

## Two Cheers for Capabilities

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What is the best standard of interpersonal comparison for a broadly egalitarian theory of social justice?<sup>1</sup> A broadly egalitarian theory is one that holds that justice requires that institutions and individual actions should be arranged to improve, to some degree, the quality of life of those who are worse off than others, or very badly off, or both.<sup>2</sup> I shall add the specification that to qualify as broadly egalitarian, the theory must in some circumstances require action to aid the worse off or very badly off even when such action would not maximize the aggregate sum of utility, welfare, or well-being. Any such view needs a standard of interpersonal comparison that allows us to distinguish better off from worse off persons. Recently two types of standard have attracted adherents. One is the resource-oriented approach developed by John Rawls and others, and the other is the capability approach associated with the work of Amartya Sen and Martha Nussbaum.<sup>3</sup> Rawls has affirmed that the proper measure is an index of primary social goods, flexible, multi-purpose resources such that any rational person wants more rather than fewer of them.<sup>4</sup>

Sen presents the capability approach as correcting a basic flaw in Rawls's suggestion. To see the criticism, suppose for simplicity that the resourcist ranks people's condition by their income and wealth (the power to buy whatever goods are available for sale). Two persons may have identical income and wealth, but differ in their personal traits in ways that intuitively seem to be relevant to a full assessment of how well off or badly off they are. One is blind or legless, say, whereas the other has normal vision and two intact functioning legs. Or perhaps one is extremely physically unattractive and the other is not. Having significantly worse personal traits than another person, along with the same wealth and income, one will be far less able than the other individual to pursue effectively and fulfill almost any valuable goal or life plan one might adopt. The proposal then is that one's resource holding is not a good measure of one's condition, how well off or badly off one is in life prospects. Sen's suggestion is that an appropriate measure of a person's condition for purposes of a theory of justice is the extent to which she has real freedom or capability to lead her life in ways she has good reason to value. The right measure is not what resources one has but what, given one's resources and personal traits and the ensemble of circumstances one faces, one has the real freedom to be and do.

To many, Sen's proposed capability approach has an immediate appeal, and appears to be on the right track. However, the advocate of a resourcist approach has two powerful replies. One is that Sen's stated objection to a primary social goods measure is really just a statement of the core idea of a primary social goods measure, and to regard that as a refutation of the approach seems merely to amount to begging the question.<sup>5</sup> Another reply is that Sen must implicitly be assuming that the theorist of justice is able to measure real freedom in the sense of determining who has more real freedom over all and who has less. This does not seem to be an innocent innocuous assumption.

In this essay I summon up a qualified two cheers for the capability approach (rather than the traditional hip-hip-hooray shouted three times). Its focus on the real or effective freedom that a person has rather than on the resources or goods she possesses improves our social justice vision. Its focus on the freedom to achieve worthwhile goals and have a desirable condition is superior to interpersonal measures of people's condition

in terms of their preference satisfaction or the quality of their experience. A focus on resources is misleading and a focus on mental states alone is too narrow. However, enthusiasm for the capability approach should be no more than half-hearted. In my view, Sen's critique of the resource-oriented approach to interpersonal comparisons for the theory of justice implicitly relies on the idea that we have (some) objective knowledge of what constitutes a good human life, a life good for the person who lives it, sufficient for (some) comparative judgments of who is better off and who worse off. Sen scrupulously avoids any such controversial commitment, but then the critique of the resource-oriented approach unravels.

As a further point, I hold that if one judges that by ordinary reflective equilibrium methods we can secure some objective knowledge of human good, the critique of resourcist (and subjective mental-state) approaches to interpersonal comparison is vindicated, but the question then arises, why think that social justice is fundamentally concerned with the provision of freedom or capability to individuals rather than with promoting their actual attainment of good lives. The just rational society is one in which people actually attain good lives, with good fairly distributed, not merely one in which people have wide freedom or capability to attain good lives. The theory of justice must look beyond the capabilities that individuals enjoy to assess the uses to which they put their capabilities; the just society nudges people toward what is valuable and does not merely offer them a path to it. This capability versus functioning, opportunity versus outcome issue is one I discuss elsewhere and set aside in this essay.<sup>6</sup>

#### AN INITIAL DIFFICULTY

At the outset the project of this essay runs head-long into a difficulty that does not admit of a definitive resolution. The advocate of the capability approach to the theory of justice is urging that the idea of capability should be an element or module in an acceptable theory of justice. But in general one assesses a suggested module of a moral theory as one might assess a proposed part that is supposed to fulfill some function in an engine. One can see if the part works by seeing if the engine works better with that part inserted or with some substitute inserted instead or without anything of the sort deployed. You might be able to tell by inspecting the part in isolation that it could not play its assigned role, but the definitive test for success will be how the part functions in its place, alongside the rest of the engine. And so it would seem to be for proposed modules of moral theories. The unit of assessment is really a complete moral theory.<sup>7</sup> An element in a theory might look implausible or counterintuitive in isolation, but if it plays a role in a theory that fits our considered judgments in reflective equilibrium better than any rival theory we can devise, then we can learn to live with the isolated counterintuitiveness. Criticism of a theory module in isolation can never be decisive.

#### THE NATURE OF CAPABILITY

According to the capability approach to the characterization of an individual's condition for purposes of social justice theory, a person's well-being can be identified with the quality of her beings and doings, what Sen calls "functionings." He explains the idea by providing examples: "A person's achievement in this respect can be seen as the vector of his or her functionings. The relevant functionings can vary from such elementary things as being adequately nourished, being in good health, avoiding escapable morbidity and premature mortality, etc., to more complex achievements such as being happy, having self-respect, taking part in the life of the community, and so on."

A person's real freedom or capability is constituted by the various combinations of functionings she can achieve. "Capability is, thus, a set of vectors of functionings, reflecting the person's freedom to lead one type of life or another," writes Sen.<sup>8</sup>

Capability might be assessed from different time perspectives. A person's momentary capability consists in the combinations of functionings she can achieve at a particular moment. A person's capability from now is the set of combinations of functionings she can achieve from this moment forward to the end of her life. A person's lifetime capability is the set of combinations she could have achieved throughout her entire life.

An individual's capabilities depend on her abilities and on the ensemble of circumstances she faces. Being strong, Mary has the ability to run fast around the Eiffel Tower, but lacking the money for plane fare or any other way of getting to Paris, she does not have the capability to run fast around that famous monument. One's social circumstances include the desires of others. Although there are only three apples available to feed a thousand people, since none of us is hungry, each of us has the capability to eat three apples there for the taking. If people started growing hungrier, and some have closer access to the apples than one does, one's capability to eat three apples disappears.

The combinations of functionings one can achieve include open options. One has an open option to get A just in case if one chooses A and follows an available course of action aimed at getting it, one gets it, and if one does not choose A and follow such a course of action, one does not get A. In such a case whether or not one gets A lies in one's control. But one can have the capability to get A without having the capability not to get A. Living in a society that has eradicated malaria, all of the combinations of functionings I can achieve include not becoming sick with malaria. I have the capability not to become sick with malaria but not an open option in this respect.

Capability is increased when the set of combinations one can achieve expands to include new valuable functionings. Capability increases less, if at all, when the set of combinations one can achieve expands by inclusion of functionings that are worthless or of negative value.

There are some wrinkles here. Sen correctly insists that freedom in a sense can increase even when one's open options do not increase. He notes that even when the levers of control with respect to some matter that concerns me do not lie in my hands, I may have effective freedom with respect to this matter. Suppose a proofreader corrects the galley proofs of my essay so as to make the final copy correspond to what I would choose if I had the choice. I can't in fact control what occurs; the proofreader controls the process. However, Sen asserts, "As long as the levers of control are systematically exercised in line with *what I would choose* and *for that exact reason*, my 'effective freedom' is uncompromised, though my 'freedom as control' may be limited or absent."<sup>9</sup> Sen notes that in this sense, a malaria eradication program can enhance one's freedom by rendering one free from malaria, even if one does not then have an open option to avoid or acquire malaria infliction.

To register this point, let us say one has counterfactual freedom with respect to some matter X just in case (1) one would choose X if one had the choice, (2) one gets X, and (3) (2) is true because (1) is true. The third condition requires that if one's disposition to choose changes, what one gets changes correspondingly. In the

proofreader case, one would choose British spelling if one had the choice, so one gets that, and if one would instead choose American spelling, one would get that.

That one has counterfactual freedom with respect to some matter does not necessarily bring it about that all is well in the realm of freedom with respect to that matter. Consider this case: I am the slave of a kindly master, who wants to accord me counterfactual freedom. Knowing I am attracted to mathematics, he orders me to devote myself to mathematical work, and does so in the knowledge that if I were given the choice, I would choose to work at mathematics.

However, the fact that if given the choice, I would choose mathematics, is compatible with its also being the case that given that I am not being given the choice, my actual preference is that I be assigned gardening work. (Perhaps I resent the involvement of the master's will in my doing an activity that is dear to my heart, and would prefer that what I do as a commanded slave be more in the nature of rote work.) Here what the slave may want above all, and reasonably so, is open option freedom. The fact that I have counterfactual freedom in the matter of the work I do might be cold comfort.<sup>10</sup>

Consider another type of example in which counterfactual freedom is present but the assessment of the situation, from the standpoint of freedom, remains tricky. Suppose that if I had the choice, I would choose to be injected with heroin. Knowing this, and responding to my counterfactual choice, a friend or guardian brings it about that I get a heroin injection. But the fact that I would choose a heroin injection if I had the choice is compatible with its also being the case that I strongly do not want to have the choice, precisely because I know I would misuse it by giving in to temptation, and that I want above all, and reasonably so, not to be injected with heroin.

The examples in the three preceding paragraphs suggest that capability understood as Sen conceives it does not exhaust the values that reasonably matter to us that we locate under the broad category of *freedom*. Sen agrees. While emphasizing the importance of capability for social evaluation Sen also stresses that other freedom values matter in this exercise. Freedom is multifarious. The thrust of Sen's social philosophy writing is always to warn against over-simplified approaches to evaluation that encourage us to ignore complexities an adequate account should register. Greater complexity in the subject makes the task of the would-be theorist seeking unifying principle frustratingly difficult, but these are difficulties we must confront not evade. With respect to freedom, Sen notes that it "has at least two distinct aspects, the opportunity aspect and the process aspect," the latter encompassing both the concerns an individual has regarding the processes in her own personal life and the concerns we have regarding general rules regulating social processes.<sup>11</sup> For the opportunity aspect, the idea of positive freedom as capability is central, but there is more to freedom than positive freedom—e.g., negative freedom, which falls squarely under the process aspect.

In light of these remarks, characterizing the capability approach to interpersonal comparison for the purposes of a theory of justice as I do in this essay can easily bowdlerize Sen's nuanced assertions. I don't believe that my focus on capability versus the resource-oriented primary goods approach to interpersonal comparison is distorting, but readers, forewarned, will have to judge for themselves.

The capabilities to function one has consist of the combinations of functionings any one of which one will get if one chooses it. Suppose that if one were to choose pizza

one would get it, but one cannot choose pizza (one suffers from phobia that blocks this choice). Strictly, one has the capability to achieve pizza functioning, but this might seem capability in name only. One could avoid this implication by amending the idea of capability, so that the capabilities to function one has consist of the combinations of functionings any one of which one can choose, and would get if one chooses it (and follows a course of action one can complete). One might also allow capability to vary by degree, depending on how difficult and painful, or easy and pleasant, it would be to make the choice and pursue the course of action that achieves the functioning in question.

Sen associates capability with well-being freedom—having the opportunity to achieve functionings that render one’s life better for one rather than worse. But he notes that well-being freedom is a component of a broader notion, the freedom to achieve goals one values. Well-being achievement, well-being freedom, broader achievement, and broader freedom are all distinct notions. Sen describes an example in which one’s broader freedom is expanded, in that one becomes able to effect a rescue of a person in need, and thereby both one’s well-being achievement and well-being freedom decrease (because whatever one chooses, one cannot now gain as much well-being as one could have done when one lacked the choice to effect a rescue and could pursue self-interested goals without guilt or anxiety). For purposes of this essay I simply assume that in so far as capability or real freedom is the aspect of people’s condition that prompts egalitarian justice concern, the relevant notion is capability for well-being not broader capability.<sup>12</sup>

#### SUBJECTIVE VERSUS OBJECTIVE MEASURES

Sen defends the capability approach against two rivals. One is welfare conceived in mental state terms, as desire satisfaction or as pleasure and the absence of pain. A second rival is the account of primary social goods developed by John Rawls.

The objection against desire satisfaction accounts is that desires may be formed in ways that undermine the claim that the more desire satisfaction one obtains, the better one’s life is going. Oppressive circumstances may stunt people’s ambitions. A poor farmer living at the edge of subsistence may desire above all to keep his family alive; a woman abused by her husband may desire above all that he stop hitting her. If the measure of a person’s quality of life is taken to be the ratio of her satisfied to unsatisfied preferences, with preferences being weighted by their felt importance to the person, the farmer and the abused spouse just described may register improbably as leading lives of high quality. The impact of grim circumstances in forming these desires is not mediated by the choice and will of the person whose desires are being formed. But a person might respond to grim life circumstances by deliberately and consciously working to shape her desires so they become modest and satisfiable. The extent of the satisfaction of such autonomously formed preferences would also be a poor measure of the individual’s quality of life.

As just described, the critique of the identification of desire satisfaction with human good for purposes of distributive justice implicitly appeals to the thought that sometimes at least we are in a position to know that the individual’s subjective wants do not track what would really improve her quality of life. “Really” here indicates the assumption of a valid objective standard. If I want only to eat cotton candy and I get ample opportunity to satisfy this desire, that does not suffice for opportunity for a good life, we think, but why not? Unless we can vindicate the claim that there are more

valuable things in life—love, friendship, achievement—the disparagement of cotton candy satisfaction is bluff.

Much the same holds for Sen's critique, already sketched in the second paragraph of this essay, of the Rawlsian primary goods standard for interpersonal comparison for the theory of justice. The Sen critique of Rawls is incomplete.<sup>13</sup> The trouble with capabilities is that there are too many of them. At any given time any individual will have the real freedom to achieve myriad functionings, many unique to that very individual, most utterly trivial. Described at a fine-grained level, many capabilities even of a person whose life condition is grim will be shared by no other person. If the measure of capabilities involves some neutral counting of options, then almost always one person's capability set will include many capabilities all other persons lack and will fail to include many capabilities others possess, so almost everyone will be counted as having neither more nor less capability than others nor exactly the same. People's capability sets will almost always be noncomparable. The capability standard so understood would not be measuring anything important.

To avoid this result, one needs a standard that distinguishes significant from trivial capabilities and discounts the latter in the comparison of people's condition in terms of their capability sets. The capabilities that matter for purposes of the theory of justice are capabilities to achieve or be what is objectively good, what contributes to the quality of one's life as rated by an objective list account of human good. On this view one attains a good life to the extent one gains items on a list of objective goods. An ideal objective list standard for interpersonal comparison would assign positive numbers to any amount of achievement of any type of good (and negative numbers registering any amount of suffering of bads such as disease and pain), such that the numbers can be summed for any person and across persons. More realistically, a cardinal interpersonal capability for good standard would exhibit gaps and indeterminacies. Some types of achievements may be noncomparable, and some may be comparable only across broad ranges. There is only as much commensurability as there is.

Consider this argument:

1. The critique of resourcist standards of interpersonal comparison from the capability standpoint succeeds only if capabilities to function can be objectively ranked according to the well-being value of each functioning.
2. Capabilities to function cannot be objectively ranked according to the well-being value of each functioning.
3. The critique of resourcist standards of interpersonal comparison from the capability standpoint does not succeed.

The resourcist advocate affirms 1, 2, and thus 3. I have been affirming 1 while denying 2 and 3. Sen himself rejects 1 and takes no firm stand on 2.<sup>14</sup>

Sen's position is that one can establish that the assessment of people's condition for theory of justice purposes is best done in terms of capabilities and functionings, whether or not one remains agnostic on the issue of the possibility of justifying an objective rank ordering of capabilities. What matters for justice is determining what people are really, effectively free to do and be, not what mental state of satisfaction of enjoyment they can gain, nor what all-purpose means or resources they possess. So says Sen. But why think this is so? If I have no basis for determining that any given capability is more important or less important a contributor to well-being than any other,

I am thrown back either on some version of a neutral counting of options as a way to tell who is better or worse off than another according to a capability standard, or I must let each person's subjective ranking of her capabilities be accepted as the ranking society employs. Neither path leads anywhere sensible. More important, if the capability advocate goes down either of these paths, she is not in a position to object to a resourcist measure. If my social condition looks to be fair, in terms of my access to primary social goods, I do not see the force of the complaint that my real freedom compares unfavorably to the real freedom of others, if that comparison can mean that my opportunity with my primary goods allocation to satisfy my perhaps extravagant, whimsical, or evanescent desires is less than the opportunity others have to satisfy their modest, deep-seated, or stable desires. The highest ratio of satisfied to unsatisfied desires the person can attain looks to be a rubber yardstick for social evaluation of people's condition. Same goes for any neutral counting measure that counts hated and despised options to increase freedom just as much as liked and valued options and options toward which the agent, and perhaps everyone else, is utterly indifferent.

#### PERFECTIONIST CAPABILITY VERSUS PRIMARY GOODS

From the standpoint of a capability measure tied to the objective list conception of human good (call this the *perfectionist capability approach*), the amount of resources a person possesses may not indicate anything morally significant about how well off she is in any terms that matter. Consider income and wealth. Having more money, I have the freedom to purchase more goods, and a wider range of goods, that are available for purchase. But suppose one lives in a society whose culture is inimical to human good, and where consumer demand brings it about that nothing is for sale than facilitates one's human flourishing. On the market in this imagined society one can purchase an endless array of photographs of celebrities and a wide variety of fan magazines and trinkets and baubles of various sorts, but nothing useful for any worthwhile project. The society might be wealthy as measured by gross national product per capita, but even high income leaves one lacking in capabilities for well-being, so according to a sufficientarian conception of justice with the "good enough" level of well being qualifying as the threshold of sufficiency being set at a modest level, in this society virtually no one may have enough capability for a minimally decent life. This gross failure to secure justice would not register as any sort of distributive justice problem if the resources that justice is thought to regulate consist of income and wealth.

Another formulation of essentially this same objection against a primary social goods approach to interpersonal comparisons for the theory of justice is that it misidentifies who are the truly worse off, disadvantaged members of society. In one way or another a broadly egalitarian theory of justice separates people into two groups, the better off and the worse off, and requires the former to help the latter. The approach might become more sophisticated but the basic idea will be similar. For example, one might locate people on a scale that ranges from very badly off to very well off, and hold that policies should be set to maximize a weighted sum of well being with gains given more weight, the worse off the person who gets the gain. Or one might adopt a sufficientarian approach, and identify a good enough level of well being. Those who will stay comfortably above this level will be required, consistent with other justice values, to help those who will languish below this threshold over the course of their lives unless

they are provided assistance. In one way or another under an egalitarian justice regime, better offs are tapped on the shoulder and asked to help worse offs.<sup>15</sup>

On the capability approach, the worse off are identified not in terms of the actual well-being and other valuable functionings they attain, but in terms of the extent of their freedom to achieve such valuable functionings. For now, I simply assume that a focus on capability or real freedom is better than a focus on functionings or well-being.

From a capability perspective, the primary social goods standard for measuring people's condition is inherently unfair. People who are not truly disadvantaged will be classified as among the truly disadvantaged, and people who are not truly well off will be classified among the truly well off.

Let's say that a primary social good standard classifies people as advantaged or disadvantaged depending on their holdings of primary social goods. Suppose that we are applying the standard to a liberal democracy in which the civil liberties such as freedom of speech, freedom of thought, and the right to vote and stand for office in free elections are equally provided to all citizens, so we can ignore the distribution of basic liberties and concentrate on the distribution of other primary social goods, of which some citizens have more and some less. For simplicity, let's suppose that these primary social goods other than basic liberty comprise income and leisure time.

Some individuals enjoy far greater amounts of income and leisure time than most other people so they unambiguously qualify as among the better off group, according to the primary social goods measure. But some of these people will be deficient in personal traits that are uncontroversially regarded as needed for having reasonable prospects for having a good life, a life high in well-being. They lack the personal traits that any sensible loving parent would wish her child to possess. Suppose these include charm and related personal traits of sociability that render one an attractive candidate for mutually beneficial social interaction, cognitive abilities that fit one for many sorts of excellent achievement, exceptional physical prowess and stamina, and physical attractiveness.<sup>16</sup> These traits interact with free time and income to determine one's capabilities. People who are subpar in these personal traits will be poor transformers of income and leisure into well-being achievement, so lacking these traits, people will have very low capabilities even though they are richly endowed with income and leisure so register as very well off members of society on any primary social goods measure.

By the same token, some of those who have very poor access to leisure and income but are extraordinarily fortunate in their personal traits will be any reasonable measure score high on capability for well-being. A person with great personal traits can parlay a little income and leisure into a lot of well-being. One can for example write excellent novels and prove deep mathematical theorems utilizing few resources, and one can gain great pleasure from life even with very small access to free time off work (one either gains great pleasure from work or can get lots of pleasure in a small amount of free time well deployed). Of course, this will hold true only up to a point. With too few resources, one starves, or lacks air to breathe or land on which one is free to place one's body, and at this threshold one will have a short and poor life no matter how fortunate one's personal trait endowments. Let's say that unless one is in such desperate straits, one can be well off overall despite subpar access to Rawlsian primary social goods.

It would be perverse to regard those with lots of money and free time but poor personal traits as well off. In wishing good fortune for a young person, this is not the

quality of life one has in mind. These people have lots of time and money but are unable to use the time and money productively to gain well-being for themselves and others.

The same goes in reverse for those who have subpar holdings of money and time (short of desperate straits) but are fortunate in their personal trait endowments. They are truly advantaged but will be identified as disadvantaged by the primary social goods measure.<sup>17</sup>

#### TWO RESOURCIST RESPONSES

A hard-core defender of primary goods as the proper basis of interpersonal comparison might respond to these perfectionist objections in two ways. I briefly sketch the responses and what strikes me as the best perfectionist line of reply.

One response is that social justice is concerned with fair social arrangements, not with correcting inequalities in the natural lottery of personal trait endowments, which should be viewed as an issue of cosmic justice or world creation. The perfectionist capability approach crosses a boundary line and wanders beyond the proper terrain of social justice, the theory of what we owe to each other.

There may be a rock-bottom conflict of moral intuition here. If my poor endowment of personal traits that will impede my aspiration to lead a fulfilling life is remediable or compensable at reasonable cost to others, so that a sensible principle of justice will prescribe that aid to me is forthcoming, the perfectionist denies that it matters fundamentally if one judges my problem to be natural rather than social in origin. Taking this line does not require the perfectionist to develop a clear and compelling account of the line between the natural and the social, since for her nothing turns on it. However, if the primary goods advocate claims the distinction to be of pivotal significance in vindicating a primary goods approach, one needs a clear and compelling account of the distinction that supports the claim that it matters. One may doubt the distinction can be sharpened and refined in such a way that also renders it capable of bearing a lot of normative weight. Consider that one's natural talent endowment will be a prime determinant of one's expectation of primary social goods given a specification of economic circumstances, and the natural talent endowment would affect this expectation in broadly similar ways in a vast array of different social environments. When this is so, shouldn't the component of one's primary social goods expectation that is pretty much invariant with respect to a wide array of likely social environments and that varies with the quality of one's personal endowments qualify as natural not social? The primary goods approach as so far characterized does not take this line, but why not? In the same spirit one might query the classification of social mistreatment of individuals that is caused by the robust tendency of these individuals' personal traits to elicit a demeaning or hostile response in a wide array of social environments as social rather than natural. The social mistreatment might be a superficial symptom of a deeper natural phenomenon.

If one claims the line between the natural and the social has large normative consequences for the theory of justice, one confronts the problem that the distinction seems too crude for the purpose. One needs to clarify the metaphysical and scientific basis for drawing the distinction one way rather than another. Unless this can be done in a way that vindicates the primary goods approach, one is left merely with the raw opinion that we don't owe anything to those who face obstacles to a decent life that are rooted in their personal trait endowments—unless they somehow or other have an impact on primary goods expectations.<sup>18</sup>

The second response invokes the supposed constraint of publicity on candidate conceptions of social justice. The constraint is that justice norms must be administrable via a workable scheme of public rules, and that to qualify as public it must be common knowledge among the members of society (a) what the rules are, (b) what the rules require of each individual, and (c) the extent to which each individual complies with those requirements. If the requirements of social justice norms are stated in the terms of a theory of perfectionist capability, the objection runs, the publicity constraint cannot be met. What capabilities for human perfection any individual has, how her capabilities compare to the comparable capabilities others possess, and how the ensemble of any individual's capabilities compares overall with the overall capability of other persons are inherently murky questions. We cannot organize a society in such a way that they become common knowledge.

Again, the perfectionist capability advocate has a convincing rebuttal. First, we should distinguish fundamental moral principles and public and private policies undertaken as means to satisfy fundamental principles. Insofar as policies need to be implementable, they will reasonably be formulated not in terms of fundamental theory notions that are inherently vague or elusive, rather in terms of workable proxies for what we fundamentally care about. The requirement of publicity makes more sense when pressed at the level of policy than at the level of principle. The question then becomes, is it morally acceptable to establish and sustain policies that do not fully satisfy the publicity constraint. Again, if the policies in question are counterproductive and do not advance the values given standing in our fundamental moral principles, then there is no issue. The issue is joined only if by disavowing publicity or ignoring violations of it we can institute policies that better advance our justice values (other than the disputed value of publicity itself).

To carry the discussion further we would need to specify what social fundamental justice principles we should accept. But you can already see how the perfectionist capability advocate will frame her reply. If we can achieve a boost in human capabilities for achieving genuine goods and can do so in a way that distributes these benefits fairly across persons, at a cost in the publicity or transparency of social relations, we should do it. Suppose that only expert social scientists who frame their researches in morally sensitive ways can discern the extent to which a society's social arrangements fulfill the perfectionist capability justice norms. But they can do it, and we can devise and implement policies that will achieve perfectionist justice. The empirical cum normative basis of this assessment is beyond the layman's grasp, so we must choose between perfectionist justice and publicity. Perfectionist justice should attract our allegiance in this decision problem. Publicity either does not per se matter morally or it encapsulates low-priority values that cannot outweigh substantial perfectionist gains. Moreover, the requirements of publicity can be cranked higher or lower. Cranked to a less demanding, lower level, publicity values perhaps look somewhat more appealing but then also appear to be satisfiable to a reasonable extent by social policies inspired by perfectionist capability values.<sup>19</sup>

#### THE CLAIMED UNAVAILABILITY OF AN OBJECTIVE STANDARD OF WELL-BEING

I have claimed that the Sen criticism of using individuals' resource holdings as the measure of interpersonal comparisons for an egalitarian theory of justice is ineffective

unless some objective ranking is possible of the capabilities for a life of well-being that different persons enjoy. The capability critique of resourceism stands or falls with our ability to develop an objective standard for assessing quality of life.

Some will interpret this result as defeat for the capability critique of resourceism. Any proposed objective standard for assessing people's quality of life would be deeply and intractably controversial, and using this standard to determine what we owe one another by way of justice obligations to be enforced by the state would be wrongly sectarian. As Ronald Dworkin puts the point, "an objective ranking [of capabilities] would be controversial, even one with a generous helping of indeterminacy, and basing distribution on such a ranking is not consistent with equal concern for all."<sup>20</sup>

John Rawls presses a similar objection. He proposes a liberal legitimacy norm: People should not be subject to coercion by state authorities unless the coercion is justifiable by appeal to principles that no one can reasonably reject.<sup>21</sup> However, any principles that specify what is good or choiceworthy in human life, what makes one life better or worse for the person who lives it, are bound to be reasonably rejectable. Any state coercion justifiable only by appeal to such principles violates the liberal legitimacy norm, and should therefore not be imposed.

At first glance, there is something odd about the moral injunction not to use state power to enforce controversial conceptions of good. Rawls and Dworkin both propose controversial, and as it happens sharply opposed conceptions of the right, the norms of justice to be enforced by the state. Why the stark asymmetry between the right and the good? Does Rawls imagine that the difference principle is uncontroversial, or would be if we all thought more about the matter? Or is it that coercive imposition of controversial conceptions of the right is permissible but similar imposition of controversial conceptions of good is not? If so, what justifies these claims?

The situation is even odder than described above, because if you look at the theories of justice proposed by Dworkin and by Rawls, you see they incorporate highly controversial claims about the nature of human good and about how a proper theory of justice should be informed by our sense of what is choiceworthy and valuable. Their views on this topic tend to be minimalist, and what is controversial is that the stripped-down notions of human good they employ are adequate building blocks for the theory of justice.

Oddity is no guarantee of falsity. Perhaps Rawls and Dworkin are correct that questions about the substance of moral right, about the content of what we all owe to each other as fixed by fundamental moral principles, admit of objectively warranted answers that no one can reasonably reject, whereas questions about the substance of human good, about what a life must contain that is good for the person who lives it, do not. However, this asymmetry claim is not self-evident, to render it plausible would require powerful arguments, whereas in the thought of Rawls and Dworkin it enters as a starting assumption not the conclusion of argument.

Here some claims should be distinguished. One is that an objective measure of human well-being cannot be rationally warranted. Another is that this measure is complete, so that for any two specifications of states of affairs, one always contains more well-being than the other, or less, or exactly the same. A third is that even if an objective, rationally warranted measure of human well-being exists (partial or complete), it would

be controversial, and hence it would be wrongfully disrespectful to use state power to enforce or promote it.

The third claim, cleanly separated from the first two, seems implausible. Consider for comparison deployment of state power that is justified by appeal to controversial empirical, scientific claims. If the empirical claims are rationally warranted, it is not wrong to base policy on them, even if some reasonable citizens disagree. The tendency to think otherwise stems from an exaggerated view of the evil of coercion. Coercing someone to do what she has no good reason to do all things considered is an evil, and often a horrible evil. But coercing someone to do what is morally right even against that person's sincere conviction is not inherently disrespectful. Nor is coercing someone to conform to correct empirical belief, when the stakes are high enough, wrongfully disrespectful just on the ground that the person has contrary empirical beliefs, even deep-seated ones. The same goes for convictions about what is valuable and worthwhile in human life.

The idea that a complete measure of human good can be rationally warranted is wildly absurd. Many states of affairs may not be fully comparable. Is it better for one to be a bad physicist or a good football player? Within a wide range of possibilities these options may not be comparable even if all facts relevant to the comparison are fully specified. But the claim that a partial objective measure of human good is rationally warranted, which rules out many ways a person's life might go as definitely worse than others, is not absurd at all. Though controversial, its denial is also controversial.

The constraint that one ought not to impose on people coercively in the name of principles that are reasonably rejectable becomes more demanding, the lower the standard of reasonableness that informs the idea of reasonable rejectability. The highest standard would say that a claim is reasonably rejectable only if it could be rejected by someone who was being perfectly reasonable—fully informed of relevant facts and considerations, making no cognitive errors, reasoning flawlessly, affirming only what is best supported by reasons after ideal and ideally extended rational deliberation. A weaker standard allows that if one is being reasonable enough, considering the matter in question at a threshold level of competence, and rejects a claim, it qualifies as reasonably rejectable.

The highest standard of reasonable rejectability does not obviously exclude claims about human good and specifically a capability measure of the individual's condition for the purposes of a theory of justice from the set of claims that are not reasonably rejectable and hence may legitimately be enforced. A claim that is controversial among ordinary reasoners might be capable of attracting the unanimous support of ideal reasoners. However, any weaker standard of reasonable rejectability would itself be unacceptable.

#### THE NEED FOR AN INDEX

Skepticism about the availability of an objective list or perfectionist conception of human good that provides a measure for interpersonal comparisons of individuals' capabilities is an unstable basis for rejecting the capability approach in favor of a resourcist approach such as the Rawlsian doctrine of primary social goods. The problem is that the skeptical arguments that cast doubt on interpersonal capability assessment will cast similar doubt on primary social goods as the basis of interpersonal assessment for a theory of justice.<sup>22</sup>

There are several primary social goods, and individuals might hold various combinations of them. In order to apply any egalitarian distributive principles that

measure people's condition by their primary social goods holdings, we need an index that will attach comparative weights to the various primary social goods so that for any two individuals, we can in principle determine who is overall more disadvantaged in terms of her primary social good holdings. (The need for an index remains even if one allows that in Rawls's scheme, some primary goods are dealt with by special distinct principles such as the equal basic liberty and fair equality of opportunity principles.)

It might seem that the need for a measure can be avoided if one adopts a sufficientarian moral theory or theory of justice. Sufficientarianism names a family of principles that hold that what justice or fundamental morality requires above all is that we bring it about that as many as possible of those who shall live should enjoy "good enough" or "sufficiently good" life conditions. The resourcist sufficientarian identifies the good enough condition as one in which the person enjoys a good enough level of primary goods or resources. If one takes the further step of identifying a list of kinds of primary social good and holding that each person must have a good enough level of each type of primary good, so far no index of primary goods is needed.

The need for measurement resurfaces, however. If it is not possible to provide sufficiency for everyone, we need to be able to evaluate various possible states of affairs we could bring about, in which different persons may have different amounts of various primary goods that fall variously short of the good enough level.

My claim here would be that to develop an acceptable index of primary social goods, one will need assumptions about the comparative importance of primary and social goods to the achievement of individual good. But if we can do that, why can't we tailor the requirements of social justice directly to what is required to provide people fair opportunity or capability to achieve genuinely good lives, lives rich in well-being? On the other hand, if we can't do that, we lack an index, and we cannot use primary social goods as a standard of interpersonal comparison for the theory of justice.<sup>23</sup>

#### THE STIGMA AND INSULT OBJECTION TO THE PERFECTIONIST CAPABILITY APPROACH

The ideal of a public conception of justice is associated with yet another argument against the capability approach and in favor of a broadly resourcist orientation.<sup>24</sup> The argument begins with the observation that according to capability-oriented views, what one owes to others or is owed by them under the rubric of distributive justice obligations depends on a fine-grained assessment of one's individual capabilities as a whole by an official state agency charged with the administration of distributive justice. Such an official rank-ordering of the quality and worth of one's personal traits in the context of one's personal circumstances is offensive, and more redolent of feudal hierarchy than modern democratic conceptions that hold all members of society to be basically free and equal. Moreover, such rankings of persons by the utility of their personal traits are also bound to be deeply contentious if not arbitrary. People's traits vary across many dimensions, and comparing the relative worth of sets of disparate traits is a fool's errand. Even if I am a slow runner, lack business intelligence and financial skill, and am bald and have bad teeth, I may yet have a quirky sense of humor and can play the cello passably—who is to say my capabilities are subpar overall?

Whether or not such rank orderings can be carried out nonarbitrarily and make sense even in principle, a decent society seeking justice for all eschews them as a matter of principle. This is what a society committed to resourcism does. Society makes no

attempt to measure the overall merit and worth of the traits of individuals, but is rather committed to celebrating the diverse cornucopia of traits and talents distributed across the members of society and the unique worth of each individual, not expressible in terms of a social ranking.

A society that conditions its offers of aid to needy persons on their ability to demonstrate that taken as a whole they lack the personal requisites for a good life is committed to a cruel system of personal assessment. In such a society receipt of public aid would inevitably take on the quality of low caste stigma inflicted by public authority. Such a society fails to embody in public institutions and culture a respect for all members of society as free and equal. So the resourcist urges.

#### A SKETCH OF A REPLY

The resourcist here raises a profound issue. In response, I shall invoke a particular family of social justice views that might consort with the capability approach—prioritarianism.<sup>25</sup>

The basic response is that declining to register personal trait deficits as problems for justice to address when harsh natural inequalities and defects are barriers to a successful life that wise social policy can remove is perverse, not egalitarian in any meaningful sense. If an individual suffers disabilities about which nothing effective can be done, then on the capability approach there is no point to calling attention to them. But if disabilities can be remediated so that capabilities for the good life are given a substantial boost, the fact that my disability is rooted in my personal traits rather than in subnormal bank account balance or other resource deficits should not pose a principled obstacle to seeing the problem as one to which a just society is responsive.

Regarding the specter of official public rankings of the worth of citizens' personal traits regarded as a unit, several points are relevant. First, even if such rankings are required by the policies a perfectionist capability approach approves, and do impose stigma burdens on persons whose official rank is low, it does not follow that such a society imposes greater stigma burdens overall than a society committed to interpersonal comparisons in terms of primary social goods holdings. The latter society draws a curtain over people's personal traits for purposes of public policy, but in private life, rankings of personal traits may grate harshly on the self-esteem, sense of efficacy, and emotional well-being of those whose traits are regarded as low-grade in the labor market, the dating market, the friendship market, the world of private associations and clubs, and other spheres of informal public culture. On the whole and on the average, the persons who are unlucky in their personal traits may be better off in the form of society, embracing perfectionist capability and priority, that embraces public rankings for the purpose of identifying and helping the unlucky. Consider the alternative: If I am widely regarded as useless and repulsive, so I cannot obtain a job, a romantic partner, a friend, or willing associates in shared enterprises, the fact that the society, committed to the primary social goods standard and rejecting perfectionist capability, scrupulously avoids public rankings of people's personal traits does not protect me from stigma shock.

A second point to note is that if public rankings of people's capabilities overall are unavoidably injurious to people's self-esteem and well-being, the perfectionist capability prioritarian principles of justice will likely seek to avoid them. This will be so when a strategy that avoids public rankings would better fulfill the prioritarian goal than strategies that incorporate them. Such a strategy of avoidance might involve treating

everyone the same, in certain ways, when discriminating on the basis of individuals' personal traits and abilities would be injurious. For example, the just policy might be to prohibit the use of certain dangerous recreational drugs across the board, even if very good choosers would always be better off unconstrained by such paternalism, if a drug use policy that tried to discriminate between good choosers and bad choosers and impose restriction only on the latter would also impose excessive stigma cost on them. Or the just policy might treat all the same to boost the capabilities of those with lesser capability in a specific respect—as we might put fluorine in the drinking water to boost the capability for healthy teeth for those least resistant to tooth decay. Or the just policy might be to make aids to specific significant capabilities available to anyone who voluntarily seeks such aid and can demonstrate specific capability deficit, with safeguards for privacy in the delivery of capability enhancement (for example, publicly funded cosmetic surgery clinics free to those who suffer extreme physical unattractiveness or free publicly provided therapy and counseling for those whose capabilities for sociability and collegiality are subpar).

Third, and more fundamentally, stigma—a visible sign of low social status—is bad for the person who bears it, so stigma imposition is an evil that just social policy seeks to eliminate or minimize, other things being equal. But other things are not always equal. Stigma imposition may be an unavoidable byproduct of—or even a necessary means to—the effective pursuit of perfectionist capability prioritarian justice goals.

Although it is bad if social policies pin badges of inferiority on individuals, it would be a mistake to regard the avoidance of stigma as a trumping or overriding constraint on social policy choice. A social policy may impose a stigma cost on me in the course of providing me benefits that all things considered I am glad to get. A social policy that imposes stigma might do better all things considered to achieve justice goals than any alternative policy we could adopt as a substitute. That this is not merely a logical possibility becomes plain once one sees that policies that efficiently improve the lives of badly off people by targeting aid narrowly to them and not others (so aid is not wasted by being showered on those who are not high-priority recipients) will often thereby to some extent mark the recipients of aid as people who are badly off and are thus from many people's (prejudiced but strongly held) perspective socially undesirable. The emergency room of a hospital that is required to provide emergency aid to indigent people in medical need becomes a magnet for sick poor people, as a soup kitchen becomes a magnet for poor hungry people. (In other cases mixing social groups together may confer benefits along with social shame. When poor kids are bused to schools in middle-class neighborhoods, we may feel out of place, ashamed that our clothes mark us as low in social status, but we still get a better education than we could otherwise obtain.) A social norm that instructs individuals that a competent, self-respecting person ensures that she is financially self-supporting may be adjusted so that it helps many people avoid poverty, enables the pool of tax dollars available for poverty relief to do more for fewer recipients, and yet unavoidably imposes some loss of self-esteem on those who are unable for periods of their lives to be self-supporting.

Although the prioritarian is prepared to endorse stigma imposition that is part of an ideal package of policies as assessed by social justice norms, she will always be on the look-out for still better policies that eliminate it. Making badly off people feel inferior to others is inimical to their flourishing, to say the least. Insofar as social policies trigger

some people's irrational prejudices and thereby initiate social processes that heap shame on the already disadvantaged members of society, one should seek to eradicate the prejudice and false belief.

In short, if, and just to the extent that, public estimation of individuals' overall capabilities for good is necessary in order to maximize a function of people's capabilities for the good life that gives appropriate extra weight to securing gains for the worse off, it would be cruel, not compassionate or respectful, to abjure such public estimation of capabilities in the name of social justice, as the primary social goods approach recommends.

#### CONCLUSION

I have urged that the principle of social justice that imposes on all of us a responsibility to ensure, to some degree, that no human life is avoidably blighted and wasted, is better regarded as responsive to people's overall condition—their panoply of valuable capabilities—rather than to the means or resources to which they have access. Our responsibility is to arrange conditions so that individuals are able actually to lead a good life not merely to have some tools handy for this purpose. In this view the basis of interpersonal comparison for the theory of justice is best regarded as capability to live a life that is objectively worthwhile not merely what the individual subjectively regards as such. The capabilities of an individual that matter for social justice obligations are capabilities as ranked and ordered by an objective list or perfectionist conception of well-being.

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<sup>1</sup> . I would like to thank Harry Brighouse and Ingrid Robeyns for excellent comments on a rough draft of this essay and to Alexander Kaufmann for help on the interpretation of Amartya Sen's thought.

<sup>2</sup> . This means that a broadly egalitarian theory is one according to which either the fact that some are worse off than others or the fact that some are very badly off in absolute terms counts per se as a significant reason in favor of altering social arrangements to lessen the inequality by improving the condition of the worse off or to improve the condition of the person who is in absolute terms very badly off. By contrast, a theory of justice that holds that we should institute policies and actions that make the greatest perfectionist achievements in each major category of achievement as great as possible would not qualify as broadly egalitarian even if in some circumstances, contingently, equalizing people's condition would be instrumental to boosting the level of the very best achievements.

<sup>3</sup> . John Rawls, *A Theory of Justice*, revised edition (Cambridge: Harvard University Press, 1999) [originally published 1971]; John Rawls, *Political Liberalism*, second edition (New York: Columbia University Press, 1996) [originally published 1993]; Amartya Sen, "Equality of What?", reprinted in Sen, *Choice, Welfare and Measurement* (Cambridge, Mass.: MIT press, 1982), 353-369; Sen, "Well-being, Agency and Freedom," *Journal of Philosophy* 82 (1985), 169-203; Sen, *Inequality Reexamined* (Oxford: Oxford University Press, 1992); Sen, "Capability and Well-Being," in Martha C. Nussbaum and Amartya Sen, eds., *The Quality of Life* (Oxford: Oxford University Press, 1993), 30-53; Sen, Martha Nussbaum, "Aristotelian Social Democracy," in R. Bruce Douglas, Gerald M. Mara, and Henry S. Richardson, eds., *Liberalism and the Good* (New York: Routledge, 1990), 203-52; Nussbaum, "Nature, Function, and Capability: Aristotle on Political Distribution," *Oxford Studies in Ancient Philosophy*, supp. vol. (1988); Nussbaum, "Human Flourishing and Social Justice: In Defense of Aristotelian Essentialism," *Political*

*Theory* 20 (1992), 202-246; Nussbaum, "Women and Cultural Universals," in her *Sex and Social Justice* (Oxford: Oxford University Press, 1999), 29-54, 'Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* (Cambridge, Mass.: Harvard University Press, 2006), esp. chapters 1-3 and 5.

<sup>4</sup> . See footnote 23 of this essay for a discussion of Rawls's redefinition of primary social goods as those that persons who give top priority to their Kantian interests would want more rather than fewer of, whatever else they want.

<sup>5</sup> . This reply is vigorously pressed by Thomas Pogge in his "Can the Capability Approach Be Justified?", *Philosophical Topics* 30, No. 2 (Fall, 2002, appeared February, 2004), pp. 167-228.. I don't think it should budge the advocate of the capability approach. Her thought is that once one sees clearly the distinction between a capability measure for interpersonal comparison and a primary social good (or similar resourcist) measure, one will immediately find the former more attractive. Drawing the distinction does not amount to an argument, but helps clarify one's thinking.

<sup>6</sup> . See Richard Arneson, "Perfectionism and Politics," *Ethics*, vol. 111 (2000), 37-63; also Arneson, "Distributive Justice and Basic Capability Equality: 'Good Enough' Is Not Good Enough," in Alexander Kaufman, ed., *Capabilities Equality: Basic Issues and Problems* (London and New York: Routledge, 2006), 17-43.

<sup>7</sup> . Norman Daniels exploits this point in defending the Rawlsian theory of justice with its reliance on the primary social good standard of interpersonal comparison against the Senian capability approach. He urges that when one considers all the elements of Rawls's theory together, the primary social good approach looks plausible. I disagree, but cannot address Daniels's arguments here. See Daniels, "Democratic Equality: Rawls's Complex Egalitarianism," in Samuel Freeman, ed., *The Cambridge Companion to Rawls* (Cambridge: Cambridge University Press, 2003), 241-276.

<sup>8</sup> . Sen, *Inequality Reconsidered*, p. 40.

<sup>9</sup> . Sen *Inequality Reexamined*, pp. 64-65.

<sup>10</sup> . In this connection see also the amended version of Sen on capability proposed by Philip Pettit in "Capability and Freedom: A Defence of Sen," *Economics and Philosophy* 17 (2001), pp. 1-20.

<sup>11</sup> . See Amartya Sen, *Rationality and Freedom* (Cambridge, MA and London: Harvard University Press, 2002), pp. 621 and 624. I am indebted to Harry Brighouse for calling my attention to these passages and warning me against my tendency to over-simplify Sen's doctrine of freedom.

<sup>12</sup> . In "Real Freedom and Distributive Justice," I argue that for purposes of distributive justice, what matters is not the opportunity one has to achieve worthwhile goals generally, but rather the opportunity one has to achieve well-being. The idea is that if I have a valuable aim not connected to my well-being, such as (1) that the whales be saved, justice may require channeling resources to achieve this goal, but if so, this is for the sake of the whales and on the ground of what we owe to them, not on the ground of what is owed to me. If my aim is (2) that the whales be saved *via my own agency*, insofar as 2 differs from 1, the extra component is a matter of self-interest, and a proper justice regard for my well-being might require helping me achieve this goal. In passing I note that it strikes me as incorrect to say that a desire to achieve some worthwhile goal via my own agency must be self-interested. For example, having in the past oppressed Bulgarian children, I might now have the aim that these Bulgarian children be aided via my own agency. My past misdeeds make it especially appropriate that I be the one to effect improvements in the lot of young Bulgarians. This desire concerns the self but is not self-interested. However, I still would maintain that social justice is not concerned to bring it about that an individual is able to satisfy agency achievement goals, for her sake, except perhaps when doing so advances the well-being of that very individual. The essay appears in *Freedom in Economics: New Perspectives*

*in Normative Analysis*, ed. by Jean-Francois Laslier, Marc Fleurbaey, Nicolas Gravel, and Alain Trannoy (London and New York: Routledge, 1998), pp. 165-196.

<sup>13</sup> . Martha Nussbaum states this criticism clearly: “It seems to me, then, that Sen needs to be more radical than he has been so far in his criticism of the utilitarian accounts of well-being, by introducing an objective normative account of human functioning and by describing a procedure of objective evaluation by which functionings can be assessed for their contribution to the good human life.” Nussbaum, “Nature, Function, and Capability: Aristotle on Political Distribution,” p. 176, quoted in Sen, “Capability and Well-Being,” p. 47.

<sup>14</sup> . See Sen, “Capability and Well-Being,” pp. 47-48.

<sup>15</sup> . This claim is not asserted as a conceptual truth, but as a rough tendency. The extent to which the tendency holds depends on the particular principles affirmed. On some sufficientarian views, transferring resources from very badly off persons to persons just below the threshold of sufficiency can count as an improvement. On a prioritarian view, taking from one who is badly off to aid one who is very well off will be recommended if the well-being gains to the better-off one outweigh the loss to the worse-off one when the moral values of the gains and losses are adjusted for priority.

<sup>16</sup> . This might seem an odd list. Won't one want above all that one's child develops traditional virtues, in order that she have a reasonable chance of having a good life? Perhaps, but the issue is complicated by the fact that many virtues tend to dispose one to act in ways that benefit oneself and also to act in ways that benefit others, and in many circumstances unambiguously possessing the virtue might have an uncertain effect on one's life prospects. For example, being courageous will tend to make one take bold opportunities for entrepreneurial profit in some circumstances, but also throw oneself on the grenade to save others, at great cost to oneself, in other circumstances. (Of course, having a virtue will affect one's well-being prospects by affecting how other people are disposed to behave toward one, as well as by affecting how one is disposed to behave toward self and others.)

<sup>17</sup> . Of course, a broadly egalitarian theory of justice may introduce various complexities that affect what according to the theory given individual owes to others by way of distributive justice duties to help the truly needy or unfortunate. Similar complexities affect the entitlements that the theory attaches to the truly needy or unfortunate. Many of these complexities will likely involve amplifying or dampening what one owes to others, or what one is owed from others, depending on one's degree of responsibility for one's present condition or the degree to which one has up to now as a responsible adult behaved with vicious or virtuous imprudence. History matters to distributive justice requirements and entitlements. We need not go into any of these matters to make the present point against a primary social goods approach. Whatever adjustments one deems it correct to make to the account of distributive justice requirements and entitlements in virtue of assessments of individuals' conduct that has made them better off or worse off, the problem that the primary social goods approach misidentifies the truly advantaged and truly disadvantaged still remains. The distributive justice theory accounts of responsibility, choice, and desert will not wash out the misidentification problem. It will ride along with any such account.

<sup>18</sup> . A Rawlsian account of justice that follows Norman Daniels's proposal to include an equal opportunity for measures to keep everyone in good health regardless of one's natural susceptibility to disease and other health afflictions would have an especially hard time appealing to the line between the natural and the social to delimit social justice responsibilities. The operative line is not so much that between the natural and the social (however construed) but between conventional and novel views of what we owe to one another. See Daniels, “Rawls's Complex Egalitarianism.”

<sup>19</sup> . By far the best discussion of publicity known to me is in a forthcoming book by G. A. Cohen. I discuss publicity briefly in "Equality, Coercion, Culture, and Social Norms," *Politics, Philosophy, and Economics* 2, No. 2 (June, 2003), pp. 139-163.

<sup>20</sup> . Ronald Dworkin, *Sovereign Virtue* (Cambridge, MA: Harvard University Press, 2000), p. 300.

<sup>21</sup> . Rawls's actual position is more complicated than what is attributed to him in this text. He holds that in matters of constitutional essentials and basic matters of justice, it is wrong to impose on people coercively except when what one does is justified by principles no one can reasonably reject. In other political matters, provided a fair procedure for political decision making is in place, say a fair democratic arrangement, it may be acceptable that a law is passed, coercing people to get some policy gain, that is justified only by appeal to controversial comprehensive conceptions of the good, which some might reasonably reject. See John Rawls, *Political Liberalism* (New York: Columbia University Press, 1996), pp. 136-17.

<sup>22</sup> . On this topic see my "Primary Goods Reconsidered," *Nous* 24, No. 3 (June, 1990), pp. 429-454.

<sup>23</sup> . Here is a possibility worth exploring. In later writings Rawls redefines the idea of *primary social goods*. (See *A Theory of Justice*, revised edition, pp. xii and xiii.) They are now conceived as things distributable by society that any rational person wants more rather than less of, provided the person gives strict priority to satisfying her interests in developing and exercising her capacities to cooperate with others on fair terms and to choose and pursue a conception of the good. We might try out the possibility that by referring back to these two moral interests (and giving priority to the first), one can then develop a ranking of primary social goods that yields an index.

The trouble with this suggestion is the implausibility of the claim that a reasonable person should give absolute priority to these Kantian interests. In particular, the interest in choosing and pursuing a conception of the good is too formal. What one should want, in this domain, is to achieve a genuinely good life for oneself (without being unfair to others). Since one's present desires might not be good indicators of what will achieve this goal, one needs to develop one's critical reasoning capacities and exercise them to try to figure out what goals are valuable, worthy of pursuit, and will enhance one's life. But this aim, trying to figure out what is good, is in a sense subordinate to the larger aim of achieving what is good. At some point a reasonable person will simply go with her current best view of what is valuable and try to fulfill that. One's fundamental aim is to arrange one's life so it turns out as good as it can be made within constraints of morality, not to develop an idea of what is good and pursue it. By luck a person might chance on a life plan success in which will enhance her well-being, even though she has given no critical scrutiny to her conception of the good. This can still be a fine life. "Choosing a conception of the good" should not be anyone's fundamental basic aim; at most it is an important means for many of us in many circumstances, particularly so in modern society where diverse conceptions of good and ways of life jostle each other and compete for our allegiance.

<sup>24</sup> . Thomas Pogge deploys this argument in "Can the Capability Approach Be Justified?", *Philosophical Topics*. The broad idea that the just society must refrain from imposition of stigma and status hierarchy is a theme in critiques of luck egalitarian conceptions of social justice. See Jonathan Wolff, "Fairness, Respect, and the Egalitarian Ethos," *Philosophy and Public Affairs* 27 (1998), pp. 97-122; Elizabeth Anderson, "What Is the Point of Equality?", *Ethics* 109 (1999), pp. 287-337; Samuel Scheffler, "What Is Egalitarianism?", *Philosophy and Public Affairs* 31 (2003), pp. 5-39.

<sup>25</sup> . On prioritarianism, see Derek Parfit, "Equality of Priority?", reprinted in Matthew Clayton and Andrew Williams, eds., *The Ideal of Equality* (New York: Macmillan and St. Martin's Press), 2000.