

Respect for what? -Choices, Actual Preferences and True Preferences

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Abstract: As liberals, we would like each person to direct her own life in accordance with her will. However, because of the complexities of the human mind, it is very often not clear what a person wills. She may choose on thing though she prefers another, while having false beliefs the dispersion of which would cause her to prefer some third thing. I propose, against this background, that to respect a person's will or self-direction is to respect both her choices and her preferences, with some priority given to those preferences that are informed and coherent. This is a pluralist answer to the neglected question "respect for what?"

Keywords: Choice; Liberalism; Paternalism; True Preferences; Respect.

It is a given for liberals that we should respect each person's choice or preference. Respect may not always be of overriding importance, but it is important. Various reasons may be given as to *why* it is important. The main divide is arguably between on the one hand Kantian liberals, who argue that respect is intrinsically justified in light of the dignity of human beings, or of rational beings more generally, and on the other hand Millian liberals, who argue that respect is instrumentally justified as promoting well-being.¹ In this article, I will not be concerned with this *why* question. My focus is instead on another question: Given that we should, for some reason, respect choices or preferences, *what* is it, more specifically, that we should respect? Just like the question "equality of what?" has proven crucial to distributional issues, I propose that the question "respect for what?" is crucial to the morality of inter-personal relationships and so, by extension, to politics.²

¹ E.g. Onora O'Neill, *Autonomy and Trust in Bioethics* (Cambridge: Cambridge University Press, 2002), chapters 2 and 4.

² On the how question and equality, see e.g. Amartya Sen, "Equality of What?" In McMurrin S Tanner Lectures on Human Values, Volume 1 (Cambridge: Cambridge University Press 1980).

I will defend two main claims: 1) We should reject *respect monism* - the position or assumption that respect is due to one and only one aspect of a person's will and action, *either* some sort of choice *or* some sort of preference, and instead embrace *respect pluralism*. 2) On one plausible pluralist view, respect is due both to *choices* as manifest in behavior and to *actual preferences*, understood as all things considered evaluations, with greater respect due to what I will call *true preferences*, which form an informed and coherent subset of a person's actual preferences. I will develop and defend this pluralist view in some detail.

1. The need for a new theory of respect

I take respect to be distinct from care. While care is directed at a person's wellbeing, respect is directed at a person's will in some sense. As Stephen Darwall puts it:

Respect for persons is responsiveness to what someone can claim by virtue of being an agent [...] What we attend to here is not (at least not primarily) what is for someone's welfare or good, but, among other things, what she herself values and holds good from her point of view as an equal independent agent. In so doing, we acknowledge her (and her authority) as free and equal.³

This relatively narrow view of respect is distinct from a broader view, according to which, as Thomas Scanlon puts it, "seeing human lives as something to be respected [...] involves seeing reasons not to destroy them, reasons to protect them, and reasons to want them to go well."⁴ To hold that respect is directed not at wellbeing but rather at the will is quite consistent with holding, as Mill arguably did, that respect is ultimately justified by wellbeing considerations.

I take it that to respect a choice or a preference means to take oneself to have some reason to satisfy the preference or effectuate the choice. This can, depending on the

³ Stephen Darwall, *The Second-person Standpoint: Morality, Respect and Accountability* (Cambridge, MA: Harvard University Press 2006), p. 127.

⁴ Thomas Scanlon, *What We Owe to Each Other* (Belknap Press of Harvard University Press 2000), p. 104.

circumstances, be achieved either by avoiding to frustrate the choice or preference oneself, or by preventing its frustration by other people. Since preferences can, as I will return to in the next section, range over all sorts of actions, respecting them will sometimes mean to contribute positively, i.e. to provide aid, and will sometimes mean to remain passive, i.e. to abstain from interfering.⁵ That these types of choices and preferences are all possible proper targets of respect does not mean that all their instances should be respected. Presumably, some requests for help should be respected and some should not. My interest is with *what* exactly we should respect in those cases in which we *should* respect, for example, a request for help.

The traditional liberal discussion on the nature and value of liberty, the nature and value of autonomy, and the role of the government in protecting and promoting these values, typically takes for granted that people know the relevant facts, have stable and coherent preferences, and act on those preferences in making their choices. Call these assumptions *information*, *coherence* and *efficacy*. Under these assumptions, there is little need to nuance talk of a person's choice, her preference, or her will, which all come to the same thing. Given the three assumptions, it is unsurprising that respect for individual liberty or autonomy is often invoked without much specification as to what it is we should respect when it comes to a person's will or self-direction. However, none of the three assumptions are realistic, and giving them up reveals the need for an answer to the respect for what question and so a more precise theory of respect for persons than has so far been provided.

The possibility and prevalence of false beliefs is of course at the very heart of philosophy, at least since antiquity.⁶ That we can fail to do what we most prefer to do, all things consider, is perhaps more controversial, but widely accepted and often discussed

⁵ I cannot argue this point, but I think it is too simple-minded to say, with Kant, that non-interference is always the priority. Sometimes one relatively unimportant preference must be frustrated so that several important preferences can be satisfied, even if this means interfering with one person in support of another.

⁶ For a discussion of false beliefs, with some relevance to the present one, compare that on internal and external reasons, with a starting point in Bernhard Williams, *Moral Luck* (Cambridge: Cambridge University Press 1981), chapter 8.

under the concept of *akrasia*.⁷ That our preferences are internally incoherent is more surprising and so arguably the most interesting finding of contemporary behavioral psychology. David Kahneman and Amos Tversky are generally credited with the discovery of a number of biases and heuristics that are part of normal human reasoning and which cause our preferences to be incoherent over times and contexts.⁸ When we face alternatives, for example, which alternative we prefer often depends on properties of the choice situation that seem utterly irrelevant to the choice at hand, such as the order in which alternatives are presented.⁹ Evidence is accumulating on the particulars of these mental short cuts, as well as their relative effectiveness compared to more cumbersome analytical mental operations.¹⁰

The upshot is that our preferences are quite often uninformed, inefficacious, and context-dependent. A person may prefer one thing and choose another, while having false beliefs whose dispersion would cause her to prefer something else entirely. Such lack of alignment between choices, preferences and hypothetical preference need not be the result of manipulation, illness or any other suspect influence. There exists a rich literature on how choices and preferences can be rendered non-autonomous, inauthentic or non-genuine in

⁷ Gerald Dworkin points to *akrasia* as a good reason for paternalism in his much cited "Paternalism", *Monist* 56 (1972): 64–84, p. 79. For a general historical philosophical overview, as well as arguments for the prevalence of *akrasia*, see Justin Gosling, *Weakness of the Will* (London: Routledge 1990).

⁸ Kahneman and Tversky published a number of important articles from 1971 to 1981, many of which are collected in Daniel Kahneman, Paul Slovic and Amos Tversky, *Judgment under Uncertainty: Heuristics and Biases* (Cambridge: Cambridge University Press, 1982). For a recent overview over the field by Kahneman, see his *Thinking, Fast and Slow* (London: Penguin Books, 2011). Less systematic investigation of these matters has been a recurring theme in the history of philosophy. A prominent example is Adam Smith's *The Theory of Moral Sentiments* (1759). On Smith on biases, see Nava Ashraf, Colin F. Camerer, and George Loewenstein, "Adam Smith, Behavioral Economist," *Journal of Economic Perspectives* 19 (2005): 131–45.

⁹ The term "context-dependent preferences" as used in this article is inspired by the article by Amos Tversky and Itamar Simonson, "Context-Dependent Preferences," *Management Science* 39 (1993): 1179–89, in which they develop a model to account for the fact that preferences are constructed when elicited and that their content depends on such factors as "the framing of the problem, the method of elicitation, and the context of choice".

¹⁰ On the superiority of heuristic reasoning, in some circumstances, see e.g. Gerd Gigerenzer, Wolfgang Gaissmaier, "Heuristic Decision Making," *Annual Review of Psychology* 62 (2011): 451–82.

deviant circumstances. My focus here is on the prior issue of what we should respect in the standard, non-deviant case. Resolving this issue will be important to how deviant cases should be understood and evaluated, but it is of course also important in its own right.

As Robert Sugden discusses in his contribution to this issue, it is striking that many authors have reacted to the finding that preferences are context-dependent and so incoherent by claiming that people need help in overcoming this incoherence so as to better *promote their own preferences*. Cass Sunstein and Richard Thaler famously propose that, because preferences are context-dependent, choosers should be *nudged* towards "improving decisions", i.e. towards choices that "make choosers better off, *as judged by themselves*".¹¹ Though this formulation may sound like an invocation of subjective well-being, Sunstein and Thaler repeatedly refer to what choosers "want" and what they "prefer", as if this should guide policy.¹² Similarly, Sarah Conly, in her much noted argument for coercive paternalism, similarly proposes: "What we need to do is to help one another avoid mistakes so that we may all end up *where we want to be*."¹³ While I may be joining Sunstein and Thaler and Conly in proposing that preferences should be respected, I agree with the spirit of Sugden's criticism to the extent that we need some sort of theory to explain why, given context-dependence, any sort of preferences should merit respect. It is far from clear what role respect for choice and preference plays in either Sunstein and Thaler's or Conly's justifications for their favored type of paternalism.

I noted in the introduction that liberals may find respect important for different reasons. One way to illustrate the wide scope of possible support for respect is to consider respect in terms of will versus interests, as in the will theory versus the interest theory of rights.¹⁴ Respect for choice or preference is most obviously relevant to will-based accounts. On such accounts, we have a right to do as we will. But what if we don't know what we are doing? We cannot plausibly have a will-based right to walk unencumbered and unawares

¹¹ Richard H. Thaler, Cass R. Sunstein, *Nudge: Improving Decisions about Health, Wealth, and Happiness*, 2d ed. (New York: Penguin Books, 2009[2008]), p. 5.

¹² *Nudge*, e.g. p. 47 concerning preferences for help with self-control problems.

¹³ Sarah Conly, *Against Autonomy: Justifying Coercive Paternalism*. (Cambridge: Cambridge University Press, 2013), quote from p. 2, emphasis added.

¹⁴ E.g. Leif Wenar, "Rights", *The Stanford Encyclopedia of Philosophy* (Fall 2011 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/fall2011/entries/rights/>>.

into an empty elevator shaft. So what is this thing 'will' that is fundamental to will-based rights? Respect is also, however, relevant to interest-based theories, because we have an interest in respect. This may be, as Mill thought, because respect will promote well-being, or it may be because being treated with respect is an element of well-being. It seems to me that if we have no more immediate reason to respect choice or preference, then respect must at least be a good thing, though it is far from obvious what precise place this good should have in a more comprehensive axiology. If, accordingly, respect is a good, hence an interest, the same question arises as on will-based accounts: We seem to have an interest in choosing ourselves on many matters, but we cannot plausibly have an interest in walking unencumbered and unawares into empty elevator shafts, so what is the relevant 'interest'?

2. Choices and preferences

As a first step towards a specification of the proper target(s) of respect, note the distinction between on the one hand choices, as manifested in behavior, and on the other hand preferences, as some sort of mental states. Respect can be directed at either one, or, as I will argue, at both. Mill's famous bridge case nicely illustrates the distinction between choice and preference:

If either a public officer or any one else saw a person attempting to cross a bridge which had been ascertained to be unsafe, and there were no time to warn him of his danger, they might seize him and turn him back, without any real infringement of his liberty; for liberty consists in doing what one desires, and he does not desire to fall into the river.¹⁵

The man obviously chooses to cross the bridge. However, he does not desire to fall into the river. For Mill, at least in this passage, the desire, that is the preference (as I will soon explain), takes precedent, and the choice can be ignored without moral cost.

Choices are, in this context, the more precise concept. Perhaps not all behavior is choice, but we choose, I will presume, whenever we perform an action whilst believing that

¹⁵ Mill, *On Liberty*, chapter V, 5th paragraph.

we could have performed an alternative action instead. Preference is arguably the more contested concept. We may reasonably debate both what a preference is, most fundamentally, and which preferences qualify for respect. I will follow Dan Hausman in understanding preferences as all things considered comparative evaluations.¹⁶ This understanding of preference has the advantage, as Hausman explains, of accommodating the complexity of human motivation, while focusing our attention at the end result of all this complexity.¹⁷ Alternatives can be evaluated by some moral principle, by their prudential value, by spontaneous feelings and impulses, or by any combination of these and of other mental events. Whatever the evaluative basis, the result is a preference, such as for having tea rather than coffee, for going to the Depeche Mode concert rather than the Pet Shop Boys concert, or for having a career in accounting rather than one in academics. Preferences can, I take it, range over any actions, outcomes and bundles of probable and uncertain outcomes.

To take preferences as given, without further analysis in terms of desires, principles etc., is a sort of methodological antipaternalism: What determines an agent's preferences is, so to speak, between her and her own character and circumstance. This does not mean that the agent cannot be rationally criticized for her preference-formation. It does mean, in the present context, that such criticism, even if warranted, does not undermine our reasons for respect.

Preferences so defined can vary in terms of degree and type of idealization, as is familiar e.g. from debates on preferentist accounts of well-being.¹⁸ On the one hand, there are the preferences a person actually has. On the other hand, there are various possible idealized preference sets that have some relation to the original or actual set.¹⁹ I will, in the development of my own preferred view, single out two specifications of preference and

¹⁶ Daniel Hausman, *Preference, Value, Choice, and Welfare* (Cambridge: Cambridge University Press 2012), pp. 3-7. Hausman uses "total" for what I here, to stay closer to common philosophical jargon, call "all things considered".

¹⁷ *Ibid.*, chapter 6, especially pp. 63-65.

¹⁸ See e.g. Dan Egonsson, *Preference and Information* (Aldershot: Ashgate 2007).

¹⁹ It is possible to idealize on choice instead of on preference, but such idealization would have to involve preferences: What I would choose if informed and rational etc. would depend on what I would prefer in this improved state. I will therefore assume that idealized accounts are based on preference rather than on choice.

propose that they together capture most or all of what we should respect when it comes to preferences.

3. The case for respect pluralism - both choice and preference

In this section, I will argue that both choices and preferences merit respect, independently of each other and of other concerns, and that we should therefore reject respect monism and embrace respect pluralism. In the following section, I will distinguish two properties of preferences - being actual and being true, and argue that all actual preferences merit respect, but that preferences that are also true merit greater respect. In the present section, however, I will try to remain agnostic as to what properties of preferences make them merit respect.

I believe that the respect for what question is underexplored and that many authors explicitly or implicitly assume respect monism, i.e. the view that respect is due to one and only one aspect of a person's will. A strict form of respect monism is that only one type of expression of will is ever relevant for respect, while a more moderate respect monism is that only one type of expression of will is relevant in any given situation. An example of the strict view is Sugden's own position in the realm of public policy. Sugden grants the empirical side of Sunstein and Thaler's and Conly's pro-paternalist arguments - that choices cannot be interpreted to reveal coherent preferences - but insists that choices should be respected nonetheless, and independent of their alignment with preferences.²⁰ An example of the moderate view may be the popular position that choice should be respected as long as it is unimpaired in some sense, but that when choice *is* impaired, we should treat a person according to what she would prefer if she were more informed and more rational.²¹ However, if the reason for why we should respect unimpaired choice is only that it is

²¹ Two important examples from the paternalism debate are John Hodson, "The Principle of Paternalism," *American Philosophical Quarterly* 14 (1977): 61-69, pp. 65-68, and Donald VanDeVeer, *Paternalistic Intervention: The Moral Bounds of Benevolence* (Princeton: Princeton University Press 1986), pp. 75-89.

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aligned with informed and rational preferences, then this popular position should perhaps rather be interpreted as a form of strict respect monism directed at preferences. Which interpretation is more plausible is often underdetermined by expressions of this popular position, which is an example of neglect of the respect for what question.

3.1 Respect for choice

I propose that respect for choice is warranted because we are in part our acting selves. Our choices are how we manifest ourselves in the world; they are the locus of our physical and social selves. It is a sign of maturity, I propose, to take some responsibility for our actions, even when they are based on mistake, ignorance, or akrasia. This is meaningful only if these actions are genuinely ours, i.e. if they are in some way an expression of ourselves as beings with agency, relating to other such beings; if, as Bernard Williams put it, the outcomes of these actions can "fairly be allocated to one's account".²² I believe that choices are genuinely ours even when we are in no way blame-worthy for their outcomes, for two reasons: First, even my 'no-blame choices' are products of my particular character and circumstances. Someone else might have made a different choice. It matters that I was the one choosing. I play a causal role that is not limited to mere mechanics, but which involves my intentions, my agency. Second, having played such a causal role, it may be incumbent upon me to regret this and to take steps to ameliorate the situation. Though I could not have seen the poorly placed vase and so am not to blame for breaking it, I should perhaps still pick up the pieces and express my sympathy for the grieving vase-owner. Because all choices are in this way expressions of our self-direction, I propose that they all merit respect, whatever the extent to which they align with our preferences.

I believe that this inclusive take on the ascription of actions to agents is in line with wide-spread intuitions. I believe that we generally feel that even inauthentic actions are in some sense ours. Joel Feinberg's antipaternalism is another example of respect monism directed at choice, again in the realm of policy, or law. Feinberg's defense of this doctrine rests heavily on an appeal to our own subjective sense of self-direction, our sense that our choices are ours to make, and not for someone else to either accept or reject depending on

²² Williams, *Moral Luck*, p. 28.

their own judgments, not even their judgments concerning our preferences. Feinberg makes exceptions for "substantially nonvoluntary" choices, equating these choices with the action of some other agent.²³ In light of our identification with and responsibility for even these choices, such equation is exaggerated. I believe that Feinberg's restrictive view of which choices merit respect must be seen in the light of his aim to defend a very strict form of anti-paternalism: If choices not only merit respect, but always override well-being considerations, then the class of relevant choices must be limited. If choices do not have that overriding importance, however, there is no reason to withhold respect from even substantially nonvoluntary choice.

In criticism of respect for mere choice, Christian Coons and Michael Weber argue that "one cannot genuinely endorse choices that are not reflective of one's values".²⁴ Why then, they ask, should others respect such choices? It is true that one cannot reflectively endorse the *content* of choices that are not aligned with one's preferences. However, this does not mean that one cannot identify with these choices as expressions of oneself and one's self-determination.

The reasons we have to respect choices the content of which is not endorsed by the chooser are often outweighed by other reasons. This may make the former reasons difficult to appreciate. Choices with non-endorsed content typically lead to outcomes that we do not prefer and that do not promote our well-being. If, for example, I pick a beef wrap by mistake at the cafeteria, when I have no intention of giving up my vegetarianism, then you, as my colleague, have good reason to interfere: If you do not, I will either become disgusted at eating the meat, or I will discover my mistake and lose time and money getting something else. Picking the beef wrap frustrates my preferences and diminishes my well-being. These considerations may easily outweigh your reasons to respect my choice by not interfering. Even so, I believe, you have *some* reason to respect my choice. It would be

²³ *Harm to Self*, p. 12. In argument for this exception, Feinberg states that "to whatever extent B's apparent choice stems from ignorance, coercion, derangement, drugs, or other voluntariness-vitiating factors, there are grounds for suspecting that it does not come from *his own will*" (emphasis added). This indicates that his choice-focused respect monism for public policy or law may rest on a more fundamental though under-developed commitment to respect for preferences.

²⁴ Christian Coons, Michael Weber, *Paternalism: Theory and Practice* (Cambridge: Cambridge University Press 2013), p. 11.

somewhat disrespectful of you to simply take the meat wrap from my hand or tray and replace it with a hummus wrap.²⁵

Consider, in contrast, a case where there are no other considerations at stake. I must pick one of two hummus wraps and, being indifferent between them, I pick the one to the left. With no counter-balancing considerations to obscure our reasons for respect, it is, I believe, quite clear that it would be disrespectful of you to take the wrap I have chosen and replace it with the other wrap. You might do this to tease me or you may do so jokingly, but this would be teasing, or a joke, only because of the inherent failure of respect.

The choice of hummus wraps is not very important to me, I presume, and so your reasons to respect this choice are not very great. If the choice is more important to me, I believe it merits more respect, but more is then typically at stake and so respect may again be outweighed. If I absent-mindedly buy one house over another, the consequences could be dire in terms of both well-being and frustrated preferences, and your interference may be easily justified. However, suppose I consider two houses in depth and detail and find that I am indifferent between them because the advantages of one are perfectly matched by the different advantages of the other. I buy one of the houses. It would now seem quite disrespectful of you to interfere with this choice, even if you would thereby promote my well-being without frustrating my preferences.

It may be suggested that interference with choice will always frustrate at least one preference - the preference against interference. Such preferences are sometimes invoked by authors who privilege preferences, to explain why some choices should not be interfered with.²⁶ I acknowledge that we very often have such preferences, but I deny that this is what underpins our reason to respect choice. Even in the absence of a preference against interference, we may identify with our choice and experience it as an expression of our self-direction. If I have *chosen* to allow interference, that is a case of choice against choice, and so not relevant to the present issue. If I have not made that choice but would simply not mind interference with my purchase of a house, it would still be disrespectful of you to

²⁵ Some friends may without moral cost interfere with each other in these ways, and some lovers. In such intimate relationships, individuality is partly dissolved and so respect may not be at issue. These are non-standard cases that a more fully developed theory of respect would have to accommodate.

²⁶ E.g. by Hodson, p. 66, and VanDeVeer, p. 84.

interfere with this purchase, though less disrespectful than if I also had a clear preference against interference (in which case you would disrespect not only my choice but also my preference).²⁷

3.2 Respect for preference

I propose that respect for preference is warranted because we are in part our reflective minds, our inner evaluators. When these inner evaluators fail to issue effective commands to our acting selves, they may still be operative. When our choices do not reflect our preferences, we have some reason to correct for this divergence. To respect ourselves is partly to strive to satisfy our preferences. To respect others is partly to support them in satisfying theirs.

It may seem an easy task to establish that preferences merit respect also when they do not align with choices. My argument in the previous subsection indicates that Mill was a bit too quick to assume that there is no interference involved in stopping the bridge crosser. Mill was arguably on safer ground in assuming that if the bridge crosser does not desire to fall into the river, then this is a good reason to seize him and turn him back. However, the claim that preferences merit respect may draw false support from concerns with well-being, since we tend to assume that people have prudent preferences.²⁸

If we have independent reason to respect preferences, we should have reason to do so also when this does not improve well-being, or, on instrumental views of respect, when it does not improve well-being in any other way than by the preference being respected. Consider, therefore, a person with a strong preference for something that does not promote her well-being, nor anyone else's. Perhaps the preference is based on aesthetic concerns that

²⁷ Indeed, it seems to me a kind of lack of self-respect not to have any preference against interference from others. Thanks to Danny Scoccia for probing me on this.

²⁸ If well-being is understood in terms of the satisfaction of ideal preferences and if autonomy is understood as acting in alignment with one's ideal preferences, respect and care for wellbeing may seem potentially co-extensive, as argued by Dan Brook ("Paternalism and Autonomy", p. 557-8). However, well-being is necessarily time-neutral while respect, for autonomy or more generally, is based on past and present preference, as explained by Danny Scoccia, "In Defense of Hard Paternalism," *Law and Philosophy* 27, no. 4 (2008): 351–81, pp. 361-2; also less explicitly in his "Paternalism and Respect for Autonomy," *Ethics* 100 (1990): 318–34, pp. 325-6.

are, we may presume for the sake of argument, merely a matter of taste, not of value. Suppose we know that such a person always prefers to wear trendy but impractical jackets over windproof hiking jackets, even when hiking. We are taking this person for a hike and, as she has not brought outdoor clothing, we have to loan her either our spare trendy jacket or our spare hiking jacket. She does not consider herself to have any choice in the matter, as it is for us to decide what jacket to loan her. Do we have any reason to respect her preference by loaning her the trendy jacket? I believe we do and I believe this indicates that we have some reason to respect preferences that are not aligned with choice and that do not promote wellbeing.

Arguing against respect for mere preferences, Sugden argues that it is “more natural and more sensible”, at least “for most people most of the time”, to identify with “the *acting self* – the self as buyer, seller and consumer, rather than the self as the maker of plans or as the source of reflective judgments about the well-being of the continuing person”.²⁹ As shown by the example with the jackets, nothing so extravagant needs to be involved in respecting preferences. However, our reasons to respect preferences do depend on our reflective and evaluating inner selves. That we are beings continuous over time seems to me quite central to the human condition.

The very idea of identifying with choice but not with preference presupposes that something is doing the identifying. There must be an I that declares: ‘I am my acting selves’. This declaration must be the outcome of reflection by this I over its continuing existence. It seems, therefore, that Sugden’s very proposal presupposes a reflective self and is in that sense self-defeating. Perhaps Sugden would just concede this much, and insist only that the reflective self endorses all her choices and none of her (non-revealed) preferences. But why would it? Given that the reflective self knows that many choices are based on mistakes and misunderstandings, and so do not promote well-being or any other worthwhile goal, it would seem to have no reason to favor choices over preferences. Here, the point made by Coons and Weber about the oddity of endorsing choices that are not in alignment with one’s values is relevant and convincing.

²⁹ Sugden, “Why Incoherent Preferences Do Not Justify Paternalism” *Constitutional Political Economy* 19 (2008): 226–48, p. 243.

4. True preferences

I have argued that we should respect both choice and preference. I will now argue that two properties of preferences are fundamental to the respect they merit: Their being *actual* and their being *true*.

This section is divided into four subsections. In the first, I will briefly describe what I mean by a preference being true and why this is relevant to respect, and I will give my full account of a preferences being actual and why this is relevant. In the second subsection, I will argue that respect for actual preferences should be comprehensive in that we should respect all of a person's actual preferences, and I will argue that on this comprehensive view, actual preferences often justify interfering with choice, whether or not they are true. In the third subsection, I will argue that there are some cases where interference with choice is apparently justified, where this cannot be explained by appeal to actual preference, but where it can be explained by the greater respect that is due preferences that are also true. In the fourth subsection, I will provide a fuller, though tentative, account of true preferences.

4.1 What are actual and true preferences and why should we respect them?

As discussed in section 2, a preference is an all things considered comparative evaluation. An actual preference is an all things considered comparative evaluation that a person actually makes. True preferences are a subset of actual preferences, defined by requirements of information and coherence, in a way I will explain further in subsection 4.4.

Just like beliefs, actual preferences can be non-occurrent, i.e. not in our present consciousness. To treat non-occurrent preferences as actual is not a form of idealization. A non-occurrent preference is based on the person's actual state of mind, with all its faults.

Actual preferences are evaluations, but that does not mean that they need be produced by a process of weighing pros and cons. Preferences are not arguments, or even considered opinions, at least not necessarily. Perhaps the question of what an evaluation is should be left to meta-ethicists to determine. I tend, however, to be ecumenical, and propose that evaluations can be either expressivist or cognitivist, believed by the evaluator to be either subjective or objective, relativistic or universal. Some people may experience

that their evaluations are the result of theoretical and principled consideration, while others experience that they are spontaneous and intuitive reactions. I propose that both sorts of people are owed respect, and to the same degree.

We should respect actual preferences for reasons similar to those for why we should respect choices - they are integral parts of who we are. Our preferences reflect our plans, our hopes and regrets, our values and our personalities. These help structure our lives, shaping our identity over time. Like our choices, many of our actual preferences are based on mistake and confusion, but so are our hopes, dreams and values, and they are still ours.

At the same time, particular respect for our true preferences is warranted because we are also in part our higher, better, more informed and coherent selves. Only our true preferences reflect our ideal self-image and who we aspire to be. While our actual preferences are often incoherent and based on false beliefs, we strive to be coherent and informed. These aspirations are not optional, but part of what it means to be a somewhat rational agent. In a sense, therefore, what we truly prefer is only what we would still prefer if these aspirations had been successful. To respect ourselves is partly to be open to refinement in this regard. As beings with a fundamental commitment to truth and coherence, we have particular reason to respect each other's true preferences.

4.2 Respect for actual preferences - the comprehensive view

A central and recurring topic in discussion of paternalism is how to explain the apparent justifiability of interfering with uninformed and dangerous actions. Many would count interference motivated by well-being considerations as paternalistic and therefore inappropriate or unjustified. An alternative motivation for interference is that it in fact respects the target's own preferences. Mill's bridge case is the classic example. In discussion of this and similar cases, the focus is almost universally on preferences over two things: (1) the risky action and its alternatives - e.g. crossing or not crossing the bridge, and (2) Interference and non-interference with the risky action. As noted in section 2, Mill proposes that the bridge crosser (1) does not really want to cross and so (2) would not mind interference.

If all preferences were informed and coherent, an all things considered preference over interference and non-interference with some risky action would in an important sense

incorporate all relevant preferences. The preference for performing the action unhindered, as well as preferences against harm, and more generally preferences over various bundles of benefits and degrees of risk, would all influence an informed and coherent person's preference over interference and non-interference. However, since not all actual preferences are informed and coherent, it is unduly restricted to attend only to the preference over interference and non-interference. A bridge crosser with cognitive and informational limitations can both prefer to cross the bridge and prefer not to fall into the river, since he does not know, or does not realize, that satisfying the first preference will necessarily frustrate the second. We therefore have no reason to privilege the preference over interference and non-interference, and more generally have no reason to privilege some preferences over others based on their content. Instead, I propose, we should respect all preferences equally. This is the comprehensive view.

It is often practically impossible to respect incoherent preferences. I propose that such conflict is resolved by weighing preferences against each other by their intensity, and respecting the resultant. The intensity of a preference may be understood as conventionally in terms of what sacrifices one is prepared to make in order to have it satisfied. So, for example, if I prefer to eat my cake to not eating it, and I am prepared to pay \$5 to do so, and I prefer to have my cake to not having it, and I am prepared to pay \$7 to do so, then weighing these two incoherent preferences produces a resultant preference for keeping the cake over eating it, with a \$2 intensity.

Many preferences are relevant to respectful treatment of a person who performs a risky action, in addition to her preference for or against performing the action and her preference for or against interference with that action. Pace Mill, his bridge crosser probably prefers crossing the bridge to taking an alternative route, unless this is a case of *akrasia*.³⁰ This preference is dependent on the false belief that the bridge is safe and so it might be corrected by idealizing towards more perfect information. However, given the comprehensive view, interference can be justified by respect for actual preferences alone. The bridge crosser probably has many actual preferences that are relevant to what would be the most respectful way of treating him. First, he may have preferences concerning

³⁰ For a thorough argument to this effect, see J.P. Day, "On Liberty and the Real Will," *Philosophy* 45 (1970): 177-92.

interference. As pointed out by Danny Scoccia, some people may be "committed to an extreme ideal of self-reliance" and so have preferences against interference with their actions even when these actions are very risky.³¹ Most people, though, are not committed to this extreme ideal, and so their preference for noninterference over interference is not as intense. Moving beyond probable preferences for bridge crossing and against interference, the bridge crosser very probably has a preference against falling into the river. Indeed, this is a given in Mill's original case. Not only is this preference likely to be very intense, the bridge crosser also very likely has numerous other preferences that would be frustrated by his falling into the river. Therefore, his total set of actual preferences will almost certainly favor interference. This is true, we may note, even if the bridge crosser is warned but decides to cross anyway, as in some versions of the case.³²

Even without incoherence, in fact, it is an important difference between choice and preference that we can only pick one option in any given choice situation, while we typically have several different preferences that are affected by what option prevails. Consider a person with informed and coherent preferences, who orders a healthy vegetarian salad at a restaurant. This is her choice. Her preference set, however, may be quite rich. For example, she may prefer *the experience* of eating steak to that of eating salad. Her choice may be motivated by other concerns than the anticipated experience of eating either dish, such as concerns with animal welfare, or with her own health. If we must order for this person, for some reason, it is not clear that we should order what she would herself have ordered. Perhaps we should instead order what she would prefer to eat. What makes more sense, and what is more respectful, probably depends on the circumstances - are we ordering for her in the sense that we act as her proxy, or are we treating her to dinner with the understanding that we will make all the arrangements for the both of us?

4.3 The need for true preferences

³¹ Danny Scoccia, "The right to autonomy and the Justification of Hard Paternalism," in Christian Coons and Michael Weber (eds.) *Paternalism: Theory and Practice* (Cambridge: Cambridge University Press, 2013).", p. 81.

³² E.g. Feinberg, *Harm to Self*, p. 131.

While the comprehensive view of actual preferences will explain why many cases of apparently justified interference with risky action are in accordance with respect, it is insufficient in other cases. Consider this variation of the bridge case: The man believes that crossing the bridge is the only way to achieve some great good, such as saving his family from death or ruin. The bridge, as in the original example, is unsafe, and so the man will risk his life crossing. Tragically, the man will not be able to prevent the ruin of his family even if he manages to cross, so the preference for saving the family cannot be satisfied. Remember that actual preferences need not be based on justified or true beliefs. In this case, the man's preference for survival, and for all the things that are conditional on survival, may be clearly outweighed by the intense preference for saving his family.

This desperate bridge crosser's total set of actual preferences points to non-interference. However, just as the standard bridge crosser, the desperate bridge crosser prefers and performs this action only because of mistake or misinformation. It therefore seems callous not to interfere. This forces us to consider some sort of distinction between preferences in terms of whether or not they are informed by the facts. The preference for saving the family is not in fact satisfiable. As I will explain in the next subsection, it does not, therefore, qualify as a true preference. The preferences for survival and for other things conditional on survival are satisfiable and so may qualify as true preferences. Therefore, if we give priority to the desperate bridge crosser's true preferences, his preference will very likely point to interfering.

While I argued in the previous subsection that a comprehensive view of actual preferences can imply that actual preferences alone can justify interference in the standard bridge case, the conclusion of this subsection holds generally - we have reason to turn back the standard bridge crosser not only because this will respect his weighted actual preferences, but also because it will respect those of his actual preferences which are also his true preferences.

4.4 A specification of true preference

According to my brief description in subsection 4.1, true preferences are *informed* and *coherent*. These two properties, of course, correspond to the assumptions of information

and coherence. The assumption of efficacy is not relevant as we are dealing only with preferences and not choices.

There are obviously many ways in which a system of beliefs and preferences can be made informed and coherent. A popular solution is to invoke *full information* and *perfect rationality*. For example, both Conly and Sunstein and Thaler invoke this ideal to explain in what sense choices can be mistaken, though at other points they indicate that they are more concerned with actual preferences.³³ The properties of full information and perfect rationality, or similar, are often invoked in preferentialist theories of well-being.³⁴ I propose that they are both insufficient for present purposes and inflationary in a way that risks severing the connection with the actual person we aim to respect. Full information and perfect rationality are inflationary because there is an indefinite number of facts that one could know and inferences that one could make, which may all have very substantial impact on a one's preferences. They are insufficient because neither full information nor perfect means-ends rationality ensures that preferences are coherent. To this it might be objected that perfect rationality *requires* coherent preferences. This is a substantial and controversial claim, and even if accepted, it does not address how coherence should be achieved, i.e. which preferences should prevail when a set of preferences is incoherent.³⁵

Both the insufficiency of strong idealization and its inflationary consequences mean that the resulting preference set is arbitrary in relation to the original set. True preferences should reflect a particular person's higher self, not some impersonal rational standard and not the preferences of some very different, ideal person. What we need from a theory of

³³ Thaler and Sunstein (*Nudge*) note that "individuals make pretty bad decisions - decisions they would not have made if they had paid full attention and possessed complete information, unlimited cognitive abilities, and complete self-control". (p. 5). It is not clear if the preferences they invoke, including in the oft cited "better off, *as judged by themselves*" phrase, are actual or idealized. Conly (*Against Autonomy*) seems for the most part to have in mind people's actual preference for long-term and global goods such as a long and healthy life and a comfortable retirement. At one point (p. 43) she invokes the ideal of what a person "would want to do if he were fully informed and fully rational", but, as it seems, presumes that having these abilities would not affect the person's long-term preferences.

³⁴ E.g. Peter Railton, "Moral Realism," *The Philosophical Review* 95 (1986): 163–207, p. 174.

³⁵ Cf. Infante, Lecouteux, and Sugden, "Preference Purification and the Inner Rational Agent: A Critique of the Conventional Wisdom of Behavioural Welfare Economics".

true preference in this context is, I propose, (1) a notion of coherence between preferences, (2) a notion of what it means for preferences to be informed, (3) a notion of relevance to determine which preferences should be made informed and coherent, and (4) a formula for transforming a person's relevant actual preferences into a set of informed and coherent preferences that preserves, as much as possible, the connection between the actual person and her true preferences.

Regarding (1), I propose that preferences should be idealized to coherence in the form of joint satisfiability. That my preferences are jointly satisfiable means, I take it, that things *could* be exactly as I prefer them to be.³⁶ This is not possible with cyclical preferences, for example. If I prefer (on my walk this morning) fog to rain and sun to fog and rain to sun, there is no way in which the world can be such that all these preferences are satisfied.

This coherence condition incorporates an idea of informed preferences by being phrased not in terms of what preferences the person *believes* are satisfiable, but in terms of what preferences really *are* (jointly) satisfiable. For an illustration, consider Oedipus who, according to Greek mythology, unknowingly married his own mother Jocasta. Suppose that Oedipus preferred marrying Jocasta to marrying any other woman, but also preferred marrying any other woman to marrying his mother. These preferences are not informed, since they are not in fact, contrary to Oedipus' beliefs, jointly satisfiable.

This is a rather weak take on (2). It does not necessarily exclude preferences that are based on false beliefs, as long as they are satisfiable. It can be a true preference to prefer to stay indoors in order to avoid an imagined storm. It cannot be a true preference, however, to prefer to be cured by some alternative treatment that is in fact ineffective. Importantly, this information condition on preferences has none of the peculiar consequences of trying to imagine what an actual person bestowed with perfect information might prefer. For one thing, my information condition generates no new preferences; it is only a requirement on existing preferences. More generally, my information condition does not idealize the agent; it does not refer to what the person would have preferred under some non-actual

³⁶ See e.g. Jon Elster, "The Nature and Scope of Rational-Choice Explanation", in Ernest LePore and Brian McLaughlin (eds.) *Actions and Events: Perspectives on Donald Davidson*, (Blackwell Publishers 1985), pp. 60–72.

circumstances. Instead, it simply filters out some preferences that are based on ignorance or mistake, leaving a jointly satisfiable set. It is theoretically possible, though arguably unlikely, that a person with absurd beliefs has jointly satisfiable preferences. It is respectful towards such a person, according to my account, to treat her in accordance with her preferences, even if they are in an important sense not informed.³⁷

Regarding (3), I propose that, for any situation in which we consider what would be respectful, we should only consider preferences over matters that would be affected by our behavior in that situation. In other words, there is no requirement that *all* of a person's preferences be coherent. In considering whether to turn back the bridge crosser, for example, his preference for crossing is relevant, as are his preferences over various risk bundles. However, his preferences over the possible outcomes of some political election are likely not relevant, since nothing we can do in the situation would affect this outcome (unless the bridge crosser himself, if he survives, will cast the decisive vote). Therefore, the bridge crosser's preferences over risk bundles associated with crossing need not be jointly satisfiable with his political preferences.

Regarding (4), I propose that the formula for attaining joint satisfiability should be *minimal loss*, where loss is measured in terms of the number and intensity of preferences that must be given up in order to reach coherence.³⁸ The intensity of a preference may, in this context as in the context of weighing incoherent actual preferences against each other (see section 4.2), be understood in terms of readiness to sacrifice. To illustrate: If I prefer to eat my cake to not eating it with intensity 2, and I prefer to have my cake to not having it with intensity 3, then coherence should be achieved by removing the first preference, leaving me with only a preference for having the cake. In the case of joint satisfiability for

³⁷ It is also theoretically possible that for some people, no preferences will survive the filtering. This would be a problem for a theory which proscribed respect only for true preferences.

³⁸ Depending on details of the proper account of preferences, which I have not considered, we may have to specify minimal loss so that it is not affected by the removal of merely derived preferences, i.e. preferences that I have only because they are logical consequences of my other preferences, or of my beliefs and my other preferences. For example, if I prefer a to b to c to d, it might be that I will, by logical consequence, prefer $a \vee b$ to $c \vee d$. For analogous use of *derived*, see Sven Ove Hansson, *A Textbook of Belief Dynamics: Theory Change and Database Updating* (Springer 1999), pp. 18-19.

true preferences, however, we are not weighing preferences to determine a resultant. Instead, more intense preferences win, and keep their intensity.

Preferences that are undermined because they are conditional on the satisfaction of a preference that is removed to achieve coherence, should not be counted towards minimal loss. To illustrate: If my preference for owning a dog is removed because it does not cohere with my more intense preference for frequent travel, this undermines my preference for getting the best kind of dog food, which was conditional on my owning a dog. The intensity of the dog food preference does not count against removing the dog owning preference.

I propose that my formula for preference idealization captures much or all of what we have reason to respect when it comes to our more informed and coherent selves, without leading us away from the actual person and her evaluations. Importantly, it implies that we have good reason to interfere with the uninformed risky behavior of anyone who has a preference for staying alive and well, unless this preference is in conflict with other preferences that are both satisfiable and of greater intensity. I will begin the next section by addressing the fact that I have not said how strong these reasons are, only that true preferences merit greater respect than preferences that are merely actual.

5. Implications

My account of respect implies that choice, actual preference and true preference are all important in determining what overall respect requires in any particular case. Are there any more general implications of this account? I admit that the implications are not very determinate: It is typically disrespectful to completely disregard choices, but it is often warranted, all things considered, to question them or interfere with them. It is typically disrespectful to completely disregard actual preferences, though it is often warranted, all things considered, to thwart them or allow them to remain ineffective. It is typically disrespectful to disregard true preference, though it is often warranted, all things considered, to give priority to choice and/or actual preference.

Any pluralist account invites the question how components should be balanced. I doubt there is a principled answer to this question when it comes to respect. I have proposed that a choice warrants greater respect the more central it is to a person's life plan

or life story, where this centrality is at least partly dependent on the person's own view. I have also proposed that an actual preference warrants greater respect the greater its intensity. I can now add that the same goes for true preferences. If a person's true preferences point in one direction, but weakly, and her total set of actual preferences point in another direction, quite strongly, we show her the greatest respect, I believe, by attending to her resultant actual preference.

It is not my main purpose to provide action-guidance. Rather, my purpose is to investigate the respect for what question and suggest some answers. I hope to be describing and analyzing an important feature of the moral landscape. However, I believe that my account provides a framework for how to assess matters of respect. My several examples throughout should have given some indication of this. In the remainder of this section, I will first offer one more example and point out how the account can both aid moral inquiry and indicate controversial conclusions. I will then move on to consider another implication of my account.

5.1 Blood transfusion to an unconscious Jehovah's Witness

The case of administering a blood transfusion to an unconscious Jehovah's Witness is mentioned by Gerald Dworkin in his seminal 1972 article on Paternalism and has been much discussed since.³⁹ According to established practice and current Watchtower doctrine, Witnesses may not accept standard blood transfusions, but may accept transfusion of some blood components. The prohibition is quite central to many Witnesses and breach can be cause for disassociation. The prohibition has been a challenge to the medical professions since its introduction in 1945.⁴⁰

Suppose that an unconscious patient is a Witness and in need of surgery, which can only be performed, or only performed with good prospects, if some blood transfusions are given. Because the patient is unconscious, many communication strategies that would otherwise be possible are not. To evaluate this case on my account, we must consider choice, actual preference, and true preference.

³⁹ Dworkin, "Paternalism".

⁴⁰ <http://www.jwfacts.com/watchtower/blood-transfusions.php>. Accessed 2015-06-01.

Regarding choice, the Witness may or may not have made a choice in regards to blood transfusions. Merely belonging to this particular faith does not, I propose, amount to a choice to abstain from transfusions. Many Witnesses, however, carry Medical Alert cards or have signed forms to declare their rejection of transfusions. These are choices and so warrant respect.

Regarding actual preferences, these are mental states and so cannot be directly observed but must be inferred from behavior and other circumstances. Supposedly, most Witnesses willfully reject the prohibited types of transfusions, and so a Witness may, in the absence of any contrary evidence, be assumed to prefer not to have these transfusions. A Witness will typically also have other relevant preferences, such as for improved medical prospects and against disassociation from her fellow believers. More complex preferences are possible, such as the combination of a preference for having a transfusion through no fault of her own with a preference for explicitly rejecting transfusion at any opportunity. Such combinations of almost contradictory preference also warrant respect, though they are of course particularly difficult to ascertain in practice.

Though choice and preference are typically aligned in this sort of case, they may not be. A Witness may have been pressured into choosing to reject transfusions, though he prefers to accept them. Or he may have made a choice that was aligned with his preference at the time and then changed his mind. The contrary case is also possible, where there is either no choice against transfusion, or even an explicit choice to accept transfusion, perhaps in an emergency, though there is a preference against. In such cases too, the preference warrants respect. It may seem outrageous to nonbelievers to withhold treatment that is medically warranted when there is an explicit consent. Consider, however, a case where the transfusion is not urgent, where the patient is under severe stress, where he consents and then loses consciousness, but is likely to become conscious again very soon. In this case, most readers will, I hope, feel the pull of the patient's preference, even if not revealed in choice, and even if waiting might lead to refusal and so diminished well-being.

Regarding true preferences, my account allows that a preference against transfusion that depends on false beliefs is nonetheless true. However, preferences for treatment that are based on false beliefs regarding purely medical facts will typically not be jointly satisfiable with preferences for recovery. In that sense, to abstain from transfusion is a case

of risky behavior much like crossing a dangerous bridge. What is particular to the case, however, is that preferences over treatments are unusually strong because of background preferences over more important things, including disassociation. This particular faith also includes a number of beliefs about actual history and future, in contrast to many other faiths, which mostly deal in interpretation and metaphysical speculation. For example, many Jehovah's Witnesses believe that they will never die but instead live through the immanent Armageddon and continue to live forever in a future paradise on Earth.⁴¹ They also, of course, prefer this prospect to alternatives. I propose that this preference is not in fact satisfiable and therefore not a true preference. Without the preference for living in a future paradise on Earth to back it up, it seems quite possible that the preference against transfusion will loose out to the preference for recovery, even with disassociation also on the scales.

Some tolerant readers will likely object at this point and propose that religious matters should be out of bounds. Remember, however, that we are discussing what in a person to respect, rather than for example whether to attempt to convince Witnesses that they are mistaken. While choice and actual preference should be respected as well, and while strong alignment between these typically mean that witnesses should not be challenged in their faith, I believe that Witnesses' true preference will often diverge from their weighted actual preference, because of the prevalence of false beliefs in their doctrines. If I am right, we have some reason to respect their true preferences by administrating blood transfusions when medically required, even against their choice.

5.2 Alignment of preferences

The way I see it, failure to respect either choice, actual preference or true preference has a moral cost. Our reasons to respect a choice are not extinguished by our stronger reasons to respect preferences requiring interference with that choice. This is partly a question of one's general view of moral values and reasons, of course, and a reader could disagree with this particular proposition while accepting everything else I have said. However, given my 'conflict' view of moral reasons, my account of respect has another interesting implication:

⁴¹ <http://www.jwfacts.com/watchtower/earth-forever.php>. Accessed 2015-06-01.

When a person's choice, actual preferences and true preferences are not aligned, we cannot respect them all and so cannot help falling short of the ideal of perfect respect. When interacting with a person whose preferences are not aligned, such shortcoming is not a moral failing because it is unavoidable. However, in the greater scheme of things, we may do a lot to avoid such situations of imperfect respect. By influencing people and environments so that the three things that merit our respect tend to align, we can avoid shortcomings of respect.

The goal of alignment could be furthered by two main strategies. One would be to promote abilities or virtues such as true belief, critical reflection, integrity and self-control. A person with these virtues is more likely to prefer what she truly prefers and to choose accordingly. From a political perspective, such promotion would most obviously be a task for the educational system, which should be general, of good quality, and promote critical thinking and appropriate character development.

The second strategy would involve more direct and targeted alignment in particular circumstances. To produce such alignment could be a task for behavioral psychology and the politics it has inspired. Alignment could start from any level: We could try to align future preferences and true preferences to choices that are already made, or we could try to align future choices to preexisting preferences and true preferences. It is this second strategy that has been defended by pro-paternalists such as Conly and Sunstein and Thaler. These authors start from pre-existing preferences, true and/or actual, and aim to align choices to these preferences. Since we often have preferences for our own futures, while it is practically difficult to make choices for them (though our present choices of course affect our futures) it is probably most effective to align choices to preferences rather than the other way around.

6. Conclusion

My investigation of the respect for what question was prompted, in part, by behavioral psychology. It is the complexity of the human mind and the human agent that creates the need for the complex answer that I have provided. My answer is that three things determine what we should respect when it comes to self-direction: What choices are manifest in

behavior, what is the resultant of our actual all things considered evaluations, and what we would prefer if we only attend to those of our actual and relevant evaluations that form a jointly satisfiable set, by exclusion of non-informed and non-coherent actual preferences according to a formula of minimal loss.

I have argued for the inadequacy of directing respect to one thing only. This inadequacy provides a strong case for some sort of pluralism. I have also argued for the need to respect each of the three parts of my account. The precise definition of the components of the best pluralist account can be debated. I find that the three parts of my view are quite intuitive and even commonsensical, especially the first two - what people actually choose and what they actually prefer. I believe that we must also have some account of true preferences, and that it should be conservative relative to the set of actual preferences. However, I encourage further discussion of the best pluralist account of the proper target of respect.