

Distributive Justice and Basic Capability Equality: 'Good Enough' Is Not Good Enough

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Amartya Sen is a renowned economist who has also made important contributions to philosophical thinking about distributive justice. These contributions tend to take the form of criticism of inadequate positions and insistence on making distinctions that will promote clear thinking about the topic. Sen is not shy about making substantive normative claims, but thus far he has avoided commitment to a theory of justice, in the sense of a set of principles that specifies what facts are relevant for policy choice and determines, given a full characterization of any situation in terms of these relevant facts, what ought to be done in that situation. Moreover, Sen has expressed skepticism about the existence of a fully adequate theory in this sense. According to Sen there is a plurality of moral considerations that bear on choice of action and policy and no particular reason to think that weights can be attached nonarbitrarily to each consideration to yield a theory.¹

"Sen's proposal is that distributive justice entails equalizing midfare levels across persons," writes John Roemer.² "Other things being equal," one has to add by way of correction to Roemer's formulation. Sen holds that we should be concerned with the extent of people's capability or freedom to attain midfare as well as the midfare level actually reached. Sen holds that distributive values

including equality must be balanced against and should sometimes be sacrificed to aggregative values. We should care about how much of the good things of life people get as well as how evenly they are distributed. Also, what Roemer is calling "midfare" according to Sen is not one thing but itself a plurality: the many functionings (doings and beings) that people have reason to value so far as they are seeking their own well-being. Sen does not affirm that there is a single canonical measure of these functionings, so the ideal of equality of midfare is in an important sense indeterminate. Besides well-being as midfare functionings and freedom to get well-being the just society also properly promotes and distributes agency achievement, the attainment of goals one has reason to value, and freedom to attain agency goals.

In short, Sen's message to any would-be theorist of justice is that things are more complicated than you think. Current theories on offer run roughshod over distinctions that are consequential for right policy choice and ignore considerations that are morally important. The paradigm foil in this enterprise as Sen pursues it is utilitarianism, which achieves elegant simplicity by failure to register the actual complexity of the reasons that bear on evaluation. Sen has developed an approach to the understanding of social justice rather than a theory of justice.

In this chapter I argue that Sen's official position is unstable. To vindicate his criticisms of subjectivist versions of utilitarianism, one must have good reason to affirm an objective account of human well-being—objective in the sense that

items are identified as intrinsically enhancing the well-being of a person independently of the person's own opinions and attitudes toward these items.³ Otherwise the criticisms he lodges against desire satisfaction accounts of distributive justice can be turned against his own proposals. In several essays Martha Nussbaum, registering appreciation of this point, proposes a set of capabilities to function as definitive of a good human life, and proposes that social justice requires that every person should have the capability to achieve a decent or good enough level of functioning for each and every one of the types of functioning that together constitute a good human life.⁴ This proposal dovetails with suggestions that recur in Sen's own writings to the effect that the core of social justice is basic capability equality, a state of affairs in which each person equally has the capability to attain all of designated important basic types of functionings, and so is able if she chooses to function at a good enough threshold level with respect to each and every one of the types of functionings deemed basic or essential.⁵ The Sen and Nussbaum approach to social justice decisively affirms claims that Sen only suggests, and to which he himself is not then committed. But the approach is valuable for working through some of Sen's hints and suggestions, so one can see what they might amount to. The idea that social justice is basic capability equality is attractive in its own right, and is worthy of careful examination. Moreover, versions of the idea have elicited assent on the part of other moral philosophers and theorists of justice.⁶

In this chapter I criticize the ideal of basic capability equality in large part by touting the merits of an alternative theory of justice. To the extent that these criticisms are plausible, some cold water is incidentally thrown on Sen's skepticism regarding the prospects for a genuine theory of justice. In the welter of normative complexity, the great tangles of which Sen has helped us appreciate, some simplicity may also be discerned. Or so I shall claim.⁷

From Utility and Primary Goods to Basic Capability Equality

Sen's view emerges by way of criticisms of other theorists' answers to the question, what is distributive justice concerned to distribute? In other words, insofar as justice requires fair shares for individuals, we need some measure of a person's condition that is relevant for determining whether the allocation of goods and alterable aspects of circumstances to the person is fair. For example, if justice requires equality, we need some measure of people's condition, so we can determine whether their conditions are equal or unequal.

Sen supports an emphasis on the measures of functionings and functioning capabilities by pointing to inadequacies in the Rawlsian and the standard utilitarian interpersonal comparison measures. John Rawls has proposed primary social goods as the measure.⁸ These are goods it is rational for every person to want, whatever else she wants. The Rawlsian primary social goods are general-purpose means that will be useful for furthering a wide variety of rational plans of life. The standard utilitarian view is that the proper standard

of interpersonal comparison for social morality is utility, construed as pleasure and the absence of pain or as desire satisfaction.

The objection to primary social goods as the basis of interpersonal comparison is that individuals differ in their personal traits and in particular in their abilities to transform resources into fulfillment of their aims or achievement of values. Suppose two individuals espouse the same life aims but differ in their personal traits, and have identical resources and means. They may be able to fulfill any reasonable aims to markedly different extents. Sen suggests that we should be concerned directly with what people are enabled to be and do with their resources, given their traits and circumstances. Focusing on means rather than on the extent of freedom is fetishistic. Suppose that what people seek from life is running and jumping and two individuals are given equal means—a pair of well-fitting athletic shoes and access to paths and roads. But one has healthy legs and one is lame. A theory of justice that measures people's condition by the means and resources they possess must judge the two individuals to be equal in resources, but this assessment is overshadowed by the very unequal extent to which the two persons are enabled by their resources to achieve aims they affirm and have reason to pursue.

Sen objects to the utilitarian measures of interpersonal comparisons on the ground that people's mental states tend to adjust to their condition, whatever it is. Living in hell, one ceases to desire cool weather activities (such desires are unsatisfiable and thus pointless). In hell there is nothing to do but

suffer heat, but people may become inured to the unpleasantness of the situation, and experience little pain. Hellish conditions might also distort the formation of desire; cause me to desire odd things the getting of which would bring me no satisfaction and serve no sensible purpose. Living on earth in a normal lifestyle may be more valuable for an individual than living in hell in many ways that do not register in utilitarian assessment but that should matter to us all the same.

Sen is not denying that it may be perfectly reasonable and prudent if one can to try to adjust one's desires to one's circumstances, actively to desire only what is likely to be obtainable, and to steel oneself so one feels less pain and gets more pleasure from small bits of good fortune. These reasonable tactics will lessen or perhaps entirely eliminate the gap in utility between those placed in disadvantageous circumstances and lucky people fortunately placed. Sen's point is that desire satisfaction and degree of pleasure are inadequate measures of how good a life a person is having. There are other things that matter besides desire satisfaction and pleasure. Moreover, oppressive conditions can have the effect of truncating people's desires, but then a high degree of satisfaction of these reduced desires should not persuade us that the person is really well off as utilitarian measures must insist.

Sen's position is that the right basis of interpersonal comparison for a theory of justice is neither the resources made available to the individual nor the quality of the mental states of the individual induced by what she does and

becomes by utilizing those resources. Instead we should focus directly on the doings and beings of the individual, which Sen calls "functionings," and on her real freedom to choose among different possible combinations of these doings and beings. We can single out those doings and beings that pertain to the individual's well-being, how well her life is going for her. A person's achievement of these doings and beings at a time or summed over time is a vector of functionings. A person's capability to function is the set of vectors of functionings, any one of which an individual can choose.⁹ Each vector is a combination of the different functionings that are possible together for that individual. (We can contrast well-being functionings and the capability to function with the wider idea of the person's freedom to achieve goals she has reason to value, her own well-being among them.)

The problem with functionings is that there are too many of them. My functionings at a time include some important ones and countless trivial ones such as twitching my nose or finger or hand, and so on, one way or another or another.

This is a problem because unless some regimentation is imposed, some ranking of functionings as more or less important and valuable, different persons' capabilities will almost always be noncomparable. Each person will have available to her many unique types of functionings that others lack.

Suppose we say in a democratic spirit that each individual's valuation of the capabilities she has and might come to have is the relevant standard for

assessing that person's condition. Straightaway the problems of adaptation to bad conditions and distortion of preference and value formation that the introduction of the capability standard was supposed to avoid will have come back to haunt us. The docile housewife, cowed, may value only capabilities to function in trivial homemaker ways, while others value more ambitious capabilities. Suppose we instead say, as Sen suggests, that we use the intersection of everyone's ranking of capabilities to guide policy choice. Social prejudice and distorted evaluation may once again be calibrating the standard that is to measure the degree to which people are fairly treated. If some people think it is inappropriate for women to pursue a career of scientific research or administrative leadership, the capabilities to achieve these functionings will not be valued when the person whose condition we are assessing is a woman.

Sen has painted himself into a corner from which I see only one viable exit.¹⁰ Sen's criticisms of resource-based and utility-based measures of interpersonal comparison implicitly appeal to our sense that we can rank people's functionings and capabilities overall and nonarbitrarily affirm that one person's options or chosen life path is better or worse objectively speaking than another's. If this conviction cannot be vindicated, Sen's criticisms of alternate measures lose their force. His position, which coyly refuses assertion of an objective standard of value, is unstable.

Sen asserts that desire satisfaction or life aim fulfillment is an inadequate basis of interpersonal comparison for a theory of justice, because desires and

aims can be distorted and truncated. The oppressed peasant may come to have only small desires, and might be reasonable to shave her desires in this way. Our sense that the peasant's satisfaction of these truncated desires does not constitute a good human life depends on our background convictions as to what are the major components of a genuinely good life. Either these background convictions thought through rigorously will yield a defensible objective conception of human well-being or they will not. In the latter case, our basis for disparaging the quality of life of the contented peasant with satisfied small desires collapses. To press Sen's criticisms of subjectivist conceptions of human well-being successfully it is necessary to develop and defend a nonsubjectivist alternative.

In this dialectical situation, Martha Nussbaum's extension of Sen's capability approach is of paramount importance. She decisively grasps the nettle that Sen's writings gingerly touch.¹¹

Besides unequivocally insisting that the capability approach must be yoked to an objective account of human good, Nussbaum commits herself to two further claims about social justice that appear in Sen's writings but without receiving the stamp of his endorsement. One claim is that the just society provides *capability to function* in certain valuable ways at adequate threshold levels to all persons, not actual *functioning* in these ways at these levels to all. Justice requires real freedom for all not actual attainment by all. Nussbaum ties

the insistence on capability not functioning to liberal values in the theory of justice.

The second further claim is that the fundamental social justice principle is sufficientarian. What matters morally above all else from the standpoint of social justice is that each person has the capability to gain a sufficient or good enough level of attainment with respect to each and every one of the functionings that are singled out as crucial elements in a good human life. In terms that Sen has used, justice requires basic capability equality—policies and actions should be set so that each person equally has freedom to attain an adequate level of basic capabilities.

The idea that all persons should have basic capability equality is an interesting and attractive ideal, one that Sen's writings do much to clarify and advance. The view admits of many versions and variations, and part of my aim in this chapter is to identify the most plausible versions. This Sen and Nussbaum approach to social justice is well worth study and evaluation in its own right, quite aside from the complex exegetical issues that arise in attributing one or another component of the view to one or both of these authors. My primary aim in this chapter is to arrive at a reasoned verdict on the position as I shall characterize it. The extent to which either Sen or Nussbaum holds the position is a hard and tricky issue and one that is not at the focus of my attention. For the reasons stated in the first paragraphs of this chapter, attributing any definite

theory to Sen involves misrepresenting his contributions, which tend not to take the form of theory espousal.

Sufficiency

The idea that social justice is basic capability equality includes two controversial notions. One is that the principles of justice should promote capability or freedom to attain well-being rather than well-being itself. The other controversial aspect of the proposal is sufficientarianism.

The doctrine of sufficiency states that justice requires above all that everyone should have a sufficient amount, or enough. Enough for what? I shall suppose in agreement with Nussbaum that the sufficient level is a good enough level of well-being, a decent threshold of quality of life. In coming to grips with the doctrine, the next phrase that requires interpretation is “requires above all.” Some sort of priority is imputed to the moral goal of getting everyone to the good enough level. The strictest form of the doctrine of sufficiency holds that the sufficiency goal has strict lexical priority over any other justice values there might be. This means that gaining the slightest increase or averting the any loss, no matter how small in terms of the sufficiency value should be chosen in preference to achieving any gains of any size, or averting any losses, however huge, in any or all other values. Sufficiency rules the roost.

Prominent sufficientarian theorists such as Nussbaum and Elizabeth Anderson shy away from strict lexical priority. Nonetheless my discussion concentrates on this version. For one thing, I believe that the implausibility of

the lexical priority version of the doctrine also attaches to versions that relax lexical priority, though to a reduced degree, depending on the strength of the priority that remains. Also, beyond asserting that sufficiency is a very important value, no one who backs away from the strictest version of the doctrine to my knowledge proposes any specific alternative view.¹²

Another needed clarification answers the question, "When must sufficiency obtain?" One possibility is that justice requires that each person be brought to the good enough capability level and must be maintained at that level throughout the life course (unless disability or disease literally makes this impossible). Another possibility is that justice requires that each person be enabled to gain a sufficient level of well-being achievements over the course of her life. This might require access to school and roller-coaster rides in youth, good jobs, vacation travel, and family responsibilities during middle years, and respected social status and comfortable surroundings in old age. On this view, different components of sufficiency might be supplied at different ages, maybe at different times of life to different sorts of people, such that by the end of life each person will have had access to all of the components of full sufficiency at the good enough level. (This view abstracts from the problem of premature death.) A third possibility introduces the idea of a canonical moment, perhaps the onset of adulthood. The sufficiency requirement is that at the canonical moment each person should be able to choose and pursue a reasonable plan of life that will gain for her a sufficient level of well-being throughout her life. If the

person does not choose that reasonable sufficiency-ensuring life plan, to some extent her life may deviate downward from the sufficient level consistent with the requirements of sufficientarian justice. On this view, if entirely unforeseeable events occur as random shocks that threaten to lower people's access to well-being below what they can reasonably anticipate on their chosen plan of life, justice requires that the shortfall due to the unexpected shocks should be restored. On this third view, the sufficiency doctrine incorporates some of the features of opportunity for welfare conceptions of justice.¹³

Nussbaum opts for the first possibility of the three delineated just above. In the just society, social life is arranged so that as far as is possible, each person has access to the sufficient level of functioning throughout her life. My critical discussion then concentrates on the first possibility. Sorting out the comparative merits of possibility three versus the rest would require exploring the question, how the sufficient doctrine might be yoked to a plausible view concerning personal responsibility. Nussbaum and Sen tend not to say much about this issue, and so far as I can see it would remain wide open even if we were to accept the components of the sufficiency doctrine that they espouse and defend. I simply record my opinion that the second possible answer to "When sufficiency?" described above is more plausible than the first answer that the doctrine's proponents actually tend to embrace.

Another range of variation in sufficiency doctrines comes into view if we ask who is to be included in the "everyone" who should be assured capability to

function at the good enough level. To their credit, Nussbaum and Sen tend to interpret “everyone” in the widest possible way, so that the sufficiency entitlement extends to all persons at all times and locations. For practical purposes this means everyone on earth now and in the future. Let’s call this the *global sufficiency doctrine*. The scope of the principle could be limited in a variety of ways—to presently living persons only, or to persons living in a particular nation state for whom a theory of justice is being formulated, to name two obvious limits. But “everyone” could be limited to all members of a tribe or race or clan or ethnic or religious group, or to all men or women or to all heterosexuals or gays, and so on. This discussion ignores these scope limits and takes the doctrine under review to be global sufficiency.

Another large interpretive issue is how to understand access to the good enough well-being level construed as capability to function in specified ways. Nussbaum explicitly identifies a number of functionings taken to be essential to a decent human life and insists that each person should be sustained at capability to attain each and every one of the designated functionings at the good enough level. She does not say much by way of defense of this insistence. Her idea appears to be that if we identify functionings that are necessary to a decent human life, no shortfall in any of the dimensions can be allowed to afflict a person without dropping that person below the good enough level.

Peter Vallentyne disagrees, and I entirely concur.¹⁴ If we are going to adopt a sufficiency view, we should allow tradeoffs among the various

functionings, just so long as the total well-being from all functionings to which one has access exceeds the threshold level. In making this point I assume that well-being scores can be assigned to all functionings to which one has access, the scores indicating the gain one would get from any given level of achievement of the functioning and thus the comparative importance of the different functionings. This way of interpreting the sufficiency justice requirement is especially compelling if one is considering situations in which individuals by their voluntary choices of life plans alter their access to various functionings over time. Suppose I give up some level of good health security in order to pursue other goals that matter more to me. I continue doing scientific research, for example, even though by eschewing stressful work I could reduce the probability of suffering a devastating heart attack to a reasonable level. Or I continue to pursue a dangerous sport even though with increasing age and steady participation in the sport the dangers of suffering serious debilitating injury increase beyond acceptable levels, so that one comes to lack access to the secure good health functioning. Or I insist on fulfilling a life-long dream of completing a pilgrimage to Mecca or paying for my child's wedding even though undertaking either of these expenses precludes payment of extra cancer therapy in ways that would prolong my life by at least two years. In all of these cases dropping below a threshold acceptable capability to function in one specific way that is essential according to Nussbaum is not morally problematic if accompanied by a more than compensating gain in access to other capabilities.¹⁵

One might allow a narrower or broader range of tradeoffs so long as an overall good enough capability level is sustained. On the narrower option, it would be acceptable to sufficiency if one falls below one or more of the sufficient capability levels for some of the functionings singled out as essential so long as one's overall capability level stays high enough. One's overall capability level is computed by adding up the well-being value of the remaining essential functioning capabilities. On the broader option, no restriction is placed on the types of functionings whose value contributes to the overall capability level that sufficiency requires must be sustained at the good enough level. Even trivial capabilities that are only slightly valuable, capability to eat cotton candy and similar nonessential freedoms, are counted in the computation of the individual's overall capability level. The idea here is simply that gains of varying size in less important capabilities can add up to an overall capability gain that can offset a drop below the designated good enough level of any of the capabilities accorded essential status.

Another way to put the point is to challenge the idea that one can identify a sufficient level for each of a set of functionings, such that attainment of the sufficient level for each is necessary for a good enough life, and attainment of the sufficient level of all of these designated functionings is sufficient for a good human life. Call this the set of *essential functionings*. Depending on the context, including how much of other functionings one has, one can reasonably judge that very little or none of any particular functioning is necessary for a good

human life. Sexual and romantic pleasures are good, but one can attain a good human life even if one endures lifelong enforced celibacy. The same holds for friendship. Yet great friendship attainment can be a significant element of a life that is very good for the one who lives it, so it would be utterly improbable to ignore this functioning in an assessment of the quality of any person's life. Yet it will not qualify as an essential functioning, so the conception of capability for a good life that takes it to be a function only of capability for each of the essential functionings must ignore it.

Against Sufficiency

One route to the sufficiency doctrine begins by noticing an oddity in some intuitive arguments to the conclusion that it is unjust that people gain unequal quality of life.¹⁶ The intuitive arguments point to the grim quality of the lives of the poor and contrast this with the luxuries and great advantages enjoyed by those who are very fortunate in their circumstances and inherited personal traits. The contrast is supposed to make it plausible that the condition of the advantaged and the disadvantaged be rendered more equal, and the suggested principle that delivers this verdict is some version of equality of condition. The oddity is that one might agree that in these circumstances a transfer from rich to poor might be required by justice without attaching any intrinsic moral value to equalizing people's conditions. After all, the gap between rich and poor could also appear in a contrast between rich and superrich, but the moral imperative of transfer of resources to aid the rich seems far from compelling or even

nonexistent. If the moral reason to seek improvement in the condition of the disadvantaged in the initial example is the bad quality of the lives they must lead and the fact that this can be alleviated, then comparison between the situation of worse off and better off is perhaps doing no work. The principle that delivers this result is that everyone should have enough.

Doubts about the sufficiency doctrine should ensue once the question is posed, "How much is enough?" No answer is plausible. A human life can be better or worse for the one who lives it. Well-being varies by degree. But it is not so clear that there is a natural way to identify a good enough level, a threshold such that it is of paramount moral importance to get people to the threshold but a matter of relative indifference what happens to them above the threshold. This difficulty takes on a more distinct shape as an objection to sufficiency once we notice that we do not have to choose between some version of equality and some version of sufficiency to support the generic idea that justice can require transfers of goods and resources from better off to worse off people. Without accepting sufficiency we can take on board the idea that it does not intrinsically matter morally how well off one person is compared to how well or badly off other persons are. The moral value of your eating a hamburger is not affected by whether others are better off, eating steak, or worse off, reduced to eating beans. Agreeing with this point does not commit us to sufficiency.¹⁷

According to the priority family of moral principles, one ought always to maximize a function of human well-being that gives weight to two factors: The

greater the well-being gain for a person that one can achieve, the greater the moral value of the gain, and the lower the person's lifetime well-being level would be in the absence of this gain, the greater the moral value of the gain. Institutions and actions should be set to maximize moral value so understood. This formulation characterizes a family of views. To arrive at a specific moral principle within this family it is necessary to set weights on the comparative value of increasing aggregate well-being and obtaining well-being gains for the badly off. Even as roughly characterized, priority provides an explanation of how there can be moral reason to transfer resources from better off to worse off persons—moral value is thereby increased. According to priority, it is morally more urgent (gains more moral value) to obtain a one unit well-being gain for a person, the lower the person's lifetime well-being otherwise would be,

Consider this version of sufficiency: As many as possible of those who shall ever live should be brought to the good enough threshold level of lifetime well-being. This principle is understood to have strict lexical priority over other justice values, including gains to those above and below the good enough threshold that do not alter the numbers of people who are sustained at sufficiency. Call this principle *the strict sufficiency doctrine*.

From a prioritarian standpoint, the essential objection to sufficiency so construed is that there is no way to set the sufficiency threshold in such a way that this level of well-being can have the moral importance that sufficiency assigns to it. The objection is not exactly that there is no nonarbitrary way to

set the threshold. Surely it is nonarbitrary that the “good enough” level of well-being must be above the zero level of well-being, that is, the level of well-being such that the slightest decrease in the lifetime goods or increase in the lifetime bads the person gets makes her life on the whole intrinsically bad for her (so it would be better for her never to have lived at all). We might then appeal to intuition and reflective equilibrium methods to establish a rough range in which the sufficiency level must lie. My point is that reflective equilibrium methods will not indicate that there is any threshold level of well-being or threshold range of well-being levels that can play the role that sufficiency assigns to it.

The strict sufficiency doctrine assigns trumping moral weight to getting individuals just to the sufficiency threshold. This view is extremely implausible when we consider cases in which we can achieve great well-being gains, perhaps for great numbers of people, who fall in either or both of two categories. Category one consists of people who are leading unavoidably below threshold lives, hellish lives let us say, that can in no way be brought to sufficiency. Category two consists of people who are unavoidably above the threshold. Whatever policy is chosen, their above-threshold status will not change. Both categories become invisible and are required to be ignored under the rule of strict sufficiency. Suppose we can choose either (1) a policy that brings one person from just barely below to just across the sufficiency threshold or (2) a policy that brings about great improvements in the well-being of many people who are unavoidably below threshold (billions are moved from hell to tolerable

limbo existence) or (3) a policy that brings about great improvements in the lives of a great many people who are already above threshold (billions and billions are moved from a modest existence to perfectionist bliss). Whatever the numbers of people who would gain and the amounts of gain they would get if (2) or (3) is chosen, strict sufficiency must always demand that we ought morally to choose policy (1). There is no way that the sufficiency level, wherever we place it on the smooth continuum that marks improvements in a person's well-being, can be reasonably viewed as of such transcendent moral urgency as strict sufficiency implies.¹⁸

This criticism suggests a weaker and more plausible form of the sufficiency doctrine. Call this *moderate sufficiency*, which consists of three claims: (a) there is a good enough level of well-being, such that moral priority should be given to achieving well-being gains for those who are below the threshold, (b) the further an individual is below the threshold, the greater the moral value of securing a well-being gain of a given size for that individual, and (c) above the threshold, well-being gains and losses count for something in determining what to do, but achieving any gain or avoidance of loss for any person below threshold has strict lexical priority over achieving instead any gain or avoidance of loss of any size for any number of individuals who are and will always be above the threshold.

Compared to *strict sufficiency*, *moderate sufficiency* makes large concessions to the priority view. In all cases where our choice of action or policy

affects only individuals who are below the threshold, moderate sufficiency just is priority. (Like priority, moderate sufficiency characterizes a family of principles rather than a specific principle. To obtain a specific principle in either case, one would have to assign weights to the value of obtaining a small increment of well-being for a person at each well-being level.) To my mind, the fact that bending a sufficiency doctrine toward the shape of priority renders it more plausible suggests that we might well do better to go whole hog for priority and abandon sufficiency altogether.

To test this surmise, consider scenarios in which moderate sufficiency and priority will yield conflicting moral judgments concerning right policy choice. Imagine that we have to choose between (a) bringing a single individual from just barely below the sufficiency line to just across it, giving that person a tiny well-being boost and (b) bringing about a very large well-being gain for a very large number of persons all of whom will certainly be above the sufficiency threshold whatever we do. Whatever the size of the well-being gain and the numbers of people affected in (b), the moderate sufficiency view tells us we must choose (a). But why discount gains to the well-being of the better off so ruthlessly? To make this radical discounting credible, we would need to be told a story that explains and justifies the claim that the sufficiency threshold is of paramount moral importance. But how can inching one's way up a bit along a measure of overall lifetime well-being have that sort of significance? Perhaps it would be rash to insist that no such story could be told. But no sufficiency

advocate has begun to tell even the barest outline of such a story.¹⁹ Pending the offering of some justification of the moral significance of the sufficiency threshold, I submit that acceptance of sufficiency even in moderate form is unreasonable.

The same point holds if we relax condition (c), so that the priority assigned to below-threshold-well-being gains over above-threshold-well-being gains is less than lexical. The residual difficulty that will not go away is that we still need some plausible justification of why the sufficiency line is drawn in one place rather than somewhere else and why this particular line is morally significant. But notice also that nothing in the priority view as characterized here rules out the possibility that priority gradually tapers off as well-being levels increase and eventually becomes vanishingly small. Consistently with priority one might maintain that very little priority attaches to gaining a small benefit for Rich (a person with extremely high lifetime well-being) as opposed to achieving a same-sized benefit for Very Rich (a person with a higher yet lifetime well-being). So once we relax condition (c) as indicated, there need be no difference in the practical implications of relaxed sufficiency and priority, as they might embrace the same function relating the degree of priority attached to a small well-being gain to the potential recipient's lifetime well-being level absent this gain.

The prioritarian insists on continuity, roughly, the idea that a small shift in the values of the factors that morally matter should not generate a large shift in what we morally ought to do.²⁰

But continuity is itself deeply controversial. The moderate sufficientarian can defend the lexical priority she upholds by pressing on our attention examples in which the bland toleration of aggregation of benefits in the determination of what to do, embraced by priority, looks problematic. If only finite extra weight is given to gaining benefits for people, the worse off in absolute terms they are, there are bound to be cases of this sort: Either we can get a tiny tiny benefit, such as a single bite of chocolate, to many many people who are already leading lives that are wonderful, far above the sufficiency threshold, or we can instead get a huge (lifesaving, say) benefit to a tiny number of extremely badly off persons. We must choose one or the other action; we cannot do both. Which to choose? The prioritarian will say, it depends on the numbers. But it is guaranteed by her position that if the number of beneficiaries is large enough on the side of the chocolate bite eaters and small enough on the side of those severely disadvantaged persons who stand to gain an incredible windfall benefit, the prioritarian must say that the right answer is to stuff the extremely well off with extra chocolate. In contrast the moderate sufficientarian, who attaches strict lexical priority to achieving gains for those below the sufficiency threshold, can insist that the numbers do not matter; morality demands that we help the below-threshold worse off.

In reply: The tyranny of aggregation should be accepted, not resisted.²¹ (Of course, if you accept it, it will seem like legitimate government, not tyranny at all.) This same issue recurs throughout morality, and cuts across

consequentialism versus deontology conflicts. The consequentialist might accept or reject lexical priority rankings, and the deontologist might accept or reject the idea that any individual right, however sacred, must give way if it is opposed by sufficiently bad consequences that will ensue unless the right is infringed, and furthermore, sufficiently bad consequences can always take the form either of a few big bads or a large enough number of very small individual bads.

The point is arithmetic: any huge finite number, however large, can be eclipsed by an even larger number that is formed by taking a very small but not infinitesimal number and adding that same number to itself a sufficient number of times. Bites of chocolate, if sufficiently numerous, can morally have more weight than a single premature death.

Notice that the lexical priority versus aggregation issue is independent of the issue, whether or not a justification can be given for singling out a single well-being level (or a broad band of levels) and according great moral importance to getting a person to that level. Even if further moral investigation does reveal a nonarbitrary sufficient level and establishes its importance, so long as the moral weight attached to attainment of sufficiency or the moral weight attached to degrees of distance from sufficiency is finite, a version of the bites of chocolate case can be posed for the advocate of sufficiency. For example, suppose we have to choose either obtaining a huge well-being boost to a single individual or the utterly trivial well-being boost of a tiny bite of chocolate to a great many individuals—all of the persons in the example being below the

sufficiency threshold. I say the moderate sufficiency advocate should accept with equanimity the implication of conditions (a) and (b) together with the further proviso that the priorities they assign are finite in strength. The implication is that if the number of potential chocolate bite recipients is large enough, the sufficiency advocate should abort the lifesaving rescue mission and channel the resources to the chocolate dispenser.

My tentative view is that no version of the sufficiency doctrine is plausible when one considers the prioritarian alternative. Hence, although at the level of practical policy, trying to achieve basic capability for all may be laudable, at the level of fundamental moral principle, basic capability equality is not morally acceptable.

Capability or Functioning?

The core of the capability approach to social justice is that what we owe each other morally is capability not functioning.²² In the just world, each person has the capability (for example) to be adequately nourished, but does not necessarily actually attain the functioning of being adequately nourished. Between the capabilities of the agent and the functionings of the agent the agent's own voluntary choices intervene. The individual with the capability to be adequately nourished might choose to fast, perhaps to join a political protest, even to her own death. This dramatic shortfall in functioning does not signal any sort of injustice inflicted on the fasting person, according to the capability approach. Sen links the insistence on capability not functioning with a liberal

respect for individual freedom and also with an appropriate accommodation of an ideal of individual responsibility. He writes, "In dealing with responsible adults, it is more appropriate to see the claims of individual on the society in terms of *freedom to achieve* rather than *actual achievements*."²³

The issue joined here is complex and tricky. More needs to be said about Sen's understanding of the ideas of freedom and capability in order to assess his position. My discussion approaches Sen's actual view in stages.

At the outset it may be useful to state my own position in a nutshell. The fundamental requirement of justice and social morality is to bring it about that fair shares of well-being (the attainment of the items on the objective list, properly weighted) accrue to persons. The just society maximizes a function of human well-being that properly balances aggregative and distributive concerns (more well-being is better, and well-being more fairly distributed is better). In Sen's terms, the just society is concerned to promote functioning not capability. Freedom enters this account in four different ways. Wide freedom of action and traditional civil liberties are important means to bringing about fulfillment of the just social welfare function. Freedoms of particular sorts are constituents of some important goods that are items on the objective list. Third, provision of wide freedom to follow valuable pursuits fosters experimentation and evaluation of options and helps individuals to form sensible and reasoned aims and values. Finally, an ideal of personal freedom and autonomy itself constitutes one item on the objective list, a good having which intrinsically makes one's life go better in a

way that contributes to one's well-being. But the basic justice value, the stuff to which people are entitled according to the fundamental moral principles, is well-being (in Sen's terms, well-being functionings) not freedom to attain well-being.

Let's begin by identifying capability to function with real freedom to function. If I have the real freedom to go to Paris, then if I choose to go to Paris (and undertake some course of action that is open to me and that I can choose), I go to Paris. Real freedom contrasts with merely formal freedom. I am formally free to go to Paris if the laws do not prohibit my going and nobody would interfere with me (in certain familiar ways) if I chose to go. As just defined, having real freedom to *X* is compatible with lacking the real freedom *not to X*. I have the real freedom to go to Paris but not the real freedom not to go to Paris if I go to Paris, whether I choose to do so or not. So perhaps we had better identify capability with *real option freedom*. I have real option freedom to go to Paris just in case (1) if I choose to go to Paris (and undertake some course of action that is open to me and that I can choose), I go to Paris and (2) if I choose not to go to Paris (and undertake some course of action that is open to me and that I can choose), I do not go to Paris.²⁴

The objection to taking provision of capability to function in certain valuable ways that constitute well-being as the fundamental justice aim is simply stated. At least, the objection is simple if capability is understood as real option freedom. Consider a case in which provision of the capability to an individual is expensive and the capability, if provided, will certainly yield nothing valuable. It

will be ignored or wasted or mishandled by the individual to whom it is provided. If this fact is certainly known, then surely any justice obligation to provide the capability vanishes. But this judgment presupposes that we are thinking of capabilities as means, valuable not for their own sake but for their contribution to some further goal. If capability provision were the ultimate end of justice, then it would make no difference that in the case we are imagining, provision of capability would be pointless. Provision would be morally valuable just the same. I submit that the implausibility of this implication flows back to render dubious the conception of justice as concerned fundamentally to provide capabilities to persons.

Expansion of real option capability can sometimes predictably bring about a decrease in well-being functioning. With some money, I go to the opera and play football and have a good life. With more money, and cocaine legally available, I indulge too often, and lead a worthless life. In such a case, denying me access to extra cash or prohibiting cocaine use can lower my capability to function in ways that constitute well-being but raise my functioning levels that constitute well-being. In such a case, justice principles should look beyond capability to the functioning levels it generates.

Another way to put the point acknowledges, as briefly stated above, that real freedom is crucial for human well-being, so any theory of justice that takes the basis of interpersonal comparison to be the individual's well-being over the life course will be registering the value of real freedom as means to well-being

and as a constituent of well-being. But all of this falls short of holding that the basis of interpersonal comparison should be the real freedom of the individual to attain well-being. The basis of interpersonal comparison in theory of justice identifies who is better off and who worse off and tells us what we should aim to promote if we wish to improve the condition of the worse off. To get a handle on this disagreement we need to consider cases in which the principles of justice that tell us to seek fair shares of capability for all yield recommendations for policy that conflict with principles of justice that tell us to seek fair shares of well-being (in Sen's terms, well-being functioning) for all.

Sometimes more freedom will be a matter of indifference to individuals, or even disavowed. Suppose the individual has five options. We can either sweeten the already best option, the one the individual is going to choose come what may, or we could instead add to the individual's choice set some significantly different and attractive options, good but less good than the five already on offer. Surely in some cases of this sort the theory of justice that tells us to promote capability will tell us it is better to add extra options than to sweeten the option that is anyway best and the one the individual will choose. The theory that tells us to promote well-being for individuals might sometimes endorse this verdict. Perhaps providing more, and more significantly diverse options sharpens people's appreciation of all options including the ones they actually choose, so more freedom means better choice and more value from what is chosen. But in some other cases, the aims of obtaining more capability

for freedom well distributed and obtaining more well-being functioning for people better distributed will diverge. In such a case, why prefer more freedom over more well-being? If we value freedom just as a means to well-being or as part of well-being, one will never rationally prefer more freedom when that yields less well-being overall. Putting this case in a sufficientarian framework does not change the reasonable verdict on the case. Suppose the person with five options is below the sufficient capability level. No matter, I say.

This critique of justice as capability provision presupposes the real option freedom account of capability. The critique misfires as it stands, for two distinct reasons.²⁵ One is that Sen has a different understanding of capability than what I have been employing. The second is we need to take account of the relationships among agency achievement, agency freedom, well-being achievement, and well-being freedom (which Sen calls capability). Let's address the second point first.

Agency achievements are achievements of goals one has reason to value. These might be goals that have nothing to do with one's own well-being. One might have the agency goal of helping other people, or of saving the whales from extinction, and so on. Corresponding to a person's actual agency achievements we can note her agency freedom, her real freedom to achieve agency goals. One agency goal one might well have is one's own well-being (what makes one's life go better for oneself), and corresponding to a person's actual well-being achievement we may note her well-being freedom. Sen holds

that the theory of justice must pay attention to all four concerns—well-being achievement and agency achievement and well-being freedom and agency freedom--and not narrow the concern to just some of the four. Sometimes an expansion of freedom for an individual will lead to less well-being for that individual, because she reasonably chooses to pursue some agency goal other than her own well-being. There is no puzzle here and there need be nothing problematic or untoward about holding that justice requires expansions of a person's freedom in such cases, even though the person's well-being predictably suffers.²⁶

My response is that none of this proliferation of helpful distinctions does anything to mitigate the objection against taking well-being freedom (capability) to be of rock-bottom importance for a theory of justice. In the case discussed three paragraphs back, let it be stipulated that agency achievement and agency freedom (other than the well-being component of each) are not involved. Postulating that well-being freedom is of intrinsic moral importance and should sometimes be sought even at the expense of well-being is fetishistic in much the same way that concentrating on means to freedom as though it were valuable in itself is thought by Sen to be fetishistic.

Should agency freedom and agency achievement be accorded a place in the formulation of fundamental principles of social morality? This is a large issue. My response here must be quick. Let us distinguish my desire that some goal, not involving my own well-being and thought to be impersonally valuable,

be fulfilled, from my desire that such a goal be fulfilled through my own significant agency. The former we can call agency goals proper. I say that the fact that I embrace such a goal does not mean that the just society owes me help to achieve the goal. It is not for my sake that the goal should be fulfilled, but rather it should be fulfilled on the ground that it is morally important in its own right. Maybe society ought to save the whales, but if so, this is not because I myself happen to embrace the goal, and my entitlements under a sound theory of justice do not include the satisfaction of such aims.

Now consider my desire that the whales be saved through my significant agency. This is a mixed goal, part impartial and altruistic, part self-concerned. The impersonal part was dealt with in the previous paragraph. Consider the residue, what remains of my desire that the whales be saved through my agency when one subtracts my desire that the whales be saved, period. This is a self-interested desire. When such a desire is reasonable, its satisfaction, on many sensible views of well-being, improves the agent's well-being. Catering to such desires can be important for social justice: consider a parent's desire, not just that her children come to have good lives, but that they come to have good lives, in part, through her exercise of responsible parenting. So my response to Sen's distinction between agency goals and well-being goals is that it is morally appropriate that the theory of justice should be concerned only to promote the well-being of persons (and other sentient beings, for simplicity we leave this important addition aside). Agency achievements register in fundamental morality

in terms of their final results, their benefits to persons. The self-interested component of people's aim to achieve agency goals through the exercise of their own agency does register in a well-being measure and so does properly affect the determination of what the individual is owed under fundamental principles of social morality, principles of justice.

Turn now to the second reason that my initial critique of making capability the distribuendum of justice misfired and needed to be loaded and shot again.

Sen proposes that where some might be tempted to see a conflict between increasing a person's freedom and doing what is all things considered advantageous for that person (contributes to his agency achievement), we would do better to see the conflict as between different notions or ideals of freedom. Let's set aside cases in which an increase in agency freedom decreases well-being freedom and well-being achievement. Sen wants simply to accept that more agency freedom can bring about lessening of freedom and achievement on the well-being dimension. What he finds confusing is talk of agency freedom increases that result in lesser agency achievement and well-being freedom increases that result in lesser well-being achievement. Here clarification of the notion of freedom (and capability) can promote clear thinking.

His account begins with the thought that the freedom of a person in a recognizable and significant sense can obtain with respect to some feature of her condition even though she herself does not control whether or not the feature will exist. To illustrate the point, Sen uses the example of the freedom to have

one's book printed as one would like. A proof-reader corrects the printed text and does so, let us suppose, more efficiently than one would have done if one had done the proof-reading oneself. One does not have the option of correcting or declining to correct this or that error in the text. The proof-reader controls this choice. But if "the levers of control are systematically exercised in line with *what I would choose and for that exact reason,*"²⁷ then one has freedom even if not control with respect to this matter.

The idea proposed here is that one is free with respect to some aspect of one's condition X provided that: (1) I get X, (2) if I had a choice, I would choose to get X, and (3) the fact that (2) is true is the reason that (1) is true. In other words, (3) says that the agents who bring it about that (1) is true do so for the reason that (2) is true. Notice that (1) through (3) can all be true in a situation in which I actually have no choice whether or not to get X.

If we plug this account of being free into the norm of basic capability equality, the scope for conflict between attainment of desirable basic functionings and attainment of basic capability might appear to diminish. Consider components of basic good health such as being adequately nourished. Assume a scenario in which if we provide real option freedom to be adequately nourished, people will fail to be adequately nourished, due to weakness of will that drives them toward junk food diets. If we provide only healthy food diet options, people get adequately nourished, and the counterfactual test for being free in this respect is satisfied. That is to say, (1) people get adequately

nourished, (2) if they had a choice, people would choose to be adequately nourished, and (3) the fact that (2) is true is that reason that (1) is true. In this setting people's capability includes being adequately nourished, because whatever combination of accessible functionings anyone chooses, it will include being adequately nourished.

For another example, suppose that we have to construct university facilities years in advance if people at a given future time are to have the freedom to attend university. The social planner correctly estimates the number of people who would choose to go to college at that time if they had the open option at that time, and builds accordingly. When the time comes, there are places at university for only ten percent of people, but it is the case that whatever people get by way of university provision (a place or no place), it is true that what they get, they would choose if they had the choice, and this fact is what brings it about that they do or do not now have access to university. People are then free in the counterfactual sense with respect to their university access.

I do not deny that the counterfactual sense of freedom is coherent and can be yoked to the account of capability. But something that had been billed as important to the capability account is perhaps lost thereby.

The first thing to notice is that we really do have two quite different and opposed ideals of capability—what I have labeled *real option freedom* and *counterfactual freedom*. Which to choose? Alternatively, how are they to be

integrated? So far as I can see, advocates of the capability approach have not yet clarified what answers they would give to these questions. (To say this is not of course to deny that the questions are answerable.)

My objection to capability as real option freedom from the standpoint of a view that fundamentally values people's achieved functionings or well-being outcomes is that taking provision of real option freedom to be the goal exaggerates the moral value of freedom per se. In many contexts adding extra valuable options and thus increasing a person's real option freedom would come at a cost of lesser achieved well-being, and in these contexts, we should favor achieving more functioning. Beyond some point, expansion of real option freedom is wasteful of resources that are better spent targeted at boosting functioning.

My objection to capability as counterfactual freedom is different. This view exaggerates the moral significance of people's getting what they want. According to counterfactual freedom, a person enjoys more capability, the more it is the case that the world is so arranged that the person gets or achieves what she would choose if she had the opportunity to choose. But sometimes the person's choices would not do well at achieving her well-being and might even directly oppose it. This could be so whether we are using what the person actually would choose as the measure or what the person would choose if she were fully informed. The objection here is essentially the same as the objection

to desire satisfaction or ideally informed desire satisfaction as the measure of human good.

Consider an anorexic whose desires and hypothetical choices are ideally informed. This person values above all conformity to an extreme ideal of beauty as maintenance of a thin body, and wants above all to fulfill this ideal even if this means she cannot ingest enough calories to sustain life and will swiftly die. As I imagine the case, the person is not suffering from mental disease, but is merely making a gross normative error about what is worthwhile and how best to live her life. According to the counterfactual freedom account as described, the person enjoys capability freedom to the extent the world is arranged so that she achieves and gets what she would choose if she had the opportunity to choose—which in this case is reduced caloric intake and consequent maintenance of thin body ideal.

In contrast, consider the application of Martha Nussbaum's ideal of justice as capability to this scenario.²⁸ She holds that justice requires that for each and every person, we must provide that the person throughout the course of her life maintains the capability to function at a decent threshold level in each of the valuable ways that are core components of a good life. She is insistent that her view requires provision of capability not functioning. In a recent discussion, she associates her capability approach with a Rawlsian affirmation that "each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override."²⁹ Rights to capability rest on the dignity of each person

and the fundamental moral equality of all persons, which mere claims to more functioning cannot override.

Her view would then hold that we must continue to provide full capability to function in all of the ways that matter as the person goes about fulfilling her thin body ideal. Whether the person achieves any good functionings for herself is her responsibility, not the proper business of society. I suppose this view of justice might well demand what I have called wasteful opportunity provision—allocating resources to a person that we know for certain he will not use and does not want and which will in that case go to waste. It is not entirely clear to me what Nussbaum would say about cases in which the person's self-regarding choices now have the effect of reducing unavoidably the degree to which she enjoys capabilities to function throughout her life subsequently. At some point, my pursuit of a thin body ideal will mean that whatever society provides or does not provide, I will lack the energy and bodily and mental capacities to function at the decent threshold level in the ways Nussbaum's theory singles out as crucially important. In some cases these self-induced capability deficits will be irreversible. Perhaps Nussbaum would say that society has an absolute obligation to sustain each person at threshold capability in all the ways that matter to the good life except insofar as the person's voluntary self-regarding actions preclude maintenance of some capabilities at the threshold levels.

In contrast, the bottom line for my functioning-oriented approach to social justice is the level of well-being the person reaches (and brings about for others,

of course). Capabilities are valued as means (and in the other ways described above in this essay) not as intrinsically morally valuable. So in the case of the ideally informed anorexic, in principle my approach would countenance paternalistic restriction of liberty for the person's own good, although such recommendation would be inhibited by all of the many instrumental reasons that J. S. Mill offers in *On Liberty* (to the considerable extent that these reasons withstand critical scrutiny, a big topic I cannot pursue here).³⁰ In practice there may be nothing sensible that concerned individuals acting on their own or social policy can do to prevent the anorexic from starving herself and dying prematurely, although this will be regarded as a tragic loss. But just suppose there is some sensible liberty-restricting intervention that would be successful in prioritarian terms. Temporary forced hospitalization and treatment would alert the person to her normative error and initiate a process whereby she comes to shed the thin body ideal and develops sounder priorities, let us say. Or perhaps a law backed by social norms can be of service in preventing such scenarios from arising—perhaps a law that requires prospective parents to take a battery of psychological tests and take classes in sound parenting methods if the tests reveal they have proclivities that are likely to lead to conflict with their children of a sort that induces the aspiration to autonomy to assume perverse forms. On my view, justice demands that we adopt sensible policies if such there be that efficiently promote good lives for people not merely opportunities for good lives.

This is a toy example, but it should serve to illustrate the fundamental division between a functioning-oriented approach to social justice and the capability approach whether capabilities are interpreted as real option freedom or as counterfactual freedom.

My criticisms of the two different interpretations to the capability approach stick only if the capability theorist is really proposing that capability provision be regarded as intrinsically morally desirable, the basic justice value that should be upheld rather than functioning. Nussbaum does fit that description. She holds that the basic justice rights are rights to capability. It is not clear to me that Sen means to commit himself on this issue as I have formulated it.

My criticism leaves open the possibility that the two interpretations of capability might be combined in some single set of principles that is not vulnerable to my objections. My hunch is that such a combined view would inherit the flaws of each of the two capability approaches in a mixed measure, depending on the exact combination proposed. But judgment on this issue would be premature pending the elaboration of such a hybrid view.

My own view is that an approach to social justice that takes capability provision to be morally of fundamental rock-bottom importance will be plausible only to the degree that it succeeds in mimicking a functioning-oriented approach. But this is just an opinion, not a claim I can say I have supported by definitive argument in this essay. I do hope that this essay succeeds in showing that the issue of capability versus functioning (like the prior issue of whether or not

capability needs to be given content via an objective list account of human good, and like the independent issue of sufficiency versus priority) is consequential for the theory of justice. Moreover, the functioning approach has a lot going for it.

Note. Thanks to Steven Wall for his sharp criticism provided at the September, 2004 meeting of the American Political Science Association. My understanding of Sen on capability has been altered by my reading of Alexander Kaufman's excellent essay that is printed in this volume.

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¹. See Sen (1982), Sen (1985), Sen, (1985), Sen, (1987), Sen, (1992).

². Roemer (1996), 189.

³. The text here is referring to the Objective List conception of well-being, according to which, there are correct answers to the question, what is good for someone. I shall usually assume that well-being admits of cardinal interpersonal comparability, so that there are correct answers to the question whether Smith has more well-being than Jones and how much more the one who has more has. On the Objective List conception, see Parfit, (1984). On objective list accounts of well-being and social justice, see Arneson (1999), Arneson (2000).

⁴ . Nussbaum (1988), Nussbaum (1990), Nussbaum (1991), Nussbaum (1992), Nussbaum (1999), Nussbaum (2000).

⁵ . See, for example, Sen (1982).

⁶ . See Anderson (1999) and Scheffler (1981), and Crisp (2003).

⁷ . See Richard Arneson (1999c). The locus classicus on the priority view Parfit (2000). See also Weirich (1983), Scheffler (1994).

⁸ . John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1999), pp. Also Rawls, “Social Unity and Primary Goods,” reprinted in . Rawls’s idea of primary goods has shifted over time. In *A Theory of Justice* (1971), primary social goods are defined as goods distributeable by society that a rational person will prefer to have more rather than fewer of, whatever else she wants. In later writings primary social goods are defined as those goods distributeable by society that a rational person who gives priority to her Kantian interests in developing and exercising her capacities for a sense of justice and a conception of the good will want more rather than fewer of, whatever else she wants.

⁹ . In this paper I often use the term “capability” loosely to mean “freedom,” and speak of a person’s capability to achieve some particular functioning. This marks a departure, I hope an innocent departure, from Sen’s usage.

¹⁰ . The statement in the text needs more argument than I provide. For all that I say, Sen could avoid embracing an objective list account of human good and instead adopt an informed desire satisfaction account that would be used to rank the importance of different capabilities. The ones that matter would be the ones that would enable informed desire satisfaction. I doubt this gambit would work, because I agree with familiar

criticisms of ideally informed desire accounts of human good. But this issue would need to be explored in order to nail down the claim I make in the text. Thanks to Steven Wall for this point.

¹¹ . A qualification should be added to the statement in the text. In her writings from about 1988 to 1992, Nussbaum yokes Sen's capability approach to broadly Aristotelian claims about human well-being. A reasoned commitment to claims about what is objectively valuable in human life is supposed to inform the theory of justice. In later writings, especially *Women and Human Development: The Capabilities Approach*, Nussbaum backtracks from these claims, and sees her project in Rawlsian "political liberalism" terms. She takes herself to be developing a political conception of justice in Rawls's sense, one that avoids commitment to any controversial comprehensive conception of the good or the right. Instead what is proposed is to be a thin conception of good on which partisans of all reasonable conflicting comprehensive doctrines can agree as an appropriate charter for common life. For example, she states that the threshold level of the basic capabilities that is essential to a good enough human life should be settled by the political process of constitutional democracies, so might vary from country to country depending on the outcome of such a process. For this last suggestion, see her contribution to a Symposium on Martha Nussbaum's Political Philosophy, "Aristotle, Politics, and Human Capabilities: A Response to Antony, Arneson, Charlesworth, and Mulgan," *Ethics*, vol. 111 (2000), pp. 102-140.

¹² . In fairness, I should note that the prioritarian view I embrace is also not a specific doctrine, but rather a broad family of alternative principles. Living then in a glass house, the prioritarian should not throw stones at other theorist's windows.

¹³ . See Arneson (1989) and Cohen (1989). For criticism of equal opportunity for welfare, see Christiano (1991), Fleurbaey (1995), and Lippert-Rasmussen (1999); also Arneson (1999).

¹⁴ . Peter Vallentyne, personal communication.

¹⁵ . Nussbaum's list of basic capabilities excludes higher achievements and includes only goods that any normal person in reasonably favorable circumstances should be able to attain. But the issue raised in the text remains pertinent. I see no reason not to allow the good enough level (whether of capability or functioning) to which everyone is to be entitled to reflect an all things considered assessment of the person's condition, so subpar scores on some basic dimensions of capability such as health can be offset by superior scores on other dimensions and by excellent scores on exquisite nonbasic dimensions.

¹⁶ . Harry Frankfurt asserts this line of thought in Frankfurt (1987).

¹⁷ . Straight aggregative act-utilitarianism can of course recommend transfers of resources from better off to worse off persons without assuming that how well or badly off one person is compared to others has any intrinsic moral weight. Utilitarianism recommends transfers when that is utility-maximizing. I regard as egalitarian a moral view that proposes equalizing transfers sometimes even when they are not utility maximizing. Any view that gives some weight to equality of condition per se will count as egalitarian. So will leximin and maximin, which say (roughly) that one should do whatever would produce the greatest benefit to the worst off. In contrast priority (also known as weighted utilitarianism), another egalitarian view, holds that one ought to maximize moral value, given that moral value (a) consists of well-being gains and avoidance of well-being losses and (b) is greater, the larger the well-being gain (loss

avoidance) a person would get from a benefit, and (c) is greater, the lower in absolute terms the person's lifetime well-being would be absent that benefit. In addition I impose a further condition on the views I call "priority" in the text: a lexical priority relation does not obtain in either direction between the moral value gained through well-being increase (clause b just above) and the moral value gained through channeling benefits to the worse off (clause c). I myself want to identify priority with a "middling" balancing of the moral value of aggregation of well-being and distribution of well-being but I do not have any proposal about how to formulate a specific proposal that captures this vague idea.

¹⁸ . This criticism of strict sufficiency appears in Arneson (2002).

¹⁹ . But for a contrary view, see Crisp (2003).

²⁰ . This is guaranteed by the characterization of prioritarianism in footnote 17 of this chapter.

²¹ . Aggregation is the claim that for any loss or evil, however great its magnitude, that befalls one person, there is a greater loss or evil constituted by the sum of much smaller losses or evils suffered by a large number of persons.

²² . Sen himself is rather noncommittal on capability versus functioning. Nussbaum does insist that justice requires sustaining all persons at the good enough capability level, not the good enough functioning level. According to her, in the just society an individual will have sexual functioning capability but may choose to be celibate, will have adequate nutrition capability but may choose to fast, and so on.

²³ . Sen (1992), p. 148.

²⁴ . Real option freedom as characterized in the text leaves it open what happens if I do not make a choice either to go or not to go to Paris.

²⁵ . For useful discussion, see Pettit (2001).

²⁶ . Sen (1992), chapter 4.

²⁷ . Sen (1992), p. 64.

²⁸ . See Nussbaum (2000).

²⁹ . John Rawls, cited after Nussbaum (2004), p. 328.

³⁰ . Mill (1977).