

THE NARROWED DOMAIN OF DISAGREEMENT FOR WELL-BEING POLICY

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In recent years, policy-makers have shown increasing interest in implementing policies aimed at promoting individual well-being. But how should policy-makers choose their well-being policies? A seemingly reasonable first step is to settle on an agreed upon definition of well-being. Yet there currently is significant disagreement on how well-being ought to be characterized, and agreement on the correct view of well-being does not appear to be forthcoming. Nevertheless, I argue in this paper that there are several reasons to think that the domain of well-being in the public policy context is narrower than that of well-being in general, which makes agreement on how to understand well-being in the public policy context more likely.

In recent years, policy-makers have shown increasing interest in implementing policies aimed at promoting individual well-being.¹ This interest appears to have been sparked, on the one hand, by disillusion with the relevance of current economic measures to the measurement of well-being, perhaps due to the economic downturn of 2008. On the other hand, significant conceptual and methodological advances in recent years in alternative measures of well-being have made it easier to use these measures for public policy.

How should policy-makers choose their well-being policies? A seemingly reasonable first step is to settle on an agreed upon characterization of well-being. Yet there currently is significant disagreement on how well-being ought to be characterized, and agreement on the correct view of well-being does not appear to be forthcoming. Nevertheless, the nature and needs of public policy make it the case that when focusing on the context of well-being policy, rather than well-being in general, some agreement on how to understand well-being in the policy context is both necessary and possible. The necessity arises from the need to justify the ongoing attempts on the part of policy-makers to enact well-being policy.² The possibility arises from the

fact that the domain of well-being in the policy context is narrower than that of well-being in general.

I argue in this paper that there are several reasons to think that the domain of well-being in the policy context is narrower than that of well-being in general, which makes agreement on how to understand well-being in the policy context more likely. I begin in section §2 by discussing the competing theories of well-being, and the unlikelihood of agreement forthcoming in the philosophical literature. I then turn to discuss three reasons that the well-being domain in public policy is narrower. In §3 I argue for the limited influence of well-being policy---policy-makers know they do not get involved in all facets of life. In §4 I argue for the limited specificity of well-being measures for policy---policy-makers only can and want to deal with populations, not individuals. In §5 I argue for the limited practicality of well-being measures for policy---policy-makers do not and need not care about philosophical hypothetical cases. I conclude in §6.

1. Competing Theories of Well-Being

Policy-makers aim to assess the effects different policies might have on well-being and which policy will best promote well-being. One way to do this is first to choose some way of characterizing well-being, and then to decide which measures of well-being best represents this characterization.³ Turning to philosophical theories of well-being might seem like a natural first step (at least to philosophers) in determining how to characterize well-being.

Theories that would be helpful for policy purposes are ones that answer the question of “[w]hat makes a life good for an individual.”⁴ They focus on prudential value, not on what things are instrumentally good, what a *morally* good life is, what an *aesthetically* good life is, or what an exemplary life for a human is. Rather, they focus on a “life that is good in itself for the one

who lives it.”⁵ Of course these well-being theories can be used for a variety of purposes other than guiding well-being policy, such as helping one guide her own life or helping one understand her moral obligations to others, but this paper focuses on well-being only in the policy context.

In what became a somewhat accepted categorization in recent years,⁶ Derek Parfit divides theories of well-being into hedonistic (or mental-state) theories, desire-fulfillment (or preference-satisfaction) theories and objective list theories.⁷ According to Parfit:

On Hedonistic Theories, what would be best for someone is what would make his life happiest. *On Desire-Fulfillment Theories*, what would be best for someone is what, throughout his life, would best fulfill his desires. *On Objective List Theories*, certain things are good or bad for us, whether or not we want to have the good things, or to avoid the bad things. (p. 493)

Mental-state theories characterize well-being as constituted by things like the level of pleasure and pain an individual enjoys and suffers, preference-satisfaction theories characterize well-being as constituted by a person's satisfied preferences, and objective-list theories characterize well-being as constituted by a list of objective goods. While each characterization has some advantages, arguments are made and counter-examples are offered to support the implausibility of any specific characterization of well-being.⁸

Building on Parfit's tripartite division, we can think of theories of well-being as falling on a spectrum. On one end of the spectrum are the views that take well-being to wholly depend on the individual's internal mental state. On the other end are the views that take well-being to wholly depend on the state of the world.⁹ Viewed as lying on a mental-state - state-of-the-world spectrum helps us see that each theory can be criticized for where it falls on this spectrum.¹⁰

Mental-state, or hedonic, theories of well-being focus exclusively on subjective internal mental-states, which opens them to criticism for failing to connect well-being to the external world. Objective-list theories rely exclusively on the objective state of the world (with respect to the individual in it), which opens them to criticism for failing to connect well-being to an

individual's subjective inner life. Lastly, preference-satisfaction, or desire-fulfillment theories, focus on the correspondence between an individual's subjective internal mental-states--with respect to her preferences or desires regarding the world, and objective external states of the world--with respect to how well those preferences or desires are satisfied or fulfilled. This focus on the correspondence opens preference-satisfaction theories to criticism for the difficulties that arise when trying to cash out this correspondence.

Taken jointly, there is no possibility of a well-being theory that can withstand these criticisms. Either the theory is too focused on mental-states, too focused on states of the world, or weights the different states in an unjustifiable manner. While other criticisms are leveled against the different theories of well-being as well, many of them highly damaging, viewing the theories as falling on a spectrum makes it clear that there is no hope for a fully satisfactory resolution of the differences that motivate the different theories. As long as there is disagreement about where the focus of a theory of well-being ought to lie on this spectrum, there will remain a disagreement among the proponents of the different theories since no theory can consistently address all the concerns that arise along the spectrum.

Philosophical positions can be cast aside for failing the consistency test, and producing a *reductio ad absurdum* is considered a *de facto* refutation of a philosophical position. Yet this is not the case with public policy. Despite consistency being a cornerstone of philosophical inquiring, policy-makers do not and need not care nearly as much as philosophers whether they fail to be consistent. As Jonathan Wolff argues, the appeal to inconsistency, which is the philosopher's favorite weapon, is blunted in public policy.¹¹ The most blatant inconsistencies are of course problematic. But public policies are the result of compromises between competing

interests and perspectives, and are enacted by different people at different times for different purposes. As such, some inconsistencies will arise.

The disagreement among theories is real and appears to be unresolvable. While this disagreement might be significant in a variety of philosophically interesting ways, it need not much concern policy-makers who aim to promote well-being through policy. Policy-makers need not take a stand on what the correct theory of well-being is, because many of the disagreements among theories get washed out when moving from theory to actual policy. In the next few sections I provide several reasons to hold this view.

2. Limited Influence

Well-being policies are not meant to encompass all walks of life. In a liberal democracy, which is where I assume most readers live, policy-makers, even those who are interested in implementing policies aimed at promoting the well-being of their citizens, believe that there is a limit on the extent to which they can legitimately influence and interfere with people's lives. A policy-directed account of well-being need not have anything to say regarding those areas that are beyond the legitimate influence of public policy.

We might follow John Stuart Mill in thinking that in liberal democracies there are many aspects of people's well-being---all those that are considered to be in the private sphere---that are off limits from a policy perspective:

As soon as any part of a person's conduct affects prejudicially the interests of others, society has jurisdiction over it, and the question whether the general welfare will or will not be promoted by interfering with it, becomes open to discussion. But there is no room for entertaining any such question when a person's conduct affects the interests of no persons besides himself, or needs not affect them unless they like (all the persons concerned being of full age, and the ordinary amount of understanding). In all such cases there should be perfect freedom, legal and social, to do the action and stand the consequences.¹²

Indeed, often when governments intervene through policies on things that are considered the individuals' 'own business,' citizens oppose it. Both attempts to regulate the size of soft drink beverages in New York and attempts to decriminalize Marijuana can be seen as an example of such attitudes.

However, Mill's requirement does not seem to accord with current attitudes in contemporary liberal democracies. There are many instances in which public policies interfere with people's lives for what policy-makers perceive as the person's own good. Paternalistically justified policies such as seatbelt and smoking laws abound and are generally accepted.¹³ More importantly, the project of implementing policies that are aimed at promoting well-being is inherently paternalistic. If we were to follow Mill's dictate, well-being policies would not get off the ground.

For policy-makers who aim to promote well-being through policy, interfering with individuals' personal sphere *for their own good* is a necessary condition. The policy goal of promoting individuals' well-being is illiberal in that it does not necessarily take into account whether individuals welcome such interferences. This is why Sam Wren-lewis argues that "liberal societies should not base policy on comprehensive religious, moral, or philosophical doctrines that many reasonable citizens may not accept," and as a result, substantive well-being policies should not be implemented.¹⁴ Indeed, some things are generally considered off limits to governmental intervention. Democratic governments do not generally intervene on private aesthetic choices such as whether to paint one's walls pink rather than white¹⁵, or what music one listens to (despite the Israeli government's refusal to allow the Beatles to perform in Israel in 1964 for fear that they will have a negative effect on the youth), religious beliefs and practices (despite a ban on face covering in France in 2010 that *de facto* is a ban on the Muslim Niqab), or

ability to have children (despite compulsory sterilization policies in the US during the first half of the 20th century).

Nevertheless, policy-makers, especially those concerned with promoting well-being, do sometimes intervene on individuals' private sphere for paternalistic reasons. If the private/public or self-affecting/other-affecting distinctions are not what is used to limit governmental intervention, what is? This question is even more pertinent when considering the recent enthusiasm in policy circles with applying ideas from Cass Sunstein's and Richard Thaler's "Nudge" in public policy.¹⁶ Sunstein and Thaler advocate for what they call "libertarian paternalism," which according to them is "an approach that preserves freedom of choice but that authorizes both private and public institutions to steer people in directions that will promote their welfare."¹⁷ In the UK, the 'Behavioural Insights Team' (BIT), was formed and is now a joint partnership between government and the private sector.¹⁸ The BIT aims to "apply insights from academic research in behavioural economics and psychology to public policy and services." Generally, the BIT aims to 'nudge' individuals through the architecture of choice situations to make choices that are viewed as socially optimal (e.g. rearranging desserts in cafeterias, putting healthy fruit before unhealthy cake, because people pick the first dessert more). These 'nudges' need not be paternalistic in that they might be motivated by considerations of societal cost or impact on others. Nonetheless, these 'nudges', whether paternalistic or not, do seem to fly in the face of the traditional liberal conception of the proper domain of influence for government.

But libertarian paternalism also offers a way of distinguishing between legitimate and illegitimate interference. Permissible interference only affects the choice architecture that the individual faces rather than coercing the individual through a reduction of the choices the individual has.¹⁹ Is this the right criterion to distinguish between permissible and impermissible

interference by policy on the individual sphere? There are several reasons to be skeptical. First, the quantity of choices can sometimes seem unimportant, rather the quality of the choices is what matter.²⁰ Second, as Hausman and Welch argue, some interventions on individuals' choice architecture, e.g. government using subliminal messaging to cause people to increase their teeth brushing, seem more insidious than others even without reducing their choice set.²¹

However the distinction is made between permissible and impermissible intervention of the state in the individual' private sphere, there is a sense in liberal democracies that such a line exists.²² As a result there will be some set of possible policies that might promote well-being that are not pursued regardless of how beneficial or detrimental they are to the individuals' well-being. Even if social scientists discover that listening to Bach has a significant negative effect on well-being whereas listening to Niki Minage has significant positive effects on well-being, policy-makers in a liberal democracy will be reluctant to enact policies that encourage the later and discourage the former (and not only because of their own musical tastes).

Where the line between legitimate and illegitimate interference lies and what the domain of effects on well-being that are relevant to policy can change within society over time and vary between societies. What policy-makers can legitimately intervene on depends in part on what the electorate deems acceptable. Consider the case of physician assisted suicide. This is a case where the only effect of a person's choice to end her life is her own individual well-being.²³ Oregon was the first state in the USA to legalize the practice in 1997, and since then three more states (Montana, Washington and Vermont) followed suit. It seems that in the US the view that it is illegitimate for the state to forbid physician assisted suicide has been gaining ground in recent years (e.g. the End of Life Option Act (SB 128) in California).

Because certain aspects of the individuals' lives are off limit to policy-makers, there are certain aspects of peoples' well-being that will not be targeted by well-being policies. Policy-makers need only be interested in an account of well-being to the extent that such an account will inform their policy choices. If what music an individual listens to affects her well-being, yet influencing the music an individual listens to is off limits to policy-makers, then there is no policy-related reason for policy-makers to be interested in measuring how music affects well-being.

Social scientists might nevertheless be interested in measuring non-policy-related effects on well-being, albeit for reasons other than influencing policy. Social scientists might simply be interested in measuring well-being out of intellectual curiosity. Alternatively, as the plethora of self-help books on how to be happy indicate, giving people good (or sometimes not so good) advice on what affects well-being, might be a profitable business. Less benevolent than policy-makers are supposed to be, commercial companies, might, for example, find it profitable to know that classical music decreases a person's well-being, and that people with low well-being are more prone to buy more at stores. While it might be somewhat sinister, it would be far from shocking if as a result all you heard in department stores was classical music.

Because of this limit on policy, it might, as a matter of fact, turn out to be the case that legitimate policy interventions can only target factors that have a marginal effect on well-being. If, for example, urban zoning policies barely affect well-being, whereas home decoration policies are off limits but affect well-being substantially, then policy-makers have only marginally effective policy tools at their disposal. Nonetheless, if zoning policies are the *only* legitimate way policy-makers have to affect well-being, such policies are probably better than nothing.

Solely focusing on those aspects of well-being that are relevant to policy-makers reduces the domain of well-being that is under scrutiny. The smaller the domain of effects on well-being, the less likely that theories of well-being will disagree as to whether these are positive or negative effects, and the less hinges on what the correct theory of well-being is. Consequently, there will probably be less disagreement in the policy domain. The simple point is that if we have less stuff to consider, we will *probably* disagree less.²⁴

An example might be helpful. A preference-satisfaction theory of well-being might view a person purchasing a birthday gift for her spouse as conducive to her well-being, since she has a (real) preference to do so. By contrast, a mental-state theory of well-being might view that person purchasing a birthday gift for her spouse as detrimental to her well-being, since trying to come up with the “perfect” gift causes her severe anxiety. The two theories of well-being have a genuine disagreement about whether purchasing a birthday gift for one’s spouse is conducive to a person’s well-being. Nevertheless, policies aimed at encouraging or dissuading individuals from purchasing a birthday gift for their spouses are probably considered unacceptable in a liberal democracy, since such policies are too intrusive on the individual's domain. As a result, policy-makers would not be interested in whether purchasing a birthday gift for one’s spouse is conducive or harmful to her well-being to begin with.

Of course disagreements among theories of well-being can arise for some (many?) of the interventions that fall within the legitimate domain of well-being policy. For example, even if on a preference-satisfaction theory maintaining national parks might seem like a waste of money with respect to well-being, since most people do not have a preference to spend time outdoors, on an objective-list theory it might seem like a prudent investment with respect to well-being.²⁵ In such cases disagreement still remains, and the fact that policy has limited influence on aspects

of well-being does not eliminate the disagreement among theories of well-being. However, as the disagreement in the previous example is outside the domain of public policy, it shows that concentrating on public policy with its limited influence does reduce to some extent (not eliminate) the instances of disagreement.

3. Limited Specificity

While philosophical theories of well-being deal with well-being at the individual level, public policy, being the blunt instrument it is, does not. First, public policy only targets populations or groups. Second, the measures public policy relies on are statistical in nature. Those disagreements among theories of well-being that arise only when focusing on individuals do not matter to well-being policy, since these are beyond the limited specificity that policy-makers demand or that well-being measures can supply.

Public policies affect real, individual, people. *My* well-being is affected by policies regarding bicycle lanes, *your* well-being is affected by policies regarding Influenza immunizations. But while policies affect the well-being of individuals, they do not (or should not) target single (or specific) individuals. Policies, at the governmental level, are not meant to deal with individual cases. As F.A. Hayek argues, in a properly functioning liberal democracy, “[t]he state should confine itself to establishing rules applying to general types of situations.”²⁶

Hayek explains the distinction between the Rule of Law and arbitrary government:

The first type of rules can be made in advance, in the shape of *formal rules* which do not aim at the wants and needs of particular people... [The second type] cannot tie itself down in advance to general and formal rules which prevent arbitrariness. It must provide for the actual needs of people as they arise and then choose deliberately between them. (p. 55)

One of the most glaring exceptions to this is the Revenue Act of 1935 in which the highest tax bracket, that of a 75% surtax for net incomes in excess of \$5,000,000, applied to only

one individual---John D. Rockefeller Jr. A less stark example has to do with an ordinance where I live, which allows raising chickens on one's property provided the coop is no less than 200 feet from neighboring houses. There is only one individual that has such a sufficiently a large property, and he indeed raises chickens. In this case the ordinance seems to favor that individual, giving him in essence a special exemption to raise his chickens. When laws and policies apply to single individuals they create the appearance that they were tailored specifically with them in mind. Even if this is merely a coincidence (the chicken ordinance is from 1963), propriety would demand that such laws not be made and such policies not be enacted. There is the hope that a policy meant to promote well-being will be enacted because it will generally promote well-being, not because it promotes a specific individual's well-being.

Because policies target groups of individuals, there will be some who (hopefully) will enjoy an increased level of well-being, while there will be others who (unfortunately) will suffer from a decreased level of well-being. Almost no public policy can be Pareto Efficient with respect to well-being.²⁷

This is not to say that policy-makers never look to very small groups of individuals when considering policies. A policy might, for example, target a small group of people with an extremely rare disease in order to increase those individuals' well-being by funding a necessary drug or treatment. Pseudomyxoma Peritonei (PMP) is a rare appendiceal cancer with an incidence rate of a little less than 1 in 100,000 (0.97 per 100,000 population).²⁸ In the United States, this means there are a little over 3,000 diagnosed cases a year, or 0.0000097% of the U.S population who are diagnosed with PMP every year. Nevertheless, policies aimed specifically at increasing the well-being of individuals with PMP can seem appropriate. By contrast, it might seem too specific to enact policies aimed at increasing the well-being of people with PMP who

also were Olympic medalists. While targeting specific individuals is clearly too specific, where to draw the line between too specific of a small group and a sufficiently large small group is unclear. Nonetheless, a limit does and ought to exist.

If policy-makers should not target (specific) individuals through their well-being policies, they do not need to demand information on whether a given policy will increase or decrease the level of well-being of a specific individual. They merely need to know whether the policy will increase or decrease aggregate well-being of the target group.²⁹ The mirror image of the lack of demand by policy-makers for information about well-being of specific individuals is the lack of ability of well-being measures to meaningfully supply such information.

The information policy-makers have available to them regarding well-being is derived from the well-being measures that currently exist. Indeed, some well-being measures can measure the well-being of specific individuals. It is possible to measure individual income, and if we take income as a measure of well-being, then it would seem that we can measure the well-being of an individual. The same is true with Subjective Well-Being (SWB) measures such as life-satisfaction questionnaires. If we assume that an individual's self-reported life-satisfaction measures her well-being, then it seems we can measure individual well-being.

However, relying too much on a well-being measure to provide evidence regarding an individual's level of well-being risks making errors. For example, SWB measure can be significantly affected by trivial factors such as finding a dime or receiving a chocolate bar.³⁰ For any mental-state theory of well-being to take the SWB measure as perfectly getting at mental states entails that finding a dime significantly increases a person's well-being. Yet common sense dictates that one instance of receiving a chocolate bar ought to at most barely influence how well an individual's life is going for them as a whole. Thus, it would seem to be a mistake to

treat the information gathered from the measure in such a case as reliably representing well-being characterized as constituted by mental-states.

Similarly, there are a variety of reasons we might suspect that an individual with high income might suffer from low levels of well-being and that one with low income can enjoy high levels of well-being. For example, a wealthy individual preferring to avoid suffering the acute pain she is feeling, going through a nasty divorce and getting fired in the near future as she expects, seems likely to have a low level of well-being despite her high income. An individual with a preference for the fulfilling job she enjoys, the supportive family she has and living in the lively community she cherishes, seems likely to enjoy a high level of well-being despite her low income. Thus, on its own income does not seem to afford a reliable representation of well-being even if it is characterized as constituted by preference-satisfaction.

While discrepancies can be large in any individual case, they tend to get reduced when looking at the aggregate level. Discrepancies in opposite directions cancel each other out. So, for example, when one person enjoys higher levels of subjective mental states than the measure indicates and another person suffers from lower levels, these two cancel each other out. There is a regression towards the mean. As a result, much of the noise is squelched in the aggregate. Thus, these well-being measures have a much better chance of providing an accurate picture of well-being for an aggregated group than for any particular individual.³¹

Policies can only be legitimately chosen based on their effects on people at the aggregate level and reliable information can only be supplied at the aggregate level. The lack of a need on the part of policy-makers to demand information about individuals' well-being along with the lack of ability of well-being measures to supply such information, has the implication that

differences among theories of well-being with respect to the individual level need not concern policy-makers.

Amartya Sen's discussion the possibility of an affluent faster who is malnourished not because he lacks the resources to nourish himself, but because he *chooses* not to eat, helps make this point.³² Sen uses this example to argue that focusing on a person's condition (which would yield a 'starving' verdict) misses something that focusing on his functionings and capabilities (which yields a 'fasting' verdict) manages to catch. Sen says that:

'[F]asting' as a functioning is *not* just starving; it is *choosing to starve when one does have other options*. In examining a starving person's achieved well-being, it is of direct interest to know whether he is fasting or simply does not have the means to get enough food. (p. 52)

Sen's case helps us see how a philosophically interesting distinction loses relevance when looking at the actual policy level. We would be reasonable to be skeptical that such cases of chosen deprivation are prevalent enough to warrant their relevance to public policy.³³ While some religions have some form of fasting as part of their religious observance (e.g. Yom Kippur in Judaism or Ramadan in Islam), these cases of fasting do not come close to eliciting malnourishment. Aesthetics, on the other hand, while not affluent, do seem to fit Sen's description of a person suffering malnourishment out of choice (these can include religious Hindu ascetics, but also people fasting as an act of protest, political or otherwise, such as Khader Adnan who fasted for being detained indefinitely by Israel without formal charges). Yet Sen's fasting person case has little to bear on public policy. The overwhelming majority of people suffering from malnutrition are starving rather than fasting, and do not do so by choice. For policy purposes the distinction between those too many people who are starving and those very few who are merely fasting, is a non-issue.

Mentioning Sen might raise concerns about adaptive preferences:

[O]ur mental make-up and desires tend to adjust to circumstances, particularly to make life bearable in adverse situations. It is through ‘coming to terms’ with one’s hopeless predicament that life is made somewhat bearable by the traditional underdogs, such as oppressed minorities in intolerant communities, sweated workers in exploitative industrial arrangements, precarious share-croppers living in a world of uncertainty, or subdued housewives in deeply sexist cultures. The hopelessly deprived people may lack the courage to desire any radical change and typically tend to adjust their desires and expectations to what little they see as feasible. They train themselves to take pleasure in small mercies. (pp. 282-283)

Such individuals, which are sadly too commonplace, might indeed have adjusted desires or adaptive preferences. Nevertheless, the exploited worker, while fearing radical change, might prefer better bathroom access and enjoy less abusive bosses. The subdued housewife while taking pleasure in small mercies, like her husband acquiescing to letting her take a walk (escorted by her brother) outside of the house, probably would also enjoy being able to drive a car unaccompanied by a male. Learning to take pleasure in small mercies does not preclude enjoying large ones, and fearing radical changes does not preclude desiring gradual ones.

Thus, at most, widespread adaptive preferences make a marginalized group appear to be better off than they ‘actually’ are, whereas a privileged group appears to be worse off than they ‘actually’ are. But not even Sen thinks that the adaptive preferences are as strong as to reverse, at a *widespread scale*, how well off the groups are. While a few subdued housewives might genuinely prefer and take pleasure of their oppressed status over a liberated arrangement, I am very skeptical that this is a widespread phenomenon.³⁴

Philosophical theories of well-being have the resources to get into fine grained distinctions and disagree on individual cases. Yet neither are the measures of well-being we currently employ fine grained enough to deal with such distinctions, nor do policy-makers need to be concerned about such distinctions. Well-being measures will simply not be sensitive enough to capture the various special cases and general outliers to the norm that theories of well-being are sometimes interested in. Unique individual cases expose where much of the

disagreement between theories arises. However, because well-being measures are not useful for picking up small statistically insignificant differences, some difference between theories at the extremes will not get picked up.

4. Limited Practicality

Because policy-makers aiming to promote well-being are only interested, in their role of policy-makers, in well-being insofar as it pertains to policies they have either implemented or actually consider implementing, they need not care about the type of hypothetical cases that philosophers are so skilled at conjuring up. The philosophical literature is rife with hypothetical cases that are meant to advance the philosophical debate. Color blind Mary³⁵, Twin earth³⁶ and the unconscious violinist³⁷ are just some examples. One reason these hypotheticals are useful is that they generate cases that allows us to see what is at stake when holding certain philosophical positions, distinguishing between what these positions entail, and seeing where these positions disagree.

Yet a lot of the disagreements among competing philosophical theories in general, and of well-being in particular, only emerge in such hypothetical cases. Many of the counter examples that challenge different theories of well-being only arise in hypothetical cases, such as Robert Nozick's experience machine³⁸ or John Rawls' blades of grass counter.³⁹ But such cases tend to be irrelevant to well-being policy. This is not to say that they are not legitimate challenges to a theory that purports to be a correct theory of well-being. Rather, many of these challenges simply do not arise when restricting the scope of the debate only to cases that have policy relevance. Well-being policy need not be bothered by cases that go beyond the limits of practicality that public policy deals with.

Nozick's experience machine is probably the most famous hypothetical case used in the well-being literature. The experience machine is meant to challenge mental-state theories of well-being, according to which well-being is constituted by our subjective mental-states, and if we do not experience something it is irrelevant to our well-being. The experience machine is meant to show that "something matters to us in addition to experience" (p. 44). According to Dan Weijers "The vast majority of people who read Nozick's scenario think that they would choose to remain in reality, including some who previously believed that only how their experiences feel to them affects the quality of their lives."⁴⁰ Nozick needs to create such a fanciful science fiction type case, because in regular everyday cases we would be hard pressed to find any plausibly relevant situations in which we can effectively divorce what clearly appears to be affecting a person's well-being from it having an effect on her mental-states.

A more plausible case is that of a secretly cheating spouse. We might want to say that the cheated on individual is harmed by being cheated on, even if she does not know that she is cheated on. This would seem to contradict a mental-states account. Such an example might be irrelevant for policy purposes because it deals with individuals, but a policy level example can be offered as well. In the 1993 movie "Dave" a president look-alike takes the place of the real president, when the latter suffers a debilitating stroke. In the movie Dave goes on to be a better president (and husband) than the real one he replaces.⁴¹ Nevertheless, we could imagine a case in which the presidential doppelgänger would enact exactly the same policies as the real president, and in essence having no effect on the citizenry's experience. If in such a case it seems like we are worse off in some way, maybe living a lie similarly to the cheated on spouse, this would be a problem for a mental-states account of well-being, which would want to claim that we are no worse off.⁴²

Yet in both more ‘realistic’ cases we are required to stipulate enough background (e.g. no unconscious effect or reputation harms) so that the only thing at work is whether there is an experience or not. Cases that are couched in terms of nuptial relations or political intrigue seem more possible than Nozick's science fiction case. However, for the thought experiment to do its work the cases need to be cleaned to the degree that they become unrealistic. In cases that are actually realistic, intuitions that can go both ways are at play. The real-life corollaries to the hypothetical thought experiments often do not make the point for or against some theory of well-being as clearly salient as does the hypothetical thought experiment, which is intentionally cleaned out of any additional factors. This saliency of the distinction between the implications of different theories of well-being is why we turn to hypothetical cases in the first case. However, if real-life cases often cannot distinguish as clearly between the implications of ascribing to different well-being theories, then in those cases what theory one ascribes to need not matter.

Consider, as an analogy, economic models and their relationship to the world. A simple economic supply and demand model is helpful for teasing out insights about the relationship between price and demand, divorced from the messiness of all the factors at play in the real world. Whether one uses a Cobb-Douglas production function or a Leontief production function will have implications for how production ought to respond to external shocks. However, some of these differences are not so clear cut in a real-world production problem. When many more factors than solely labor and capital are at play, it can be unclear whether understanding the specific case as either production function changes what the appropriate response would be.

These hypothetical cases, useful as they might be to argue for or against different philosophical theories of well-being as correct, need not concern the policy-maker insofar as such cases do not arise in the policy context. They are useful for gaining an understanding of

what is principally at stake when committing to one theory or another. But when it comes to real world policies, things will not be as clean and therefore it will not be clear what theory is more appropriate or what theory the policy is really appealing to.

Public policy is not made in a vacuum. There is an inherent messiness to public policies, since these influence and are influenced by a myriad of real-world facts, some known and some unknown to the policy-makers who make them. How the policies affect individuals is almost never fully known, and this results in there often being unintended consequences (both good and bad) to policies. But hypothetical thought experiments intentionally isolate the case from any such potentially verdict-changing consequences. The *ceteris paribus* clause that either explicitly or implicitly accompanies them is what makes them both useful in attempting to gain insight into underlying principles, and useless for actually guiding policy in the messy real world.

5. Building On Agreement

The inherent disagreement among philosophers as to what the correct theory of well-being is might make us pessimistic regarding the possibility of arriving at a philosophical theory of well-being we can all agree on. The promise this paper provides is that even if policy-makers take the philosophical disagreement seriously, they need not find themselves facing a hopeless situation. Instead, by focusing on the common ground among the different theories in the narrower domain of policy relevant well-being, it is possible to generate some agreement on well-being policies. The extent of the agreement that can be generated depends on whether there is a sufficiently large and sufficiently significant area of overlap among the different theories. If such an area of agreement exists, then perhaps an account can be generated that will represent this area of agreement and at the same time will be useful for guiding policy choice. But whether

such an account exists is a contingent matter that depends on how the different theories get cashed out and on the potential well-being policies that are under consideration.

Such an account of well-being would *merely* tell policy-makers how to understand well-being in the policy context, but a measure would still be needed to then divine which policy options best promote well-being understood thusly. We would thus still need to look for a measure that would appropriately operationalize such an account. Nevertheless, the prospects of getting out of the philosophical stalemate by focusing on the agreement among theories in the narrower domain of policy offers a promising method for making real progress towards enacting well-being policy that has firm theoretical justification.

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¹ Stiglitz, Sen, and Fitoussi (2009); OECD (2013); Stone and Mackie (2014); O’Donnell et al. (2014).

² Even deciding not to enact any well-being directed policy is, as a matter of fact, a kind of well-being directed policy, since such a choice has the consequences of leaving well-being to be influenced indirectly by other non-well-being-focused policies.

³ Hausman argues that preference-based measures can sometimes be used as evidence for what is conducive to well-being even if we remain agnostic on what constitutes well-being (Hausman 2012). However, I argue that many times this path is closed to policy-makers because there can be more than one measure which disagree in their assessment of policies, and Hausman’s argument from platitudes could justify policy-makers in treating any of these measures as a measure of well-being (Hersch 2015).

⁴ Crisp (2006), p. 101.

⁵ Feldman (2004), p. 9.

⁶ See (Woodard 2012).

⁷ Parfit (1984).

⁸ For some arguments against preference-satisfaction theories of well-being see Hausman (2012); Feldman (2010); Sumner (1996); Parfit (1984); Griffin (1986). For arguments against objective-list theories see Feldman (2010); Sumner (1996); Griffin (1986) and for arguments against mental-state theories see Nozick (1974); Sen (1999); Angner (2012).

⁹ The state of the world need not be external to one’s body, and things such as health are part of this external state of the world, in which the ‘external’ refers to external to one’s mental experience of it.

¹⁰ This continuum view is a more nuanced view of the objective-subjective distinction that has been discussed extensively in the literature (see Griffin (1986); Sumner (1996); Tiberius (2007); Woodard (2012).

¹¹ Wolff (2011), p. 82.

¹² Mill (1985), pp.141-2.

¹³ While there are non-paternalistic justifications to such rules, many find the paternalistic arguments compelling.

¹⁴ Wren-lewis (2013).

¹⁵ Sen (1970).

¹⁶ Thaler and Sunstein (2008).

¹⁷ Thaler and Sunstein (2003), p.179.

¹⁸ While the UK BIT is the most established, other countries, such as the US, New Zealand and Israel are following suit.

¹⁹ Though Sunstein and Thaler are not explicit on how they understand coercion, in the context of their writing it appears they mean something like the reduction of the choices the individual has (see Sunstein and Thaler (2003); Thaler and Sunstein (2003)).

²⁰ For an in-depth discussion of this position see Pattanaik and Xu (1990).

²¹ Hausman and Welch (2010).

²² Presenting a well-argued account on how to draw such a line is beyond the scope of this paper.

²³ Of course others, such as her family might be affected, as well as it might be possible for the state to take some interest in this. However, as Mill argued, it “needs not affect them unless they like” (p. 142).

²⁴ It is possible that the disagreements are all in policy-relevant domains, and so the subset will contain the entire set, but this does not seem likely.

²⁵ Martha Nussbaum has ‘other species’ “[b]eing able to live with concern for and in relation to animals, plants, and the world of nature,” as one of her elements on a list of capabilities (Nussbaum 2000, p. 80).

²⁶ Hayek (1944), p. 46.

²⁷ An allocation is Pareto Efficient if there is no alternative way to organize the distribution of goods (in this case well-being) that makes some individual better off without making some other individual worse off. While such a goal appears minimal in what it commits one to, real-world policies will almost always cause some individuals harm relative to the status quo, even if the policies are highly beneficial in the aggregate. For policy-makers to focus on increasing well-being at each individual level would be an insurmountable and counter-productive task. Put differently, almost any real-world status quo is Pareto optimal.

²⁸ Marmor et al. (2015).

²⁹ There can be more sophisticated aims, such as increasing average well-being, or perhaps a prioritarian approach aiming to increase the well-being of the worse off members of the group. Even in the prioritarian case, it seems the focus should be on the worse off *group* rather than the worse of *individual*. For a discussion on prioritarian concerns in public policy see (Wolff and De-Shalit 2007).

³⁰ Strack, Argyle, and Schwarz (1991).

³¹ Heather Douglas argues that recognizing that measurement errors are significantly greater when focused on individuals than aggregates, and knowing that such errors can have real repercussions to which well-being policies get adopted, places a responsibility on those scientists who devise and implement these measures to do so appropriately (Douglas 2007).

³² Sen (1992).

³³ See also (Wolff and De-Shalit 2007).

³⁴ I thank an anonymous reviewer for asking me to address the issue of adaptive preferences.

³⁵ Jackson (1986).

³⁶ Putnam (1975).

³⁷ Thompson (1971).

³⁸ Nozick (1974).

³⁹ Rawls (1971).

⁴⁰ Weijers argues that Nozick's scenario description elicits several biases, and improved versions show that even hypothetical cases do not provide conclusive evidence regarding intuitions against hedonism. See (Weijers 2013).

⁴¹ I thanks David Morrow for this great example.

⁴² During the second Iraq war, when Saddam Hussein was captured, some conspiracy theorists speculated that it was merely one of the several known look-alikes that the Iraqi president was known to. Even if this is true, since all of us (save a “chosen” few conspiracy theorists) believe it was Hussein that was captured and later hanged, it seems that from an experience perspective we are unaffected by whether it was or wasn't the real Hussein.