

Some remarks on preferences, dispositions, and normative constraints

Matteo Negro

Abstract: In order to safeguard the link between rationality and happiness, we have to recognize that this link is not anchored in the first place to the level of the particular action and its external constraints, but to the level of disposition. Particular choices, in fact, are rational in that they express and manifest a rational disposition to choose, which gives form and unity to the actions themselves. The alternative is a theory of rationality as a causal theory of choice.

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1. *Introduction*

It is commonly thought that happiness is connected to the acquisition of certain goods, which, depending on their value, exert an attractive force on persons, by arousing desires, preferences or interests, and motivating actions. Within this perspective, at least two elements are at stake. In the first place the justification of the representations of good or goods, secondly the rational evaluation of the choices to be taken to achieve them. Now, if one defines a particular good as an “operator” of happiness, that is, as the cause of an excellent state of satisfaction and satisfaction, one must be able to explain how to justify this definition. As Philippa Foot remarked:

we should be suspicious of the idea that whenever we speak of happiness we are speaking of a state of mind which seems as detachable from beliefs about special objects as is, for example, having a headache, or a tune running through one’s head. It seems to me that this picture should be shaken by a realization of the impossibility of attributing a grown-up’s deep happiness to a young child. If we say that “that ” might happen to be found “there”, we must surely ask “But what, now, is *that*?” (2001: 89).

Once the assessment has been made, however, and this is another point, although something good is matter of preference, there may be no means of achieving it, or there may be some available, but not good or disrespectful of the relationship of that end with other ends. How, then, do we evaluate the relation-

ship between practical choice and happiness in these and other cases? And how do we then evaluate an action that allows us to achieve the goal but does not respect some fundamental dispositions of persons? If we want to safeguard the link between rationality and happiness, it is necessary that this is not anchored in the first place to the level of the particular action, but to the level of disposition. Particular choices are rational in that they express and manifest a rational disposition to choose, which gives form and unity to the actions themselves. The alternative is a theory of rationality as a theory of the productive choice of the good.

This topics may be analyzed under many respects. According to David Gauthier, actions possess and show a background of rationality, which he calls “translucency”. In opposition to this idea, for others actions must be considered in terms of coherence to a practice: they derive their reasons from the conformity to the universal rules of the practice itself, which are rules for any possible practice, for any possible choice. How would a person relate to these rules? A person should relate to these rules from a position of epistemological neutrality: in the application of the rules it is not relevant whether a person cognitively depends on the content of the choice, i.e. the particular reason of the action, which therefore has no causal role. Action is measurable only in terms of the effects it produces. The relationship between choice and end, or between action and good is causally connoted as productive of effects. Rational choice is thus only that choice which produces the same effects as the universal practice foresees to obtain. In this sense, actions will be good not because they are translucent, but because in some way they are subject to an external constraint of rationality, that is, the verified existence of a result, a subsequent and external state of affairs. From this point of view rational choice is compatible with the model of liberal justice, just as both conceptions of values produced by the market and created by the social contract are compatible: values are not the same, but their antagonism does not touch the essential core of the relationship between choice and good, shared by both of them. Values, by opposing, increase together the rational common space, delimiting it within the minimum and maximum thresholds of selfishness and altruism, the overcoming of which cannot be tolerated, on pain of the destruction of the market or of the social contract. In both cases the self is deontologized, opacified and unable to give a rational measure to the action he performs. Duty and interest are therefore rational measures established by the social spheres to which a person can simultaneously belong, referring to the effects and outcomes of her actions, belonging to sets of possible alternatives. So we have can compare two conceptions. On the one hand, according to Gauthier:

Proponents of the *maximizing* conception of rationality, which we endorse, insist that essentially nothing is changed; the rational person still seeks the greatest satisfaction of her own interests. On the other hand, proponents of what we shall call the *universalistic* conception of rationality insist that what makes it rational to satisfy an interest does not depend on whose interest it is. Thus the rational person seeks to satisfy all interests. Whether she is a utilitarian, aiming at the greatest happiness of the greatest number, or whether she takes into independent consideration the fair distribution of benefit among persons, is of no importance to the present discussion. To avoid possible misunderstanding, note that neither conception of rationality requires that practical reasons be self-interested. On the maximizing conception it is not interests in the self, that take oneself as object, but interests of the self, held by oneself as subject, that provide the basis for rational choice and action. On the universalistic conception it is not interests in anyone, that take any person as object, but interests of anyone, held by some person as subject, that provide the basis for rational choice and action. (1986: 7)

It is evident that if people are not objects, i.e. connotable on the basis of their specific differences, abilities, concrete situations and particular interests, and if they are not ultimately interested in themselves, all that remains is to consider them as subjects of possible choices, within the limits dictated by the rationality of rules, which regulate choices as such, i.e. those that produce the maximum effects for the greatest number of individuals or that produce an equitable distribution of benefits. Although both perspectives are different, even if Gauthier intends to reconcile them by elaborating a theory of constrained maximization, as a matter of fact, at a deeper level, their metaphysical core remains identical. He still admits: "A contractarian theory does not contradict this view, since it leaves altogether open the content of human desires" (1986: 19), that is, it allows desires not to come into play in the normative regulation of the action itself, which can therefore disregard them. However, we must recognize that in the maximizing perspective the kind of choice is parametric and not strategic, that is to say that the only variable in a stable environment is the behavior of the agent and not the constraints deriving from the interaction with the choices of other individuals. A person rationally chooses, among the possible alternative states of affairs, those which satisfy his preferences. As Gauthier remarks, these "states of affairs are therefore not direct objects of choice, but rather are possible outcomes of the actions among which one chooses" (1986: 22). In this sense, utility is the unit of measure of preference in that it is in a relation, epistemically fragile, with those states of affairs that are rationally maximizing. The only constraint is set by the possible practical alternatives. Summing up: "The rational actor maximizes her utility in choosing from a finite set of actions, which take as possible outcomes the members of a finite set of states of affairs" (1986: 22). Rationality is therefore the

maximization of utility which in turn, as a measure of preference, is a value. In other words, value produces a maximization through rational choice. This sets preference in relation to the states of affairs, but only through the calculation of the effectiveness or efficacy of action. Action is therefore a true medium, a pure instrument, and the states of affairs that it will probably produce are fully representable only *ex post*. For this reason the attribution of value to the states of affairs “is attitudinal, not observational, subjective, not objective” (1986: 25). We cannot assume them as ends of action, but they must be derived probabilistically from the preferences: “if the relationships among these preferences, and the manner in which they are held, satisfy the conditions of rational choice, then the theory accepts whatever ends they imply” (1986: 26). However, and this is a point on which deepening is needed, maximization in the constrained maximization theory introduces a moral constraint that is not found in the economic theory of rational choice. In fact, the latter infers the measure of preference by the maximizing action (which as such is rational), independently of any other consideration. Gauthier tries to weaken the link between rationality and maximizing choice, deeming the criterion of a posteriori “revealed” preference as insufficient, although necessary: “If our only access to a person’s preferences is through her choices, then whatever she maximizes must be the measure of those preferences” (1986: 27). By attempting to limit this excessive imbalance, he then introduces the additional criterion of attitudinal preference. Utility is a measure of revealed and attitudinal preferences, that is, relative to the orbit of the person’s desires, beliefs and constraints, as well as her ability to grasp the possible rational links between choices and the states of affairs deriving from them: “Characterizing her preferences in relation to her beliefs, we have no reason to fault them, or to refuse to identify their measure with her values” (1986: 29). It allows to attribute a criterion of rationality to the preferences themselves, differentiating them by degree; they can also be modified or improved on the basis of beliefs taken into consideration even before choices are available. Ultimately, value “is the measure of considered preference, and rational choice involves the endeavour to maximize value” (1986: 33). It counterbalances the weight assigned to the pairs of alternatives by the economic model, since expressed or considered preferences can account for an interest or a constraint which does not necessarily turn out to be the action or the deliberation of the action, and which is function of the person’s experience. It can be a subjective interest determined by a habit, or a moral belief, or a disposition, rather than an objective interest, to make a certain conclusion plausible. Moreover, in this way, it is the preferences considered *in the present* (and not the possible future outcomes of the choices, which cannot now be verified) to provide rational support for choice: “Practical reason takes its

standpoint in the present” (1986: 38). As a condition, within the perspective of rational choice and behavioural preference:

completeness is trivial. If a person must choose between two possible outcomes, then his choice will reveal a preference between them. But of course, he may be unwilling or unable to express or acknowledge a preference. As a condition on considered preference completeness is not trivial. Its failure does not preclude choice, but only rational choice. If someone finds two possible outcomes preferentially non-comparable, then he is unable to choose rationally between them. This is a direct consequence of the view that rational choice rests on preference. (1986: 39)

Here we come to a key point. This view does not exclude that there be a good in itself, but that it is a value only because is an object of a preference. Value itself is a norm for action: “for the subjectivist value mediates choice and preference” (1986: 49).

A state of affairs is good, and it is matter of a preference, if it contributes to the someone’s happiness, although this does not imply that it is good to everyone (positional equality). However, a value could be the measure of preferences held by a constrained position: it is the case of moral value that is not relative to a single point of view. But, in order for such a value to be able to mediate between other rational preferences and choices, it is necessary that it is rational to dispose oneself to cooperate, or to accept this kind of constraint: in other words it is necessary that moral value be the object of a subjective preference, that is rational “to accept internal, moral constraints” (1986: 65). And since maximization is the result of preferences measured by individual utility, moral constraint comes into play in the practical sphere, not in a strategic way, i.e. limiting choices, but in a parametric way, as a measure of preferences of others (also variable in degree and strength, because they too are not temporally neutral). The subjective attributions of value are therefore among the reasons for choices even if they do not have an explanatory function in the strict sense, since the premises of practical reasoning are not part of a parts of an objective theory of rational choice, and they are therefore in a certain sense asymmetric and incomparable. Constrained maximization theory, as Gauthier opportunely points out, reflects a conception “that does not require that all acceptable strategies be ideal” (1986: 168). At this level the character of the abovementioned translucency intervenes. People are not transparent, and their preferences are not immediately mutually recognizable. If they were, rational choice would not be necessary. Gauthier remarks that:

(we) may appeal instead to a more realistic translucency, supposing that persons are neither transparent nor opaque, so that their disposition to co-operate or not may be ascertained by others, not with certainty, but as more than mere guesswork. Opaque

beings would be condemned to seek political solutions for those problems of natural interaction that could not be met by the market. But we shall show that for beings as translucent as we may reasonably consider ourselves to be, moral solutions are rationally available" (1986: 174).

Once these premises have been highlighted, it is clear that here, differently from the classical theory of rational choice, rationality can be associated parametrically with the maximization of utility only at the level of the disposition to choose: "A disposition is rational if and only if an actor holding it can expect his choices to yield no less utility than the choices he would make were he to hold any alternative disposition. We shall consider whether particular choices are rational if and only if they express a rational disposition to choose" (1986: 183). A rational agent, according to Gauthier, can modify her own criteria of deliberation of choices by virtue of reflection, transferring onto the choice the maximization of utility searched by the disposition to choose. It is not the choice as productive of the advantage to be rational. It is rational that disposition which allows me, given some concrete circumstances, to choose one way rather than another, in order to achieve a substantive end: "A disposition is rational if and only if having it is most conducive to one's substantive aim" (1997: 31). Rational disposition gives coherence to a set of possible actions, including actions that are not in themselves consistent with the advantage the disposition is directed to (see 1997: 34).

As Morris and Ripstein underline, "Gauthier's key idea is that which demands the satisfaction of preferences for which attitudinal and behavioral dispositions converge" (2001: 4). It would seem to me a good summary of what has been explained here. It would be irrational that choice that contrasts the rational dispositions which are normatively condensed into the preferences, which the agent tries to satisfy not under ideal conditions but under concrete conditions and circumstances in which he is. Gauthier's view differs from that (of behavioral phenomenism) according to which a choice is rational if it occurs in ideal conditions, that is, in the conditions in which people choose what is actually rational for them. But this is not always possible, either because of external conditions, or because the number of available alternatives can in some cases be very narrow or even null, or because of a defective evaluation or a lack of appropriate information. Preferences revealed and attributed to the self in these cases would almost inevitably be different from those expressed at the time of deliberation and would overwhelm them. Moreover, in the conception of the ideal choice (which turns out to be, in essence, the choice that was never made, and this is an aspect not to be neglected), the reflection on the choice and the deliberative procedure would be reconstructed and deduced

from the revealed preferences, in order to justify in a not contradictory way the choice itself. In fact, as Ripstein pointed out, reflection would become a “pure procedure” that is carried out in order to justify the outcome (2001: 49).

As we have seen, action can reasonably be understood, according to the point of view from which it is observed, either starting from the disposition that it manifests or from a practical plan, that is, from a succession of actions that deontologically hold a relation with a general norm. A practical disposition, notes Michael Thompson, “must be something that might be exhibited in a potentially infinite series of acts of a single agent, all of them sharing a common description” (2001: 128). Thompson develops, revisiting Gauthier, a multilevel theory of rationality, which revolves around two axes: the principle of transmission or transparency and the standard of appraisal. The principle of transmission in relation to the level of practice implies that “a good practice makes the actions falling under it good”, while at the level of disposition it implies that “a rational disposition makes the actions manifesting it rational” (2001: 129). The standards of appraisal are represented by the beliefs of the person in relation to his or her own benefit or happiness. So we have different analytical and formal aspects which intersect themselves in this principle which transfers a general criterion to a particular: the transmission of rationality, internal to the practice (practice-to-practice), by which an agent puts in order the relationships between the particular actions, and the transmission from disposition to action, while the standards of appraisal are established by the agent and have a substantive content (see 2001: 131). This seems to be the fundamental junction of Thompson’s and Gauthier’s views. A rational agent exercises his own power of reflection, that is, he shows to be able to evaluate epistemically which dispositions (appetites, emotional and affective constraints, passions), guarantee his own flourishing, and only then he elaborates his best preferences.

For Thompson, dispositions are parts of a *scala naturae* which includes forms which, as transparent, are conceptualizable. In *Life and Action* he observes: “my effort in this book might be provisionally characterized as an attempt to show that certain leading concepts in our various spheres – *life-form*, *action-in-progress*, *intention*, *wanting*, *practical disposition* and *social practice* – are all ‘form concepts’” (2008: 11). He intends to defend a sort of analytic Aristotelianism, revisited in the light of Frege’s theory of concepts: “Each concept captures a ‘category of being’, if you like, and is certified as pure or *a priori* by its connection with a certain sort of reflection on the peculiar turns that thought, as thought, can take” (2008: 19). Pure forms of thought refer ultimately to life-forms: “A species or life-form, then, will be whatever can be conceived through *such* a concept or expressed by *such* a word – not a real definition, alas, but not

a circular one [...]. It is because in the end we will have to do with a special *form of judgment*, a distinct mode of joining subject and predicate in thought or speech, that I am emboldened to say that the vital categories are logical categories” (2008: 48). This kind of judgments are universal, in a Fregean sense, and at the same time they are indirectly normative, since they define the standard of the relationship between the concept of the predicate and the concept of the subject, whatever value is attributed to the individual variable in an empirical statement: a properly constituted horse is a horse that must be such in every respect, even if, individually, the particular horse only approximates to that standard, that is, it holds the form of life according to a particular extension (see Frege 1986: 72): “A *life-form* or *species* (in the broad sense) is anything that is, or could be, immediately designated by a life-form-concept or a life-form-word. To this sort of ‘genus’ or *genos*, then, there corresponds that formally distinctive sort of *generality*. An *organism* or *individual living thing*, finally, is whatever falls under a species or ‘bears’ a life-form” (2008: 76-77). In this sense, an “ought” represented by the *genos* is normative: “ought” is the measure, the parametric unity of being. This ought is not pure normativity, as precisely it can be fully intentionally represented, as a content of a precise intentional attitude (“wanting”, “attempting”, “understanding”). Its intentional in-existence is imperfective: it has the form of a non-temporalized process or event that enters into relationship with the agent, with its rational and metaphysical structure, and becomes a specifying predicate of the self. The content of intentions, exemplified or expressed in actions (an unlimited series of actions that fall under a single concept), “has some sort of actuality in the agent or agents to whom it pertains” (2008: 161). This is a primary level of interconnection between practice and disposition: practice cannot be explained without the general element of the form of life manifested in the practice itself, as the act of a given subject who intentionally determines the ends (internal to him) and chooses means: “anything a thinking subject can thus reach by reflection must surely be present or contained in the subject herself in some sense; anything outward or external could be reached only by empirical and speculative inquiry (*as an inquiry concerning tokens*). Thus the source or account we seek must be the *same* for all of the bearers and also contained *in* any one of them” (2008: 198-199). However, the general form of life here intervenes, in my opinion, more as a disposition to act, than as a content of choice: in other words, I undergo an inclination to choose to increase my nature, that is, in order to live, to realize my particular form of life, to be happy, I am obliged to rationally prefer a state of affairs to be achieved by my actions. The principle of transmission from the disposition to the practice must therefore be able to incorporate a preliminary order, which we could define as an order of transmission from (pre-rational)

inclination to disposition: it is transmitted to rationality as an inclination to the actuality of a form, i.e. as a state of perfection, but this state of perfection is not a predicative part of the definition of human nature. I can define human nature as a cluster of potential formal properties, but not as an actual form: only the potential form is predictable as a content of disposition, and of a maximizing preference. Rationality is therefore a measure of the perfection of being (in so far as it captures being as a state that satisfies desire or preference) but is not the cause of the perfection of being, since it cannot produce substance out of a form, if not according to the model of the construction of the artificial, which ultimately is that of instrumental rationality, and then we go back to the starting point. Only in the case of the artificial we can say that there are dispositional properties which are causal. In the other cases dispositional attributions do not have a causal explanatory role (see Mumford 1998: 9, 16). In conclusion, one could state: I am not perfect (and happy) because of possessing rationality (together with any other essential property) to the maximum extent provided by the standard of the species, but I am perfect because some states of affairs obtain, which actualize my dispositional properties (but this is to a large extent unpredictable, although it is desirable).

Thompson's proposal does not therefore seem an appropriate theory of universals (or of properties of species as universal properties), although it seems a suitable theory of predicative properties: it must be complemented by a convenient consideration of the states of affairs through which natural dispositions of persons and their causal powers manifest themselves, and which render those definitions true. We can recall here Armstrong's suggestion not to confuse a theory of universals with a theory of semantics: "there is no distinction between the instantiation of a universal and a state of affairs. What of the law then? It, too, is a state of affairs, but a state of affairs of higher order. It connects a *being F* type of state of affairs with a *being G* type of state of affairs according to a certain pattern. The pattern in our very simple example is that the thing that is an *F* is determined by that fact to be a *G*" (1996: 147; on this issue, see also Mumford 1998: 147).

Matteo Negro
 mnegro@unict.it
 Università degli Studi di Catania

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