even if he is successful in being good friends with Tom, there is something amiss in saying that he is friends with Tom whole-heartedly.

What seems amiss is that the individual lacks the right positive attitudes, right feelings or right motivating reasons with respect to the goal or activity he is pursuing. Consider Tom again. What it means for two people to be friends and what is significant about friendships is, at the minimum, that they do not see each other as means towards some ends. Furthermore, they do not take advantage of each other. This, however, is not the case with regard to Tom. He not only sees John as his ticket to living in a world of the

rich and famous, he also thinks of John as being naïve and takes advantage of it. Since goals or activities have meanings and significance, even if an individual coordinates his actions in such a way that they are means towards achieving the goals, or are part of the activities that he is pursuing, insofar as his feelings, motivating reasons or positive attitudes are incompatible, or not in line with, the particular meanings and significance of those goals and activities, there is something amiss in his pursuit of them. It is in this sense that an individual is pursuing goals or activities half-heartedly. Thus:

> An individual is pursuing a certain goal or activity half-heartedly if, (a) he does not have the above negative attitudes which characterize dis-heartedness; but (b) his feelings, motivating reasons, attitudes etc. while he is doing so are incompatible or not in line with the goal or activity's particular meanings or significance.

In light of this, whole-heartedness is as follows:

> An individual is pursuing a certain goal or activity whole-heartedly if, (a) he does not have the above negative attitudes which characterize dis-heartedness; and (b) his feelings, motivating reasons, attitudes etc. while he is doing so are compatible or in line with the goal or activity's particular meanings or significance.

6.3 Dis-heartedness vs. Half-heartedness.

Dis-heartedness affects wellbeing more fundamentally than half-heartedness. When an individual pursues goals or activities half-heartedly, he is pursuing goals or activities in the relevant sense that contributes to his wellbeing. If he is successful in doing so and it is highly valuable, then it would significantly affect his wellbeing in a positive way. But to the extent that he is half-hearted, the *quality of his pursuing* is negatively affected. And this contributes negatively to his wellbeing, independent from his success in pursuing that goal or activity and its value. This captures the following intuitions:

First, it is intuitively worse for someone to pursue something for or with the wrong reasons, than it is for him to do so for or with the right reasons. When someone does

something with the wrong reasons, then most probably he would not be as successful as someone who does it with the right reasons. Thus sometimes the worseness in someone who pursues something with the wrong reasons is just because he is not as successful as if he had done so with the right reasons. However, that is not necessarily the case. Even if he is as successful as if he had done so with the right reasons, intuitively sometimes it would have been better for him had he done so with the right reasons. My account captures this intuition. Since the individual pursues the goal or activity with the wrong reasons, i.e. they are incompatible or not in line with its meaning and significance, the *quality of his pursuing* is negatively affected. This therefore contributes negatively to his wellbeing, independent from his success in pursuing it and its value. All other things being equal, it would have been better for him had he pursued the goal or activity with the right reasons.

Second, sometimes because the individual is so successful in pursuing a goal or activity and because it is so valuable, his pursuit of it all things considered intuitively contributes positively to his wellbeing even if he pursues it half-heartedly. My account captures this intuition as well. Since half-heartedness affects the quality of his pursuing independently from his success, and the value of his pursuit, there is the possibility that his success and the value of his pursuit are so great, that they outweigh the negative effects his quality of pursuit has on his wellbeing.

On the other hand, such outweighing cannot happen in cases of dis-heartedness. This is because for an individual's success in pursuing a goal or activity and its value to outweigh anything, he must at least be pursuing it in the relevant sense that contributes to his wellbeing. But that is what dis-heartedness negates. Thus the negative effects that dis-heartedness has on wellbeing cannot be outweighed by an individual's success in pursuing a goal or activity and its value. This not only captures the intuition that generally speaking, it is bad for people to do something for the wrong reasons. It is particularly worse for them if they suffer from resentment, pathological self-doubt, self-hate or a lack of self-esteem

etc. It is particularly worse for them because even if they are very successful in doing what they do, and what they do is of great value, their lives are still, other things being equal, bad. It is in this sense that dis-heartedness affects wellbeing more fundamentally than half-heartedness.

7. - Conclusion.

Raz claims that the wellbeing of an individual is fundamentally constituted by, among other things, his whole-hearted and successful pursuit of socially determined and defined goals and activities which are in fact valuable. But he only argued for it briefly. On the other hand, Nozick's diagnosis of the problems raised by his Experience Machine Objection against the Quality-of-experience View seems – irrespective of whether that objection is sound – to capture something significant about what it means to live a human life. But Nozick never develops it into an account of wellbeing. What this chapter has done is to connect these two together, by starting with Nozick's undeveloped ideas to argue for the Razian conception of wellbeing. Doing so clarified, developed and elucidated the following issues: the concepts that constitute the Razian conception of wellbeing (e.g. 'pursue' 'goals and activities', 'socially defined and determined' etc.), their relationship with each other, and how they relate to the wellbeing of an individual etc. The next chapter will further defend this by arguing against two rival conceptions of wellbeing: the Quality-of-experience View and the Desire Fulfilment Theory.

Chapter 5
Alternative Accounts of Wellbeing

1. - Introduction.

The last chapter argued for my Razian conception of wellbeing. It also clarified and elaborated what exactly it means to say that the wellbeing of an individual is fundamentally constituted by: (a) the satisfaction of his biological needs, and (b) his success in whole-heartedly pursuing socially defined and determined goals and activities which are in fact valuable.

However, to defend a conception of wellbeing, it is necessary to argue against rival conceptions. This chapter therefore critically discusses two alternative accounts of wellbeing: the Quality-of-experience View in section 2, and the Desire Fulfilment Theory in section 3.

2. - The Quality-of-experience View.

It seems natural to suggest that the quality of an individual's life *for* him, is connected to the quality of his experiences in his life - the quality of his conscious awareness of aspects of his life as it unfolds moment by moment.[195] As Crisp says, "Well-being, what is good *for* me, might be thought to be naturally linked to what seems good *to* me…",[196] and the quality of my experiences in life is what seems good or bad *to* me. This might lead to what Griffin calls the "Experience Requirement",[197] which states that if something does not affect the quality of an individual's experience, then it also does not affect the quality of his life for him.[198] One family of accounts of wellbeing builds on this, and argues that the quality of one's life for one *is* the quality of one's experiences in life. Following Arneson, I shall call such views "Quality-of-experience Views".[199] A Quality-

[195] Arneson 1999: 121.
[196] Crisp 2005: n. pag.
[197] Griffin 1986: 13.
[198] See Scanlon 1993: 186 & Sumner 1996: 112.
[199] Arneson 1999: 121.

of-experience View by itself is incomplete as an account of wellbeing, since it does not specify how the quality of one's experiences is to be judged with regard to the quality of one's life.[200] Specifying this leads to different strands of Quality-of-experience Views. Most of these strands are hedonistic. They assert that the quality of one's experiences is judged with regard to the quality of one's life in terms of pleasure and pain. The more pleasurable the experiences one has in life, the higher the quality of one's life, while the more painful the experiences one has in life, the lower the quality of one's life. The quality of one's life is therefore the net balance of all of one's pleasurable and painful experiences in life.[201] Some of these hedonistic strands express themselves in terms of happiness.[202] Yet they understand happiness as both pleasure and the absence of pain. This was the case with Mill's and Bentham's position,[203] though they each had different conceptions of pleasure.[204] However, according to Parfit and Crisp, all these hedonistic strands of the Quality-of-experience View seem to assume that pleasure and pain are two distinctive kinds of experience. There is some distinctive quality shared by all our pleasurable experiences, that contrasts with some other distinctive quality that is shared by all our painful experiences. This assumption seems false.[205] In response, Parfit argues for "Preference-Hedonism".[206] According to this,[207] the more experiences one has that one prefers, the higher the quality of one's life; while the more experiences one has that one prefers to avoid, the lower the quality of one's life. The quality of one's life is thus the net balance of experiences that one prefers, and those that one prefers to avoid.[208] Preference-Hedonism is still a kind of Quality-of-experience View, as it asserts that the quality of one's life for one is the quality

[200] Scanlon 1993: 187.
[201] Crisp 2005: n. pag. I believe Parfit was referring to these strands when he was talking about 'Narrow Hedonists'. See Parfit 1994: 235.
[202] Parfit call these 'Hedonistic Theories'. See Parfit 1994: 235.
[203] Arneson 1999: 121.
[204] See Crisp 2005 n. pag.
[205] Crisp 2005: n. pag. & Parfit 1994: 235.
[206] Parfit 1994: 235.
[207] Of course, 'prefer' is a three place comparative relation. However, to keep the following discussion as simple and clear as possible, I have used it as a two place non-comparative relation. This should not alter whatever is intended to be conveyed in the discussion.
[208] Scanlon 1993: 186.

of one's experiences in life. It is just that for Preference-Hedonism, the quality of one's experiences is judged, with regard to the quality of one's life, in terms of whether one prefers or prefers to avoid the experiences in question. Other strands of Quality-of-experience View (e.g. Crisp's position) differ from the hedonistic strands by arguing that the quality of one's life should, in light of difficulties with the hedonistic strands, be understood solely in terms of the *enjoyments* and *sufferings* of one's experiences in life rather than the pleasures and pains.[209] Thus the quality of one's life is the net balance of all of one's enjoyable and suffering experiences in life.[210]

2.1 – The Experience Machine Objection.

I shall not assess the relative merits or demerits of the various strands of the Quality-of-experience View. This is because according to many,[211] any Quality-of-experience View suffers from Nozick's "Experience Machine" Objection, to which I have already referred in the previous chapter:[212]

> "Suppose there were an experience machine that would give you any experience you desired. Superduper neuropsychologists could stimulate your brain so that you would think and feel you were writing a great novel, or making a friend, or reading an interesting book. All the time you would be floating in a tank, with electrodes attached to your brain… Would you plug in? *What else can matter to us, other than how our lives feel from the inside?*"[213]

The problem is this:[214] According to the Quality-of-experience View, the quality of an individual's life for him is the quality of his experiences. Thus if the quality of experiences of two people is exactly the same, then according to the Quality-of-experience View, they

[209] See Crisp 2006: 100-103. Notice that Crisp still understands his position as a kind of hedonism.
[210] Crisp 2006: 102.
[211] For example Griffin 1986: 9-10; Arneson 1999: 121.
[212] Arneson 1999: 121. For discussions on the objection against various strands of Quality-of-experience View, see Griffin 1986: 9-10 & Crisp 2006: 117-119. For Nozick's "Experience Machine" Objection, see Nozick 1974: 42-45.
[213] Nozick 1974: 42-43.
[214] The following discussion of the Experience Machine Objection is based on Crisp's discussion. See Crisp 2006: 117-118.

have the same level of wellbeing. This holds even when one of them is hooked onto the experience machine, while the other is not and is living his life as we all normally do. However, this seems counter-intuitive. This is because intuitively the person who is hooked onto the experience machine has a lower level of wellbeing than the person who isn't, even when both of them have the same quality of experiences. This intuition is particularly strong when the quality of experience in question is a positive quality - happiness, enjoyment or pleasure. If we consider a person who is hooked onto the experience machine all his life, even if his life is as happy, enjoyable or pleasurable as another person who is not hooked onto the experience machine, and lives his life as we all normally do, it is very hard not to consider that his level of wellbeing is lower than that of the other person. Accordingly, the wellbeing of an individual - the quality of his life for him - is not the quality of his experiences in life.[215]

This objection can be elaborated to argue against all the hedonistic strands of the Quality-of-experience View and also Crisp's position. By making the experience machine responsive to the preferences of the person who is connected to it, the objection is also applicable to Preference-Hedonism.[216]

Furthermore, the objection also rejects the Experience Requirement. This is because if one believes that the person who is connected to the experience machine has a lower level of wellbeing than the person who is not connected to it and is living his life as we all normally do, even when the quality of both of their experiences is the same, then it is not the case that if something does not affect the quality of an individual's experience, it

[215] Note that an advocate of the Quality-of-experience View might be able to argue that the experiences replicated in the experience machine are necessarily different from the experiences in the real world, by tweaking on how experiences are to be individuated. This might very well be true. However, the crux of the objection is that the quality of the experiences replicated in the experience machine are exactly the same as the quality of experiences in the real world, and it is in virtue of this that the above two people have the same level of wellbeing. Thus even if we admit that the experiences replicated in the experience machine are necessarily different from the experiences in the real world, it does not follow necessarily that their qualities are different from each other. This is because it is very possible for different experiences to have the same quality. Thus the objection still stands. For a discussion of this possible response to the objection, see Crisp 2006: 118-119.

[216] See Nozick 1974: 42-43 on how this can be done.

also does not affect the quality of his life for him. This is because the objection shows that something - the fact that one is connected to the experience machine while the other is not - affects the quality of a person's life for them, even when it does not affect the quality of their experiences.

Although I believe that the Experience Machine Objection is a good argument against the Quality-of-experience View, I shall not rely on it to argue against the Quality-of-experience View in this thesis. This is because it seems that the debate on whether the objection genuinely refutes the Quality-of-experience View,[217] has reached a stalemate. Yet it does not seem like the stalemate can be resolved by further engagement in the debate. Thus I now attempt to offer several problems for the Quality-of-experience View that do not depend on the Experience Machine Objection.

2.2 – Further Problems with the Quality-of-experience View.

All the various strands of the Quality-of-experience View seem to construe the quality of experiences as a feeling. For example, for Crisp, "Enjoyments are just those experiences that are good, for the people who have those experiences, because of how they *feel*".[218] Similarly for Sidgwick, "Pleasure… as a *feeling* which… is at least implicitly apprehended as desirable"; [219] and for Bentham on Sumner's reading, "What they have in common, in virtue of which they all count as pleasures, is their positive *feeling* tone: an intrinsic, unanalysable quality of pleasantness which is present to a greater or lesser degree in all of them".[220]

However, individuals can be manipulated to feel one way rather than the other. It might be true that feelings are not as malleable as desires and preferences.[221] And some of them, like pain, might not be malleable at all. Nevertheless, it still seems plausible to suggest that for quite a lot of feelings like happiness, pleasure, enjoyment etc., individuals

[217] For rejoinders to the Experience Machines Objection, see Crisp 2006: 117-125 & Rivera-López 1998.
[218] Crisp 2006: 108. My Italics.
[219] Sidgwick 1907: 127. My italics.
[220] Sumner 1996: 88. My Italics. This is Sumner's exposition of Bentham's position.
[221] See Nussbaum 2000: 136-142 for the adaptiveness of desires and preferences.

can be manipulated to have them, i.e. the feelings that one has when one is manipulated, one would not have (or would have entirely different ones) if one had not been manipulated. As an example, one only needs to think of Alex, the protagonist of *A Clockwork Orange*.[222] His feelings towards, say Beethoven's Ninth Symphony, were manipulated through classical conditioning. Or consider another example closer to the subject of this thesis: a person who is brought up as a slave might be manipulated in such a way that not only does he not feel unhappy about serving his master as a slave, he might even find it satisfying and therefore pleasurable. Given all this, I have the following three worries.

The first worry is that what we are interested in, when we are interested in the quality of peoples' experiences in connection to their wellbeing, is how they genuinely feel about their experiences - not how they feel about them as a result of manipulations. Thus in cases of manipulation, the Quality-of-experience View might be tracking the wrong things (i.e. what he feels about his experiences as a result of manipulations, rather than what he genuinely feels about his experiences). This raises doubts about the accuracy of the Quality-of-experience View, as an evaluation of the quality of an individual's life for him.

The second worry builds on the first. It seems very intuitive that it is bad to manipulate an individual to feel better towards his life, when his life is in fact going poorly. Indeed, it is not just bad *per se* when we do so, but bad for him – it makes his life worse. But it does not seem that the Quality-of-experience View can take that into account. This is because according to it, the wellbeing of an individual is constituted by the quality of his experiences. Thus if manipulating an individual improves the quality of his experiences, then it also improves his wellbeing - makes his life better. The Quality-of-experience View therefore allows for the possibility that it is good for an individual to be manipulated into feeling better towards his life, in circumstances where we should rather conclude that such manipulation makes his life worse.

[222] Burgess 1962.

The third worry relates to the role of an account of wellbeing in the aim of this thesis. The aim of this thesis is to develop a conception of justice (more specifically - duties of minimal wellbeing) based on an account of wellbeing. Let us now consider the possibility that one's feelings towards injustices are manipulated. We can imagine that one can be manipulated in such a way that not only does one not feel unhappy, spiteful, angry, suffering, or displeasure when one is subject to certain injustices, one might even have a positive feeling towards them. In cases like these, under the Quality-of-experience View, the negative effects of injustices on the concerned individuals' wellbeing would be negated. This means that any subsequent conception of justice based on such an account of wellbeing would be unable to recognize such injustices. This then undermines the plausibility of such a conception of justice. Thus the Quality-of-experience View is not a plausible account of wellbeing, at least for the purposes of this thesis - to develop a conception of justice based on an account of wellbeing.

2.3 – Possible Rejoinder: Revised Quality-of-experience View.

There is a way for the Quality-of-experience View to answer the above worries. Rather than arguing that the wellbeing of an individual is constituted by the quality of his experiences, one can argue that it is constituted by the quality of his experiences that he would have if certain conditions were satisfied – e.g. when he is not subject to any manipulation. Call this the "revised Quality-of-experience View". Assuming that it is possible to draw a distinction between the quality of experiences that one actually has, and the quality of experiences that one would have if certain conditions were satisfied, then the revised Quality-of-experience View should be able to answer the above worries. Allow me to explain.

First, insofar as the conditions that are specified in the revised Quality-of-experience View are robust enough, so that the quality of an individual's experiences that he would have if those conditions were satisfied can plausibly be said to be what he

genuinely feels about his experiences, then the revised Quality-of-experience View would not be tracking the wrong things as constituents of an individual's wellbeing.

Second, insofar as the conditions include not manipulating the feelings of individuals, the revised Quality-of-experience View would not allow for the possibility that it is good for an individual to be manipulated into feeling better towards his life, when being so manipulated makes his life go worse. This is because if the wellbeing of an individual is constituted by what he would feel towards his life *when he is not being manipulated*, then from the fact that manipulating him improves how he actually feels towards his life, it does not follow that his wellbeing is improved by such manipulation. Furthermore, insofar as under those conditions, one would feel negatively about being manipulated into feeling better about one's life, in cases where one's life is in fact worse, the revised Quality-of-experience View can even explain why we intuitively think that such manipulations are bad for individuals – it makes their lives worse.

Third, since the quality of an individual's experiences that results from manipulating him does not constitute his wellbeing, the negative effects of injustices on the wellbeing of individuals cannot be negated, by manipulating them to feel positively (or not negatively) towards those injustices. Accordingly, these injustices would not go unrecognised under a conception of justice that is based on the revised Quality-of-experience View. Thus the revised Quality-of-experience View is not an implausible account of wellbeing for the purposes of this thesis.

Although it seems that the revised Quality-of-experience View has advantages over the Quality-of-experience View, as far as I know, nothing similar to the revised Quality-of-experience View has been proposed in the literature.[223] I speculate that the reason behind this is because the revised Quality-of-experience View - in arguing that the wellbeing of an

[223] Note however, that similarly revised Desire Fulfilment Theories (i.e. Informed-desire account) are rather common. I shall discuss Griffin's version of it in section 3.2 of this chapter. Thus what is uncommon in the literature is applying such a kind of revision to the Quality-of-experience View, not the kind of revision in question.

individual is constituted by the quality of his experiences that he would have if certain conditions were satisfied - departs too radically from the Quality-of-experience View. Recall that the starting idea for the Quality-of-experience View is the thought that "Well-being, what is good for me, might be thought to be naturally linked to what seems good to me…".[224] However, under the revised Quality-of-experience View, what seems good to me has nothing to do with what is good for me. Rather, what is good for me is what seems good to me when certain conditions are satisfied. Indeed, insofar as the plausibility of the Quality-of-experience View is based on this starting idea, the revised Quality-of-experience View lacks an independent argument for its plausibility, besides the fact that it is immune from certain worries that the Quality-of-experience View has. Furthermore, the revised Quality-of-experience View also needs to offer a justification for the conditions that need to be satisfied, for the quality of an individual's experiences to constitute his wellbeing. But it does not seem plausible that these conditions can be justified by appealing to the quality of experiences again. As a result, the revised Quality-of-experience View is at most an incomplete account of wellbeing, and much work is needed for it to be a plausible account of wellbeing. I shall therefore set this aside in this thesis for future consideration.

3. - The Desire Fulfilment Theory.

An alternative account to the Quality-of-experience View is the Desire Fulfilment Theory of wellbeing. This theory can be motivated by appealing to the Experience Machine Objection. On the one hand, Nozick says this in his diagnosis of the problem raised by the Experience Machine Objection:

> "What does matter to us in addition to our experiences? First, we *want* to do certain things… A second reason for not plugging in is that we *want* to be a certain way… Thirdly, plugging into an experience machine limits us to a man-made reality, to a

[224] Crisp 2005: n. pag.

> world no deeper or more important than that which people can construct. There is no actual contact with any deeper reality, though the experience of it can be simulated. Many persons *desire* to leave themselves open to such contact and to a plumbing of deeper significance".[225]

One reading of the above passage focuses on the notions of 'want' and 'desire', and ignores what Nozick says about their objects. In this reading, the reason why the person connected to the Experience Machine has lower wellbeing than another person who is not, is because the former person's desires are not satisfied while, other things equal, the latter person's desires are satisfied. Furthemore, a natural response to Nozick's diagnosis is this: if a person happens to not desire any of the three things that Nozick identified in the above passage, but strongly desires to be connected to the Experience Machine, it is hard to see how his level of wellbeing would suffer if he connects to the Experience Machine. Thus a possible diagnosis of the problems raised by the Experience Machine Objection suggests a connection between desire fulfilment and the wellbeing of the individual.

3.1 – Unrestricted Actual Desire Theory & Its Problems.

One form of Desire Fulfilment Theory is called the "Unrestricted Actual Desire Theory",[226] which states that "… the quality of a person's life at a given time is measured by the degree to which the preferences which he or she has at that time are fulfilled".[227] Thus the more of one's desires are fulfilled, the higher one's level of wellbeing - with desires that are ranked as more important in a person's preference set contributing more to his wellbeing when they are fulfilled.[228]

However, Unrestricted Actual Desire Theory suffers from two main problems. First, as Scanlon observes, "…a person can in principle have preferences about anything whatever – about the number of moons the planet Uranus has, about the colour of Frank

[225] Nozick 1974: 43. My italics.
[226] Scanlon 1993: 186. Griffin also refers to it as "The Actual Desire Account", see Griffin 1986: 10-11.
[227] Scanlon 1993: 186.
[228] Arneson 1999: 123.

Sinatra's eyes, or about the sexual mores of people who they will never see – this theory makes the determinants of the quality of a person's life very wide indeed".[229] Arguably, it is hard to see how the satisfaction of these desires can contribute to the wellbeing of the individual who happens to have them, even when they are very strong ones. As Arneson neatly sums up, "… not all of an agent's desires plausibly bear on her well-being".[230] Thus the Unrestricted Actual Desire Theory by itself is not a plausible account of wellbeing. The second problem is best outlined by Arneson: "…some desires that are felt to be of great importance by the individual, and desired for their own sake… are only desired because the individual is confused, ignorant, or making reasoning errors… Why suppose their satisfaction is good for the desirers at all?"[231] We all are fallible beings. Thus some of our desires are based on our ignorance, confusions, mistakes or flawed reasoning etc. It is hard to see how the satisfaction of such error-based desires constitutes the wellbeing of the individual who has those desires. For example, after reading a website on self-help written by a prankster, I come to believe falsely that my destiny, and the key to my happiness lies in counting the grains of sand in any given beach. Since I feel lost in life and am pretty depressed, a strong desire grows in me to count the grains of sand in the beach in front of my house. However, it seems counter-intuitive to suggest that my life is in some way better, if such desires of mine are fulfilled. That is precisely what the Unrestricted Actual Desire Theory would say.

The two problems are distinct from, and irreducible to, each other. Take again the example of my desire to count the grains of sand on the beach in front of my house, because I come to falsely believe that doing so is my destiny and the key to my happiness. Although it is an error-based desire, and thus is an example of the second problem, it is not an example of the first problem. This is because it is hard to deny that my beliefs about my destiny, and the key to my happiness, are related to the quality of my life. Thus that desire

[229] Scanlon 1993: 186.
[230] Arneson 1999: 124.
[231] Arneson 1999: 124.

of mine, though error-based, bears on my wellbeing.

In response to the first problem, some have placed restrictions in the theory, such that only the satisfaction of certain kinds of actual desires constitutes the wellbeing of the person who has them. Call these 'Restricted Actual Desire Theory'. One example is Parfit's "Success Theory", which restricts the desires which when satisfied constitute a person's wellbeing to those actual desires that are intuitively about that person's own life.[232]

Arneson argues that the first problem is more intractable than the second one.[233] This is because he thinks that most, if not all, responses to the first problem are in some way viciously circular.[234] For a response to be able to solve the problem, it must be able to exclude those actual desires of an individual, that are either by themselves or the fulfilment of which are not relevant or related to his wellbeing, from the set of his fulfilled actual desires that is used to calculate his level of wellbeing. However, to be able to do so, one must already have at least a rough conception of wellbeing. It is by appealing to this conception of wellbeing that one can differentiate between those actual desires which when fulfilled would constitute the wellbeing of the person who has them, and those which would not. Take for example Parfit's Success Theory. It restricts the set of actual desires, which are used to calculate the wellbeing of the person who has them, to those which are intuitively about that person's own life. This already assumes a rough conception of wellbeing - the wellbeing of a person is constituted by things which are about that person's life. The problem with these responses, it seems, is that we are trying to argue for an account of wellbeing. If we do so by assuming a certain conception of wellbeing, then our argument seems viciously circular. The responses therefore fail to address the problem.

I disagree with Arneson here. As Griffin rightly says in defending his account from

[232] Parfit 1994: 236-238. See also Scanlon 1993: 187.
[233] Arneson 1999: 125.
[234] Arneson 1999: 19 & 124-126.

such a criticism:[235]

> "In a way the account is now circular. I appeal to our rough notion of well-being in deciding which informed desires to exclude from this account of well-being. But that, I think, does not matter. If what we were doing were taking a totally empty term, 'well-being' and stipulating a sense of it, then we could not, in the middle of the job, appeal to 'well-being'. But our job is not that. The notion of 'well-being' we want to account for is not empty to start with; utilitarians use our everyday notion, and our job is to make it clearer. So we are free to move back and forth between our judgements about which cases fall inside the boundary and our descriptions of the boundary. Every account of this type will do the same."[236]

We are here not trying to argue for an account of wellbeing from scratch. Rather, we are trying to argue for an account of wellbeing which best captures and reflects our everyday understanding of what wellbeing is; and one would hope, in the process, we will also clarify our conception of it. This task cannot be done without appealing to and reflecting on our rough pre-theoretical everyday conception of wellbeing. Thus given what we are trying to do, it is legitimate to argue for a certain account of wellbeing, by assuming a certain rough conception of wellbeing. Such arguments might be circular, but they are not viciously circular.[237]

Furthermore, if Arneson's charge of vicious circularity is valid against responses to the first problem, it is also valid against the argument for the problem. Recall the argument for the first problem against the Unrestricted Actual Desire Theory: In its calculation of the wellbeing of an individual, it includes certain actual desires the fulfilment of which does not seem to constitute that person's wellbeing. This arguably also appeals to some rough conception of wellbeing, i.e. there are certain actual desires of an individual that are either by themselves, or the fulfilment of which, are not related to his wellbeing. If it is viciously

[235] I shall be discussing Griffin's account in detail in the later sections of the paper.
[236] Griffin 1986: 22.
[237] An interesting paper concerning when circularities are not vicious is Keefe 2002.

circular for responses to the problem to appeal to some rough conception wellbeing, it is also viciously circular for the argument for the problem to do the same. Thus Arneson's criticism against the responses to the first problem is also a criticism against the first problem itself.

I think the second problem is a more serious problem for the Unrestricted Actual Desire Theory. To start with, even if there are viable responses to the first problem, they do not necessarily solve the second problem. Recall the second problem: Unrestricted Actual Desire Theory includes error-based desires of an individual in the calculation of his level of wellbeing, but it is hard to see how the fulfilment of error-based desires constitutes an individual's wellbeing. Insofar as the responses to the first problem contend that it is *actual* desires that constitute an individual's wellbeing when satisfied, even if they restrict them to a set that is smaller than all or any of the actual desires that an individual has, it is still possible for these *actual* desires to be error-based; and they are therefore susceptible to the second problem of the Unrestricted Actual Desire Theory. Let me illustrate this with Parfit's Success Theory. Assuming that it is a viable response to the first problem, it still cannot rule out the satisfaction of, in my earlier example, my error-based desire to count the grains of sand in the beach in front of my house, from constituting my wellbeing. This is because although the desire is error-based, it is arguably about my own life, since it concerns my destiny and my happiness. Thus even if there are viable responses to the first problem of the Unrestricted Actual Desire Theory, they do not necessarily solve the second problem.

The crux of the second problem is not merely that it is counter-intuitive to suggest that the fulfilment of one's actual error-based desires constitutes one's level of wellbeing. I think it is deeper than this. This is because at least one of the aims in arguing for an account of wellbeing is to preserve what Scanlon calls "the direct ethical significance of well-being",[238] which states that "any improvement in a person's wellbeing has positive

[238] Scanlon 1993: 187.

ethical value".[239] According to our everyday pre-theoretical rough understanding of wellbeing, it is *prima facie* good that the wellbeing of an individual increases; while it is *prima facie* bad that it decreases. Although they might be overridden by other normative considerations (and become either all-things-considered bad or all-things-considered good respectively), it still seems true that despite the fact that they can be overridden, it is in some sense a good thing that a person's wellbeing increases and a bad thing that it decreases. This seems evident from the fact that it is generally considered by default a good thing when people's wellbeing increases, unless there are other countervailing reasons; while it is generally considered by default a bad thing when people's wellbeing decreases, and strong reasons must be offered for it not to be considered so. The problem is that it is hard to see how something which is based on ignorance, confusions, mistakes or flawed reasoning etc. - error-based actual desires - has any normative weight that can override or be overridden by other normative considerations. Indeed, it is hard to see how they can be objects of normative considerations. Take my previous example of my error-based desire to count the grains of sand on the beach in front of my house again. Imagine now that the community in which I am living is thinking of obliterating a couple of beaches for property development, and my beach is one of those selected. When everyone (including myself) in the community gathers around to discuss whether to go ahead with the property development, and I present my reason against it - it would make it impossible for me to fulfil my (error-based) desire to count the grains of sand on the beach in front of my house (and therefore my wellbeing will suffer) - it is not simply that this reason will most certainly be outweighed by the reasons for the property development. Rather it is not a reason at all in considering whether to go ahead with the property development. That reason would have been dismissed not just as a bad reason against the property development, but as a non-reason (it is not a reason either for or against the property development). Since the Unrestricted Actual Desire Theory does not preserve the direct

[239] Scanlon 1993: 187.

ethical significance of wellbeing - in cases concerning the satisfaction of error-based desires, it is therefore not a plausible account of wellbeing.

3.2 – Griffin's Informed-desire Account & Its Problems.

Griffin's "Informed-desire Account" is an alternative account of wellbeing, which directly responds to the second problem of the Unrestricted Actual Desire Theory.[240] Rather than contending that it is the fulfilment of *actual* desires that constitutes wellbeing, Griffin's Informed-desire Account contends that it is the fulfilment of *informed* desires that constitutes wellbeing, where "informed desires" refer to desires "… that persons would have if they appreciated the true nature of their objects".[241] According to Griffin, there are two necessary conditions for an individual to have appreciated the true nature of the objects of those (informed) desires: first, there is an absence of logical mistakes in the appreciation process;[242] and second, the individual concerned has adequate information, which includes not only adequate factual information, but also "insight and subtle, perspicuous concepts".[243] Griffin characterizes such an individual as having a complete understanding of what makes life go well.[244] In general according to the Informed-desire Account, one's level of wellbeing is higher, the more one's informed desires are fulfilled, and the stronger are those fulfilled informed desires (and *vice versa*), where the strength of an informed desire is its place in an ordering of them that reflects appreciation of the nature of their objects.[245]

One might wonder why it is the case that one's level of wellbeing is higher, the more one's informed desires are fulfilled, and the stronger those fulfilled informed desires are (and *vice versa*). The explanation would presumably be something like the following:

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[240] See Griffin 1986: 7-40.
[241] Griffin 1986: 11. Griffin never seems to have clearly explained what he means here by "their objects". Nevertheless, I do not think this ambiguity compromises the rest of the discussion.
[242] Griffin 1986: 12.
[243] Griffin 1986: 12-13.
[244] As Griffin says, "So there is only one way to avoid all the faults that matter to 'utility': namely, by understanding completely what makes life go well (1986: 13).
[245] Griffin 1986: 14-16.

IDA#1 - If an individual would desire something had he appreciated the true nature of that thing (in the sense that the above necessary conditions are satisfied), then that thing is good for him.

IDA#2 - If an individual would desire to avoid something had he appreciated the true nature of that thing (in the sense that the above necessary conditions are satisfied), then that thing is bad for him.

Given IDA#1 and IDA#2, the more an individual's informed desires are satisfied, the higher his level of wellbeing is. This is because either more of the things that are good for him are actualized, or more of the things that are bad for him are not actualized. On the contrary, the less an individual's informed desires are satisfied, the worse his level of wellbeing is. This is because either less of the things that are good for him are actualized, or more of the things that are bad for him are actualized.

Since informed desires are informed in the above sense, the Informed-desire account excludes error-based desires from the calculation of an individual's wellbeing. It is therefore not susceptible to the second problem of the Unrestricted Actual Desire Theory.

But there is one thing to note with Griffin's Informed-desire Account. In principle, it seems that according to it, a person's wellbeing may be constituted by none of that individual's actual desires, as in cases where he actually failed to appreciate the true nature of all his objects. Griffin seems to be against understanding his Informed-desire Account in such a way. As he highlights but fails to explain very clearly:

> "Although 'utility' cannot be equated with actual desires, it will not do, either, simply to equate it with informed desires… Utility must, it seems, be tied at least to desires that are actual when satisfied… It is hard to get the balance between the actual and the informed desires quite right. But, to be at all plausible, the informed-desire account has to be taken to hold them in a balance *something* like the one I have just sketched".[246]

[246] Griffin 1986: 11-12. My Italics.

The 'something' he sketched is the following:

> "It is doubtless true that if I fully appreciated the nature of all possible objects of desire, I should change much of what I wanted. But if I do not go through that daunting improvement, yet the objects of my potentially perfected desires are given to me, I might well not be glad to have them…"[247]

In light of this, there are two ways to understand Griffin's Informed-desire Account:

Strong version: The satisfaction of informed desire does not make an individual's life better unless he actually desires the object of that informed desire.

Weak version: When an individual does not actually desire the object of his informed desire, then this reduces the positive contribution which the satisfaction of that informed desire has on the wellbeing of that individual.

The strong version contends that the objects of satisfied informed desires cannot constitute an individual's wellbeing unless he actually desires those objects. Under the strong version, having actual desires towards the objects of satisfied informed desires is therefore a necessary condition for those objects to constitute the wellbeing of an individual. This is basically a version of the Desire Constraint, and I shall critically discuss it in section 3.4 of this chapter. The weak version is basically a principled Informed-desire Account,[248] which contends that the satisfaction of informed desires (all things being equal) increases the wellbeing of an individual. But it further contends that the wellbeing of the individual would increase more, if that individual actually desires the objects of those satisfied informed desires. Insofar as the weak version of Griffin's Informed-desire Account contends that the satisfaction of informed desires (all things being equal) increases the wellbeing of an individual (even if the increase would be to a lesser degree than if he actually desires them), then it is susceptible to my argument below, as with a principled

[247] Griffin 1986: 11.

[248] By a 'principled Informed-desire Account', I refer to an account that only accepts this basic claim: the satisfaction of informed desires (all things being equal) increases the wellbeing of an individual. It therefore does not accept the further contention in the weak version of Griffin's Informed-desire Account: the wellbeing of the individual would increase more, if that individual actually desires the objects of those satisfied informed desires

Informed-desire Account. To avoid over-complicating the discussion with qualifying phrases, I treat Griffin's Informed-desire Account as a principled Informed-desire Account in my subsequent discussion.

The problem I have with the Informed-desire Account concerns how to interpret the idea of 'appreciating the true nature of the objects of (informed) desires' (I shall refer to the idea as 'X' in the remainder of the discussion). The problem is basically this: suppose that X is construed thinly; for example suppose that all that is required for an individual to have appreciated the true nature of the objects of his (informed) desires is just the satisfaction of certain procedures: his mind is of a sound state and he is not under duress.[249] Under this construal of X, it is possible that an individual would desire something had he appreciated the true nature of that thing even though that thing is intuitively not good, or maybe even bad for him - e.g. being a slave. He might think that as long as he obeys his owner, then it is a good way to secure his livelihood. So under this construal of X, according to IDA#1 being a slave is good for him. This seems very counter-intuitive. (An argument of the same structure can be advanced with regard to IDA#2, by using something which is intuitively good for him - e.g. intimate relationships)

However, if X is construed substantively, then it can deal with the above problem raised when construing X thinly. For example, Griffin might argue that the above individual had not really appreciated the true nature of being a slave, since he did not have a complete understanding of what makes life go well. If he had a complete understanding of what makes life go well, then he would not have desired (or maybe even would have desired to avoid) being a slave, had he appreciated its true nature. The reason why Griffin's response can deal with the above problem is presumably this: a complete understanding of what makes life go well would inform him that given its *nature*, slavery does not makes one's life go well. Thus if he had a complete understanding of what makes life go well, he

[249] This might not be Griffin's position, since he requires that the individual has a complete understanding of what makes life go well. That is not a matter of procedure.

would not desire to be (or would desire the avoidance of being) a slave had he appreciated its true nature. Thus according to IDA#1, it is not the case that being a slave is good for him (or according to IDA#2, being a slave is bad for him). An argument of the same structure can also be applied to intimate relationships - thus resulting in the conclusion that if he had a complete understanding of what makes life go well, he would desire (or would not desire the avoidance of) intimate relationships, had he appreciated their true nature. Thus according to IDA#1, intimate relationships are good for him (or according to IDA#2, it is not the case that they are bad for him).

However, although by construing X substantively the Informed-desire Account can deal with the problem raised when construing X thinly, yet if X is construed substantively, then the reason why something is bad or not good for one (or good or not bad for one), is not the fact that one would desire its avoidance or would not desire it (or would desire it or would not desire its avoidance), had one appreciated the true nature of that thing in question; rather it is the *nature* of the thing in question. Let me explain this here with a purported thing that is good for an individual - intimate relationships. An argument with the same structure can be offered for purported things that are bad for an individual.

According to the Informed-desire account, intimate relationships are good for an individual, because one would desire them had one appreciated their true nature. But why would that be the case? Presumably because they have a certain nature, such that if one appreciated it, then one would desire them. Had intimate relationships not had this nature, then one would not desire them if one appreciated their true nature. Thus it is because of the nature of intimate relationships, that one would desire them if one appreciated their true nature. As one can see, although it *seems* that the reason why intimate relationships are good for an individual is because he would desire them had he appreciated their true nature, yet given that the reason for this desire is because of such relationships' nature, it seems that the *real* reason why intimate relationships are good for an individual is because

of their nature. If that is the case, then the reason why intimate relationships are good for an individual is, despite appearances, not because he would desire them had he appreciated their true nature.

The problem with the Informed-desire Account is basically this: It is a dilemma. In the first horn of the dilemma, if the idea of 'appreciating the true nature of the objects of (informed) desires' is construed thinly, then the Informed-desire Account would lead to results that are counter-intuitive. In the second horn of the dilemma, if the idea is construed substantively, then it seems that the Informed-desire Account is not a Desire Fulfilment Theory anymore. This is because what is distinctive about a Desire Fulfilment Theory, is its contention that the reason why something is good or bad for an individual is because he (in some sense) respectively desires or desires to avoid that thing. As Scanlon says, "As I see it, according to a desire theory, when something makes life better this is always because that thing satisfies some desire".[250] It is true that advocates of Desire Fulfilment Theories are never explicit about this contention of theirs. But it seems that the contention is nevertheless implied or assumed in their theories. Take for instance the Unrestricted Actual Desire Theory. It contends that one's wellbeing is constituted by the fulfilment of one's actual desires. The most straightforward answer that the Unrestricted Actual Desire Theory would give, as to why giving something (e.g. y) to two people results in an increase in the level of wellbeing in one but not in the other, is this: the former person desires y while the latter person does not desire y. Thus the Unrestricted Actual Desire Theory contends that something is good for one because one desires it. Since under the Informed-desire Account, unlike the Unrestricted Actual Desire Theory, the reason why something is good or bad for an individual is not because he (in some sense) respectively desires it or desires its avoidance, it is therefore not a Desire Fulfilment Theory anymore.

There is a qualification to all this: note that in the case of Griffin (the focus of the above discussion), the reason why something is good or bad for one is the nature of the

[250] Scanlon 1993: 190.

thing in question. In other cases, it might be something else, depending on how X is substantially construed. In any case, there are two points to this: First, in so far as the idea is not substantially construed in terms of desires (in some sense or another), then it is that which is used to substantially construe the idea, which is the reason why something is good or bad for one. Thus it would still be susceptible to my argument. Second, for an Informed-desire Account to be extensionally adequate (thus not susceptible to the first horn of the dilemma), it must at least appeal to the nature of the things in question when construing the idea substantially. This is because at least for certain things that we strongly find intuitively bad for one - e.g. slavery,[251] we find them to be so in virtue of the fact that they have certain properties, which in the case of slavery, would most properly be the fact that one's will is subjugated to the will of others. This suggests that at least part of the reason, if not one of the reasons, why slavery is bad for one, is because one's will would be subjugated under the will of others if one is a slave. Thus if the idea is construed substantially without appealing to the nature of the things in question, then the Informed-desire Account might not be going deep enough to accurately track what we intuitively find as bad for one. For example, it might fail to identify other things, which also involve subjugating one's will to the will of others, as bad for one - certain forms of manipulation and coercion.

Can Griffin just embrace the second horn of the dilemma? If he does so, then there are two worries concerning his version of the Informed-desire Account: First, if he embraces the second horn of the dilemma, then his account is not a Desire Fulfilment Theory anymore. This is because under his account, the reason why something is good or bad for one, is not because one (in some sense) respectively desires or desires the avoidance of it, rather it is the nature of that thing in question.[252] Second, if that is the case,

[251] I shall frame the discussion here in terms of things that are bad for one. This is because we have much stronger intuitions on things that are bad for one, then things that are good for one.
[252] As I have discussed in the first point of the above qualification to my dilemma argument, other non-Griffin accounts of the Informed-desire Account are also susceptible to such an argument of the same structure.

then in his account of wellbeing, desires (and their fulfilment) would play as much a role in constituting an individual's wellbeing, as any other things which are good or bad for him because of the respective natures of those other things.[253] Furthermore, since it does not specify what exactly are the things, that are either good or bad for an individual because of their respective natures, it is compatible with other accounts of wellbeing, which argue for certain specific things as constituting an individual's wellbeing because of their particular natures.[254] As a result, it not only loses its distinctiveness as an alternative competing account of wellbeing. It is also trivially true from the point of view of all other accounts of wellbeing, which argue for certain specific things as constituting an individual's wellbeing because of their particular natures.

3.3 – Possible Rejoinder: The Indispensable Role of Desires.

One might object to my above criticism by arguing that it is based on at least two implausible premises. On the one hand, it might be true that what is distinctive about a Desire Fulfilment Theory is its contention that the reason why something is good (or bad) for an individual is because he (in some sense) desires (or desires to avoid) that thing. But why think that that contention is plausible to start with? Surely, it cannot be the case that something is good or bad for one, just merely because one respectively (in some sense) desires or desires to avoid it. It must also have a certain nature – it has certain desirable or undesirable features. Similarly, on the other hand, it might be true that, on the face of it, something is good or bad for one because of its nature – it has certain features that make it good or bad for one. Yet a full explanation of why that is true must explain why it is those certain features, as opposed to other features that it has, that make it good or bad for one. And one might think that what marks those features out is, at least partly, that they are desirable or undesirable features. If we take these two points together, then the reason why

[253] This would be the case, only if one argues that the satisfaction of desires is good for a person, because of the particular nature of desire satisfaction.

[254] For example, a Quality-of-experience View might argue that certain qualities of experience, say pleasure, are good for a person because of the nature of pleasure; while other qualities of experiences, say pain and suffering, are bad for a person because of the nature of pains and sufferings.

something is good or bad for one is neither: (a) merely because one (in some sense) desires it or desires to avoid it, nor (b) merely because it has certain features. Rather it is - (c) because it has certain desirable or undesirable features. If one thinks that (c) necessarily makes references to the nature of the thing in question (i.e. its features) and peoples' desires, then the real reason why something is good or bad for one must involve both its nature (that it has certain features) and in some sense one's desires. My criticism therefore assumes overly simplistic views about why something is good or bad for one. As Wiggins says, "Surely an adequate account of these matters will have to treat psychological states and their objects as equal and reciprocal partners, and is likely to need to see the identifications of the states and of the properties under which the states subsume their objects as interdependent".[255]

If this alternative view on why something is good or bad for one is plausible, then it might rescue Griffin's Informed-desire Account from my criticisms. It is true that under the alternative view, the Informed-desire Account would not grant desire (in some sense), *the* foundational role in the reasons why something is good or bad for one, unlike the Desire Fulfilment Theory. Nevertheless, by granting desires *a* foundational role in the reasons why something is good or bad for one, this alternative view renders the Informed-desire Account distinctive enough as an alternative competing account of wellbeing. Or so it seems.

My initial worry with the alternative view is that it is hard to spell out what it amounts to, in saying that the reason why something is good or bad for one, must involve both the features of that thing and (in some sense) one's desires; and why that is true. Griffin seems to have something like the alternative view in mind, when he says that "[d]esire is not blind. Understanding is not bloodless. Neither is the slave of the other. There is no priority".[256] But it is not clear why he thinks that is true.

[255] Wiggins 1991b: 106.
[256] Griffin 1986: 30. See also his discussion of this in Ibid: 26-31.

Griffin seems to have offered two arguments for why he thinks that something like the alternative view is plausible. His first argument appeals to three examples: A recluse comes to see that good company is good for him; Freud, in his last days, comes to see that thinking clearly is better for him than drugged comfort, and; a person who has wasted most of his life doing nothing comes to see why it is good for him to accomplish something in his life.[257] However, on the face of it, these three examples are more concerned with how someone comes to realize (or recognize that) something is indeed good for one, rather than with the reason why it is indeed good for one. It might be true that when it comes to the former, it must involve not only the fact that those things have certain features, but also (in some sense) the desires of an individual. But this is a different issue. It thus tells us nothing about the reason why something is good or bad for one, let alone supports the contention that it must involve both of those things. This first argument therefore seems to fail to support why something like the alternative view is plausible. One might think that I am being too quick here, and that there is something deeper with Griffin's first argument, especially if one looks at his discussion of the last example.[258] I agree that there is a deeper argument in that discussion. But I think it is an altogether different argument that is independent from the examples. This brings me to his second argument for something like the alternative view, which is much more promising.

Recall that in the objection against my criticism of Griffin's Informed-desire Account, I talked about (c) - the reason why something is good or bad for one is because it respectively has certain desirable or undesirable features; and that one might think that (c) necessarily makes references to not only the features of the thing in question, but also people's desires. Griffin's second argument focuses on these two claims and why they are true. Here is what he says:

[257] Griffin 1986: 28-30. His first example concerning his preference of pears over apples does not seem to be relevant to the alternative view on why something is good or bad for one. It seems the function of that example is to set the stage for his remaining three examples (the ones I have illustrated here) to support something like the alternative view, rather then directly supporting it.
[258] Griffin 1986: 29-31.

> "The way in which we talk about the objects we value is far from neutral… The language we use in reporting our perceptions already organizes our experience and selects what we see as important; it is designed to show how we view certain things in a favourable light… *We also have to explain what goes on in our perceiving things favourably. And here desire comes back at a deeper level, as part of this explanation*… Hume was wrong to see desire and understanding (appetite and cognition) as distinct existences. He was wrong to make desire blind. But it is a variety of the same mistake to think that one can explain our fixing on desirability features purely in terms of understanding… *Some understanding – the sort that involves fixing on certain features and seeing them in a favourable light – is also a kind of movement. It requires a will to go for what has those features. There is no adequate explanation of their being desirability features without appeal to this kind of movement*".[259]

Griffin seems to be saying this: what marks out the features of a thing that makes it good for us, as opposed to its other features, is the fact that we find those features favourable. It is in this sense that they are desirable features. But to say that we find those features favourable, or that they are desirable features, is to say that there is a movement within us - a movement that (according to Griffin) is characterized as a will to go for the thing that has those features. And somehow, explaining this movement - this will - necessarily involves making references to our desires. This argument, if sound, not only explains what (c) amounts to; it also explains why (c) necessarily makes references to not only the features of the thing in question, but also people's desires.

The problem that I have with this argument is with the last claim – that explaining this movement (this will to go for the thing that has those features) necessarily involves making references to our desires. Griffin does not offer support for this, besides mentioning in a footnote that the phrase 'seeing in a favourable light' originated from

[259] Griffin 1986: 29-30. My italics.

McDowell; and that McDowell still makes understanding prior to desires. Doing so makes desire and understanding too independent from each other, to the degree that makes it hard to explain what it means to see something in a favourable light.[260] However, in my view Griffin does not make clear exactly why that is the case. In fact, in the passages of McDowell that Griffin refers to, McDowell argues that desires are only ascribed to an individual in recognition of the fact that he sees in a favourable light the objects of those desires. But what explains him seeing those objects in a favourable light is his understanding of those objects. This understanding is not a neutral conception of those objects, but how he conceives those objects. This seems to be what McDowell is saying when he considers the case of two individuals, where one is incapable of seeing how a fact about the likely effect of an action on his own future could (on its own) constitute a reason for action, while the other is capable of doing so, even though both of their circumstances are exactly the same:[261]

> "It is not that the two people share a certain neutral conception of the facts, but differ in that one, but not the other, has an independent desire as well, which combines with that neutral conception of the facts to cast a favourable light on his acting in a certain way. The desire is *ascribable* to the prudent person simply in recognition of the fact that *his conception of the likely effects of his action on his own future by itself casts a favourable light on his acting as he does.* So the admitted difference in respect of desire should be explicable, like the difference in respect of action, *in terms of a more fundamental difference in respect of how they conceive the facts*… What is special about a prudent person is a different understanding of what it is for a fact to concern his own future. He sees things otherwise in the relevant area; and we comprehend his prudent behaviour by

[260] Griffin 1986: 29 fn. 19.
[261] McDowell 1998: 80-81. Note that for McDowell, "A full specification of a reason… must contain enough to reveal the favourable light in which the agent saw his projected action" (Ibid: 79).

comprehending the relevant fragment of his world view, *not by appealing to the desire that is admittedly ascribable to him*".[262]

It seems plausible to assume that Griffin intended to use his argument against McDowell to support the last claim in his argument: explaining the movement - the will to go for the thing that has those features (i.e. see those features in a favourable light) - necessarily involves making references to our desires. However, McDowell has already argued that one's conception of those features can fully explain that movement, and that desires are only ascribable in recognition of that movement, but do not explain that movement. Thus for Griffin to adequately support his last claim, not only does he need to argue that (contra McDowell) one's conception of those features cannot fully explain that movement, he also needs to argue that desires (in some sense) explain that movement rather than being ascribed to that movement. None of this is achieved by (re)iterating the claim that understanding without desire makes it hard to explain what it means to see something in a favourable light. As a result, in effect, Griffin gives us no reason to accept the last claim of his argument. And to the extent that what McDowell argues for is plausible, that claim might very well be false.

Indeed, there is a huge debate, that has spawned up a huge literature,[263] in metaethics concerning the role that desires play in the reasons why something is good or bad (for one) - whether they are at least some of the reasons why something is good or bad (for one). I have no intention to resolve this debate in a meagre few paragraphs. But I have shown the difficulty in arguing for desires being at least some of the reasons why something is good or bad (for one), and thus granting them at least a foundational role in that respect. The difficulty is basically this: In arguing for desires being at least some of the reasons why something is good or bad (for one), one would need to justify why they have this normative force, or demarcate those that have such a normative force from those that

[262] McDowell 1998: 81. My Italics.
[263] Griffin lists a number of the relevant works in 1986: 27 fn. 15.

do not. But if one does so, then the normative force of desires would then be reduced to the normative force of whatever is used to justify desires' normative force or identify the relevant desires. And it is that which occupies the place of desires in being at least some of the reasons why something is good or bad (for one). Thus the foundational role that they would have played in why something is good or bad (for one) is dislodged. The challenge is therefore to offer an account of desires being at least some of the reasons why something is good or bad (for one), that resists or is immune to such a reduction. This is a challenging task indeed, as one would have noticed in the above discussion. My response to the objection (mentioned in the beginning of this section) to my criticism of Griffin's Informed-desire Account is this: the objection is predicated on an alternative view of why something is good or bad for one. But much work is still needed for the account to substantiate the claim - desires are at least some of the reasons why something is good or bad for one - in a way that could maintain desires as playing at least a foundational role in those reasons. Insofar as this work has yet to be done, it can hardly save Griffin's Informed-desire Account from my criticisms in section 3.2.

3.4 – The Desire Constraint.

Even in light of the above objections against the Unrestricted Actual Desire Theory and the Informed-desire Account, one might still argue that although the reasons why something is good for an individual are because of its nature, and maybe also because of the individual's interests etc., it still cannot be good for him unless he actually desires it. Under this position, actual desires towards things are necessary but not sufficient conditions for them being good for a person. I shall refer to this position as "the Desire Constraint". As mentioned in section 3.2, there is a way of understanding Griffin's Informed-desire Account - the strong version - which endorses such a position. I shall now argue that the Desire Constraint is implausible.

Let me add a qualification. It should be apparent, from my discussion against the

Unrestricted Actual Desire Theory in section 3.1, that the desire formation process of individuals is subject to confusion, ignorance and errors. Thus although I do not desire something that is good for me right now, if my confusion, ignorance or errors are brought to my attention, I shall desire them in the future. Furthermore, our desires are not static. They change over time. Thus the fact that I do not have certain desires right now does not mean that I shall never have those desires in the future. Thus it seems rather uncharitable to understand the Desire Constraint as restricted to an individual's present desires. Rather it should include not only one's present desires, but also one's future desires. Accordingly we should understand the Desire Constraint as: if an individual does not desire something now, nor will desire it in the future, then that thing cannot be good for him. Thus when I talk about the desires of an individual in the following, I refer not only to his present but also his future desires.

As a general claim about the wellbeing of individuals, there are considerations that count against the plausibility of the Desire Constraint. Most of the things that are concerned with one's biological life, when satisfied, are (all other things being equal) better for one's life, even when one does not desire those things or their satisfaction. For example, having enough food to avoid starvation is good for one, even when one does not desire it. Or getting one's disease cured is good for one, even when one does not desire it be cured. One might argue that in cases like these, if one had desired those things, they would make one's life even better than had one not desired them. But that just means either desires intensify the contribution those things already have on one's wellbeing, or desires are a separate constituent in the wellbeing of individuals, that weigh with the positive contribution that those things have on the wellbeing of individuals. In either case, it is not the case that desires towards those things (i.e. having one's disease cured, say) are the necessary conditions for their being good for one. In the former case, those things are still good for one even when one does not desire them, albeit not as good for one as if one

desired them. In the latter case, those things are good for one. It is just that their positive contribution to one's wellbeing is reduced by one's lack of desires towards them.

However, there also seem to be other considerations that count towards the plausibility of the Desire Constraint. For example, it seems good for me to take up model building as a hobby. This is because this would help to improve my patience and my attention to detail. Yet, if I do not desire to build models at all, it is hard to see how taking it up as a hobby could be good for me, even if it would indeed help improve my patience and my attention to detail. The idea is that we are not passive recipients of all the things that are supposedly good for us. Some things that are supposedly good for us (unlike those concerned with our biological life) require our engagement in them, for them to be truly good for us; and one might think that desiring them is the required sort of engagement.

But why do certain things require one's engagement in them for them to be truly good for one, while other things (e.g. concerned with one's biological life) do not require this? One natural explanation is that for the former things (e.g. model building as a hobby), their nature is such that there is this requirement of engagement for them to be truly good for one, while that is not the case for the latter things (e.g. concerned with one's biological life). Thus it is because of the nature of model building as a hobby, that me taking it up as a hobby would not be good for me, unless I desire building models. Indeed, if I do not desire to build models, most probably I will find building models rather frustrating, and jump around angrily when it does not go as smoothly as I expected. It is then hard to see how it is helping to improve my patience or my attention to detail.

I do agree that if there are things that require one's engagement for them to be good for one, it is because of their nature that there is such a requirement. However, given the wide variety of natures that things have, why assume that the requirement for engagement, that stems from their nature, necessarily has to be in terms of one's desires towards them? If it is their nature that determines their having this requirement of engagement, then it

seems plausible to suggest that their nature also determines the sort of engagement that is required. It also seems plausible to suggest that different natures would result in different sorts of engagement being required here. Thus for some things, like model building as a hobby, the required sort of engagement involves desire. But for other things, because they have a different nature, the required sort of engagement is not desire, but something weaker.[264] For example, most of us think that having the friends that we have is good for us. But it does not seem plausible to suggest that if we did not desire or want to have our friends, then it would not be good for us that we have them. Rather it seems more plausible to suggest that we need to have *some* kinds of pro-attitude towards having our friends (e.g. to enjoy their company, to like them etc.), for it to be good for us to have our friendships. My proposed explanation for this is that the nature of friendship is such that the engagement that is required for it to be truly good for one is not as strong as the Desire Constraint. Certainly if one has no pro-attitudes towards one's friend at all, then he is hardly one's friend. Part of what it means for someone to be friends with one is that one at least has some kind of pro-attitude towards him. In the absence of such pro-attitudes, having him as a friend cannot be good for one, as he is not one's friend at all. But this does not take us all the way to a Desire Constraint on one's friendships' contribution to one's well-being.

We started out with the Desire Constraint as a general claim about the wellbeing of individuals - things cannot be good for one unless one actually desires (or will desire) them. But then we need to exclude from its scope things that are good for one but are concerned only with one's biological needs. After that, we also need to exclude from its scope things whose nature is such that the engagement that is required for them to be truly good for one need not take the form of desire. The remaining things that are good for one (which are still within the scope of the Desire Constraint) are just those whose nature is such that the engagement that is required for them to be truly good for one, is in terms of

[264] Or maybe even just the lack of negative attitudes. But I shall put this stronger claim aside in this thesis.

one desiring them. If that is the case, it seems plausible to suggest that not most (and definitely not all) of the things that are supposedly good for one, are within the scope of the Desire Constraint. Accordingly, the Desire Constraint is not as general a claim about the wellbeing of individuals as it is originally taken to be.

4. - Objective List Theories & Conclusion.

I believe that the Quality-of-experience View and the Desire Fulfilment Theory are the main alternatives to my Razian conception of wellbeing. This chapter has raised various worries concerning different plausible versions of them. However, there is one final account that is generally taken to be a further alternative. This is what Parfit calls "Objective List Theories",[265] or what Scanlon calls "Substantive Good Theories".[266] This chapter concludes by discussing this account of wellbeing in relation to my Razian conception of wellbeing. This should also help to situate my account among the different accounts of wellbeing that are discussed in the literature.

Usually Objective List Theories (or Substantive Good Theories) refer to all the accounts of wellbeing that are opposed to the Quality-of-experience View and the Desire Fulfilment Theory. As Crisp says, "Objective list theories are usually understood as theories which list items constituting well-being that consist neither merely in pleasurable experiences nor in desire-satisfaction".[267] To that extent, my Razian conception of wellbeing is an Objective List Theory. However, characterizing Objective List Theories in such a broad way is not particularly helpful or useful. Depending on how one further characterizes Objective List Theories, my Razian conception of wellbeing might be one such theory or not.

According to Scanlon, "What is essential [to the Objective List Theories] is that these are theories according to which an assessment of a person's well-being involves a

[265] Parfit 1994: 235.
[266] Scanlon 1993: 188-189.
[267] Crisp 2005: n. pag.

substantive judgement about what things make life better, a judgement which may conflict with that of the person whose wellbeing is in question".[268] In this respect, my Razian conception of wellbeing is a kind of Objective List Theory. This is because according to it, the wellbeing of an individual is fundamentally constituted by (among other things), the satisfaction of his biological needs, and his success in pursuing goals and activities that are in fact valuable. There is no guarantee under this account, that an individual's judgement about the satisfaction of his biological needs, his success in pursuing his goals and activities and the value of his goals and activities, necessarily corresponds with what is indeed the case. Subsequently, under my account, the judgement involved in assessing a person's wellbeing may conflict with that of the person whose wellbeing is in question.

On the other hand, according to Arneson, "The idea of the objective list is simply that what is intrinsically good for a person is fixed independently of that person's attitudes or opinions…".[269] This depends on how strongly one reads "that person's attitudes or opinions".

If one reads it strongly, as Parfit does when he says that according to Objective List Theories, "certain things are good or bad for people, whether or not these people would want to have the good things, or to avoid the bad things",[270] then my Razian conception of wellbeing is a kind of Objective List Theory. This is because firstly, under it, the reason why the satisfaction of one's biological needs and one's success in pursuing valuable goals and activities contribute positively to one's wellbeing is not because one desires these things or avoids their opposites. Rather, they contribute positively to one's wellbeing because this is what a human life is - it is a kind of life whose quality is fundamentally constituted by these things. Secondly, as my rejection of the Desire Constraint showed, it is also not the case that the satisfaction of one's biological needs and one's success in

[268] Scanlon 1993: 188. Note that such a characterization does not exclude the Informed-desire Account from the Objective List Theories. However, that is exactly one of the things that I was arguing before, that the Informed-desire Account is not really a genuine Desire Fulfillment Theory.
[269] Arneson 1999: 118-119.
[270] Parfit 1994: 239.

pursuing valuable goals and activities, contribute positively to one's wellbeing *only if* one desires them – nor indeed that their opposites contribute negatively to one's wellbeing *only if* one avoids them (for instance, consider someone who pursues dis-valuable goals and desires to do so; it seems plausible to suggest that his pursuit contributes negatively to his wellbeing).

Furthermore, it does seem true that most of the time for most of the goals and activities that we pursue, we pursue them because we desire pursuing them or desire to be successful in them. This seems to be especially the case with goals and activities that are pursued because they were chosen as a result of deliberation. However as I discussed in section 5.1 of chapter 4, not all the goals and activities that people pursue are like that. Sometimes people pursue some goals and activities out of habit or entrenched daily routines. At other times, people pursue some other goals or activities because of the environment in which they are brought up, such goals or activities are usually or expected to be pursued by people. In cases like these, it seems plausible to suggest that people do not necessarily desire to pursue those goals or activities, or desire to be successful in them. However, that is not to say that one can be indifferent towards the goals and activities that one pursues. This is because part of what it means to pursue something is that the individual who is pursuing it, has at least some kind of pro-attitude towards it, even if it is nothing as strong as desires. This leads to the thin reading of Arneson's above claim about Objective List Theories.

If one reads the phrase "that person's attitudes or opinions" in Arneson's above claim thinly to include only some kind of pro-attitude and what I call the attitudes of dis-heartedness - resentment, pathological self-doubt, lack of self-esteem and self hate - then my Razian conception of wellbeing would not be an Objective List Theory.[271] This is because first, in the absence of any pro-attitudes towards the goals and activities that one is pursuing, one is not properly speaking pursuing them. Accordingly, one's success and the

[271] See section 6.1 and 6.3 in chapter 4 for my discussion on dis-heartedness.

value of those goals and activities would not contribute to one's wellbeing - though they would have if one had had some pro-attitude towards them, even if those pro-attitudes were not as strong as desires. Second, in cases of dis-heartedness, one's success in pursuing valuable goals and activities would not have contributed to one's wellbeing - though it would have if one was not dis-hearted. It is in these two thin senses that under my Razian conception of wellbeing, what is good for a person is not fixed independently of that person's attitudes.

Since my Razian conception of wellbeing is not necessarily a kind of Objective List Theory, does that count against its plausibility? I do not think so. As many have argued before,[272] to avoid excessive rigidity and inflexibility, the most plausible version of the Objective List Theory must recognize the importance of peoples' attitudes (pleasure, enjoyment etc.) towards the things that are supposedly claimed, by the Objective List Theories, to be good for individuals. My account recognizes this importance.

The rest of this thesis takes for granted the plausibility of my Razian conception of wellbeing. The next chapter returns to my human-life account of duties of minimal wellbeing. It argues for what a human life consists in, by appealing to my Razian conception of wellbeing. It also discusses how the objects of duties of minimal wellbeing are to be determined.

[272] For example: Parfit 1994: 241-242, Scanlon 1993: 189-190 & Crisp 2005: n. pag.

Chapter 6
A Human Life & What Is Involved in Securing It

1. - Introduction.

The last two chapters argued for and defended the Razian conception of wellbeing. Recall that the function of duties of minimal wellbeing is to secure a human life for individuals, and so in determining what that involves, we will specify the objects of these duties accordingly. This chapter first discusses what constitutes a human life, by appealing to the Razian conception of wellbeing. It then discusses how to determine what is involved in securing a human life for individuals.

2. - What is a Human Life?

Recall that according to the Razian conception, the wellbeing of an individual is fundamentally constituted by (a) the satisfaction of his biological needs, and (b) his success in whole-heartedly pursuing socially defined and determined goals and activities which are in fact valuable. If that is the case, then what is a human life?

Note that this question is not about the kind of biological life-form that is characteristic of human beings, as opposed to the kind that is characteristic of bacteria. Rather, it is about the kind of things that one does or has, which makes the life that one is leading a human life, as opposed to a non-human life. Thus I am not looking for a biochemical answer to the above question, neither am I looking for an answer that refers to the human genome or to evolution.

2.1 – Satisfaction of Biological Needs & Pursuit of Goals and Activities.

Given (a) and (b) in the Razian conception of wellbeing, it seems that a human life consists in not just the satisfaction of biological needs, but also the pursuit of goals and activities. Accordingly, since beyond the satisfaction of biological needs, the wellbeing of an individual is constituted by his pursuit of goals and activities (more specifically, as

explained in chapter 4, it is a function of his success in pursuing them, their value and whether he is wholehearted or half-hearted in pursuing them), a human life therefore refers to a level of wellbeing that is higher than the level where biological needs are satisfied.

The claim that a human life consists in not just the satisfaction of biological needs, but also the pursuit of goals and activities, seems to correspond with our intuitions. Non-human animal lives seem to consist in the satisfaction of biological needs: they eat, they sleep, they seek shelter, they propagate, they avoid pain etc.; and as long as a non-human animal does those things, we think it is leading a non-human animal life. Although a human life consists in those things, we intuitively think that a human life consists in more than just that. Imagine an individual who lives his life *doing nothing* besides satisfying his biological needs; or an individual who has a life where he *can do nothing* besides satisfying his biological needs. We intuitively think that there is something amiss in both of their lives. What immediately strikes us when we are confronted with them seems to be this: For the first individual, he must have something beyond the satisfaction of his biological needs that he wants to do. While for the second individual, he cannot do the things which he wants that are beyond the satisfaction of his biological needs. No doubt a lot of the things that people do in their lives can be reduced to, or are motivated by, the satisfaction of their biological needs. But there are two points to note concerning this: First, it does not seem plausible that all the things people do can be so reduced, or are so motivated. Engaging in a religious practice seems to be an example of this. Second, even for the things that people do, which can be so reduced, or are so motivated, it does not seem to be the case that the satisfaction of biological needs can fully explain them. For example: if engaging in a leisure activity is merely for the satisfaction of biological needs, why football rather than basketball? Or if dining is merely for the satisfaction of biological needs, why do we eat so much more than we need biologically, and with so much variety, and in such elaborate fashion? If we look at how people in the world live their lives, they

do not just do things for the mere satisfaction of their biological needs. They also do things that they want, desire, wish for, find worthy, find valuable etc., which are not solely concerned with the satisfaction of their biological needs. If we understand these things that they do as goals and activities (broadly construed), then this lends plausibility to the claim suggested by the Razian conception of wellbeing: a human life consists in not just the satisfaction of biological needs, but also the pursuit of goals and activities.

Nevertheless, I believe the claim is more accurately stated as: A human life consists in pursuing goals and activities, and the satisfaction of biological needs, *insofar as their non-satisfaction is not required by the specific goal or activity that one is pursuing*. This is because, as I have noted in chapter 4, some goals and activities require a temporary or continued non-satisfaction of some biological needs. E.g. fasting for a political cause or being a Buddhist monk. It would be very counter-intuitive to suggest that political activists and Buddhist monks are not leading human lives, because they are not satisfying their biological needs.

However, one should not underestimate, or diminish, the role that satisfaction of biological needs plays in a human life. Insofar as human beings are biological beings, a human life is a kind of biological life. If a biological life consists in satisfying its biological needs, then a human life also consists in satisfying its biological needs. In highlighting that a human life normally consists in at least the satisfaction of biological needs, we are giving proper attention to the biological nature of human beings.

2.2 – Agency.

However, all this does not yet capture what is distinctive about a human life. Consider a robot that satisfies all its needs, its needs for fuel and maintenance which are analogous to our biological needs. But it also pursues goals and activities, like the terminators in the Terminator movies. Is it thereby leading a human life? Or consider

zombies, which also pursue goals and activities, namely devouring living being.[273] In both cases, it is doubtful that they are leading human lives. Something seems amiss in their lives for them to be leading human lives. One way of explaining this is that they are not biological beings, and therefore they cannot be leading biological lives. Since a human life is a kind of biological life, they are therefore not leading human lives. But I believe a more telling explanation of this is that when we say that a human life consists in pursuing goals and activities,[274] we do not just mean that *per se*. Rather, we mean pursuing goals and activities in a way that involves a kind of agency. And the problem with the above two examples is that they do not involve this kind of agency.

Central to this kind of agency is the idea that an agent is an individual who acts with – what I call - *a sense of what is worth doing*. The starting idea behind it is that individuals do not randomly pursue goals and activities in their everyday lives. They pursue these or those goals or activities because they find them worth doing; and they are more reluctant to pursue other goals or activities, if they do not find them worth doing. Accordingly, an individual is pursuing goals and activities in a way that involves this kind of agency, when he pursues goals and activities with a sense of what is worth doing. Let me explain what this means.

First, he is able to form ideas of what is worth doing. How do individuals come to find something worth doing? It seems natural and obvious to suggest that it is because, at least, they believe there are reasons to find that thing worth doing. However, that does not tell us how they come to have those reasons, i.e. the source of those reasons. I believe that this lies in the social interaction between individuals. Through interacting with other individuals who also pursue goals and activities, we get acquainted to those goals and activities. We get a glimpse of what those goals and activities mean to them, and why they find them worth doing. This is similar to what Waldron says about norms:

[273] According to some versions, zombies have no needs that are analogous to anything like our biological needs.
[274] I believe we can set aside the part on satisfying one's biological needs for now.

> "They exist in a context of reasons and reasoning. There is always a story to be told, a story internal to the norm – part, as I said, of its internal aspect - as to why doing things this way is better or appropriate or obligatory or required. If, for example, I ask an elder of the group to which I belong why we have and follow a norm of monogamy, he may tell me a story about the need for reciprocity and equality between lovers and explain why this is difficult or impossible in polygamous relationships, or he may tell me a story about the sun and the moon and about there being only one of each".[275]

The same goes for goals and activities. There is a story to be told, among those who pursue those goals and activities, about the meaning of those goals and activities and why they find them worth doing. If these stories are internalized (or at least some of their elements are internalized), then they constitute one's reasons for finding those goals and activities worth doing. It is in this sense that ideas of what is worth doing are formed. Since individuals pursue goals and activities because they find them worth doing, if they are to be able to do so, they have to be able to form ideas of what is worth doing.

Two notes regarding this: First, I am not saying that whenever an individual finds a goal or activity worth doing, then it is indeed worth doing. All that is required for an individual to find a goal or activity worth doing, is that he believes there are reasons why it is worth doing - reasons that he believes (all things considered) count in favour of finding it worth doing.[276] However, it might be the case that those reasons of his in fact do not count in favour of finding it worth doing. Or it might be the case that there are other reasons that outweigh or defeat those reasons of his, and which count against finding that goal or activity worth doing; but he is not aware of them. Thus what I argued for above does not entail that whenever an individual finds a goal or activity worth doing, then it is indeed worth doing or he is justified in finding it worth doing.

[275] Waldron 2000: 234.
[276] The idea that a reason for X is a consideration that counts in favour of X comes from Scanlon. See Scanlon 1998: 17-19.

Second, I am also not saying that individuals pursue goals and activities only because they have chosen them as a result of deliberation. Sometimes they do, but this is not necessarily the case. As I have argued in section 5.1 of chapter 4, sometimes they pursue certain goals or activities out of habit or entrenched daily routines, or because in the environment in which they are brought up, such goals or activities are usually or expected to be pursued. All I mean above is just that, if individuals were to reflect on the goals and activities that they are pursuing, they would offer what they believe are reasons that count in favour of finding them worth doing.[277] Thus I am not arguing that individuals pursue goals or activities only because they have chosen them as a result of deliberation.

This leads to the second characteristic of being an agent – he is able to revise his ideas of what is worth doing. Since an individual's ideas of what are worth doing are constituted by what he believes are reasons for finding certain things worth doing, when other reasons are brought to his attention (i.e. reasons that are against his original reasons in favour of finding that thing worth doing, or reasons that outweigh or defeat his original reasons, or reasons that not only outweigh or defeat his original reasons, but also favour finding that thing not worth doing), then the reasons that he originally has are now not reasons for him to find those things worth doing. Thus he would now not find those things worth doing. His ideas of what are worth doing are also revised as a result. Underlying all this is the general idea that if someone believes in X because of Y, then all other things being equal, he would not believe in X when he ceases to believe in Y. If individuals can form ideas of what is worth doing as described above, then they can also revise them in light of further reasons that are brought to their attention.

The third and final characteristic of being an agent is that he is able to coordinate his actions according to his ideas of what is worth doing. When we say that individuals

[277] As the discussion in section 4 of chapter 4 and section 5 of chapter 7 shows, this does not mean that any routine is a goal or activity. Routines that have no meanings or significances are not goals and activities. For example, consider an individual who mindlessly walks on the right hand side of the road, as opposed to the left hand side, whenever he walks on roads.

pursue goals and activities because they find them worth doing, we do not mean that there is just a correlation between the former and the latter. That is, we mean to exclude any case where - on the one hand - individuals pursue this goal or activity, and – on the other hand - they find it worth doing, but where there is no relationship or connection between the two. Rather, agents pursue goals or activities *as a result of* finding them worth doing; or the fact that they find them worth doing *is what leads them* to pursue these goals or activities. It is in this sense that an agent is someone who is able to coordinate his actions according to his ideas of what is worth doing.

2.3 – Agency and Wellbeing.

This account of agency also helps to explain certain elements in the Razian conception of wellbeing. One such element is the value of the goals or activities that an individual pursues, which (together with other things) constitute his wellbeing.[278] Since an individual who leads a human life must pursue goals and activities through forming and revising his ideas of what is worth doing, it matters whether he gets it right – that is, whether the goals and activities that he pursues are indeed worth doing. This is reflected in his level of wellbeing. If an individual got it right, then his wellbeing would be higher than if he got it wrong, since he would then be pursuing a goal or activity that is in fact not worth doing. Similarly, if he got it wrong, then his wellbeing would be lower than if he got it right, since he would then be pursuing a goal or activity that is in fact worth doing.

This account of agency also helps to explain another element in the Razian conception of wellbeing - the notion of dis-heartedness. As I argued in section 6 of chapter 4, dis-heartedness consists in pathological self-doubt, lack of self-esteem, self-hate and resentment. They negatively affect the wellbeing of an individual more fundamentally than half-heartedness. I also explained how when one pursues goals and activities dis-heartedly, one is not pursuing them in the relevant sense that contributes to one's wellbeing. The

[278] Please refer to section 3.2 in chapter 4 for this.

above account of agency helps to further explain this. The negative attitudes that constitute dis-heartedness prevent the individual who has them from being an agent in the above sense. Thus a dis-hearted individual is not pursuing goals and activities, in the way that involves the kind of agency that a human life consists in. Let me briefly explain this with each of the negative attitudes.

As I argued in section 6 of chapter 4, to have pathological self-doubt is to be doubtful about oneself, when one is unjustified in doing so - for example with regard to one's ability to do things, how successful one is in doing those things, the choices that one makes, their significance, their value or worth etc. To have a lack of self-esteem means that one fails to appreciate one's own worth. This can be manifested through being unable to recognize that one has the ability to do things, can be successful in doing them, can make the right choices etc. All these not only undermine one's ability to form ideas of what is worth doing. They also undermine one's ability to coordinate one's actions, according to one's ideas of what is worth doing.

Similarly, to have self-hate is to hate oneself, which includes the things regarding or about oneself. It seems plausible to suggest that an individual's ideas of what is worth doing are quite a fundamental part of himself, as those ideas constitute *his* conception of what *he* is to do in *his* life. Thus if he has self-hate then most probably he also hates his ideas of what is worth doing. But if that is the case, then he would be reluctant to form them in the first place, revise them subsequently, and coordinate his actions according to them. Self-hate therefore undermines all three characteristics of being an agent.

Finally, similar things can be said with regard to resentment. When an individual feels resentful in general (i.e. he does not identify with the state he is in), he does not identify with anything he does, tries to do or wants to do. He therefore also does not identify himself with his ideas of what is worth doing, i.e. see them as his. This not only

undermines his ability to revise his ideas of what is worth doing, but also his ability to coordinate his actions according to them.

2.4 – Summary: What is a Human Life?

I therefore submit that according to the Razian conception of wellbeing: A human life consists in having a level of wellbeing that is higher than the satisfaction of biological needs, where this is constituted by the pursuit of goals and activities with a sense of what is worth doing; and this in turn consists in the three characteristics that I have outlined above in section 2.2.

3. - How to Determine the Objects of Duties of Minimal Wellbeing.

We now know what constitutes a human life. To determine the objects of duties of minimal wellbeing, we need to determine what is involved in securing such a human life for individuals.[279] But how do we do so?

3.1 – The Conditions to Lead a Human Life.

We can begin with the conditions that need to be fulfilled for an individual to lead a human life - since if these conditions are not fulfilled, then an individual cannot lead a human life. Thus central to what is involved in securing a human life is securing these conditions. But that does not mean that the objects of duties of minimal wellbeing are merely the best way of securing these conditions. In chapter 7, I shall argue for two requirements, both of which are grounded in elements that are within the human-life account of duties of minimal wellbeing. These requirements shape and limit how the objects of these duties are derived from the conditions that need to be fulfilled for an individual to lead a human life. The first one is called the 'presumption of equality', which states that whatever the objects of these duties are, the default position is to secure them equally for all individuals. The second one is called 'respecting each individual as someone

[279] Please refer to section 4.1 of chapter 3.

who leads a human life', which states that individuals should be respected. This involves addressing them in terms of the reasons for why something is worth or not worth doing.

Although the objects of duties of minimal wellbeing are based on the conditions to lead a human life, because of the two requirements they also go beyond those conditions. Thus it is not necessarily the case that when these duties are not fulfilled, then an individual cannot lead a human life. This is hardly surprising, since just as not having the conditions to lead a human life secured for one does not imply that the conditions are unfulfilled (as one might have other ways to fulfil them), having them unequally fulfilled also does not imply that they are unfulfilled. Similarly, just as not respecting my grandfather as an elderly man does not imply that he cannot be an elderly man, not respecting an individual as someone who lives a human life also does not imply that he cannot lead a human life. Thus it is not an objection that there cannot be such duties - or that they are not proper duties of minimal wellbeing – because their fulfilment is not necessary for individuals to lead a human life. We are not just in the business of fulfilling the necessary conditions for individuals to lead a human life. Rather, we are in the business of fulfilling their *entitlement* to live a human life. This goes beyond just fulfilling the necessary conditions for them to lead a human life, just as one's right to life goes beyond one merely not dying.

3.2 – Constraints and Costs.

There is also a general constraint on what the objects of duties of minimal wellbeing can be. They are limited to what it is empirically possible for us to fulfil.[280] This also places severe constraints on how these objects are based on the conditions for leading a human life. The rationale behind this is rather obvious. The objects of duties of minimal wellbeing constitute duties on the part of others. But one cannot have duties that are empirically impossible for one to fulfil. Thus these objects cannot involve things that are

[280] This limitation is also advanced by those who argue for universal basic human rights. For example Miller 2007: 186.

empirically impossible for us to fulfil. For example, one of the conditions for leading a human life is having the means to be a healthy human being. If an individual has a currently incurable disease that prevents him from being a healthy human being, the corresponding objects cannot involve providing him with a cure for this currently incurable disease of his. In cases like this, we do have a reason to further research into curing this currently incurable disease. However, I do not think this reason is grounded in the individual's entitlement to lead a human life.

This also raises a concern on the costs involved in fulfilling certain duties of minimal wellbeing. This is particularly relevant to duties that require resources for their fulfilment, since our resources are finite. Take as an example the duty to secure the means for being a healthy human being: Imagine an individual who is so sick (he has multiple cancers), that although it is empirically possible to cure him, it is very costly to do so. What should we do in this case? That depends on exactly how costly it is to fulfil the duty.

If it is only costly in the sense that it would involve taking away so much from everyone around the world, such that *everyone would be reduced to living a minimal human life*, then I think we should still fulfil the duty. Many would think otherwise. But I am against them for two reasons: First, as I have argued in section 4.3 of chapter 3, duties of minimal wellbeing are grounded in each individual's entitlement to live a human life; and they have this entitlement in virtue of the fact that they are human beings. Given the importance of this entitlement (and subsequently these duties), I really cannot think of anything else that can outweigh it. Thus there is an absolute priority in (non-trivially) benefiting those whose human life is not secured, such that it is secured for them, even if that means reducing everyone else to living a minimal human life. Second, a minimal human life is actually not that minimal. As one shall see when I argue for the objects of duties of minimal wellbeing in chapter 7, even for individuals who live a minimal human life, the following things are secured for them: means to the satisfaction of biological

needs, a certain level of education, physical security, freedom of association, belief and expression, freedom of non-harmful conduct and not having so few resources such that they cannot pursue any goal or activity. On top of that, there are also duties of fairness and equality (as discussed in chapter 2), which fairly and equally distribute the burdens and benefits of the schemes of cooperation that they happen to be participants in. Thus a minimal human life is actually not very minimal. Given these two reasons, it therefore seems plausible that even if there are duties of minimal wellbeing that are so costly that fulfilling them involves reducing everyone else to live a minimal human life, we should still fulfil them.

But what if fulfilling the duty to that individual with multiple cancers is so costly, such that it would result in us being *unable to fulfil the duties of minimal wellbeing to other individuals*? In such an extreme case, I do not think, unlike the above case, that we should fulfil the duty to that individual by default. Rather, we need to adjudicate the competing claims of all the concerned individuals; and what we should do in such cases, depends on the result of the adjudication. However, how we should adjudicate the competing claims of individuals in such extreme cases is a very difficult and tricky matter. [281] I cannot even pretend that I have an account of it in this thesis. I shall therefore bracket this issue aside for further research. This thesis therefore proceeds under the idealized assumption, that there are no individuals in the world where it is that extremely costly to fulfil our duties of minimal wellbeing to them.

3.3 – Sufficientarian Conception of Justice.

Although I have been talking in terms of entitlements and their fulfilment, I intend my human-life account of duties of minimal wellbeing to be a sufficientarian conception of justice. Let me therefore briefly re-describe the above in terms of a sufficientarian

[281] Miller 2007: 190-194 has an illuminating discussion on this issue. It is framed in terms of human rights, but most of it is relevant to the issue here, especially on why appealing to principles of distributive justice in such extreme cases is problematic. Another illuminating discussion on this issue, which is also framed in terms of rights, is Kamm 2007: 294-298.

conception of justice. The threshold for duties of minimal wellbeing is a level of wellbeing, under which an individual is not living a human life. This is grounded in the entitlement that all individuals, in virtue of the fact that they are human beings, are entitled to live a human life. Like other sufficientarian conceptions of justice, e.g. the human flourishing account, we then ask what are the conditions that need to be fulfilled for individuals to have at least that level of wellbeing. The objects of duties of minimal wellbeing are then determined in the way I have described above.

But these objects are not as straightforward as the conditions that need to be fulfilled for individuals to lead a human life. They are rather shaped by these conditions, together with various other considerations. Their complexity, and the way to determine them that I have described above, must be borne in mind when I talk about them in chapter 7.

Chapter 7
The Objects of Duties of Minimal Wellbeing

1. - Introduction.

In chapters 4 and 5, I argued for my Razian conception of wellbeing, and defended it against other rival accounts of wellbeing. In this chapter, I shall return to duties of minimal wellbeing, and determine what their objects are, under my human-life account.

Bearing in mind their complexity, and the way to determine them that I have described in section 3 of chapter 6, I shall start by asking what are the conditions that need to be fulfilled for an individual to lead a human life. For the sake of clarity, I shall divide these conditions into three kinds, each grounded, in the first instance, in the three main constituents of a human life: The first kind is grounded in the satisfaction of biological needs (section 3), the second kind is grounded in the kind of agency that is involved in a human life (section 4), and the third kind is grounded in the pursuit of goals and activities (sections 5 to 7). For each of these kinds, we need to ask what exactly are the relevant conditions that need to be fulfilled, for an individual to lead a human life in that respect. Then we need to see how the other considerations, if any, bear on the conditions as they stand, before we can determine what exactly the objects of the corresponding duties of minimal wellbeing are.

2. - The Presumption of Equality.

Before I discuss the three kinds of conditions, and their corresponding objects of duties of minimal wellbeing, I would like to discuss a general requirement that needs to be borne in mind when I talk about them. This is what I call the 'presumption of equality', which states that whatever the objects of these duties are, the default position is to secure them equally for all individuals.[282]

[282] Cf. Miller 1998: 21-36. Miller argues for two different kinds of equality. The first kind specifies that justice requires the equal distribution of certain kinds of benefits; while the second kind identifies a social ideal in which people in a society regard and treat each other as equals. He calls the second kind of equality

By securing them equally for all individuals, I mean that all individuals are subject to the same distributive criteria; and insofar as resources are involved, they are secured equally for all individuals, as long as they are distributed to all individuals according to the same criteria, even when it would result in them having unequal amounts of those resources. Take one of the objects as an example - securing education for individuals so that they are educated to a degree where they can be agents. This is secured equally for all individuals if that criterion is applied to all individuals, viz. that the resources for education are distributed in such a way that each individual, with his own distributive share, is educated to the degree where he can be an agent. This might result in individuals having unequal amounts of resources. This is because individuals differ in their talents and innate abilities. Thus some might need a greater or a lesser share of the resources in order to be educated to the degree where they can be agents. Insisting on distributing equal amounts of resources would lead to the following two problems: First, it is possible that for some individuals, given their talents and innate abilities, an equal share of the resources would just not be enough for them to be educated to the degree where they could be agents. Since securing a human life for individuals involves ensuring that they are educated to a degree where they can be agents, we would then have failed to secure a human life for these individuals. And hence their entitlement to live a human would not be fulfilled. Second, if we increase the overall amount of resources devoted to education, so that we can set the equal amount of resources at a level where *everyone* is educated to the degree where they can be agents, then it might be the case that some individuals would have a share of resources larger than needed for them (given their talents and innate abilities) to be

'equality of status' or 'social equality' (Ibid: 23). Here, I am concerned with the first kind of equality. As one will see later in the discussion, my argument for equality here is an instance of what Miller calls 'manna-from-heaven case' (Ibid: 25-26). This label is rather unfortunate when applied to my account, as it seems to suggest that the goods for securing a human life for individuals simply fall out from the sky. However, the essential idea is just that justice demands an equal distribution here because there are no relevant differences between individuals (ibid: 28), which in my case is the fact that they are all human beings. This also means that I see the first kind of equality as relating to equality of status (the second kind of equality) - not in the sense that is taken by Miller, which refers to social status (ibid: 31-33), but in a sense which refers to the status of being a human being.

educated to the degree where they can be agents. If there are individuals whose entitlement to lead a human life is not fulfilled, and these extra resources can be diverted to fulfil their entitlement, then the equal distribution would in fact be unjust under my account. Thus by securing equally for all individuals the objects of duties of minimal wellbeing, I mean that all individuals should be subject to the same distributive criteria (in the sense I have described above), rather than distributing an equal amount of resources to all individuals. Conversely, the objects of duties of minimal wellbeing are secured unequally for individuals, if individuals are subject to different distributive criteria.

The rationale behind the presumption of equality is simply that if we look at the original argument for why there are such objects of duties of minimal wellbeing, we can see that it does not support securing them unequally.[283] Recall that the objects of these duties are what are involved in securing a human life for individuals. Why are we concerned about that? As I argued in chapter 3, if there is anything that individuals are entitled to in virtue of the fact that they are human beings, then they are entitled to live a human life. This entitlement of theirs is fulfilled when a human life is secured for individuals. Thus the argument for why there are such objects of these duties is this: First, individuals are human beings. Second, all human beings are entitled to live a human life. Third, this entitlement is fulfilled when a human life is secured for individuals. And fourth, the objects of these duties are what are involved in securing a human life for individuals.

Given that that is the argument, the only way that it can support an unequal securing of the objects of duties of minimal wellbeing, is for something like the following

[283] Cf. Williams 1973: 230-249. To use his terms, I am trying to argue from equality based on common humanity – the equality of men as men - to equality in unequal circumstances – the distribution of goods in proportion to men's recognized inequalities. It is just that in my case, the goods of concern here are the objects of duties of minimal wellbeing, and men's recognized inequalities are their needs to lead a human life. I therefore disagree with Williams here that equality of men as men is an '*insufficient*' claim (i.e. it cannot support claims that men should be equal in some substantive way which are expressed in statements of political principles or aims), at least with regard to duties of minimal wellbeing (ibid: 232). Besides inequality in needs, Williams also talks about the distribution of goods in proportion to men's recognized inequality of merit, i.e. equality of opportunity (ibid: 240-249). But my account of duties of minimal wellbeing does not necessarily result in that. This is because it only at most secures a minimal set of opportunities for all individuals. See section 5 to 7 of this chapter on access to goals and activities.

to be true:

(a) Some individuals are more human or less human than other individuals, and therefore are entitled to live a more human or less human life than other individuals; thus more needs to be secured for those 'more human' individuals (who are entitled to live a more human life), while less needs to be secured for the others.

It is doubtful whether something like (a) can ever be true. There are two reasons for this:

First, as I have argued in section 4.3 of chapter 3, the concept of 'living a human life' is an all-or-nothing states of affairs. It is not a 'degree concept'. That is to say, either one is living a human life or one is not. One is not living a human life when the life that one is living is partly a human life. If one is already living a human life, one cannot live a more human life. One can only make more out of the human life that one is living. But even if one makes more out of it, one is still living a human life. Thus it is not possible to live a more or less human life. It therefore follows that it is also not possible to be entitled to live a more or less human life.

Second, the same goes for the concept of 'being a human being'. Either one is a human being or one is not. There are no degrees in being a human being. If one is a gorilla, then one is not a human being. A gorilla cannot be more of a human being than a snake. If one is a human being, then one cannot be a more or less human being. Thus a mentally disabled human being is not a lesser human being than a mentally fit human being. Neither is a mentally fit human being a more human being than a mentally disabled human being. The former might be able to exercise more of the functions that are characteristic of human beings, than the latter. But all that means is that as human beings they have differing abilities, and the former happens to have more of the abilities that most other human beings have. This, however, does not detract from the fact that both of them are human beings.

It is true that sometimes we say things like "this serial killer is less of a human

being than us". But that does not seem to be a metaphysical claim, about how much the serial killer is a human being. Rather, it is an evaluative judgement that the serial killer has done something that no human beings could conceivably have done. And that evaluative judgement only has bite if that serial killer is as much a human being as we are.

Given the above two reasons, it is doubtful whether something like (a) can ever be true. If that is the case, then the argument for why there are such objects of duties of minimal wellbeing does not support an unequal securing of them.

However, that is not to say that it is never justified to unequally secure the objects of duties of minimal wellbeing for individuals. I allow for the possibility that an unequal securing of them, on grounds other than the fact that individuals are human beings, and are entitled to live a human life, can be justified. To give two examples: An individual's freedom of non-harmful conduct might be restricted as a form of punishment. Or an individual's freedom of expression might be restricted, because of the possible grave consequences that his expressions might lead to. An example of this is the expression of conservative nationalistic ideas in politically volatile situations. For every case of unequal securing, arguments must be brought forth and assessed. If the arguments justify it, then that specific case of unequal securing is at least permissible under my account.[284] In the absence of any such justifiable arguments, given that the argument for the objects of duties of minimal wellbeing does not support an unequal securing of them, any unequal securing of them is therefore impermissible under my account.

There is a further reason for the presumption of equality. This concerns the symbolic value in securing the objects of duties of minimal well-being. Given that the argument for securing them concerns the fact that individuals are human beings, and are entitled to live human lives, equally securing them symbolises or represents the status of equality between individuals. One might think that even if a conception of justice (of which duties of minimal wellbeing are a part) does not begin with, or is not ultimately

[284] This requires an account of reason. I intend to pursue this topic after the completion of my PhD Thesis.

grounded on, the idea of the status of equality between individuals, it must at least express, convey or aspire to that idea. As a result, to the extent that unequally securing them is justified on other grounds, insofar as it conveys or represents some individuals as more or less human beings than others (and therefore are entitled to live more or less human lives than others), such an unequal securing is not permissible under my account.[285]

2.1 – Equality of Welfare & Equality of Resources.

Note that when I argue for securing the objects of duties of minimal wellbeing equally for all individuals, I am not siding with those who endorse equality of welfare, in the debate between adherents of this position and those who endorse equality of resources. [286] In fact, my position has nothing to do with either view. This is because both of them start with the idea that the aim of justice is to secure equality in certain respects between individuals. They simply disagree over what is the relevant aspect that justice aims to equalize between individuals. For those who endorse equality of welfare, it is the welfare of individuals, while for those who endorse equality of resources, it is the resources that individuals have.[287] My position, in contrast, does not start with the idea that the aim of justice is either to secure equality of welfare, or of resources, between individuals. Rather it starts with the idea that the aim of justice (at least from the perspective of duties of minimal wellbeing), is to secure a human life for all individuals, because all individuals (in virtue of the fact that they are human beings) are entitled to lead a human life. And it is

[285] One possible example of this is the recent incidents in the Abu Ghraib prison in Iraq**.**

[286] See Dworkin 2000: 11-119 for a detailed discussion on the two positions. Dworkin endorses equality of resources, and objects to equality of welfare. Rawls 1971 also endorses equality of resources, though he understands 'resources' in terms of what he calls primary goods, and 'equality' in terms of his difference principle (ibid: 60-62). Against this, Sen 1980 argues for equality of basic capability (ibid: 213-220). If we understand welfare simply as the quality of one's life, without committing to one specific account of what constitutes the quality of one's life, then Sen's position is a kind of equality of welfare (note that the kind of welfarism that he is attacking in ibid: 197-213 endorses a specific account of what constitutes the quality of one's life, namely utility understood hedonistically). For the relationship between capabilities and the quality of one's life, see Sen 1985 & 1993. Following Sen, Anderson 1999 argues for equality in more specifically the capabilities to function as equal citizens. A good criticism of Sen's position is Cohen 1993. Pogge 2002a also defends equality of resources from Sen's position. Finally, there are other people that hold neither of the two positions. For example, Arneson 1989 defends equal opportunity for welfare. While Cohen 1989 defends equal access to advantage.

[287] Dworkin 2000: 12.

because of this that the objects of duties of minimal wellbeing should be secured equally for all individuals (understood in the way I discussed before). Thus unlike equality of welfare and equality of resources, my position does not start with a conception of equality. Indeed, my position falls short of what is required by those who endorse equality of welfare. This is because, as discussed in chapter 3, my position is a sufficiency position. As long as a human life is secured for all individuals, it does not matter (from the point of view of duties of minimal wellbeing) that their welfare is unequal.[288]

3. - Conditions to Lead a Human Life #1: Satisfaction of Biological Needs.

With all this in mind, let me start with the first kind of condition for individuals to lead human lives. Since a human life refers to a level of wellbeing that is at least higher than the satisfaction of biological needs, it follows that one of the conditions for an individual to lead a human life is that his biological needs are satisfied. This refers to the satisfaction of more than merely those biological needs whose fulfilment prevents death. A human life does not only consist in not dying, but also in pursuing goals and activities (we can leave the agency part aside for now). Accordingly, the biological needs that have to be satisfied for an individual to lead a human life are those that are required for him to be a healthy enough human being (as given by our best biological theories) to be able to pursue goals and activities.

However, even though the satisfaction of biological needs is one of the conditions for an individual to lead a human life, it does not follow that the object of duties of minimal wellbeing is securing the satisfaction of biological needs. Rather, the object is securing the *means* to the satisfaction of biological needs. This is because, as I drew

[288] Cf. Frankfurt 1997: 21 & Crisp 2003: 757-758. Both of them hold what Casal calls the 'negative thesis' (2007: 296-303), according to which egalitarian concerns are not applicable in any way to individuals whose quality of life is at or above the sufficiency threshold (which in this case is leading a human life). However, unlike Frankfurt and Crisp, I do not hold that duties of minimal wellbeing exhaust the requirements of justice. There are also duties of fairness and equality, which are egalitarian (and fairness) concerns that are applicable to those who are at or above the sufficiency threshold. Thus unlike Frankfurt and Crisp, I do not think that justice is not concerned with the unequal welfare that individuals have, as long as they are at or above the sufficiency threshold, i.e. leading a human life.

attention to earlier,[289] some goals and activities require a temporary or continued non-satisfaction of some biological needs, e.g. fasting for a political cause or being a Buddhist monk. Securing the satisfaction of biological needs would prevent individuals from pursuing these goals and activities. I shall argue in section 6 of this chapter that another object of duties of minimal wellbeing is that (barring what I call justice-violating goals and activities) individuals should not be prevented from pursuing all the goals and activities that are latent in the social form of the society in which they live. It follows that if the object of these duties is securing the satisfaction of biological needs, then they would be in conflict with those other duties of minimal wellbeing. The best way to resolve this conflict is to maintain that, with respect to the satisfaction of biological needs, the object of duties of minimal wellbeing is securing the means for the satisfaction of biological needs (as given by our best biological theories), so that individuals can be healthy human beings. I believe this includes at least ensuring that individuals have access to basic food, basic health, basic shelter and basic clothing etc.

4. - Conditions to Lead a Human Life #2: Agency.

The second kind of conditions for an individual to lead a human life is grounded in the kind of agency involved in a human life, which consists in three characteristics: being able to form ideas of what is worth doing, being able to revise them in light of further reasons, and being able to coordinate one's action according to them. I believe that there are three conditions for individuals to lead a human life that involves such a kind of agency: education, physical security and freedom of belief, association and expression. For each of them, I shall first explain why they are so, before I explain what their corresponding object of duties of minimal wellbeing are

[289] In section 2 of chapter 4.

4.1 - Education.

First, education: Education is needed for individuals to be reason-responsive, and to be able to distinguish what might be a reason for thinking that something is worth doing (and what is not). Education is also needed for individuals to interact with each other, i.e. for them to share the same language, and share a framework of thinking that is necessary for interactions etc. Accordingly, the corresponding object of duties of minimal wellbeing is securing education for individuals, so that they are educated to a degree where they can be agents. More specifically, they are to be educated to a degree where they can be reason-responsive, and be able to distinguish between what might be a reason for thinking that something is worth doing (and what is not). Furthermore, they can also without much trouble, if they were so educated, interact with other individuals who are also so educate.

4.2 - Physical Security.

Second, physical security: Individuals cannot be healthy human beings if they are murdered, raped, tortured, assaulted etc.; and arguably, they also cannot be healthy human beings when they are constantly threatened by such acts of violence. Thus ensuring that individuals are free from such threats to their physical security is definitely one of the means for the satisfaction of their biological needs. However, once we realize that a human life is more than a biological life, and involves a kind of agency, this condition has an additional significance.

If individuals are constantly physically threatened, then they would spend most of their time and effort countering these threats. Thus they would have much less time and effort (or maybe even none at all) to get educated, interact with other people to form ideas of what is worth doing, let alone revise them in light of further reasons, and pursue goals and activities according to them.[290] Indeed, since individuals tend to refrain from interacting with other people in physically insecure environments, an environment free

[290] A vivid description of the lives that individuals lead when they are constantly physically threatened is Hobbes' state of nature. See Hobbes 1996: 82-86 (chapter 13).

from threats to physical security is therefore needed for individuals to interact with other individuals, and become agents in the sense I have described.

Indeed, for individuals who are constantly physically threatened, the kind of goals or activities that they pursue (if they can still be said to be pursuing them), are goals and activities that are aimed at countering these physical threats. However, to the extent that a human life consists in pursuing goals and activities, we would not intuitively think that it solely consists in goals and activities aimed specifically at preserving one's life. Thus threats to physical security, in fact, directly make an individual unable to live a human life. As one can see, it is not just with respect to the satisfaction of biological needs and agency that being free from threats to physical security is a condition for individuals to live a human life. It is also a more general condition for individuals to lead a human life.

What is the corresponding object of duties of minimal wellbeing? Given that the role of physical security is to provide a stable and relatively safe environment for individuals, so that they not only have the time and effort, but also are willing to interact with each other to form and revise their ideas of what is worth doing (rather than spending most of their time and effort trying to preserve their own lives), some trivial threats to physical security therefore do not matter at all, like the threat of your stepping on my toe in a very crowded bus. It is the more serious, severe and pervasive threats that matter, from the point of view of ensuring that individuals can be agents in the sense described - e.g. murder, mayhem, torture, rape, assaults, arbitrary detention and arrests, threats from the natural environment etc.[291] Thus the corresponding object of duties of minimal wellbeing, is ensuring that individuals are free from such serious, severe and pervasive threats to their physical security.[292]

[291] Some examples of threats from the natural environment are typhoons, tsunamis, earthquakes etc. Also cf. Shue 1996: 20-22. The threats that are covered by this duty of minimal wellbeing is more extensive than those that are covered by Shue's basic right to physical security, which only includes murder, torture, mayhem, rape and assault.

[292] Of course, to the extent that it is possible to do so. This is because of the general constraint on the objects of duties of minimal wellbeing, that I have argued for in section 3.2 of chapter 6.

4.3 - Freedom of Belief, Association and Expression.

Third, freedom of belief, association and expression: Individuals form and revise their ideas of what is worth doing by interacting with other individuals and engaging in discursive practices about what is worth doing. For individuals to be able to do this, they have to be able to associate with other individuals, and express their convictions, commitments and beliefs.

However, unlike the conditions of education and physical security, all this condition tells us is that without freedom of belief, association and expression, individuals cannot be agents in the sense I have described, and therefore cannot in that respect lead a human life. It does not tell us exactly how much of these freedoms we should ensure for individuals. Granted, some amount of these freedoms is needed for individuals to be agents. It cannot be next to none. But should it be an x amount, or an x+1 amount? What is an x amount to start with? As one can see, this condition is one of those conditions where there are a number of ways to fulfil it. We therefore need to look at other considerations before we can determine its corresponding object of duties of minimal wellbeing.

Recall that a human life consists in having a level of wellbeing that is higher than the level where biological needs are satisfied, and this is constituted by (among other things) the value of the goals and activities that individuals pursue. All other things being equal, goals and activities that are valuable contribute positively to the wellbeing of the individuals who pursue them, while other kinds of goals and activities don't (see section 5 in this chapter for the differing contribution, that goals and activities with different kinds of value have on the wellbeing of those who pursue them). This does not mean that one of the conditions for individuals to lead a human life is that they only pursue valuable goals and activities. In fact, as I shall argue later in section 6 of this chapter, one of the objects of duties of minimal wellbeing, is that individuals should be allowed to pursue all the different kinds of goals and activities that are latent in the social form of the society in

which they live, whether they are valuable or not, unless they are what I call justice-violating goals and activities. Nevertheless, given the positive contribution that valuable goals and activities have on the wellbeing of those who pursue them, it would be most conducive to securing a human life for individuals to ensure that the goals and activities that they pursue are valuable.

Now, it seems to me that if reason-responsive individuals are free to interact with other individuals, and are free to express their convictions, commitments and beliefs among themselves (in other words, have freedom of expression, belief and association), then most probably the goals and activities that they eventually pursue, based on their revised ideas of what is worth doing, would be the ones that are indeed worth doing and therefore valuable. Furthermore, the more of these freedoms individuals have, the more likely that that would be the case. This is similar to Mill's argument for freedom of expression, on the grounds that it provides a favourable environment for the discovery of truth.[293] One might object that this Millian optimism is misplaced, and that history has proved otherwise.[294] But I suspect that history unfolded against the Millian optimism precisely because individuals either were not educated to a level where they could be agents, or did not have extensive freedom of expression, belief and association (and indeed in certain cases, none at all). If that is the case, then it seems with respect to securing a human life for individuals, individuals should have the largest possible amount of freedom of expression, belief and association.

But what is the largest possible amount of freedom of expression, belief and association? Here we need to appeal to another consideration - the presumption of equality. It states that whatever the objects of duties of minimal wellbeing are, the default position is to secure them equally for all individuals. Taking all these different considerations together, the corresponding object of duties of minimal wellbeing is to ensure that

[293] Mill 1974: 75-118.
[294] For discussions on the Millian optimism, see Skorupski 2006: 78, 96-99 and Habibi 2001: 219-228.

individuals have the largest amount of freedom of belief, association and expression that is compatible with all other individuals having that amount.[295]

4.4 – Summary: Agency.

I therefore submit that there are the above three objects of duties of minimal wellbeing that are grounded (in the first instance) in the kind of agency that is involved in a human life. I admit that they are still rather vague. But I think this is inevitable given the nature of agency, viz. that it is a vague concept. Nevertheless, I believe my discussions in this section have at least rendered them concrete and substantial enough for practical purposes.

5. - Conditions to Lead a Human Life #3: Access to Goals and Activities.

The third kind of condition for individuals to lead human lives is grounded in access to goals and activities. Since a human life consists in (among other things) the pursuit of goals and activities, unless individuals have access to goals and activities, they cannot lead human lives. Thus access to goals and activities is one of the conditions for individuals to lead human lives. But like the condition of freedom of belief, expression and association, this condition as it stands does not tell us everything that we need to know to determine the corresponding object of duties of minimal wellbeing. We therefore need to look at other considerations as well.

To start with, we need to be clear on what are the goals and activities access to which we are considering here. Is it all the goals and activities from around the world? Or is it just a subset of them? The Razian conception of wellbeing (which states that the wellbeing of individuals consists in, among other things, the pursuit of *socially defined and determined* goals and activities) suggests that it is not all the goals and activities from around the world, access to which we are considering here. Rather, it is restricted to

[295] Rawls also argues for this as part of his first principle of justice. See Rawls 1971: 60-91; 2001: 42-45.

socially defined and determined goals and activities. In the following, allow me to explain what I mean by this, and why it should be restricted to such an extent.

By socially defined and determined goals and activities, I refer to goals and activities that are latent in the social form of the society in which the individual is living.[296] More specifically, they are:

- First, goals and activities that are widely practised in the society, and therefore a constitutive part of the existing social form of that society;
- Second, goals and activities that are not widely practised in the society, but are based on the existing social form of that society.
- Third, goals and activities that are not practised in the society, but are intelligible given the existing social form of that society; and their practice is not incompatible with the continuation, and sustenance of, the existing social form of that society.

The third point requires two clarifications. First, a goal or activity is intelligible given the existing social form of a society, if by drawing on elements from the existing social form of that society, a story can be told as to the meaning and significance of that goal or activity.[297] This story might just draw on those elements as they stand; or it might creatively draw on them, by re-interpreting them in a way that is continuous with the existing social form of the society. Given that a goal or activity which has no meaning and significance is not a goal or activity that is a possible object of pursuit for individuals, we can therefore also formulate the following mark of intelligibility: A goal or activity is intelligible given the social form of a society when, if the goal or activity is introduced into that society, individuals of that society can see it as one of the possible objects of pursuit, as with other goals or activities that are based on the social form of that society. Second, given the importance of the existing social form of the society for the individuals who live in it (I

[296] Cf. chapter 4 nn. 175. my position here also echoes the communitarian thought that individuals are, in some sense, shaped by the society or community in which they live. A good discussion on this aspect of the communitarian position is Mulhall & Swift 1996: 13-18 & 40-126.
[297] See chapter 4 nn. 179 for what I mean by the 'meaning and significance' of a goal or activity.

shall be discussing this below – at least one aspect of this importance is that it gives the goals and activities that individuals pursue their meanings and significances), any introduction of new goals and activities into a society must therefore not be incompatible with the continuation and sustenance of the existing social form of that society. Note though, by using the word 'sustenance', I do not imply that the social form of a society is static. I have discussed, in section 4.2 of chapter 4, the dynamic and reciprocal nature of social forms in societies. Thus the continuation and sustenance of an existing social form of a society, must be understood in light of the dynamic and reciprocal nature of social forms.[298]

The reason why the goals and activities in question are restricted to those that are latent in the social form of the society in which those individuals live, is because a goal or activity that is not latent in the social form of the society is not a possible object of pursuit for the individuals who live in that society. Recall that in section 2.2 of chapter 6, I argued that for all the goals or activities that are found in a society, there is a story to be told, among those who pursue those goals and activities, about what the meaning of those goals and activities is, and why they find them worth pursuing. And insofar as individuals come to find them worth pursuing because they believe there are reasons for finding them worthwhile in this way, these stories are or give the source of those reasons. However, what these stories appeal to are in fact elements that constitute the social form of the society, in which the relevant individuals are living. Recall as an example, what Waldron says about norms (quoted in section 2.2 of chapter 6 earlier):

> "… If, for example, I ask an elder of the group to which I belong why we have and follow a norm or monogamy, he may tell me a story about the need for reciprocity

[298] Note that the continuation and sustenance of an existing social form is only a *pro tanto* condition. This is because there might be some existing social forms that should not be continued or sustained. This might be for reasons of justice, as in their continuation and sustenance violate duties of minimal wellbeing. The social forms of Nazis is an example of this. Or it might be for moral reasons that are not related to justice, as in a social form that encourages individuals to frustrate each other. Or it might be for non-moral reasons, as in a social form that is inefficient. I take it that for the first kind of reasons, the condition is not required anymore. While for the second and third kind of reasons, it depends on how we weigh them with the condition.

> and equality between lovers and explain why this is difficult or impossible in polygamous relationships, or he may tell me a story about the sun and the moon and about there being only one of each".[299]

As one can see, these stories can appeal to the shared beliefs of the society in which the relevant individuals live. In the above example, one such belief is the belief in the need for reciprocity and equality between lovers, and how that is difficult or impossible in polygamous relationships. Or these stories appeal to the folklore, collectively shared metaphors and imagination of that society: as in the above example, about the sun and the moon, and about there being only one of each. Given that the social form of a society consists in its shared beliefs, folklore, high culture, collectively shared metaphors and imagination etc.,[300] these stories therefore in fact appeal to elements that constitute the social form of the society, in which the individuals concerned are living. If that is the case, and since these stories are the source of the meanings and significances of the goals and activities that are found in a society, it is fair to say that the meanings and significances of goals and activities that are found in a society, are given by the existing social form of that society. This is a claim I have discussed in section 4.1 of chapter 4.

Thus if we have a goal or activity that is not latent, in any of the above three senses, in the social form of the society in which a group of individuals live; then there is no story that can be told, by drawing on elements from the existing social form of that society, about the meaning and significance of that goal and activity. It therefore lacks a meaning and significance for those individuals and therefore is not a possible object of pursuit for them. A good example that illustrates this is the goal or activity of being an amateur race driver for those who live in the primitive tribes in the Amazon.

Now, given that it is not a possible object of pursuit for those individuals, there is no reason to consider ensuring, for those individuals, access to that goal or activity.

[299] Waldron 2000: 234.
[300] Raz 1986: 311 See Section 4.1 of chapter 4 also.

Furthermore, there is a reason against it. This is because ensuring access to these goals and activities for individuals requires the use of resources, resources that can be diverted to better ensure, for those individuals, other goals and activities that are in fact latent in the social form of the society in which they live. Thus it is inefficient to ensure, for individuals, access to goals and activities that are not latent in the social form of the society in which they live. As a result, when we discuss access to goals and activities for individuals, we can focus only on those that are latent in the social form of the society in which those individuals live. Accordingly, in the rest of the thesis, unless otherwise stated, 'goals and activities' shall be taken to refer to those that are latent in the social form of the society under consideration.[301]

I believe that there are two components to the condition of access to goals and activities: formal access and means for access. Formal access refers to whether an individual is allowed to pursue the goal or activity in question, whether or not he has the means to do so. Means for access refers to the resources that an individual will have to use in pursuing the goal or activity in question. By resources here, I do not just refer to all purpose resources. This is because there might be resources that are specific to a goal or activity, such that it is impossible for an individual to pursue that goal or activity without these resources. I believe formal access and means for access are both necessary, for individuals to pursue the goal or activity in question. This is because without formal access, an individual cannot pursue it, even when he has the resources for pursuing it. Without the means for access, an individual also cannot pursue it, even when he is allowed to do so. For example, I cannot play football when I am prevented from doing so, even if I

[301] Note that I do not take the notion of latency to mean that societies need to have a reasonable range of goals and activities. Thus a society with a restricted social form, might just have a restricted range of goals and activities. Though I doubt that the range would be very restricted, given the third condition of latency. Nevertheless, I do not think that such societies are a cause of concern, as the range of possible objects of pursuit for those who live in those societies are also so restricted. But that is not to say that the range of goals and activities in such societies would or should never expand (recall my discussion on the dynamic and reciprocal nature of social forms). Rather, it is to say that the mere fact of having only a restricted range of goals and activities, because of the restricted social form of the society, is not in itself a reason for expanding its social form and its range of goals and activities.

have a football and a pitch to play on. However, I also cannot play football, even when I am not prevented from doing so, if neither I nor my co-players have a football and an available pitch to play on. In the next sections, I shall first discuss formal access to goals and activities, before discussing the means for their access.

But before I do so, it might be beneficial to draw a distinction between different kinds of goals and activities, and the differing contributions that they make to the wellbeing of individuals. This should be borne in mind in the subsequent discussion. There are five different kinds of goals and activities:

(a) Those that are valuable.

This means that they have a positive value. An example of this is being a pianist.

(b) Those that are dis-valuable.

This means that they have a negative value. This shall be discussed in the next section below.

(c) Those that are value-less.

This means that they do not possess any features or properties that can give them a value at all. An example of this might be collecting pieces of mud for no apparent reason.

(d) Those that are of neutral value.

This means that their features or properties that give them a positive value, and their features or properties that give them a negative value, balance each other out. An example of this might be the creation of an artwork with great value, that would destroy another piece of artwork that is of the same comparable value.

(e) Those that are of indeterminate value.

This means that their value is indeterminate.[302] An example of this might be spending

[302] By something being indeterminate value, I mean it is indeterminate whether it is valuable, it is of disvalue, it is value-less or it is of neutral value. This is different and distinct from it being indeterminately more valuable, less valuable or of equal value when compared with another thing.

one's life moving a hill from one place to another, for no apparent reason.[303]

Given that the wellbeing of an individual is fundamentally constituted by (among other things), his success in pursuing socially defined and determined goals and activities which are in fact valuable, it follows that other things being equal, the following propositions corresponding to the above (a) to (e) are true:

(a') If an individual pursues a goal or activity that is in fact valuable, then this contributes positively to his wellbeing.

(b') If an individual pursues a goal or activity that is dis-valuable, then this contributes negatively to his wellbeing.

(c') If an individual pursues a goal or activity that is value-less, then this contributes nothing to his wellbeing.

(d') If an individual pursues a goal or activity that is neutral in value, then this contributes nothing to his wellbeing.

(e') If an individual pursues a goal or activity that is of indeterminate value, then it is indeterminate whether it contributes negatively, positively or not at all to his wellbeing.

6. - Conditions to Lead a Human Life #3a: Formal Access to Goals and Activities.

The focus of this section is on formal access to goals and activities, which is one of the two components of access to goals and activities. I shall argue that besides what I call 'justice-violating goals and activities', individuals should be allowed to pursue all the goals and activities that are latent in the social form of the society in which they live. This is because although we can, and indeed should, persuade them to pursue certain goals and

[303] I take it that there are three kinds of indeterminacy here: epistemological indeterminacy, semantic indeterminacy and ontic indeterminacy. I leave it open as to which kind of indeterminacy the above example falls under. If we will never be in the epistemic position to know its value, then it is epistemically indeterminate. If it is our concept of 'value-making feature' that is indeterminate, as to whether the effort required in moving a hill from one place to the next, is an instance of it, then it is semantically indeterminate. If it is indeterminate whether or not the effort required in moving a hill from one place to the next is a value-making feature of this activity, then it is ontically indeterminate. For a discussion of these three kinds of indeterminacy, and the relationships between them, see Merricks 2001.

activities (or not pursue certain goals and activities), because of the value of those goals and activities, individuals should not be coerced, conditioned or manipulated to pursue (or not pursue) them. As I shall argue and explain in the conclusion of this section, I take all this to basically amount to securing for individuals freedom of non-harmful conduct. I shall explain what exactly I mean by this freedom in the conclusion also.

6.1 – Justice-violating Goals and Activities.

Justice-violating goals and activities are goals and activities that are dis-valuable, because of a special kind of moral reason, i.e. they violate duties of minimal wellbeing, and therefore deprive other individuals of their entitlement to lead a human life. Examples of these goals and activities are terrorism, kidnapping, genocide etc.

As one would recall, the objects of duties of minimal wellbeing are whatever is involved in securing a human life for individuals. And the function of these duties is to fulfil individuals' entitlement to live a human life, by securing a human life for them. Furthermore, these duties are not concerned with fulfilling this entitlement for only some individuals, but not others. Rather, they are concerned with fulfilling this entitlement for all individuals, in virtue of the fact that they are all human beings, and therefore each of them is entitled to live a human life (recall my discussion on the presumption of equality requirement in section 2 of this chapter). Accordingly, if certain goals and activities violate these duties (and therefore deprive other individuals of their entitlement to lead a human life), then these duties should also prevent the pursuit of these goals or activities, in order to fulfil the entitlement of those, who otherwise would have been deprived by others' pursuit of these goals and activities. As a result, that part of the object of duties of minimal wellbeing that corresponds to the condition of access to goals and activities should include the restriction that individuals should be prevented from pursuing dis-valuable goals and activities, when these are dis-valuable because they violate duties of minimal wellbeing.

Note however, that not all dis-valuable goals and activities are justice-violating.

Goals and activities can be dis-valuable for other moral reasons (as in the goal of making everyone around you miserable), or for other non-moral reasons (as in the activity of destroying artworks that belong to no one). Since these goals and activities do not violate duties of minimal wellbeing, it follows that the reasons for preventing individuals from pursuing justice-violating goals and activities do not apply to these other kinds of dis-valuable goals and activities.

6.2 – Any Further Restrictions on Pursuing Goals and Activities?

Excluding justice-violating goals and activities, we are now left with the following kinds of goals and activities: the remaining dis-valuable ones (those that are dis-valuable for reasons other than because they violate duties of minimal wellbeing), value-less ones, those with indeterminate value, those with neutral value and valuable ones. Given that a human life consists in having a level of wellbeing that is higher than the satisfaction of biological needs, where this is constituted by the pursuit of goals and activities with a sense of what is worth doing, and given the differing contribution that the various kinds of goals and activities have on the wellbeing of the individuals who pursue them (see section 5 above), one might think that individuals should only be allowed to pursue valuable goals and activities, and prevented from pursuing the other kinds of goals and activities.

However, I believe this is a mistake. To start with, only pursuing valuable goals and activities, and not pursuing the other kinds, is not necessary for individuals to have a level of wellbeing that is higher than the satisfaction of biological needs. Thus it is not a condition for individuals to lead a human life. Insofar as individuals are allowed to pursue valuable goals and activities, they can have a level of wellbeing that is higher than the satisfaction of their biological needs even if they are not prevented from pursuing the other kinds of goals and activities. For example, as long as Tom is allowed to do more productive activities, he can still have a level of wellbeing that is higher than the satisfaction of biological needs, even if he is not prevented from sitting at home and do

nothing at all. This is because presumably he can engage in these more productive activities, and if we assume that such activities are valuable, he can thereby have a level of wellbeing that is higher than the satisfaction of biological needs. Thus as long as individuals are allowed to pursue valuable goals and activities, it is not the case that if individuals are not prevented from pursuing the remaining kinds, then they cannot have a level of wellbeing that is higher than the satisfaction of biological needs.

Of course, in a world where individuals, on top of being allowed to pursue valuable goals and activities, are not prevented from pursuing the other kinds, it might be the case that their level of wellbeing is lower than if they had been prevented from doing so. This is because in such a world, not every goal or activity that they choose to pursue would contribute positively to their wellbeing. However, it does not follow from this that they cannot have a level of wellbeing that is higher than the satisfaction of biological needs, as long as they are allowed to pursue valuable goals and activities. As one can see, it is not a condition for individuals to lead a human life that they should only be allowed to pursue valuable goals and activities, and prevented from pursuing the other kinds.

6.3 – Against Further Restrictions on Pursuing Goals and Activities.

Furthermore, it is not just that it is not a *condition* for individuals to lead a human life. In fact, there are reasons against it. In the following, I shall consider three arguments against it. Although I endorse the first and the second one, they are not as strong as the third. However, I shall argue against the usual way of proceeding with the third argument, and argue for an alternative approach to it.

6.3.1 – The Argument from Dis-heartedness.

The first argument draws on one of the elements in the Razian conception of wellbeing – dis-heartedness. As I argued in section 6 of chapter 4, when one pursues goals and activities dis-heartedly (that is, with one or other of the following attitudes:

pathological self-doubt, lack of self-esteem, self-hatred and resentment), one is not pursuing them in the relevant sense that contributes to one's wellbeing. In section 2.3 of chapter 6, I further explained why this is the case, by arguing that since these negative attitudes, that constitute dis-heartedness, undermine the kind of agency that is involved in leading a human life, individuals who are pursuing goals and activities dis-heartedly are not pursing them in a way that involves the kind of agency characteristic of a human life - with a sense of what is worth doing. Accordingly, an individual who dis-heartedly pursues goals and activities is not leading a human life. If that is the case, and if only allowing individuals to pursue valuable goals and activities, and preventing them from pursuing the remaining kinds, would result in them pursuing goals and activities dis-heartedly, then there is a reason against it. Doing so would not be securing a human life for individuals, *contra* the function of duties of minimal wellbeing.

It does seem plausible to suggest that by preventing individuals from pursuing certain goals and activities, it can result in individuals pursuing goals and activities dis-heartedly, for it can lead to resentment. This is especially the case when individuals are prevented from pursuing the goals and activities that they want to pursue. In such cases, individuals would most probably not identify themselves with the goals and activities that they are pursuing. This is because from their perspective, not only are these goals and activities not what they want to pursue, they also would not have pursued them, had they not been prevented from pursuing those that they want to pursue. Indeed, even if the ones that an individual wants to pursue happen to be the ones that they are not prevented from pursuing, the mere knowledge that they would be prevented from pursuing other goals or activities had they happened to have wanted to would most probably also lead to feelings of resentment of a more general form – the person would not identify with the state that he is in (just imagine, for example, that you do not want to leave the house today, but you still know that someone is outside to force you back into the house had you wanted to leave). If

that is the case, then according to my above argument, individuals should not be allowed to only pursue valuable goals and activities, and prevented from pursuing the remaining kinds. This is because doing so would definitely involve preventing individuals from pursuing certain goals and activities.

The problem that I have with this argument is that one must not exaggerate the plausible point here. It does not seem to be the case that preventing individuals from pursuing certain goals and activities would *necessarily* result in them feeling resentful. There are means to prevent this that would not result in them feeling resentful - as in education and (if that fails) subtle manipulation in contrast to forceful intervention. Furthermore, particular individuals might not feel resentful to start with (maybe because of their ignorance, lack of awareness, insensitivity, or just their cheerful temperament), even when they are subject to restrictions on pursuing certain goals and activities, restrictions that would 'normally' lead to resentment. Thus at most, it is *probably* the case that when individuals are prevented from pursuing certain goals and activities, they would be dis-hearted. But if that is the case, then it does not rule out all instances of only allowing individuals to pursue valuable goals and activities, and preventing them from pursuing the remaining kinds. It really depends on whether that particular instance happens to result in dis-heartedness. Thus one can still argue, despite the above objection, that we should still only allow individuals to pursue valuable goals and activities, and prevent them from pursuing the remaining kinds, unless in this particular case doing so would result in resentment.

Indeed, one can even argue that, given the significance of valuable goals and activities on the wellbeing of those who pursue them, we should try to modify what potentially resentful individuals feel through manipulation or conditioning, so that they would not feel resentful anymore. We would then have the best of both worlds. However, this seems to fly in the face of our intuitions. I conclude that the above argument focused

on dis-heartedness is not a good argument against the claim that individuals should only be allowed to pursue valuable goal and activities, and prevented from pursuing the remaining kinds.

6.3.2 – The Argument from Overlapping Consensus.

The second argument concerns my commitment to justificatory thinness. This commitment is grounded in what I take as a basic requirement: that we need to be able to justify a theory of global justice to everyone around the world.[304] To reflect the heterogeneity of such an exercise of justification, I have taken something like Rawls's overlapping consensus as a working model. According to it, we are able to justify a theory of global justice to everyone around the world if the theory could be agreed upon by individuals who hold different and incompatible, but reasonable, comprehensive conceptions of the good. I argued that the less rich, and the less pervasive, the concepts are in a theory of justice, the more probable that such an overlapping consensus would be achieved with regard to that theory of justice. Indeed, one of my arguments for my human-life account of duties of minimal wellbeing is that it involves less rich and deep concepts than the human flourishing account. It is superior to the human flourishing account with regard to this commitment. However, one might think that we need to appeal to deep, rich and pervasive concepts to distinguish whether a goal or activity is valuable, dis-valuable yet not justice-violating, value-less, of neutral value or of indeterminate value. If that is the case, then to preserve my commitment to justificatory thinness, and indeed the superiority of my human-life account over the human flourishing account, my account should refrain from trying to distinguish between the kinds of value that different goals and activities have. Thus it should not require that individuals are only allowed to pursue valuable goals and activities, but prevented from pursuing the remaining kinds. This is because this would certainly involve distinguishing the kinds of value that different goals and activities have.

[304] See section 2.1 of chapter 1. Cf. Rawls 1996: 133-172 & 2001: 32-38.

I endorse this argument as a general strategy. However, I believe that it has two weaknesses. First, it is not at all clear that distinguishing the kinds of values that goals and activities have *necessarily* requires appealing to deep, rich and pervasive concepts. Take the example of going out of your way to help people in need. It is definitely a valuable thing to do. However, explaining why that is the case does not seem to require appealing to deep, rich and pervasive concepts. The fact that one goes beyond the call of duty, and incurs great sacrifices, to help others in need, can already sufficiently explain why it is a valuable thing to do. Second, even if distinguishing the kinds of values that goals and activities have did necessarily require appealing to deep, rich and pervasive concepts, one might think that with regard to certain goals and activities, there is such widespread agreement on their value that it would not be objectionable to ensure that individuals pursue them (if they are valuable), or to prevent individuals from pursuing them (if they are dis-valauble). Take, for example, producing creative works. There seems to be widespread agreement that it is a valuable thing to do. However, explaining why that is the case seems to require appealing to deep, rich and pervasive concepts. For example, concepts like spontaneity, diversity, transcending the common and the accepted seem necessary. Yet there is widespread agreement on the value of producing such works. As a result, insofar as there are goals and activities that fall into these two kinds of cases, then the above justificatory thinness argument will be limited in scope – it does not apply to all goals and activities.

6.3.3 – The Argument from Respect.

One of the most often-cited arguments against preventing individuals from acting in a way that they want, unless they are in some sense harming other individuals, is the respect that we should have for individuals. As Nussbaum says with regard to human flourishing, “Even if we feel that we know what a flourishing life is, and that a particular function plays an important role in it, we do not respect people when we dragoon them into

this functioning. We set the stage and, as fellow citizens, present whatever arguments we have in favour of a given choice; then the choice is up to them."[305] Thus accordingly, even if we know for sure which goals and activities are valuable and which ones are not, and their significance on the wellbeing of those who pursue them, it is disrespectful to individuals to only allow them to pursue the valuable ones, and to prevent them from pursuing the other kinds, regardless of what they choose to pursue. We can try to *persuade* them to only pursue the valuable ones. But we cannot prevent them from pursuing the other kinds, and only allow them to pursue the valuable ones. Doing so would be, according to the argument, disrespectful to individuals.

The difficulty with this argument is in explaining what this respect to individuals amounts to, and the rationale for this respect. One common way to do so is to appeal to the idea of autonomy. According to it, an autonomous individual is an individual who lives his life according to his own free choices.[306] As a result, if he freely chooses to pursue a goal or activity that is not valuable, we should not prevent him from doing so. This is because if we were to prevent him, then he would not be living his life according to his own free choices, and this would be contrary to the idea of autonomy. Accordingly, we should therefore not allow individuals to only pursue valuable goals and activities, and prevent them from pursuing the remaining kinds.

My concern with the autonomy-based argument from respect is not that it is incorrect. I believe it can adequately support what I am trying to argue for. However, nowhere in my human-life account, can I ground this argument from respect based on the idea of autonomy.[307] To start with, since human beings are biological beings, the satisfaction of biological needs contributes positively to our wellbeing whether or not we

[305] Nussbaum 2000: 87-88.
[306] See, for example, Raz 1986: 369-372.
[307] As Raz says with regard to his account of wellbeing, "The fact that our self-interest, and more generally, what counts towards our well-being, is to a considerable extent determined by our own actions, does not presuppose free or deliberate choice of options. To be sure our well-being is not served by projects we are coerced into unless we come willingly to embrace them. But not everything we willingly embrace is something we have freely or deliberately chosen from among various alternative open to us" (Raz 1986: 369).

choose it, as long their non-satisfaction is not constitutive of the goals or activities that we are pursuing.[308] Furthermore, as I argued earlier,[309] the human-life account does not imply that individuals pursue goals and activities only because they have chosen them as a result of deliberation. Rather, they might pursue them out of habit or entrenched daily routines, or because in the environment in which they were brought up, such goals and activities are usually or expected to be pursued. None of these necessarily involve acts of free choice. It does seem true that being able to make free choices, and to lead one's life according to them, might be conducive to pursuing goals and activities whole-heartedly. But it does not seem to be necessary to it, such that one cannot pursue goals and activities whole-heartedly if one is not able to make free choices and lead one's life according to them. Indeed, as one can see from my discussion in section 6.3.1 of this chapter, individuals can pursue goals and activities whole-heartedly even when they are subject to manipulation and conditioning. It is true that under my account, if individuals were to reflect on the goals and activities that they are pursuing, then they could offer what they believe are reasons that count in favour of finding those goals or activities worth doing. But this does not mean that they can only so if they have freely chosen to pursue them. An individual who was brought up as a strict Christian can have no trouble offering reasons why one should go to the church on Sundays, even if he had never freely chosen to be a Christian. It is also true that under my account, individuals are able to revise their ideas of what is worth doing in light of further reasons that are brought to their attention, and are able to coordinate their actions according to their ideas of what is worth doing. In this sense, one can say that they make free choices. But that notion of 'free choice' is narrower than the notion as it is used in the idea of autonomy, which includes not just freedom from one's appetites and desires, but also freedom from external impediments and certain external influences. Indeed, it is this latter sense of free choice that makes the idea of autonomy such a good argument

[308] As I discussed in section 2 of chapter 4.
[309] In section 5.1 of chapter 4.

against preventing individuals from acting in a way that they want, unless they are in some sense harming other individuals. As one can see, the elements in my human-life account of duties of minimal wellbeing that might seem to ground this idea of autonomy, cannot actually do so.

Of course, I can import this idea of autonomy into my account by arguing that it is an external side-constraint when deriving the objects of duties of minimal wellbeing. However, since the idea of autonomy is a very rich and pervasive concept, given my commitment to justificatory minimalism and justificatory thinness, I am reluctant to import (in any way) this idea of autonomy into my account. The challenge then is to look for another line of argument against allowing individuals to only pursue valuable goals and activities, and preventing them from pursuing the remaining kinds.

6.3.4 – A Better Argument from Respect.

Although I am reluctant to embrace the idea of autonomy, I do think that the argument from respect heads in the right direction. As I discussed earlier,[310] there is a requirement of what I called 'respecting the individual as someone who leads a human life'. This requirement constrains the ways in which the conditions for individuals to lead a human life are secured for them. Individuals who live a human life are not mindless entities. They are not plants living a plant life, if plants can be said to live a life at all. Individuals who live a human life have a mind of their own. They are aware of their own existence, the existence of other individuals, and the world around them. They have their own thoughts and judgements on the relationship between them, other individuals and the world. In other words, they are agents in some sense. But if individuals who live a human life are agents, then we need to respect them as agents. Since individuals who live a human life are not mindless entities, there are constraints on how we treat them, that are grounded in this feature of theirs. Violating these constraints amounts to not respecting them as

[310] In section 3.1 of chapter 6.

agents. Such constraints do not exist, on the other hand, for plants living a plant life. Thus tying a plant to a pole in order to make it grow in a certain direction does not amount to dis-respecting that plant, yet it would be dis-respectful to an individual (who is an agent), if we mould his life in a certain direction. What these constraints exactly are, and therefore what it means to respect someone as an agent, depends on the account of agency in question; and I shall discuss this in the next paragraph. For now, I would like to draw attention to the fact that since we are securing a human life for individuals, if individuals who lead human lives need to be respected as agents, then securing a human life for individuals also involve respecting them as agents. This is because otherwise, not all aspects of a human life are secured for individuals. As a result, there is this requirement of 'respecting the individual as someone who leads a human life', when we are determining the objects of duties of minimal wellbeing.

But what does this requirement of respect amount to?[311] As I have argued earlier, a human life involves a kind of agency that I have characterized as pursuing goals and activities with a sense of what is worth doing. Someone living a human life is able to form ideas of what is worth doing, is able to revise them, and is able to coordinate their actions according to them. Thus individuals who lead a human life are individuals who (a) have what they believe are reasons why something is worth doing (or not worth doing), (b) are able to revise those reasons in light of other reasons brought to their attention, and (c) are able to coordinate their actions according to those reasons. If that is the case, then respecting such individuals involves *addressing them in terms of the reasons why something is worth (or not worth) doing*, when we try to modify their behaviour. In doing so, we are trying to modify their behaviour through their ability to revise, in light of further reasons, the reasons that they believe they have for why something is worth doing (or not worth doing), and through their ability to coordinate their actions according to those

[311] The following argument is inspired by a version of the objection that punishment, understood in terms of deterrence, treats people merely as means and not as ends. See Duff 1986: 178-186.

revised reasons. Thus we are recognizing that they are individuals with the above features (a)-(c). To the extent that we are not doing so, we are then not recognizing them as having the above features: we are not trying to modify their behaviour through their ability to revise their reasons, and subsequently their actions, in light of further reasons. In sum, we do not respect people as people unless we, when trying to modify their behaviour, address them in terms of the reasons why something is worth (or not worth) doing.

One might wonder why it has to be specifically in terms of the reasons why something is worth (or not worth) doing, that we need to address individuals, rather than just any kind of reason that would motivate him to change his behaviour. For example, Tom might try to manipulate Sam to do something, e.g. donate money to charity, by telling Sam falsely that his mother would be very happy if he did it, knowing that Sam really wants his mother to be happy. Or Tom might try to manipulate Sam to do it by telling him that if he does not do it, then Tom will kill him. In both of these cases, Tom is trying to modify Sam's behaviour by offering him reasons: they are are not reasons why something is worth (or not worth doing), but nevertheless they are reasons that would motivate Sam to change his behaviour. And this is done in recognition of the fact, that Sam is able to revise his reasons for why something is worth (or not worth) doing in light of these reasons, and coordinate his actions accordingly. Thus it seems he is recognizing Sam as an individual with the above (a) to (c) features, even though he is not addressing Sam specifically in terms of the reasons why something is worth (or not worth) doing.

However, if we look at the above two cases closely, we can see that something is amiss in Tom's recognition of Sam's ability to revise his reasons why something is worth (or not worth) doing, in light of further reasons, and coordinate his actions accordingly. Presumably Tom is trying to make Sam donate money to the charity because he believes that there are justified reasons why it is worth doing (e.g. donating money to charity helps to alleviate global poverty). But if that is the case, and if Tom fully recognises Sam as

having those abilities, then (from Tom's perspective) bringing Sam's attention to the justified reasons that he has for donating money is more than enough to modify Tom's behaviour. In addressing Sam in terms of other kinds of reason that would motivate him to change his behaviour, Tom shows that he does not fully recognise Sam's ability to revise his reasons and actions in light of those justified reasons. The message that is conveyed by Tom when he addresses Sam in those terms is this: Since Sam is unable to revise his reasons in light of certain justified reasons, but insofar as he has the rudimentary ability to revise them in light of some reasons, and coordinate his actions accordingly, I shall resort to offering him (and indeed creating for him) any kind of reason that would best secure a modification in his behaviour through this rudimentary ability of his. Since the ability to revise one's reasons in light of further reasons includes the ability to revise them in light of justified reasons, in addressing Sam in terms of other kinds of reasons that would motivate him to change his behaviour, Tom is not fully recognizing Sam's reasoning ability – his ability to revise his reasons in light of further *justified* reasons. Indeed, especially in the first case, insofar as Tom is trying to make Sam donate money to charity because he believes that there are justified reasons why it is worth doing, there is a sense of dishonesty and deception when he does not address Sam in terms of those justified reasons.

Notice that it is not just in cases of manipulation which involves *false* reasons, or the creation of *prudential* reasons, that the manipulator is not fully recognizing the ability of the manipulated to revise his reasons, in light of further reasons, and coordinate his actions accordingly. Imagine that this time Tom, rather than addressing Sam in terms of what Tom believes are justified reasons for donating money to charity, manipulates Sam to donate money to charity by offering him justified reasons for doing some other things, such that when Tom does those things, he would unwittingly have donated money to charity (imagine, as an example, Tom asks Sam to join Sam's favourite football club, which unknown to Sam, donates a substantial amount of its received membership fees to

charities). Here Tom is also not fully recognizing Sam's ability to revise his reasons in light of other reasons, and coordinate his actions accordingly. The specific part that Tom is not recognizing here is Sam's ability to revise his reasons in light of the justified reasons for donating money to charity. This, as I have pointed out earlier, is part of Sam's supposed ability to revise his reasons for why something is worth (or not worth) doing, in light of further reasons, and coordinate his actions accordingly. Similarly, as in the above first cases, there is also a sense of dishonesty and deception in this case, insofar as Tom is trying to make Sam donate money to charity because he believes that there are justified reasons why it is worth doing.

As the above discussion of the three cases has shown, insofar as one addresses another individual who lives a human life in terms other than the reasons why something is worth (or not worth) doing when one tries to modify his behaviour, one fails to fully recognize an ability of his: the ability to revise his reasons why something is worth (or not worth) doing, and coordinate his actions accordingly. As a result, respecting individuals who live a human life involves addressing them in terms of the reasons why something is worth (or not worth) doing, when we try to modify their behaviour, rather than just in terms of any kind of reasons that would motivate him to change his behaviour. Accordingly, this is what the requirement of 'respecting individuals as someone who leads a human life' amounts to.

If that is the case, then the problem with allowing individuals to only pursue valuable goals and activities, and preventing them from pursuing the remaining kinds, is that it violates this requirement. We are definitely in the business of modifying the behaviour of individuals, when they are only allowed to pursue the valuable ones, and prevented from pursuing the remaining kinds. Given the significance that the value of the goals and activities that individuals pursue has for their wellbeing, it *seems* justifiable to require that they only pursue the valuable ones and not the remaining kind. However, it

also involves manipulating individuals. This can range from conditioning individuals to only pursue the valuable ones, to making it physically impossible for them to pursue the remaining kinds (e.g. tying them up). In these cases, we are not even attempting to address individuals in terms of reasons, let alone reasons why something is worth (or not worth) doing. Indeed, in cases of conditioning, where I have in mind as a paradigmatic example the reformative process that Alex went through in Stanley Kubrick's 'Clockwork Orange', individuals are unable to coordinate their actions based on their ideas of what is worth doing. Thus they are not just dis-respected, they are also deprived of the kind of agency that is involved in a human life. And thus because of the conditioning, they cannot live a human life. But preventing individuals from pursuing the remaining kinds of goals and activities, and only allowing them to pursue the valuable ones, can also involve other kinds of manipulation. Just like the above three cases with Tom, it can range from providing people with false reasons, to providing them with justified reasons for something else, that would unwittingly lead them to change their behaviour, and to issuing them coercive threats (creating prudential reasons). As I have argued in the above discussion of the three cases with Tom, such kinds of manipulation, though they address individuals in terms of reasons, nevertheless do not respect individuals, because the relevant individuals are not addressed in terms of the reasons why something is worth (or not worth) doing. In other words, preventing individuals from pursuing the remaining kinds of goals and activities, and only allowing them to pursue the valuable ones, is forbidden by the requirement of 'respecting individuals as someone who leads a human life'.

6.4 – Summary: Formal Access to Goals and Activities.

In conclusion: This requirement of 'respecting individuals as someone who leads a human life' places severe constraints on the ways in which the condition of formal access to goals and activities can be secured for individuals. Given the significance that the value of the goals and activities that individuals pursue has on their wellbeing, I believe we

should try to modify the behaviour of individuals so that they pursue valuable goals and activities and do not pursue the remaining kinds. But given this requirement, the only permissible way for us to do so is persuasion. This is because persuasion is the only way of trying to modify people's behaviour that addresses them in terms of the reasons why something is worth (or not worth) doing.

However, one must note that this requirement does not extend to the justice-violating goals and activities that I discussed in section 6.1 of this chapter. This is because the pursuit of these goals and activities deprives other individuals of their entitlement to lead a human life. This constitutes a strong reason that outweighs the requirement, such that when individuals fail to be persuaded to not pursue these goals and activities, we should breach this requirement and prevent them from pursuing them. In contrast, the reason for pursuing valuable goals and activities, and against pursuing the remaining kinds, does not have this outweighing effect. This is because, as I have argued in section 6.2 of this chapter, it is at most only the case that individuals would have a higher level of wellbeing if they pursued the valuable goals and activities and not the remaining kinds, than if they had done the opposite. This is not strong enough to outweigh the requirement. That said, we should still try as much as possible not to breach this requirement; so arguably (all things being equal) issuing coercive threats against individuals who still pursue justice-violating goals and activities is preferable to providing them with false reasons, or with justified reasons that would unwittingly lead to them changing their behaviour. This is because the latter involve a form of deception and dishonesty. And even the latter are preferable to conditioning them, as in such cases no attempt is made to address individuals in terms of reasons at all.

Taking all the above considerations into account, I submit that with regard to formal access to goals and activities, the corresponding object of duties of minimal wellbeing is that besides preventing individuals from pursuing justice-violating goals and

activities, they should be allowed to pursue all the goals and activities that are latent in the social form of the society that they live in. But we nevertheless should do our best to persuade them to pursue those that are valuable, and not those of the remaining kinds of value.

One final remark before I move on to means for access to goals and activities. Since it is through their own actions that individuals pursue goals and activities, I therefore believe that the above object of duties of minimal wellbeing basically amounts to securing for individuals freedom of non-harmful conduct. This freedom is understood negatively, and is consistent with sincere criticisms of their actions. Sincere criticisms reflect the above point that when we try to modify the behaviour of others, we believe there are justified reasons for why they should behave otherwise. Finally, in parallel to what I have argued in section 6.1 of this chapter, conducts are non-harmful insofar as they do not violate duties of minimal wellbeing, and therefore do not deprive other individuals of their entitlement to lead a human life.

7. - Conditions to Lead a Human Life #3b: Means for Access.

In this section, I shall turn to the other component of the condition of access to goals and activities - means for access. By this, I refer to the resources that individuals use to pursue goals and activities. As I have argued before in section 5 of this chapter, even if individuals are allowed to pursue goals and activities, they cannot pursue them unless they have the resources to do so. But if individuals cannot pursue any goal or activity, then they cannot lead a human life. As a result, to secure a human life for individuals in this respect, individuals should not have so few resources that they cannot pursue any goal or activity. Allow me to call this the ‘negative thesis’.

7.1 – More than the Negative Thesis?

Can we say anything more than the negative thesis? In particular, can we say what

amount of resources individuals should have, where this amount is more than the amount that is implied by the negative thesis? In the following, I shall argue that, with regard to duties of minimal wellbeing, we cannot say anything more than the negative thesis in this sense.

The reason stems from the fact that a human life consists in having a level of wellbeing that is *higher than* the satisfaction of biological needs. Thus it does not matter, from the point of view of securing a human life for individuals, how high or how low their level of wellbeing is, as long as it is higher than the level where their biological needs are satisfied. Now, insofar as individuals do not have so few resources that they cannot pursue any goal or activity, their level of success is constituted by how they make use of their resources, in pursuing their goals and activities. It might a minimal level of success, but still a level of success. In this chapter, I have argued for the following objects of duties of minimal wellbeing: means for the satisfaction of biological needs, education, physical security, freedom of non-harmful conduct and freedom of expression, belief and association. With respect to securing a human life for individuals, what these objects secure is a condition under which individuals would not only have the means to satisfy their biological needs, but also with a sense of what is worth doing, most probably choose to pursue goals and activities that are indeed valuable. This is because when these objects are secured for individuals, they are free to pursue any goals and activities that they want to, insofar as the goals and activities are not justice violating. Yet with education, physical security and freedom of expression, association and belief, not only do individuals form ideas of what is worth doing, and have the ability to coordinate their actions according to them, their ideas of what is worth doing would also most probably correspond to what is indeed worth doing.[312] If such individuals do not have so few resources that they cannot pursue any goal or activity, then they would have - however minimal - a positive level of success, that is constituted by how they make use of their resources in pursuing their

[312] Recall the Millian optimism that I discussed in section 4.3 of this chapter.

chosen goals and activities. This then contributes positively to their level of wellbeing. Thus assuming that their biological needs are satisfied (which they can do with the means secured for them), they would have a positive level of wellbeing, that is beyond the satisfaction of biological needs. They thereby lead a human life. It is true though, that by securing more resources for them than what is implied by the negative thesis, then (all other things being equal) they would be more successful in pursuing their chosen goals and activities. This would result in them having a higher level of wellbeing. But from the point of view of securing a human life for them, this does not matter. This is because even without those extra resources, they would still be leading a human life, albeit with a lower level of wellbeing than if they had those extra resources. As a result, with respect to securing a human life for individuals, there is no need to secure for them any level of resources that is beyond the level where they would have so few that they could not pursue any goal or activity. All that is required is just that individuals do not have so few resources that they cannot pursue any goal or activity. If this is secured for individuals, then a human life is secured for them (provided that the other objects of duties of minimal wellbeing are secured also).

In arguing that with respect to securing a human life for individuals it does not matter how much resources individuals have, insofar as they do not have so few that they cannot pursue any goal or activity, I am not denying that it might be a good thing that we should give more resources to individuals. This is because their wellbeing would (all things being equal) be higher because of it. What I have been arguing is just that even if that is true, doing so is not required by our duties of minimal wellbeing. Furthermore, it is not the case that with respect to global justice, it does not matter how much resources individuals have, insofar as the negative thesis is satisfied. As I have explained in chapter 2, there are two aspects to my conception of global justice. On the one hand, there are duties of minimal wellbeing, which is the subject of this thesis. On the other hand, there are duties

of fairness and equality. Duties of fairness and equality concern the fair and equal distribution of benefits and burdens between individuals who are participants within a scheme of cooperation. Since in our contemporary world the resources for pursuing goals and activities are the products of various schemes of cooperation, they are therefore benefits of schemes of cooperation, which should be distributed fairly and equally among those who participate in the respective schemes of cooperation. If that is the case, then even though with respect to duties of minimal wellbeing it does not matter how much resources individuals have, insofar as they do not have so few such that they cannot pursue any goal or activity, it does matter with respect to global justice – individuals should have a fair and equal share of resources for pursuing goals and activities.

7.2 – Summary: Means for Access.

I therefore submit that with regard to the condition of means for access, the corresponding objects of duties of minimal wellbeing are encapsulated by the negative thesis: individuals should not have so few resources that they cannot pursue any goal or activity.

Unfortunately, there is no easy way to determine when individuals have so few resources that they cannot pursue any goal or activity. It really depends on the kind of goals and activities that are latent in the social form of the society that is under consideration, and the abilities and talents of the individuals who we happen to find living in that society. I believe it is therefore impossible to come up with a priori principles that indicate clearly - once and for all - when individuals have so few resources that they cannot pursue any goal or activity (and when that is not the case). To determine whether the negative thesis is satisfied, we need to look at, for each society, all the goals and activities that are latent in its social form; and ask for each individual in that society, given their talents and abilities, do they have so few resources that they cannot pursue any goal or activity that is latent in the social form of their society? If our most informed and sincere

judgement is negative, then the negative thesis is satisfied in the case under consideration. On the other hand, if our most informed and sincere judgement is affirmative, then the negative thesis is not satisfied. We then need to make a practical judgement, as to how many more resources should individuals have for the negative thesis to be satisfied. Fulfilling duties of minimal wellbeing would then involve, in this respect, ensuring this amount of resources for those individuals. This is what I take the negative thesis to amount to, with respect to duties of minimal wellbeing.

I am aware that this is rather vague, imprecise and contextualized. However, recall that duties of minimal wellbeing are only one aspect of global justice. There are also duties of fairness and equality (which I have discussed in chapter 2). My hope is that in the contemporary world, with all its inequalities and unfairness, when duties of fairness and equality are all fulfilled then most probably most individuals would (by any plausible intuitive standard) not have so few resources that they cannot pursue any goal or activity. Thus once all the other demands of global justice are fulfilled, there would only be a few instances where this vague, imprecise and contextualized negative thesis has to be appealed to.

8. - Conclusion.

In this chapter, I have argued that under my human-life account, there are the following objects of duties of minimal wellbeing:

a) Securing for individuals the means for the satisfaction of biological needs.
b) Securing education for individuals, so that they are educated to a degree where they can be agents.
c) Ensuring that individuals are free from serious, severe and pervasive threats to their physical security.
d) Ensuring that individuals have the largest amount of freedom of belief, association and

expression that is compatible with all other individuals having that amount.

e) Besides preventing individuals from pursuing justice-violating goals and activities, they should be allowed to pursue all the goals and activities that are latent in the social form of the society in which they live. This basically amounts to securing for individuals freedom of non-harmful conduct. But this is consistent with persuading (and indeed we should persuade) them to pursue valuable goals and activities, and not those that are not valuable.

f) Finally, ensuring that individuals do not have so few resources that they cannot pursue any goal or activity.

Chapter 8
Conclusion & Further Research

1. - Summary of the Thesis.

This thesis is the first step in a research project, that I hope will lead to a robust and accurate theory of global justice. To that end, the thesis began by illustrating the basic framework of a theory of global justice. It is a neo-cosmopolitan position, according to which there are duties of minimal wellbeing on the one hand, and duties of fairness and equality on the other. While the former are universal, the latter are associative. The reason why the latter duties are associative is because they are derived from the form of cooperation at hand. Thus they are (a) only held by and directed towards individuals who are members of the cooperation from which they are derived, and (b) only concerned with how individuals fare with regard to X in relation to other members of that cooperation. In contrast, duties of minimal wellbeing are not derived from the form of cooperation at hand. Rather, as I have argued, they are derived from each individual's entitlement to lead a human life. Thus they are (a) directed towards everyone around the world, and (b) concerned with how they fare with regard to X – period. The main aim of this thesis is to illustrate the extent of these two sets of duties, under strict-compliance theory.

With regard to duties of fairness and equality: They are concerned with the fair and equal distribution, among the participants, of the benefits and burdens of a scheme of cooperation. I argued that there are three kinds of them, each derived from the forms of cooperation of three kinds of cooperation: state-level cooperation (states), local cooperation and trans-state cooperation. If they come into conflict, then for those who bear the conflicting duties, the ones that are derived from the form of cooperation of their legitimate state trump the other conflicting duties of fairness and equality. My neo-cosmopolitan position therefore differs from other contemporary neo-cosmopolitan positions (e.g. Nagel and Blake), in asserting that it is not only within states that there are

these associative duties of fairness and equality. Nevertheless, states still play a more significant and important role with regard to these duties, than the other two kinds of cooperation.

With regard to duties of minimal wellbeing: Against the human flourishing account (e.g. Nussbaum and Pogge), I argued for my human-life account. According to my account, all individuals are entitled, in virtue of the fact that they are human beings, to lead a human life. The function of duties of minimal wellbeing is to secure a human life for individuals. In doing so, their entitlements are then fulfilled. The objects of these duties are constituted by what is involved in securing a human life for individuals.

What a human life consists in is derived from my Razian conception of wellbeing. According to it, the wellbeing of an individual is fundamentally constituted by: (a) the satisfaction of biological needs, and (b) his success in whole-heartedly pursuing socially defined and determined goals and activities which are in fact valuable. Accordingly, a human life consists in having a level of wellbeing that is higher than the satisfaction of biological needs, where this is constituted by the pursuit of goals and activities with a sense of what is worth doing. This in turn consists in (a) being able to form ideas of what is worth doing, (b) being able to revise them, and (c) being able to coordinate one's actions according to them. With all that in place, I argued for the following objects of duties of minimal wellbeing:

a) Securing for individuals the means for the satisfaction of biological needs.
b) Securing education for individuals, so that they are educated to a degree where they can be agents.
c) Ensuring that individuals are free from serious, severe and pervasive threats to their physical security.
d) Ensuring that individuals have the largest amount of freedom of belief, association and expression, that is compatible with all other individuals having that amount.

e) Besides preventing individuals from pursuing justice-violating goals and activities, they should be allowed to pursue all the goals and activities that are latent in the social form of the society that they live in. This basically amounts to securing for individuals freedom of non-harmful conduct. But this is consistent with persuading (and indeed we should persuade) them to pursue valuable goals and activities, and not those that are not valuable.

f) Finally, ensuring that individuals do not have so few resources that they cannot pursue any goal or activity.

2. - Further Research.

I end this thesis by illustrating a couple of areas of further research necessary for the development of an accurate and robust theory of global justice (a theory for which this thesis is the first step).

2.1 - Duties of Fairness and Equality.

The first area is pretty obvious. It concerns the other aspect of my theory of global justice – duties of fairness and equality. In this thesis, I have only briefly argued for them – that they are derived from the form of cooperation at hand. I have also identified, in our contemporary world, three kinds of cooperation from which they are derived: state-level cooperation (states), local cooperation and trans-state cooperation. As I have indicated in section 3.3 of chapter 2, the following issues regarding these duties have yet to be resolved: How and in what way are duties of fairness and equality derived from the form of cooperation at hand? What are the different kinds of forms of cooperation? Are they all reducible to one form? Or should all schemes of cooperation be set up to fit one particular form of cooperation? Do we have a duty to set up schemes of cooperation with a particular form of cooperation? As I said before, an affirmative answer to the last three questions

might undermine my opposition to the cosmopolitans and my affiliation to the neo-cosmopolitans.

Another related issue that I have not raised before concerns the relationship between the specific aim of a scheme of cooperation and its general aim (which just is its form of cooperation). I have argued that the latter is abstracted from the former. But how and in what way? Furthermore, this distinction, and talk of abstraction, works quite well for certain kinds of specific aims: for example the achievement of impartial ends (example (b) in section 3.1 of chapter 2), or securing certain specific goods for each individual (example (c) in the same section). But they do not work quite well for other kinds of specific aims; for example consider the aim of realizing among cooperating participants a life that is only authored by each person themselves (example (a) in section 3.1 of chapter 2). In what sense is the form of cooperation – to only mitigate the effects of the 'natural lottery' in each individual's pursuit of their own ends - abstracted from the specific aim of that cooperation? As one can see, much more needs to be done with regard to duties of fairness and equality.

2.2 - Basic Human Rights & Duties of Minimal Wellbeing.

The second area concerns the relationship between my duties of global justice and human rights - in particular, the relationship between my duties of minimal wellbeing and universal basic human rights. It is almost universally held that there are universal basic human rights. Not only are they ratified in international conventions,[313] they are also taken to constitute an essential part of any theory of global justice.[314] Some have even argued that they are the criteria for state autonomy.[315]

In some sense, my theory of global justice is a (human) rights-based account of global justice. This is particularly true with duties of minimal wellbeing, since they are

[313] For example UDHR and ECHR.
[314] For example Rawls 1999, Pogge 2002b and Miller 2007.
[315] For example Altman & Wellman 2009.

grounded in individuals' entitlement to lead a human life. One might therefore think that correlative to these duties that have the above (a) to (f) objects, individuals also have (basic) human rights to those objects. In principle, I am not against that. But I wonder whether the move from duties to rights can be established that easily. Many believe that directed duties and rights are correlative. Thus not only do rights imply corresponding duties that are directed towards the right-holder, duties that are directed towards an individual imply corresponding rights that are held by that individual.[316] But there are considerations that count against this latter implication. Take, for example, the fact that I am a good friend of yours. In virtue of that, you have a duty that is directed to me, i.e. to be concerned with my wellbeing. However, it seems counter-intuitive to suggest, because of this, that I have a right against you to be concerned with my wellbeing. Indeed, if I were to claim this right against you, it seems that I will have destroyed the grounds for this right, i.e. our friendship. One might respond to this by drawing a distinction between the existence of a right, and the appropriateness of claiming a right; and argue that in this case, I do have a right against you, yet it is inappropriate for me to claim it. As one can see, this is a complicated issue that merits further research.

Now, even if my duties of minimal wellbeing do imply (basic) human rights, which are held by those towards whom these duties are directed, there are still several issues that need resolving: First, how revisionary would this account of (basic) human rights be? Second, would such an account of (basic) human rights assume an interest theory of rights? If so, is that a plausible meta-theory of rights?[317] Third, if O'Neill's criticisms of the human rights discourse are sound,[318] we also need to know who exactly bear the correlative duties to these (basic) human rights (see section 2.4 of this chapter).

[316] Hooft, for example, holds such a view, when he argues for human rights as deriving from certain obligations. See Hooft 2009: 55-81 (chapter 2).
[317] Interest theory of rights holds that an individual A has a right to X, because it is in A's interest to X. For a discussion of it and other meta-theories of rights, see Wenar 2010: n. pag.
[318] O'Neill 2005.

2.3 – Partial Compliance Theory.

As I said in section 2.2 of chapter 1, this thesis concerns our duties of global justice under strict compliance theory. But strict compliance theory is not yet a complete theory of global justice. There is also partial compliance theory, which is concerned with what global justice demands when there are injustices. This is the third area of further research. In particular, I am concerned with what global justice demands of us when people fail to fulfil their duties of minimal wellbeing or duties of fairness and equality – as is most probably the case in the real world.

With respect to this, I find Miller's discussion of remedial responsibility very illuminating.[319] Thus I would like to look into it in more detail in the future. Related to this is also the issue of self-determination of states, nations etc. One might think that given the importance of duties of minimal wellbeing, it is not particularly troubling to allow (if not obligate) intervention by 'others' or 'outsiders', when people fail to fulfil these duties of theirs. In fact, one might even hold a stronger thesis here: analogous to universal basic human rights (see section 2.1 above), their fulfilment of their duties of minimal wellbeing is a criteria for their self-determination.[320] But the same, it seems, cannot be said for duties of fairness and equality. If participants in a scheme of cooperation do not fulfil the duties of fairness and equality that they owe to each other, is it permissible (if not required) for non-participants to intervene? Intervention might sound fine for local cooperation and tran-state cooperation. But it might be more problematic for states (state-level cooperation). This is because it is then in tension with the self-determination of states. As one can see, partial compliance theory raises many interesting issues that require further research.

2.4 - Individuals as Primary Duty Bearers.

The fourth area of further research concerns another assumption in this thesis: the primary bearers of duties of minimal wellbeing, and duties of fairness and equality, are

[319] Miller 2007: 81-90 (chapter 4).
[320] Cf. Altman & Wellman 2009.

individuals. As I have argued in section 2.3 of chapter 1, this is consistent with holding other entities, e.g. states, as the secondary bearers of these duties, because of a variety of instrumental reasons.

In this thesis (section 2.3 of chapter 1), I have only briefly considered an alternative view to my own – that the primary bearers of these duties are states rather than individuals – by raising some doubts about Rawls's arguments for it. But I have yet to present a positive argument against it. I have a general idea of what such an argument looks like, and I shall briefly discuss it below. This should form the basis of my further research in this area.

Let us start with the alternative position that it is states, rather than individuals, who are the primary bearers of duties of justice. The problem is basically this: Unless its citizens (individuals) also already have these duties, then it seems very hard to justify to them the actions that the state takes to discharge its duties of justice (e.g. when it requires its citizens to pay taxes which are then used for humanitarian purposes). Presumably, saying that we are coercing you to pay your taxes, in order to fulfil our duties is not a good enough justification. But if citizens already bear these duties, then it would be easier to offer a justification here, by appealing to these pre-existing duties of theirs. Note however, this cannot be the whole story. This is because we still need to explain why, in this case, states are legitimate in coercing their citizens with respect to pre-existing duties that they have. And consideration of the duties among friends – to be concerned with each others' wellbeing - is sufficient to show that it is not always legitimate for states to so coerce.

One might respond to the above problem in the following way: We do not need the claim that citizens already bear these duties to solve the above justification problem. If individuals have a duty to obey their state (or correlatively, their state has legitimate authority over them – the right to rule them), then we can easily justify the actions that the state takes to discharge its duties of justice. The justification would consist in the general

argument for why they have a duty to obey their state (or correlatively, why the state has legitimate authority over them). What exactly it is, depends on which is the most plausible theory of political obligation.[321]

However, I have two worries with this response: First, insofar as a theory of political obligation aims to argue for a *content-independent* duty to obey one's state, then the justification for the actions that the state takes to discharge its duties of justice would be the same as (and therefore on a par with) other (justifiable) actions that the state takes, whether or not they are related to justice. However, given that the actions in question concern duties of justice, one might think that it is better for their justification to be different from (and therefore not on a par with) the justification for other non-justice related actions that the state takes. Second, even with illegitimate states, we intuitively think that the actions that it takes to discharge its duties of justice can still be justified to its citizens. However, the above response cannot accommodate this. This is because in this case, unlike the case with legitimate states, citizens do not have a duty to obey this illegitimate state. The only way to accommodate this, it seems to me again, is to argue that the citizens already bear these duties of justice.

Another response that is immune to my above two worries, is to argue that individuals have a natural duty of justice - something like a duty to support just institutions (and maybe even a duty to assist in abolishing unjust ones and establishing just ones).[322] Since a state that fulfils its duties of justice (whether or not it is legitimate) is a just institution,[323] a justification for the actions that it takes for discharging these duties can be offered, by appealing to this natural duty of its citizens, even when it has no legitimate authority over them. Furthermore, presumably this natural duty cannot be appealed to for justifying other non-justice related actions that the state takes. Thus the justification for the

[321] For a survey of the contemporary theories of political obligation, see Dagger 2010: n. pag.
[322] Rawls, for example, holds such a view. See Rawls 1971: 334.
[323] As I said before in nn. 87, I take issues of legitimacy and issues of justice as two separate and different sets of issues.

actions that the state takes to discharge its duties of justice will be different from (and therefore not on a par with) the justification for its other non-justice related actions. However, the problem with this response is that it is not at all clear what are the grounds for this natural duty of justice, and what the extent of this duty is.[324]

All this forms the basis of my further research, in trying to build a case against the alternative view that the primary bearers of duties of justice are states rather than individuals, and in support of my view – that the primary bearers of these duties are individuals rather than states.

[324] For these and other objections against the natural duty of justice, in particular Rawls's and Simmons's arguments for it, see Klosko 1994.

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