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Preferences in their Place

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ABSTRACT

In at least some of their forms, Cost-Benefit techniques for the evaluation of environmental projects and policies treat the preferences of citizens as the sole determinants of the value of outcomes. There are two salient ways in which this supposition might be defended. The first is metaethical and appeals to considerations about how we must understand talk of environmental and other values. The second is political and appeals to considerations about democratic legitimacy and the proper aims of public policy. Metaethical considerations, I argue, are something of a red herring here. Roughly subjectivist understandings of our talk of values may be appealingly metaphysically unassuming, but in their most plausible formulations they do not support a view of preferences as the sole determinants of value. Political considerations, on the other hand, are to be taken very seriously. They offer, however, no straightforward rationale for any crudely preferentialist measure of social value. Findings obtained from the use of cost-benefit techniques might sometimes have a legitimate role as an input into, but not as a substitute for, political deliberation. Questions about the scope and limits of such legitimacy are properly addressed in political and not in metaethical terms.

KEYWORDS

Ethics, social philosophy, value, preference, cost-benefit analysis

1. INTRODUCTORY

It may be a mistake to think of Cost Benefit Analysis (henceforward CBA)[1] as *a* technique for the evaluation of projects and policies. It is better represented as a diverse and developing family of such techniques. This complicates the business of criticism for, while the simplest forms of economic evaluation may appear crude, we can find both some critics who favour rejection of economic

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approaches to public choice and others who urge rather that such methods should be reformed and enriched. The most careful exponents of CBA moreover are careful to stress that such techniques should be understood as an input into rather than as a substitute for political deliberation and judgement.[2] In this limited role something like CBA in at least its most modest forms is perhaps indispensable, meeting as it does the straightforward requirement for those engaged in deliberation and judgement to have access to good accounts.

The problem with accounts, of course, is that the items they inventorise are standardly expressed in a common – typically monetary – currency. This is a problem because certain costs and benefits are not at all straightforwardly monetary in character. Such goods may of course be disregarded at the stage of preparing accounts and left for others later in the deliberative process to take account of. But the worry for the leaders in applying such methods to environmental goods and harms – writers such as Kneese in the United States and Pearce in the United Kingdom[3] – was that such goods and harms were thereby left inadequately visible to policy makers. One solution would be to include such goods and harms in accounts, but to represent them in straightforward physical terms without attempting to put money values on them.[4] The bolder – and widely favoured – alternative, which seeks to impute 'shadow' or 'accounting' prices to such goods and harms, has the virtue of yielding simpler and more tractable data. At the same time it is open to criticism as less transparent than non-monetary forms of accounting and as raising a host of foundational and philosophical difficulties about, for example, commensurability.[5]

Such difficulties with commensurability, though vexed, are not my present concern. Rather I focus on another respect in which such accounting pricing techniques as standardly practised appear questionable: namely the relation between shadow prices – conceived as a measure of the preferences of interested parties – and *values*. For goods which are in fact traded in markets the concern of public accountants with their prices is legitimate, indeed urgent. For, however they may relate, or fail to relate, to values, the market prices of such goods undoubtedly matter: we live in the market place and what we can do is constrained by what we can afford. But with goods that are not so traded the motivation for – and methodology of – imputing accounting prices is often premised on an assumption that market price is a measure of value. Thus Hanley and Spash write:

> In CBA 'value' is an expression of the preferences of individuals, customarily shown by their behaviour in markets and backed up by their ability to pay.[6]

Again caution is in order – the word 'customarily' warns us of the diversity of economic methods in a subject rich in controversy. That talk of value can be unpacked in terms of preferences is widely assumed in CBA. But not universally: most notably, the work of Sen makes a persuasive case that welfare economists should take greater account of non-welfare information, in particular informa-

tion about human capabilities and economic equality.[7] The claim that it is proper to construe value not only in terms of preference but in terms of preferences as expressed in markets and constrained by ability to pay raises further serious worries about equity, given the unequal endowments of members of society. Some forms of CBA may seek to correct for such inequality and controversy attaches to both the desirability and feasibility of this.[8] While these concerns about unequal endowments are serious ones, my present focus is on the more general assumption that value is properly understood, in the context at least of social decision-making, with sole reference to the preferences of citizens.

There are two salient sort of ground that can be offered for this claim, one metaethical, the other political. Thus we may distinguish two claims:

1. That how a good is ranked by the preferences of citizens (perhaps as measured by markets, real or hypothetical, perhaps idealised, perhaps corrected in the interests of economic equity) is to be *identified* with its value.
2. That it is to such preferences that the formation of policy should be – or should primarily be – sensitive.

The claims are distinct. If 1 is true there will be a straightforward enough argument thence to 2 – at least given the, itself not uncontroversial, consequentialist assumption that the aim of policy should be the promotion of value. However 2 might be believed though 1 were rejected, on some such grounds as that that is what democratic principles require. I will consider the former possibility first, turning to the latter in the second half of the paper.

For believers in 1, value is a measure of preference. We may distinguish two forms in which this is believed. The first is relativistic:

1A. That value relative to a given agent is determined by the preferences of that agent; the rational agent promotes value relative to herself by maximising the satisfaction of her own preferences.

The second is a more impersonal utilitarian doctrine:

1B. That value is determined by the preferences of all agents; the rational society promotes value by maximising the satisfaction of the preferences (total or average according to taste) of all those who comprise it.[9]

2. SUBJECTIVISM, EXPRESSSIVISM AND THE AUTHORITY OF PREFERENCE

Let us first focus on 1A – turning to 1B rather later. The injunction to maximise the satisfaction of preference only makes sense, of course, if the latter can be conceived in terms of a single quantitative dimension. This is possible in turn only if certain formal conditions are met – on standard accounts these are that

one's preferences are ordered by a relation that is transitive, reflexive and complete. Further conditions of independence and continuity are required for contexts involving risk and uncertainty. When these conditions are satisfied it is possible to define for an agent a utility function such that the utility of an alternative is greater than that of alternatives over which it is preferred. The rational agent is then conceived as aiming to maximise the value of this function.

Why should anyone believe 1A? One common reason is metaethical subjectivism. Speaking a little roughly for now, we may say a metaethical *subjectivist* (on a broad understanding of the term) sees all talk of values as *reflecting* the speaker's preferences. And why should anyone believe that? A common reason here is a certain suspicion of the metaphysics of objective value. Puzzled how there could be something out in the world answering to my talk of values, the subjectivist sees this talk as reflecting my affections and emotions.

Subjectivism, as stated, is certainly too simple in ways that raise immediate difficulties for 1A. One important reason for this has been brought to the centre of philosophical attention by Frankfurt and Taylor.[10] There may, as Frankfurt notes, be things that we want desperately but do not value in the slightest – his own example being the attitude of the heroin addict to his next fix. And Taylor has stressed that such examples show how our practical thinking is pervasively structured and informed by qualitative as well as quantitative discriminations of preferences. There are preferences and preferences and not all of them are values.

This complication gives further grounds for scepticism about cost-benefit analysis in its usual forms.[11] More generally, it raises deep problems for any straightforwardly maximising preferentialism about values that is not sensitive to such qualitative discriminations. This is worrying news for 1A as stated. It does not, however, yet not show that subjectivism as such is false. For it may be that evaluative utterances reflect preferences but that they do not reflect preferences undiscriminatingly. Subjectivism is consistent with seeing our preferences as structured in complex ways, with our 'ground floor' preferences often held up for appraisal in the light of more general and higher order preferences. In any case, I would like here to press further, and illustrate how, even putting this worry aside, subjectivism need offer no support to an understanding of preferences – *any* kind of preferences[12] – as solely determinative of values.

Subjectivism has only been vaguely characterised so far. Just what does 'reflecting' mean here? Asking this should lead us to distinguish two forms of subjectivism:

Expressivism: Talk of values *expresses* the speaker's preferences.

and

Subjectivism proper: Talk of values *reports* the speaker's preferences.[13]

To make the distinction clear compare beliefs. When I say 'Snow is white' I *express* a belief, the same *belief* as I report when I say 'I believe that snow is

white'. The two sentences mean very different things. One is about snow, the other about me. Likewise, the expressivist claims, when I say 'Motherhood is good' I express a preference but I do not report that preference.

Expressivism is a controversial view, for perhaps three main reasons. Firstly, many writers on ethics think it defeated by the so-called Frege-Geach problem: the somewhat technical problem of furnishing an adequate account of the semantics of evaluative propositions when embedded in complex sentences and the role they play in inference.[14] Secondly, the coherent formulation of expressivism seems to depend on distinguishing a deflationary sense of truth-aptness, in which it would be foolish to deny that evaluative utterances are apt for imputations of truth and falsity, from a more robust sense in which expressivism is committed to denying just that. Some recent work on truth has cast doubt on there being space for any such distinction.[15] Thirdly, the things we say and think do not in fact divide neatly into evaluative and descriptive but involve 'thick' concepts that marry both in ways that, it is often suggested, cannot readily be disentangled even in principle.[16]

Most writers who reject expressivism are moral realists.[17] They believe values to be robust features of reality (though not necessarily of an 'external' reality any more than, say the subject matter of psychology is an 'external' reality). Moral realists will often reject 1A, taking the view described (and rejected) by Gauthier as follows:

> A radical challenger would insist that value is not a measure, but a norm or standard for preference. Value does not depend on preference, but rather rational preference depends on value.[18]

A moral realist of this kind will of course reject 1A out of hand. But this is not the only kind. For realism is consistent with 1A if the realist takes claims about value simply to reduce to claims about what preferences the speaker may have – as Gauthier for example does. The most convincing motivation for this subjectivist form of realism[19] is however also a central motivation for expressivism, namely a healthy scepticism about the prospects for any more metaphysically ambitious form of realism.[20] Subjectivism proper and expressivism share their central virtues of being metaphysically highly unassuming and fitting with maximal straightforwardness into a naturalistic understanding of the world. However, if we are in the market for these virtues – and I think we ought to be – there are at least three impressive reasons for preferring expressivism to subjectivism proper. And expressivists, like realists, can reject 1A on just the grounds Gauthier specifies – that our evaluative thought may be *expressive* of our preferences but it is not *about* them and our preferences themselves fall within its scope.

The first of our three reasons for favouring expressivism over subjectivism proper is that subjectivism proper cannot do justice to the phenomenon of evaluative disagreement. Suppose Vito says 'Motherhood is good' and Michael

says 'Motherhood is not good'. According to subjectivism proper these utterances are equivalent respectively to 'I have a preference for motherhood' and 'I do not have a preference for motherhood'. And these latter utterances, uttered by different speakers, are perfectly consistent. Vito and Michael, on this account have simply failed to disagree. And that is simply not credible.

The second is that a central argument against realism about values leads us, if sound, to expressivism but not to subjectivism proper. To accept some evaluative claim, proponents of this argument urge, is to be in a state of mind that is at least akin to desiring or preferring in that its very essence is that it motivates us (albeit defeasibly) to action. But no belief can be like this. In which case evaluative commitments – the thoughts evaluative utterances express – are not beliefs but something else – something like preferences or desires.[21] While both premises of this argument are the subject of considerable recent philosophical controversy,[22] the argument supports expressivism. However if my evaluative utterances do not express beliefs, *a fortiori* they do not express beliefs about my preferences. In which case they do not, *contra* subjectivism proper, report my preferences.

The third reason is that expressivism also gains support from another central line of argument against realism about values. The argument can be expressed as a dilemma.[23] Say someone is such a realist. They believe there are facts about values, facts to which our evaluative utterances answer. Either these facts are facts about the natural world or they are facts of some other, nonnatural, kind. If they are facts of some other, nonnatural kind, it is profoundly mysterious what account we can give of them; in particular it is mysterious how we are supposed to come to know them. I know about the natural world because it impinges causally on my senses, faculties whereby I am variously sensitive to physical features of my environment. But the natural world is, on the face of it, all I can learn about in this way. So the facts in question must be facts about the natural world. But this is implausible as it seems quite possible for two people coherently to agree entirely in all their beliefs about what the natural world is like and yet disagree profoundly about questions of value (this is a version of Moore's famous 'open question argument'[24]). Hence, by dilemma, there are no facts about values. And if – to focus on the first horn – facts about values are not facts about the natural world they are not, *a fortiori*, facts about preferences.

Problems multiply for 1A as an account of rationality when we reflect on the realities of deliberation. For deliberation makes rather little reference to our preferences. It looks rather to *reasons*.[25] Here it is important to distinguish two contexts in which we speak of reasons. The first is when we seek to *explain* what people do. Here it is natural, with Davidson, to conceive reasons in terms of the beliefs and desires of agents.[26] Vito sent his mother chocolates because he wanted to please her and believed sending her chocolates would please her. The second context is *deliberative*. Here reasons take on a different appearance. Something similar is true of inference. When Vito *infers* q from p we explain his

inference by reference to his *belief* that p. But in making the inference his premise is simply p and not the fact that he believes it. Likewise when Vito *deliberates* to the conclusion that he should send his mother chocolates, he is unlikely to represent to himself as his reason that sending chocolates will satisfy some desire of his but rather simply that sending chocolates will please his mother. Plausibly, this thought will engage him motivationally only insofar as he has some desire to please his mother but, as Pettit and Smith have argued, this desire need not feature in the deliberative *foreground* of his decision as opposed to its explanatory *background*. What features in the deliberative foreground is rather a representation of the proposed action or its expected outcome as having some reason-conferring characteristic, pleasing his mother or perhaps simply being desirable or good.[27] Of course for the subjectivist proper to say something is desirable or good is just to say that one desires it. But it is a strength of expressivism that these things can be held apart. For on an expressivist account, we may stress again, imputations of value express but do not report preferences. Our preferences are not, then, what such imputations are *about*. As Blackburn puts it 'When I say that Hitler was evil..., I am not talking about myself.' [28]

It can certainly be a delicate business on an expressivist account to avoid saying that preferences, in some sense, *determine* values. Suppose I am a very simple kind of expressivist, for whom 'X is valuable' just expresses a desire of the speaker.[29] There is then a sense in which the speaker cannot coherently deny the conditional:

V. If I want that X then X is valuable.

So it *looks* as if my preferences are determinative of value. But *if V is read as claiming any sort of determination of values by my preferences* I will want to reject it, as I reject the value judgement that value is dependent on what I prefer. (If I wanted to exterminate members of other races, that wouldn't make it OK.) The thing to say, it seems, is that, though I cannot coherently deny V, it would be, at best, highly misleading to assert it. Less misleading would be to assert:

V2. If I want that X then I *consider* that X is valuable.

For V2 far more perspicuously represents an expressivist understanding of the relation between values and preferences. We're still stuck with V but V is systematically misleading in something very like the way that

T. If I believe that snow is white then snow is white.

is deeply misleading while also not coherently deniable. With T, as with V, I cannot coherently accept the antecedent and deny the consequent. So T, as with V, is not coherently deniable *if we read it as a simple material conditional* – as strictly equivalent to the negation of the conjunction of the antecedent with the negated consequent. But T is misleading because we don't think beliefs determinative of truth. Read as claiming such a determination relationship, T, like V,

is something we would all deny. In neither case can the antecedent be said, at least directly,[30] to warrant acceptance of the consequent, as is immediately clear when the conditionals are recast in the third person. This is simply to reiterate Moore's paradox and an anologue of Moore's paradox for evaluation that is an upshot of expressivism. So neither T nor V should be read as imputing any sort of determination relation. What's misleading about them is that such conditionals plausibly carry at least an implicature that there is some determination relation in the offing but, in these cases, no such relation holds.[31]

There is thus no straightforward sense in which expressivism need view preferences as determinative of value and so as reason-conferring.[32] Consider the following pairs of sentences:

A. Jones thinks it wrong to electrocute sheep, because it hurts them.
B. Jones thinks it wrong to electrocute sheep, because he'd prefer this not to be done.

C. Jones thinks Dr Snow did it because Snow's fingerprint's were on the gun.
D. Jones thinks Dr Snow did it because that is what he believes.

A and B on an expressivist account compare much as C and D do. B offers a philosophical gloss on Jones' attitude – less trivial, given the controversial status of expressivism itself, than D – but does not make good rational sense of it in the way that A might be thought to do.

Do I *want* to satisfy my preferences? Once again, there is a sense in which the answer is *Yes*, but, once again, when we look more closely we see this to be less significant than might be thought. In having any desire what I desire is to satisfy a desire of mine. But that is almost never *the description under which I desire it*. If Vito wants to give his mother chocolates and his mother is the great great great granddaughter of Alexandra Vitelli, it follows that Vito in a sense wants to give chocolates to the great great great granddaughter of AV. But only in a sense. For wanting creates an intensional context: one in which the logical law of substitutability *salva veritate* of co-referring terms fails. Vito, perhaps never even having heard of AV, may not be at all interested in giving chocolates to the great great great granddaughter of AV except insofar as he is interested in some action that happens to consist (not that he cares) in giving chocolates to the great great great granddaughter of AV. Likewise because he wants this he wants to do something which consists in satisfying some desire of his. But that too is not what interests him about the action. What interests him about the action is rather that it will please his old mum. Indeed the scope of his desire that he give his mother chocolates may well extend to possible worlds where he has no such desire.[33] Anyone who wishes to view rational action as driven by a master desire of the agent maximally to satisfy his own preferences should bear this in mind.

Be this as it may, the maximising conception of rationality might still be thought harmless. While from the standpoint of deliberation preference-maximisation almost never features explicitly among our aims, isn't it nonethe-

less the case that a rational deliberator's aims should be consistent and coherent, that this constraint is what the formal conditions on rational choice seek to capture and that an agent whose preferences satisfy these conditions and acts on those preferences is correctly described by the maximising conception? Perhaps so. But, putting to one side the real controversy that surrounds the conditions [34] we may object that the theory tells us something about rationality but not much. For any agent has many values that will rank alternatives in different ways. To arrive at a final all-things-considered ranking the agent needs to think critically about these values and reflect on how to adjudicate between their competing claims.[35] After he has done this he will indeed have the complete and coherent preference ranking of which utility theorists speak. But when he gets to this point, of course, the business of rational deliberation is all over bar the shouting. And it is only now that utility theory comes on the scene and tells him what it is rational, given his preferences, for him to do. And this is a point when all the difficult deliberative work has already been done. We do not, that is, enter the deliberative stage with a ready made preference ranking, the task of practical rationality being simply that of maximising a measure of these preferences. Rather the more difficult and interesting task of practical rationality is to yield such a ranking in the first place.[36] And in engaging with this task utility theory is no help at all.

This is not necessarily to say that utility theory is of no value. Insofar as it offers a plausible account of certain formal constraints on rationality, social or individual, it may serve perfectly well some of the purposes of economic analysis. But it is not plausible that this provides us with an account of rationality rich enough to determine and not merely sometimes to inform or constrain what the aims of public policy should be.

3. WELFARISM

One influential position on the proper aims of public policy is *welfarism*: the aim of policy should be the satisfaction of the preferences of individuals. This brings us to 2 above. Here again there are two distinct approaches, one utilitarian, as explicitly expressed by 2 above, that aims at the maximal satisfaction of individual preferences, the other Paretian which equally relies exclusively on welfare information but is cautiously unwilling to engage in interpersonal comparisons of utility. Paretian accounts of social welfare count as improvements in welfare anything which raises the utility of at least one person while lowering nobody's. This story is typically supplemented, following Kaldor and Hicks, with the suggestion that we also count as improvements changes where there are both winners and losers where the gains to the winners are such that they *could* compensate the losers and produce an end state which is a straightforward Pareto-improvement on the starting point.

Utilitarianism can be held, on the one hand, as a metaethical theory – 1B above. This is a form of metaethical naturalism which identifies value conceptually with some natural property, the natural property in question here being simply preference satisfaction, impersonally regarded. On the other hand, while this identification might be resisted at a conceptual, metaethical level, utilitarianism might be defended as a normative theory: 'valuable' on this view does not *mean* 'utility-maximising' but nonetheless it is the utility-maximising things that are valuable. The first reading was for long thought to have been effectively buried by Moore's Open Question Argument. However in recent decades, work in the philosophy of language by Quine, Kripke and Putnam has led some to doubt that the contrast between these two understandings is really so sharp as Moore supposed.[37] While I think some of these doubts misplaced, we need not here sharply distinguish the two understandings since, if the normative claim fails the stronger conceptual claim fails with it.

If we reject 1A as a basis for accepting 1, the attractions of 1B – a preference-utilitarian understanding of value – are very considerably reduced. For the most impressive attempts in the literature to argue for utilitarianism begin from 1A, a maximising conception of individual rationality, and then seek to generalise it.[38] The generalising arguments offered are deeply questionable[39] but, if we reject their starting point, we are spared the need to examine them. Moreover utilitarianism conflicts too deeply with many of our considered moral judgements to be very attractive as a theory of value unless it can be shown to be supported by stronger positive arguments than have to date been offered for it. Most notably: (a) it is blind to considerations of distributive justice (except indirectly and instrumentally insofar as a degree of egalitarianism is supported by the phenomenon of diminishing marginal utility for most goods);[40] (b) it is unaccommodating (again except in indirect ways) of deontological 'agent-centred' constraints and demands such as we are alive to in the compunction we might feel in killing an innocent person even in pursuit of a greater good, thereby making problematic the value we place on certain forms of moral integrity[41] ; and (c) it lacks the resources, as we have already seen, to accept any qualitative distinctions between preferences, [42] thereby flattening the landscape of value in often grotesque ways.[43] For this reason it tends to distort the character of *public* deliberation which properly weights and sometimes excludes preferences on just such qualitative grounds.[44]

Paretianism is likewise to be arrived at by generalisation from 1A, albeit a far more cautious generalisation, and once again we may say this makes it doubtful as an account of the aims of public policy. It has little credibility as a general theory of value insofar as it shares all the limitations engendered by the narrowness of utilitarianism. It also suffers from the well-known weakness that it offers only a (very) partial ordering of social outcomes. It can be supplemented, Kaldor-Hicks style, by appeal to compensation tests. However where we content ourselves with potential compensations serious concerns about equity arise

immediately; whereas where actual compensation is insisted upon we once again have a merely partial ordering.[45]

4. LIBERAL NEUTRALITY AND DEMOCRATIC LEGITIMACY

Utilitarian views, however, while they are unappealing as a general theory of value, might be thought appropriate within the narrower sphere of guiding public policy. To take this view would be to shift our focus from 1 to 2 above. The thought would be that for political reasons the proper way to conduct public policy is to reflect impartially and with equal weight the preferences of citizens. The ground for this would make reference to certain distinctively political ideals: ideals of democracy, accountability and liberal neutrality. Democratic values might thus seem to commit us to the idea that government should serve the interests and values of its citizens and that it should serve these interests and values, in large measure, as its citizens themselves understand them. Now many citizens may have moral views that are richer and more pluralistic than utilitarianism and you and I may well agree with some of these. But an ideal of liberal neutrality may lead us to think that such views, which in a pluralistic society may be deeply and widely contested, cannot form a legitimate basis for understanding the aims of policy. Governments, it may be urged, should be neutral between such contested moral values in the same way as they should between contested religious doctrines. This leaves them with no option but to treat such values as preferences and aim maximally to respect and promote the latter whatever they may be.

The position is quite distinct from 1 as it need have nothing to do with any metaethical claim. It is one thing to see preferences as simply constitutive of value – so that value is, as Gauthier has it, merely a measure of preference; another to see sensitivity to the preferences of citizens as a measure of *legitimacy*. The motivation is democratic and typically the fact that sound democratic procedures sanction a given political programme is taken as conferring legitimacy on that programme but not as conferring rightness on it.

This is however an unusual reading of liberal neutrality. In fact, understandings of the basis and scope of liberal neutrality are themselves contested even within liberal political philosophy: most authors who have defended liberal neutrality simply do not understand it in these welfarist terms, viewing utilitarianism as itself one of the ‘comprehensive doctrines’ between which the public use of reason should be neutral.[46] In particular, Rawls, the leading advocate of neutrality, in making the reasonable rather than the rational the currency of public reason allows that public deliberation should draw on substantive moral notions, in particular on ideals of equality and autonomy that form the basis of his liberal understanding of justice. But while these notions are substantive they aim at a certain minimalism of moral content. They fall short of the status of

comprehensive doctrines, failing as they do to embody a substantive notion of the good, and leave space for neutrality between such notions, utilitarianism included. Indeed, unless we follow Rawls, as no utilitarian can, in insisting on the priority of the right over the good in the political domain, neutrality can never be more than a secondary and instrumental principle.

A virtue Rawls' political philosophy shares with expressivism is its metaphysically unassuming character. Rawls appeals to a notion of objectivity based on a 'common public culture', 'shared practices' and a 'considered agreement in judgment'. Such objectivity is not a characteristic of an 'independent order of moral values' [47] so much as a substantive social achievement; it is 'political not metaphysical'. Moral sceptics may of course suppose the objectivity offered by this Rawlsian constructivism is the only kind to be had.[48] But this is not Rawls' own understanding: for Rawls moral scepticism is itself one of the metaphysical positions towards which his liberalism seeks to be neutral.[49] His neutralism is underwritten by a more modest attitude, more caution than scepticism, that recognises that many moral questions are difficult and vexed in ways that make consensus an unrealistic political objective in the foreseeable future and that make it possible for people who are neither knaves nor fools to persist in intractable mutual disagreement. While *scepticism* is controversial and itself raises profound and challenging philosophical issues, *caution* has, on at least some loci of moral disagreement, a compelling claim to be no more than common sense. It is caution that engenders the problems of legitimacy to which Rawls' neutralism is intended as a response and it is here that the appeal of some form of neutralism most plausibly lies.

In fact however Rawls' political philosophy is of limited immediate application to environmental matters as it is very explicitly limited in scope to matters of social justice and other 'constitutional essentials' conceived as distinct from these.[50] This is why Sagoff has argued that liberal political theory is of only limited relevance to environmental issues.[51] However in one area of environmental concern a Rawlsian notion of neutrality does appear relevant. Our concern for future generations is located behind an entirely non-hypothetical veil of ignorance. We know nothing, and can guess little, about what their conceptions of the good will be. But where we are concerned with the impact on them of such things as climate change, pollution and the depletion of non-renewable resources which may carry serious economic costs to them, damage their health and threaten political stability, we don't need to know their conception of the good precisely because what are at stake are primary goods in Rawls' sense.

Other environmental goods are more problematic – will future generations value wilderness, natural beauty, natural biodiversity? Here what is surely crucial is the role these things play in our conception of the good (and not merely in our conception of *our* good [52]). Analogously, for all we know, two hundred years hence our great great grandchildren may tear up the paintings in the Louvre and recycle the materials to print pornography on. But meanwhile all we can do

is cherish these things and hope to the contrary, promoting our actual conception of the good and educating our more immediate descendants to share it.

Even in this dimension however, discussions in liberal theory of neutrality and the scope of public reason may appear relevant. For the environment is a domain in which decisions are made by governments and where questions of legitimacy consequently arise no less forcefully than with the foci of classic liberal political theory – justice and liberty. And it is just such considerations of legitimacy, in the context of the 'fact of reasonable pluralism' [53] – the fact that in liberal societies we find a diversity of conflicting reasonable comprehensive doctrines – that motivate the restrictions on what may count as a reason in the political domain, while the latter in their turn motivate the ideal of neutrality. In Rawls' work this problem of legitimacy is solved by appeal to the notion of an 'overlapping consensus' of reasonable comprehensive doctrines.[54] Roughly Rawls takes it that the values that form the basis for his theory of justice as fairness are to be found embodied in the public political culture of the (western liberal) societies to whose members his work is primarily addressed and that they may be found consistent with otherwise very different reasonable comprehensive doctrines. While the ideal of neutrality excludes appeal to comprehensive doctrines from the forum of public reason, the notion of overlapping consensus serves in Rawls to legitimise the role of what is *not* so excluded.

Something very similar may be true of the values that form the basis of much environmental concern. Indeed exactly that is a central contention of Sagoff's with respect to the political culture of the United States.[55] Considerations appealing to values inherent in the natural world have a clear place in the forum of public reason. For typically neutralists are amenable to the enjoyment of such a place by values that are generally shared or are endorsed in a common political culture.[56] Appreciation of what is beautiful and valuable in the natural world and of the undesirability of despoiling it is currently almost a universal of our ethical sensibilities to such a degree that politicians of almost every political coloration feel obligated at least to pay lip service to the reasons and values thereby implicated. Differing large conceptions of the good, variously religious and secular, humanist and anti-humanist, liberal and conservative, may make sense of our valuation of the natural world in diverse and incompatible ways while, at the same time, having this valuation itself as common ground.

Environmental politics is thus arguably less an area where our political culture is divided by sharply conflicting values than an arena where values that are very widely shared come into pervasive conflict with widespread consumer preferences [57] and significant commercial interests. Recognition and respect for these shared values is consistent with a large measure of Rawlsian neutrality between 'comprehensive doctrines' and may, no less plausibly than with values of freedom and equality, be seen as the focus of an overlapping consensus. To the extent that this is so, a roughly Rawlsian understanding of liberal neutrality may be a useful resource for thinking about environmental policy but in ways that

legitimise appeal to rather more substantive kinds of reason than are embodied in CBA.

The notion of overlapping consensus may, however, be relevant to environmental valuation in another way. Hubin has argued that the moral relevance of the information provided by CBA techniques can itself be seen as the focus for an overlapping consensus.[58] For the welfarist considerations that inform CBA, while rejected by many moral outlooks as candidates for the *sole* determinants of value, are nonetheless recognised by most such views as carrying *some* significant moral weight. To accept this would be to accept that, at least in certain contexts, CBA might have a legitimate role to play albeit, as Hubin himself stresses, plausibly not in all contexts and only in the role of an input into a wider deliberative process.[59]

To adopt this line of defence is to move away from reliance on a narrowly and contentiously utilitarian understanding of liberal neutrality. But to defend CBA in this spirit and with these qualifications is precisely to recognise the priority of deliberative political processes over economic techniques for evaluation and to bring environmental issues clearly within the purview of the kind of deliberative democratic procedures that a wide range of writers have urged should be favoured over welfare-maximising cost-benefit style calculations.[60] Sen has stressed tellingly that dependence on such procedures is far from disposing of the questions social choice theory is intended to address, insofar as deliberation leads only rarely to unanimity.[61] We are still typically left at the *end* of a deliberative process with conflicting preferences and the need for an understanding of how best to determine policy in their light. This certainly needs to be acknowledged, but it offers no support to the view that any straightforward algorithm exists for settling such disagreement; or at least none that is not itself a likely object of reasonable disagreement and hence itself a proper object of democratic deliberation. As Gutmann and Thomson have emphasised in an illuminating discussion of utilitarianism:

> Controversies over process are endemic to democratic politics and a legitimate focus of moral argument among democratic citizens. We care not only about what is decided but also how it is decided.[62]

Gutmann and Thomson acknowledge, as does Hubin, that these considerations do not leave a CBA style ‘utilitarian calculus’ with no role to play but rather give grounds for supposing that determining the scope and character of that role should be a matter for deliberative political processes and not *itself* a matter for CBA.[63] As Hubin observes, to seek to base the legitimacy of CBA on CBA itself would make sense only if we accepted a profoundly implausible theory of value.[64] Interestingly, he also speculates that a CBA-based test for CBA is, paradoxically, a test that CBA might very well *fail*.

> People may very well be willing to pay to live in a society where certain issues ... are not decided by doing benefit-cost analysis.[65]

He develops a helpful analogy with majority decision methods. No plausibility at all attaches to a moral theory whereby the views of a majority are solely determinative of, or a straightforward measure of, the rightness of a given policy. There are nonetheless certain areas where these are plausibly an appropriate input into public decision-making as well as other areas where they very plausibly are not. What these areas might be is, just as with CBA itself, the proper object of, often quite delicate, political deliberation, argument and judgment.

5. CONCLUSION

Sagoff in his spirited and classic attack on the use of cost-benefit analysis in environmental policy develops two central arguments;[66] the first opposes (constitutional, representative, legalistic, deliberative) Madisonian to economic understandings of democracy; the second insistently promotes a realist metaethics. I hope in this paper to have said something to support my own view that political arguments of the first kind are where the action is here. Metaethical subjectivism, in its more plausible expressivist version, does precisely nothing to support the legitimacy of CBA as an evaluative technique. And moral realism, as such, does precious little to undermine it. The debate that counts here is the debate in political theory.

Questions about which decision methods to use and when are always *themselves* political questions, questions appropriately informed by but never resolved by the formal techniques of the welfare economist. A method like CBA is plausibly sometimes a useful technique that, at least arguably, can inform decision-making with morally relevant information that is, at least arguably, sometimes worth the cost of obtaining. What it plausibly is not, and what any remotely comparable technique plausibly is not, is anything like a method of *measuring* value.

Metaethical subjectivism may appeal to many economists insofar as its lack of metaphysical pretensions give it a feel of scientific respectability. And certainly if, as I recommend, we favour an expressivist variant of subjectivism, we thereby favour an understanding of the normative domain that fits comfortably within a broadly naturalistic perspective. But this is not an understanding that encourages us to see value reductively as something that can be measured and quantified by the application of some form of scientific or technical expertise. Rather it respects the autonomy of the normative domain as something of which our understandings, shared or contested, are the proper object of codeliberation in a sphere of public reason – a sphere in which the registering of information about our preferences and the use to which such information is put both engage and are engaged by our unceasing commerce in reasons.

NOTES

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[1] General accounts of Cost-Benefit Analysis are Dasgupta and Pearce 1972, Mishan 1975. On environmental applications see Pearce, Markandya and Barbier 1989 and Hanley and Spash 1993. The classic critique in an environmental context is Sagoff 1988. See also Copp 1987, Anderson 1993, chapter 9, O'Neill 1993, chapters 4–7, Gutmann and Thompson 1996, chapter 5. A carefully limited defence is given by Hubin 1994.
[2] See e.g. Dasgupta and Pearce 1972, p.20.
[3] For Pearce see especially Pearce, Markandya and Barbier 1989. For Kneese see the passages quoted in Sagoff 1988, pp. 3–6.
[4] Hanley and Spash 1993 (p. 272) cite Swartzman, Liroff and Croke, 1982 in this connection. See too Pearce, Markandya and Barbier 1989, pp. 94–104.
[5] For a sampling of recent work on commensurability see Chang, 1997.
[6] Hanley and Spash, 1993, p. 121.
[7] See e.g. Sen's 'Personal Utilities and Public Judgements: or What's Wrong with Welfare Economics', in his 1982, and his 1985.
[8] On such corrections, see Dasgupta and Pearce 1972, pp. 61ff. For scepticism about CBA focused on equity-related worries see Copp 1987.
[9] Hubin (1994, p. 187) notes that CBA is not what he terms a 'direct implementation' of utilitarianism. However, as he also observes (pp. 187–188), the justification of CBA in utilitarian terms is a relatively straightforward matter provided that (a) we make the Millian assumption that individuals are the best judges of their own welfare and (b) we can use the procedure in a way that corrects for inequalities in endowment of those whose willingness to pay or accept we seek to measure. On pp. 170–3, he gives a revealing sketch of what a moral theory of which CBA *was* a direct implementation would look like, noting, surely incontestably, that the result is something too hopelessly implausible to be much worth discussing.
[10] See especially Frankfurt 1971, Taylor 1977.
[11] This concern features pervasively in Sagoff 1988.
[12] Trivial qualification: of course we can perhaps innocently enough say that suitably *idealised* preferences are determinative of values. But here *all* the work is being done by 'idealised' and none of it by 'preferences'.
[13] For a clear account of the distinction see Gibbard 1990, p. 84, Blackburn 1998,pp. 50–1.
[14] Blackburn 1984, chapter 6, 'Attitudes and Contents' in 1993, and 1998, chapter 3 and Gibbard 1990, chapter 5 talk the problem down; Hurley 1989, chapter 9, Hale 1993 and Unwin 1999 talk it up.

It should be noted that there are writers advocating forms of subjectivism who reject both expressivism and subjectivism proper – Williams (1985) and Wiggins (1987) being

prominent cases in point. Both are highly critical of CBA as a device for determining public policy (see Williams 1973b, pp. 102–3, Wiggins 2000).
[15] See Boghossian 1990, Wright 1992. Doubts about this line of argument are expressed by Jackson, Oppy and Smith, 1994; Dreier, 1996 and my 'Disciplined Syntacticism and Moral Expressivism'.
[16] See e.g. Putnam 1981, chapter 6, Williams 1985, chapter 8, Hurley 1989, McDowell's 'Non-Cognitivism and Rule-Following' in his 1998. For counters see Blackburn 1992, Blackburn 1998, chapter 1, Gibbard, 1992, Millgram, 1995.
[17] For defences of moral realism see e.g. Boyd 1988, McNaughton, 1988, Hurley 1989, Smith 1994.
[18] Gauthier 1986, p. 22.
[19] At least one of the words 'subjectivist' and 'realism' should probably be in scare-quotes but the reader can suit herself about which.
[20] Thus e.g. Gauthier 1986, pp. 55–9 follows Harman 1977, chapter 1 in fending off the 'radical objector' by arguing for the explanatory redundancy of objective value, a pattern of argument that is also prominent in Blackburn – see his 1986, chapter 7 and 'Just Causes' in his 1993 – and Williams, see his 1985, chapter 8.
[21] I will sometimes talk indifferently of wants or desires and preferences assuming nothing much to hang on this. For I take it to be plausible that our ordinary talk of wants, desires, preferences (though some academic writers have used these terms to mark significant distinctions) has the same subject matter differing only in how much structure is made explicit.
[22] For defence of them see my 1996 and 1999.
[23] As it was by Ayer 1971, chapter 6.
[24] Moore, 1903, pp. 10–21.
[25] Scanlon 1999, esp. chapter 1.
[26] Davidson 1963.
[27] Cf. Pettit and Smith 1990.
[28] Blackburn 1984, p.219
[29] A more sophisticated expressivist, taking on board the Frankfurt/Taylor point noted above, might replace V with 'If I V-want that X then X is valuable' where *V-wanting* is some narrower category of pro-attitude than simple wanting. The argument that follows would be unaffected.
[30] I mean by this qualification to put on one side the sort of indirect warrant we get where my authority or expertise might sometimes be thought to endow my beliefs or judgements of value with some evidential status.
[31] These remarks are much indebted to Blackburn's treatment of mind-independence in his 1984, pp. 217–20 and 'How to be an Ethical Anti-Realist' in his 1993.
[32] Rabinowicz, in Rabinwicz and Österberg 1996, defends what he calls the *object interpretation* of utilitarianism which sees preferences as determinative of value but denies that value attaches to whatever satisfies our preferences *as such*. It seems puzzling however how some feature could determine that something had value without our discovering it to have that feature giving us a reason to value it.
[33] Cf. Pettit and Smith 1990, pp. 575–8.
[34] For scepticism see e.g. Anand 1987.
[35] For a rich theoretical account of this see Hurley 1989.
[36] This is, in effect, just to reiterate the point made at note 12 above.
[37] See e.g Boyd 1988.

[38] Harsanyi 1976, Hare 1981, especially chapter 5. Prototypical is Mill's notorious step in reasoning (1998, chapter 4, para. 3): 'that each person's happiness is a good to that person, and the general happiness, therefore, a good to the aggregate of all persons.'
[39] For scepticism about such generalisation see e.g. Gauthier 1986, p. 52. Some of the difficulties are closely related to points made in the previous section – see Pettit and Smith 1990, pp. 580–581.
[40] See in particular Rawls 1971.
[41] See in particular Williams 1973a.
[42] Mill of course thought otherwise. See his 1998, chapter 2, para.s 3–10.
[43] See once more Taylor 1977.
[44] Landmarks in the literature include Sen 1970a (recapitulated in his 1970b, chapter 6), Scanlon 1975, 1999 chapter 1, Sunstein 1991.
[45] These objections echo Sen. See his 1970b, pp. 21–22.
[46] See Rawls 1996, Ackerman 1980, Larmore 1987. The term 'comprehensive doctrine' is Rawls' – see his 1996.
[47] Rawls 1996, p.91.
[48] Views along these lines are defended by Ackerman 1980 (see esp. pp. 368–9) and Rorty 1990.
[49] Rawls 1996, p.63.
[50] The exclusion is made explicit in Rawls 1996, pp. 214–15, though compare pp. 245–6.
[51] Sagoff 1988, chapter 7. Sagoff's discussion of Rawls is of course focused on work earlier than his 1996, in particular his 1971.
[52] Cf. Williams' 'Must a concern for the environment be centred on human beings' in his 1995; Wiggins 2000.
[53] Rawls 1996, p. 36–7.
[54] Rawls 1996, especially lecture IV.
[55] Sagoff 1988, especially chapter 6.
[56] See Rawls 1996; also Ackerman, 1980, Larmore 1987.
[57] On this term Sagoff 1988, p. 8.
[58] Hubin 1994, esp. pp. 180–1 and 192.
[59] Ibid., esp. pp. 181–186.
[60] See Rawls 1996, Elster 1986, Cohen 1989, Gutmann and Thomson 1996.
[61] See Sen 1986, pp. 234–5.
[62] Gutmann and Thomson 1996, p. 176.
[63] Ibid., esp. pp. 196–8.
[64] Cf. note 9 above.
[65] Hubin 1994, pp. 174–5.
[66] Sagoff 1988.

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