



## Capítulo 6

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(editores)

# PENSAMIENTO ECONÓMICO Y CAMBIO SOCIAL: HOMENAJE A JAVIER IGUÍÑIZ



FONDO  
EDITORIAL

PONTIFICIA UNIVERSIDAD CATÓLICA DEL PERÚ

*Pensamiento económico y cambio social: homenaje a Javier Iguíñiz*  
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Diseño, diagramación, corrección de estilo  
y cuidado de la edición: Fondo Editorial PUCP

Primera edición: diciembre de 2014  
Tiraje: 500 ejemplares

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Hecho el Depósito Legal en la Biblioteca Nacional del Perú N° 2014-18227  
ISBN: 978-612-317-063-9  
Registro del Proyecto Editorial: 31501361401133

Impreso en Tarea Asociación Gráfica Educativa  
Pasaje María Auxiliadora 156, Lima 5, Perú

## IS SOCIAL INCLUSION SUFFICIENT FOR JUSTICE?

*Jay Drydyk*

### INTRODUCTION

As Amartya Sen has argued, all theories of justice advocate equality of something; it is on equality of what that they disagree (1992, pp. 12-16). Clearly there is something to this. Even libertarians, who rarely call themselves «egalitarians», have a view about which inequalities are unjust —namely unequal liberties. Rawls went farther by specifying a set of basic liberties and by adding that inequalities in primary goods are unjust if they are not advantageous for the worst-off and subject to equal fair opportunity (Rawls, 1971, p. 60; 2001, p. 42). Further examples can be multiplied easily.

However, this is not to say that equality is the only demand of justice. Arguably justice requires improving the condition of the worst-off —the «prioritarian» view first championed by Derek Parfit (2007). Or justice might demand that everyone has enough —the «sufficiency» view advocated first by Harry Frankfurt (1987) and then (more plausibly, in my opinion) by Martha Nussbaum (2000, 2006). There is a tendency in political philosophy currently to treat these as rival theories, and there is an expectation that anyone who advocates one must argue against the others. I have never been comfortable

with this tendency, because it ignores, without reason, a more synthetic approach, which would analyze the proper division of labour between all three.

Here I will try to develop that more synthetic approach by considering exactly what priority each of these three demands might have in relation to the others. My methodological assumption is that any such priority must emerge within public reason. In short: justice is what impartial public reason says it is. But, to qualify this, determining «what public reason has to say» is more complex than this simple phrase suggests. There are many differences between public reason and public opinion, and determining what public reason has to say about a topic is not reducible to tracking a particular deliberation. Describing the state of public reason differs from describing a state of public opinion because the former is concerned not just with opinions about questions of policy or practice, but with reasons supporting those opinions. Nor is the job done when we have identified the main actual reasons held by members of a public. We must also consider reasons that a particular public may not yet have actually considered —this is what Sen has called «open impartiality» (Sen, 2009, pp. 124-152). Public reason must also be impartial to everyone's good, for instance by giving equal consideration to everyone's well-being and agency. Analyzing «what public reason has to say» means assessing which policy options are supported by the strongest arguments, within these constraints.

In light of this, saying «what public reason has to say» about equality, sufficiency and priority for the worst-off is a very challenging task, too challenging, perhaps, for a single chapter or article. So here I will be taking a short-cut, hoping that my very partial and incomplete contribution will nevertheless be at least somewhat illuminating. The particular short-cut I will take will be to ask about various formulations of each «demand of justice» whether they are consistent with giving equal consideration to everyone's good, specifically to the well-being and agency of all.

Social exclusion has particular relevance to these debates about justice, and unfortunately it has not yet been given the attention that it deserves: although the idea of social exclusion has been widely discussed in policy debate for more than ten years, it has been ignored in philosophical discussion of justice. Who knows: philosophical debate may show that the idea of social exclusion is not useful. But that debate has not yet occurred, and it is my purpose in writing this chapter to begin it.

One reason why there has been so little philosophical uptake may be the state of confusion both in policy and in research about what «social exclusion» means. On the other hand, this would seem a great opportunity for those philosophers who are strong on analytical clarification. In this chapter, I will not make an extensive attempt at clarification (which would require a chapter or article all its own). Instead, I will draw on a few definitions of «social exclusion» that have already been proposed, in order to highlight a few features of these definitions that seem especially relevant to social and global justice.

Before taking up those conceptual points, I will begin by proposing an unusually concrete conception of what «priority for the worst off» might mean, drawing on the conceptual framework of disaster relief. Then in section 2, after discussing the meaning of «social exclusion» (as relevant to justice), I consider similarities and differences between the «recovery» phase of disaster relief and efforts (outside the context of disaster) to reduce social exclusion. A key difference is that disaster recovery deals with regions in which social functioning has collapsed altogether, whereas combating social exclusion is concerned with restoring social participation of individuals to levels considered normal or customary for that society. In the third and fourth sections I will consider whether social justice does not require more than this relative restoration and whether, instead, it might require restoration of social participation to produce the highest capability levels sustainable for the entire population: a) given their economic and social resources

at the time and b) as those resources expand over time (I call this an «egalitarian optimum»). In sections 5 and 6, I compare these results with the views of Harry Frankfurt and Martha Nussbaum on justice as sufficiency. I conclude, in section 7, with some consequences that follow from supplementing and reinforcing the ideas of social inclusion and exclusion with the idea of an egalitarian optimum.

### **PRIORITIZING THE WORST-OFF**

Analytical political philosophers have found it useful to pump our intuitions about inequalities by presenting us with descriptions of inequality that are austere abstract, typically as numerical differences between the units of homogeneous good stuff that different people have. So, for instance: suppose that A has 100, B has 50 and C has 0. If we have 50 additional units to distribute, to whom should they go? Most people would find that more should go to C than to B or A, and these intuitions would support the broad prioritarian principle that priority in distribution should be given to the worst-off.

No doubt these intuitions should play some role in public reason, but public reason worldwide has been presented for a considerable time with portrayals of the worst-off that are far more detailed and particular: these are portrayals of disaster victims. The international community has developed a framework for understanding what ought to be done for disaster victims, and by whom, and while this framework continues to evolve, in its main points it seems to enjoy the support both of the international community and (in my estimation) of public reason.

To understand what a disaster response perspective is, we might consider the conceptual scheme that is widely shared in the disaster response community (practitioners, advocates, regulators, and scholars)<sup>1</sup>.

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<sup>1</sup> The leading practitioner is the International Federation of Red Cross and Red Crescent Societies, and the concepts I present here are also presented on their website, of which the home page (in English) can be found at <http://www.ifrc.org/en/>

The prevailing idea of what a disaster is has four elements: i) the functioning of a community or society is seriously disrupted; ii) there are human, material, economic or environmental losses that iii) exceed the capacity of the community or society to cope using its own resources; iv) a disaster is generally said to be a sudden or calamitous event that causes such disruption and losses, but slow-onset disasters are also recognized.

It is sometimes quipped that «there is no such thing as a natural disaster» (UNISDR, 2013), which is to say that the extent of disruption and losses that are involved in a disaster will depend in part on how vulnerable or resilient the community or society are. There is a long list of hazards that can cause disasters, ranging from storms and earthquakes to industrial accidents. A community is more vulnerable if a comparable hazard will result in greater damage and loss; thus poor construction makes one community more vulnerable to earthquakes than others in that a comparable earthquake will result in greater damage. A community is more resilient if it is better able «to anticipate, reduce the impact of, cope with, and recover from the effects of adversity without compromising their long-term prospects» (IFRC, 2012, p. 7). *Capacity* is sometimes used as a synonym for «resilience» in this sense.

Finally, it is common to distinguish three phases of action that can be taken in relation to disasters. *Preparatory* actions would aim to reduce vulnerability and increase resilience. Immediate *relief* actions aim to rescue survivors from immediate dangers and to stabilize their physical and emotional condition, by such means as providing necessities of life and restoring essential services. *Recovery* would involve reconstruction of buildings (or resettlement) and restoration of livelihoods, community institutions and facilities, and in general resumption of social functioning.

This seems to be a context in which justice clearly gives priority to the worst-off, though we need to think carefully about what this means. Generally when a society is hit by a disaster, the disaster is confined to one region, while in other regions normal social functioning continues, as indeed normal social functioning continues in other societies. The intuitive moral response to this is twofold: a) it would be unjust if disaster victims received no relief and recovery assistance from any of the normally functioning societies; b) the primary responsibility falls to the society in which the disaster occurs, but if this is beyond that society's means, a secondary responsibility extends to other societies. The second response is widely shared, to the point of being accepted international law; I think it is also defensible in public reason, but since the details of that defence would lead astray from the question of priority for the worst-off, I will set it aside. Defence of the first response is more clear-cut. A disaster occurs when normal social functioning is seriously disrupted. Because of this, or because of the hazard that caused the disaster, the functioning of individual human beings is also threatened. Relief stabilizes the functioning of individuals, and recovery restores social functioning —on which the individuals also depend, not only for basic livelihoods but also for living at all well. What idea, then, could justify the claim that no well-functioning part of any society should contribute to relief and recovery? To be honest, many such excuses have been invented in human history. Some would appeal to self-interest: «We have nothing to gain from those people». Others might appeal to biases about the purity or superiority of one's own group, or to narrow group loyalty. But none of this stands up to public reason, especially to the requirement that everyone's good deserves equal consideration. The good of disaster victims is forsaken if relief and recovery efforts are not provided to them from some —any— who are not disaster victims. On the other hand it is common in human cultures to have rationales for assisting people in need, including strangers (Sullivan & Kymlicka, 2007). So the weight of argument



tilts predictably in favour of the conclusion that it would be unjust for disaster victims to receive no support from normally functioning communities. This is an instance in which justice demands priority for the worst-off.

Does justice also demand priority for relief over recovery? Disasters are rarely uniform. The devastation in one community may be so severe that the immediate concerns are for keeping people alive, and prospects of rebuilding are in the distant future. For another community affected by the same hazard, recovery may require little more than restoration of electrical power. To make the case more vivid, imagine that the first community is that of an ethnic minority. The common intuition—supported by the public reason principle of equal consideration—is that it would be terribly unjust to deny relief to the first community in order to support recovery for the second. Delaying recovery, if necessary, to provide relief, might not (within limits) deny equal consideration to the less-badly-off community. But notice that this is a weaker priority than the one discussed earlier, the priority of disaster-affected communities over unaffected, normally-functioning communities.

## **DISASTER AND SOCIAL EXCLUSION**

There has been such a proliferation of meanings given to «social exclusion» that researchers continue to regret how disorderly the concept has become (Sen, 2000; Humpage, 2006; Hayes, Gray and Edwards, 2008, pp. 3-6; Vinson, 2009, p. 1). Levitas and others list twelve different definitions, and even this is incomplete insofar as it ignores interpretations that turn on social solidarity or social rights. It might be a useful task (and a kind of task that a philosopher should be well equipped to undertake) to find the family resemblances among these various meanings, but that would be a task requiring a more extended treatment than I can give it here. Therefore I will focus

on one particular conception of social exclusion that suits my purposes in discussing the demands of justice:

Social exclusion is a complex and multi-dimensional process. It involves the lack or denial of resources, rights, goods and services, and the inability to participate in the normal relationships and activities, available to the majority of people in society, whether in economic, social, cultural or political arenas. It affects both the quality of life of individuals and the equity and cohesion of society as a whole (2007, p. 9).

Though the authors conceive of social exclusion as a process, I think it is more accurate to think of it as a relation between: a) persons; b) resources, rights, goods and services; c) normal relationships and activities available to the majority of people in a society; d) quality of life and e) social cohesion. (I have excluded the equity provision so that the relevance of social exclusion to justice is not fixed by definition.) In short: people lack (or are denied) the wherewithal to participate in various kinds of relationships and activities that are key to their well-being.

Sen has introduced two further distinctions that are helpful: a) some kinds of participation in social life have intrinsic value, which is to say that these kinds of participation are among the ingredients of a good life. Sen uses Adam Smith's observation of the importance of «being able to appear in public without shame» (2000, p. 4) as an example: one is not living well if one cannot appear in public without shame. Having good relationships with family and friends has similar standing. Social exclusion from these activities is *constitutive* of deprivation. Other kinds of social participation are valuable both intrinsically and instrumentally, for instance being educated, and still others have only instrumental value, for instance having a fair trial, or having access to credit (p. 13). Social exclusion from activities that are instrumental to living well contributes *instrumentally* to deprivation. b) People may be *actively* excluded by such measures as discriminatory law, or they may be *passively* excluded because they lack the wherewithal to participate (pp. 14-16).

Between social exclusion and disaster there are interesting overlaps as well as divergences. Relief efforts restore and support basic human functioning by meeting basic needs. Threats to basic functioning may also contribute to social exclusion. Homelessness not only threatens basic functioning but also contributes to social exclusion —both constitutively and instrumentally. On the other hand, disasters disrupt social functioning of all kinds, so that the «the normal relationships and activities, available to the majority of people in society» are simply not functioning where disaster has struck. What distinguishes social exclusion from disaster, then, is that in the case of social exclusion the normal relationships and activities are still functioning throughout a region; it is only a subset of the population who cannot participate in them. In a disaster there is a region in which these relationships and activities have more or less ceased to function at all.

In view of this, we might think of social exclusion as a non-territorial analogue to disaster. Earlier I argued that the good of disaster victims is forsaken if relief and recovery efforts are not provided to them from non-disaster-victims. Since it is common in human cultures to have rationales for assisting people in need, including strangers, public reason should lean towards the conclusion that it would be unjust for disaster victims to receive no support from normally functioning communities. If the analogy between disaster and social exclusion holds, it would be similarly unjust for the socially-excluded to receive no support from normally functioning communities. Thus the socially-excluded should likewise be accorded the priority of the worst-off. Since some of the socially-excluded, such as the homeless, may be as badly off if not worse off than some disaster victims, no priority relation is likely to hold between the set of all disaster victims and the set of all people who are socially-excluded. Just as some disaster victims require more urgent response than others, so may some of the socially-excluded, and so there may be weak priority relations within each group.

On the strength of this analogy, we may conclude that condoning or neglecting social exclusion is *unjust in the same ways* that it is unjust to neglect disaster victims: both fail to heed the demand of justice to give priority to the worst-off, and they do so in a way that violates the requirement of public reason to give equal consideration to the good of all.

## SUFFICIENCY

The idea that justice demands that everyone should have enough is, according to psychological research as well as common knowledge, well entrenched in human moral psychology (Deutsch, 1975; Tyler, 2001; Kazemi & Tornblom, 2008). It was brought into greater philosophical prominence as an alternative to egalitarianism by Harry Frankfurt in 1987. Though I will try to show that sufficiency and equality are both valued within public reason, Frankfurt's arguments were all anti-egalitarian. One was this: it is not morally disturbing that millionaires are less rich than billionaires, but it is morally disturbing that some people do not have enough; therefore, what matters morally is not that some have less than others but that some have too little (1987, pp. 32-33).

More recently, Martha Nussbaum also raised questions about what is sufficient for justice, though her discussion diverged from Frankfurt's in numerous ways: 1) whereas Frankfurt discussed equality and sufficiency of income and wealth, Nussbaum was concerned with central human capabilities —i.e. capabilities to function in ways that everyone has reason to value; 2) she argued that public reason could settle on ten such capabilities<sup>2</sup> and, then, recognizing each person's

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<sup>2</sup> They are capabilities to sustain, achieve, or exercise: life; bodily health; senses, imagination, and thought; emotions; practical reasons; affiliation; concern for other species; play; and control over one's political and material environment (Nussbaum, 2006, pp. 76-78).

human dignity, public reason would demand that each person's capabilities be brought at least to thresholds required for living a life befitting that dignity; 3) she did not claim that equality was irrelevant to justice, but merely that full equality of capabilities is such a distant project, and its feasibility is so unclear, that it would be far less difficult for public reason to reach agreement on ensuring everyone sufficient capabilities.

Social-exclusion thinking raises a possible alternative to both Frankfurt and Nussbaum. If social exclusion is unjust (as we seemed to find, above), then is social inclusion sufficient for justice? To answer that question, let us think first of a more fundamental question, the «inequality of what» question. For Frankfurt the question is about inequality of money, which he finds is not morally significant. For Nussbaum the question is about inequality of central capabilities. For someone concerned with social exclusion, though, the question might be about participating in relations and activities related to well-being and commonly available in a society. In that case the inequalities that matter for justice would arguably be unequal ability to participate in these relations and activities. So: people are treated unjustly if they are socially excluded, and they are treated justly if they are not excluded. Social inclusion would be sufficient for social justice, a new threshold for just treatment.

However, the idea that inclusion is sufficient for justice could be difficult to sustain, due to the prevalence of what Sen has called «unfavourable inclusion» —i.e. inclusion on unfavourable terms (2000, p. 28). Bonded labourers are not disadvantaged because of being excluded from work, they are disadvantaged by terms of labour that they cannot escape (p. 30). When women manage to enter into the workforce, gender inequalities may remain, such as being shunted into «female» occupations that are paid less, into jobs that are unskilled rather than skilled, supervised rather than supervisory. Even more broadly, as Pradhan has noted, «one of the early themes in the early

gender and development literature was not so much that women had been excluded from development, but that they had been incorporated into it in adverse terms» (2006, p. 10).

It could be replied that the question here is: «Exclusion from what?» Sen has remarked that disadvantageous inclusion could be regarded as exclusion from advantageous participation, though he expressed some skepticism about whether this way of speaking actually advances our understanding of what is happening when people are included in exploitative or oppressive relations. For my part, I am skeptical about his skepticism. Being shunted into lower-paying, unsupervisory, unskilled jobs is equivalent to being excluded from higher-paying, supervisory or skilled jobs. Having access only to poor-quality public education providing little of the knowledge that is needed to succeed in later life is equivalent to being excluded from useful education. Having access only to poor medical care that is as likely to cause or complicate diseases as to cure them is equivalent to being excluded from genuine health care. Such a view of these cases, as actually being cases of exclusion, is reinforced by the conception of social exclusion from which we began: Levitas and others propose that the exclusion that should concern us «affects the quality of life of individuals», and I think we could very well complete this sentence by saying that it affects their quality of life *for the worse*.

One consequence of this move is that we must sacrifice the majoritarian sense of «exclusion» as being excluded from relations activities that are available to the majority of the society. It could be, for example, that good education is unavailable to the majority, and in that case, we would want to say that the majority are excluded, which we could not say, strictly speaking, if we were following the definition of Levitas and others.

These considerations, then, provide no decisive reasons why social inclusion should not be sufficient for justice. However, there are two other considerations that may be more decisive.

To evade the problem of unfavourable inclusion, «exclusion» would need to be defined as exclusion from relations and activities with favourable outcomes. But there is no implicit criterion for *how favourable* they need to be. Do rich people suffer exclusion if they cannot make their lives any better than they already are? Are poor people not excluded if their inclusion enables them to become slightly less poor but not to escape poverty? It may not be possible to fix a criterion for exclusion except on the basis of some criterion for well-being. Thresholds for central capabilities, as called for by Nussbaum, could play this role. That is, if public reason in a given society can settle on levels of basic capabilities required for a life of dignity, then the significant exclusion would be that which keeps people from relations and activities that would achieve those capability levels. If rich people cannot have relations and activities to give themselves higher capability levels, that would not qualify as the kind of exclusion that concerns us. If poor people have access to relations and activities that raise their capabilities somewhat, but not to the threshold levels, then they are still being excluded. The meaning of «social inclusion» remains underdetermined unless some such criterion can be supplied, and it must be supplied externally, since there is nothing within the concept of social exclusion to provide it. Hence the idea of social inclusion, on its own, is not sufficient as an idea of justice.

The second problem is simpler. If social inclusion within a society is sufficient for justice, then what is global justice? Is a just world simply a world composed of just societies? Whether local participation can actually enable people to improve their lives, much less meet minimal thresholds for well-being, can depend on economic relations between that society and others, and indeed with international institutions and world markets. Of course, it can be argued that duties of justice are owed only by states to their own citizens. However, this would condone the vast differences in life expectancy, health and education that now exist, and so it is questionable whether all this can meet

the test of equal consideration for everyone's good, within *global* public reason. Since social exclusion is a limited social concept, it is difficult to see how it can be sufficient for justice, globally considered.

### EGALITARIAN OPTIMA

Thus we face the question: what is sufficient for justice, *if not* social inclusion? Or, if some particular threshold standard of living is sufficient for justice, how can public reason identify it? Must that deliberation be *ad hoc*, different in each society? In that case, what is global justice? Or, if the answer is to come from global public reason, how can differences between societies and their circumstances be taken into account?

In answering these questions, I find it useful to include one idea in particular from the concepts of social exclusion and inclusion, and that is the relational idea that what matters in the first instance is exclusion from something that is available throughout a society. In other words, «If everyone else can have this, why can't I?» This thought invokes strong intuitions of injustice. Of course, whether the thought is justified depends on what «this» is. For instance, if «this» is liberty and I have been convicted of a felony, the question has a ready answer, and intuitively there is no injustice. On the other hand, if «this» is being free to live decently well, then (even in the case of the felon) the question once again has some bite. Moreover, this intuition would be reinforced within public reason, following the rule that equal consideration must be given to the good of all (in the case at hand, incarceration arguably attends to the good of a felon's past and potential victims, while opportunities for atonement and rehabilitation arguably attend to the good of the felon). What can we infer about justice? Justice demands social inclusion in the same way that it demands assistance for disaster relief and recovery. That makes social inclusion necessary but not sufficient to answer the demands of justice. The further demand that I am considering now is that everyone should be equally free to live



decently well, where «decently well» is understood, in the first instance, relatively to life in that society.

But the linchpin in this set of thoughts is still missing. If «living decently well» is to be understood relative to a society, then what exactly is the relation? What I propose is this: «living decently well» should be understood as the highest level of living well that can be produced in a society for all present and future generations. Let us call this level the «egalitarian optimum» living standard for a given society at a given time.

Public reason offers some *prima facie* support for the idea that bringing everyone in a society to this level should be a goal of justice. Generally speaking, allowing anyone to be unfree to live at this level is implausible, because, *ex hypothesi*, this is a level which the society can produce and sustain for everyone, and so leaving anyone unfree to reach it is, *prima facie*, failing to give equal consideration to their good. Nor is it plausible to set a threshold any higher, since this is the highest level that can be produced and sustained for all members of the present and future generations. If no higher level can actually be produced for the present generation, then demanding a higher level is simply not feasible. If higher levels can be produced, but they are not sustainable for future generations, then raising them now would neglect the good of future generations (whoever they may be).

For these reasons, the egalitarian optimum living standard is a plausible goal for justice. With sustainable development, this threshold level will rise, hence the egalitarian optimum is a moving target in each society.

Due to the present unevenness of development globally, there are vast differences among the egalitarian optima of different societies. It is not plausible to condone these differences if we give equal consideration to everyone's good, as global public reason would demand. Hence global justice demands that these differences diminish over time. How quickly they ought to diminish, and by what means, are basic questions of global justice and development policy alike.

## OTHER THRESHOLDS

Three conclusions have emerged so far. The first is that social inclusion is necessary but not sufficient for social justice. The second is: what could be sufficient is to achieve an egalitarian optimum in each society, that is, the highest living standard that can be produced and sustained for all members of the present and future generations (in what follows I will interpret living standards as levels of well-being freedom or capabilities.) In a society that enjoys sustainable development, this egalitarian optimum will be a moving target, a continually rising goal of social justice. Thirdly, it is a goal of global justice to reduce gaps among the optima of different societies —not, of course, by levelling down, but through upward harmonization.

The egalitarian optimum answers the question, «What is it to have enough?» in a novel way: «having enough» would mean being free to live at a level that can be produced and sustained for everyone in present and future generations. Justice does not oppose anyone having more than this, but it does oppose anyone having less. It remains now to compare this view with those of Harry Frankfurt and Martha Nussbaum.

Frankfurt made it quite clear, to begin with, that the standard of sufficiency should not be reduced to just «enough to get along or to make life marginally tolerable» (1987, p. 38). According to one of Frankfurt's formulations, we have enough when we are content with what we have and anything that is unsatisfying or distressful about our lives has nothing to do with the fact that we do not have more (p. 37). But from the capability viewpoint, one problem with such a standard is the subjective basis on which it may rest. In cases of adaptive preferences, where people have become inured to grinding poverty and where hoping or striving for more than subsistence has been abandoned as unrealistic, subsistence would count as «enough»

by these standards. To be charitable, Frankfurt would in these cases shift to the standard of whether contentment or dissatisfaction is reasonable (p. 37). This places tremendous weight on the notion of what is reasonable, which can be conceived in many ways. Facing this, I will offer only the following: in my conception, equal consideration for the good of all is a requirement of being reasonable, and I have shown above in section 4 how this supports a particular conception of «enough» based on capability concepts rather than on subjective satisfaction or dissatisfaction.

Nussbaum calls for drawing these lines in such a way that capability levels are protected. I agree with this as well: since capabilities are advantage-makers, they best demarcate the disadvantages against which entitlements are meant to protect us. But the difficulty is that there are no such demarcations that are inscribed directly into the scale of capability expansion. We cannot simply «read off» entitlements from capability levels. As an account of advantage and disadvantage, the capability approach is purely comparative; there are no discrete steps that are inherently worthy of protection by social entitlements. As an example, consider literacy. The capability to read always confers an advantage, and the lack of this capability is a disadvantage. It is now a great enough advantage, and there are sufficient resources to provide it, that we regard it as a universal entitlement. But it was not always so. Quite apart from its intrinsic value, literacy had far less instrumental value several centuries ago. In the era of Charlemagne, for instance, it was possible to live exceedingly well and indeed to rule over vast realms without being able to read or write, and Charlemagne himself was the living proof. Nor was his a life less than «truly human» or incompatible with human dignity. In other words justifiable entitlements are historically contextual and contingent, *even if* they are justified in terms of capabilities.

The conclusion I draw is: there are no natural capability thresholds that demand transhistorically to be supported by universal entitlements and that would be recognized as such in political deliberation that respects equal human dignity.

I would suggest instead that the threshold of «truly human life»—which Nussbaum appropriates from Marx—is rather more like a base camp from which we begin an ascent in the direction of greater justice. I will argue that there are no permanent encampments between this base level and the summit. To establish entitlements along the way is rather more like digging with crampons into the side of the mountain; these points are above the base, they are moving in the right direction, but from these points the summit may still remain out of sight. Safety lines are important, since they keep us from a precipitous fall. But, in this image, justice is not just about preventing falls, it is about getting to the top. Acting justly, I will suggest, involves two things. *Security* is one of them: we must secure the capabilities that a population has achieved, and we must secure each individual's capabilities. But the other dimension is too often neglected in philosophical discussion of justice. Here I have in mind *empowerment*.

Nevertheless, even after our species has securely crossed this threshold, groups and individuals can in a sense be pushed back. Marx noted this happening to workers when, instead of striving for a life with expanded choice, the creativity and choice that characterize human activity are confined, for the worker, to self-preservation: «he makes his life activity, his *essential being*, a mere means to his *existence*» (1975, p. 276). So this threshold of the «truly human» is one from which we look back into a condition of alienation, in which human creativity, consciousness, intelligence and choice are confined to the struggle for self-preservation. This I take it, is fundamentally the threshold to which Nussbaum refers. We can also express this (though Nussbaum does not, explicitly) in terms of capabilities as advantage-makers. Over the threshold, there are goods and advantages over which people

have some choice, and once such choice becomes feasible, some ways of being and doing come to be valued for their own sakes. Hence there are goods and advantages that do not just contribute to capabilities for survival: they may contribute instead to imagination or thought, to affiliation, to emotional life, or to play. Pushed back below the threshold, even if people have experienced the life of choice that exists beyond, they can no longer feasibly strive for it; they can strive for nothing more, it seems, than to live another day, towards which every aspect of life becomes a mere means. Beneath the threshold, we are reduced to striving for goods and advantages that are determined entirely by capabilities of self-preservation. Only beyond it do we find greater scope to strive for goods and advantages that are valuable not just as necessities, but as choices, rendered valuable by their impact on valuable capabilities other than those of survival.

In these terms, to appreciate human dignity is to recognize on which side of this fundamental divide human beings belong.

Yet what is striking about this threshold is how low it is. At this level, one is able to strive for nothing more than self-preservation. Of course, some conditions are worse: for instance, when capabilities to satisfy «the dominion of immediate physical need» are sporadic or chronically inadequate. So raising capabilities up to this threshold is vital. Still, it is a far lower threshold than the standard set by entitlements such as the human right to an adequate standard of living. Standards for realizing these rights are typically set not in terms of exigency but rather in terms of «adequacy». Article 25 of the Universal Declaration of Human Rights is illustrative: «1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control» (UN General Assembly, 1948). What these entitlements require —as must the capability approach,

if it is to deserve moral credibility— is not merely to bring people *up to* the threshold that separates exigency and «truly human functioning», but to carry them *well over* that threshold. Since the level of «truly human functioning» is so far below standards of adequacy, we are left wondering how adequacy is to be determined.

### EVERY HOUSE A MANSION?

Perhaps, then, «equal human dignity» sets a higher standard, which calls for bringing people not only to and over the threshold of «truly human functioning», but up to a threshold of adequacy, of the kind envisioned in declarations such as Article 25. But these higher thresholds are also rather modest. Metaphorically, these social safety nets are meant to keep people (and their capabilities) from falling too far down, but they are not meant to raise everyone to the top. Thus Article 26, on the right to education, sets a standard well short of equality, for while elementary education is to be universal and compulsory, higher levels, while they are to be «generally available», may be allocated by merit-based competition. Equality, in contrast, would consist in making available to everyone the highest level of learning from which they could benefit.

Many of the entitlements that Nussbaum advocates could be construed as guardians of «adequacy», as social safety nets meant to catch people from falling below adequacy, but not meant to raise them above it. This mid-range capability protection is well above the threshold of «truly human life», and so we are led to wonder whether and how the boundaries of this middle range are to be set by the criterion of «equal human dignity».

Some entitlements that are justified by equal human dignity are not bounded in this way. For some capabilities, Nussbaum argues, an adequate level can be nothing short of equality. These are cases in which unequal entitlements would be an affront to equal dignity:

«[...] all the political, religious, and civil liberties can be *adequately* secured only if they are *equally* secured» (2006, p. 292). She gives a parallel argument for some social entitlements but not all. In order to ensure equal dignity, adequacy requires equality in «basic essential health care», in primary and secondary education, but not in higher education or «nonessential health care».

However, these qualifications are questionable both in terms of overlapping consensus and in terms of the underlying capabilities as advantage-makers. An overlapping consensus dedicated to ensuring equal dignity to our very different lives would regard with suspicion a concept like «essential health care», which can be invoked to focus narrowly on keeping people alive, rather than also promoting healthy lives; the result will be that some people's health is neglected, especially if «essential health care» neglects the broader aspects of health as «a complete state of physical, mental and social well-being, and not merely the absence of disease or infirmity» (WHO, 1946). Neglect is not compatible either with equal dignity, or with equal consideration for the good of all. There are also cases of failure to provide higher education that are paradigmatic affronts to dignity, for instance when linguistic, cultural, racial or other minorities are excluded. What can count as an affront to dignity by reason of group membership can also count as an affront to dignity apart from group membership. If a family can afford to send all of its children to schools up to their highest level of ability, and yet they send only one, we would infer that they did not consider the others worthy. The same implication of unequal worth and consideration can be drawn if a society can afford to send all of its children to schools up to their highest level of ability, and yet some are left behind. Similar results come from the capability approach as an account of human advantage and disadvantage. If a capability to remain healthy, conceived broadly rather than narrowly, is one that everyone has reason to value, then to say it is adequate for some to have less is to discount them as sources of value;

it is as though to say, «Health as a complete state is valuable, except for *your* health». Or: «Education is important, but not *your* education».

What this shows is that the upper boundary to mid-range social entitlements is difficult to establish, either based on an account of equal human dignity or based on an account of capabilities as sources of human advantage. In other words, neither account easily warrants a conception of adequacy short of equality, either for social capabilities and entitlements, or for the civil, religious, and political.

This raises a new risk: if there is no adequacy short of equality, then is there no justice short of opulence? Is adequate housing not achieved until all houses are mansions? Nussbaum attempts to steer clear of this *reductio* by noting that the housing capability is typical of a subset of «capabilities, closely connected with the idea of property or instrumental goods, where what seems appropriate is *enough*». She adds: «It is not at all clear that an *equal* house is required by the very idea of human dignity or even of equal human dignity; for indeed a mansion may not be better than a modest house» (2006, p. 293). This seems right, but it leaves open two further questions: first whether equal human dignity requires equal *capabilities* to be housed, and second whether these latter can be distinguished from capabilities to have equal houses.

It seems to me that we can top up equality in capability and even in functioning vis-à-vis housing with modest houses, well short of equal opulence. I find it useful in this connection to invoke Sen's distinction between well-being freedom and agency freedom. Differences in agency freedom are captured not in terms of the well-being that one can achieve, but in terms of valuable goals that one can accomplish, whether these pertain to well-being at all, much less one's own well-being. Some people would regard their agency freedom to expand when they become old enough to be suicide bombers —which, I take it, expands no one's well-being. Agency freedom could also continue to expand once well-being freedom had reached a level beyond which no further



increases would do any discernible good. Greater goals can be achieved even when this does not entail living a better life. One can have good and generous relationships with one's friends, family and peers without having the wealth to be a grand philanthropist; while greater wealth certainly expands agency freedom —through philanthropic or other activities— this may just be a different way of living well, not a better one, so far as one's own well-being is concerned.

What is it about housing, then, that people have reason to value, and in particular for what reasons is it advantageous to have some dwellings rather than others? Efficient shelter is one factor, providing space for home life is another, and let us also include aesthetic attractiveness as a third reason. So some dwellings are the poorer insofar as they provide poor shelter, others because they are too small for one's home life, and others because they are ugly. Gaining more space per person, starting from very little, will contribute positively to well-being, but this benefit must diminish at some point, where having more space no longer facilitates better home life. What, then, would make a still larger house advantageous? The likely answer is: it would be advantageous if having a big house were your goal. In other words, this advantage is one of agency freedom, not one of well-being freedom. Similarly, why is it advantageous to have a beautiful house filled with works of art? It cannot be attributed entirely to enhanced capability for aesthetic experience of sense and imagination, since this capability can be as easily enhanced by having access to a public art gallery. Having an art-filled home is advantageous to people only if this is their valued goal, and so the advantage arises not from well-being freedom so much as from agency freedom.

Mercifully, then, capability justice does not require expanding the freedom to own mansions. However, it does require expanding some other types of agency freedom. Insofar as people make their own well-being their goal, agency freedom and well-being freedom coincide, and this subset of agency freedom merits expansion. Some expansions

of agency are empowering, making people better able to shape their own lives. I will have more to say about this in the next section, but for now I would simply mark these as expansions of agency freedom that are warranted by justice. Provisionally, then, we may subdivide agency freedom into a) that which coincides with well-being freedom; b) that which is empowering; and c) the rest, which I will call «surplus agency freedom». There is also a gray area —illustrated by having art at home, rather than in a gallery— which to some degree may count towards well-being freedom but more realistically derives its value by achieving a valued goal —in this case being an art collector. This too I would include in the «surplus» category. The upshot is that to expand and equalize surplus agency freedom is not mandated by capability justice, either in terms of dignity or as an account of human advantage and disadvantage. Capability justice calls for expansive equalization of well-being freedom, along with agency freedom that is coincidental or empowering, but not the surplus above and beyond this. Possibly capability justice could introduce a type of difference principle here, calling for expansion of surplus agency freedom to contribute instrumentally to the well-being freedom of others (as a sales tax on art might do, in our example). In that case the slogan would not be «every house a mansion» but rather more like «every concert a benefit concert». But that is another topic.

### **IS SUFFICIENCY SUFFICIENT FOR JUSTICE?**

So far I have allowed an ambiguity concerning the word «sufficient» to go unclarified, and that clarification is due now. Generally «sufficient» has been used to mean having enough. For Frankfurt, that meant having enough (money) that one would have no reasonable dissatisfaction with what one has. For Nussbaum, it meant having enough (capabilities) for a life of human dignity. For me, it means having the highest capability level that one's society can feasibly provide to all its members. But in the

title of the chapter and the subtitle of this section, «sufficient» is used in a different way, having to do with sufficient conditions for justice.

Here I must confess that I find the question «Is sufficiency sufficient for justice?» rather misleading. Asking for necessary and sufficient conditions for justice is typical of ideal theories of justice or, as Sen has called them, «transcendental» theories. Indeed, this is how transcendental theories might be defined, as claims about the necessary and sufficient conditions required for a society to be perfectly just —than which none could be more just. Sen has argued that these transcendental approaches are neither necessary nor sufficient nor even very useful for knowing what justice requires us to do (2009, pp. 96-105). Instead, he has argued, it is more useful to identify which kinds of social change render a society more just or less just than it was. This is a comparative approach. I have argued that one further reason for adopting a comparative approach is that it is more helpful if we want to understand what is involved in *acting justly* —either for individuals, organizations or social movements<sup>3</sup>.

From both perspectives —transcendental as well as comparative— it is clear that sufficiency (providing enough for all) is not a sufficient condition for achieving justice, either perfect justice or comparatively greater justice.

From a transcendental perspective, one must acknowledge the strong support that public reason provides for human rights, and so it would be implausible to propose an ideal of justice in which human rights were not realized. So the realization of human rights has to be recognized as a necessary condition for social justice. Having enough (either of money or capabilities) does not ensure or entail the realization of human rights. To this one might object: Nussbaum has argued that having equal civil and political rights is necessary for having enough

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<sup>3</sup> Drydyk, J. 2012. A Capability Approach to Justice as a Virtue. *Ethical Theory and Moral Practice*, 15, 23-38.

of capability number 10 on her list, i.e. having enough of the capability for control over one's social, economic and political environment. On the other hand, Sen has argued that human rights have procedural aspects that cannot be derived from capability concepts (Sen, 2005). If that is right, then sufficiency of capabilities does not entail that all necessary conditions for justice will be met, assuming that justice requires the realization of human rights. And so sufficiency is not sufficient for justice.

From a comparative perspective there are many dimensions in which a society can become more just or less so.

As is well known, for the capability approach the inequalities that matter most for justice are inequalities of *valuable capabilities*. What is not so well known is that it is not just *closing inequalities* that matters: *raising capabilities* also matters. That is, raising *everyone's* capabilities must be granted at least some importance. An actor or strategy that performs better at reducing inequality must be regarded as acting more justly than one that does not, but an actor or strategy that does this while raising the capabilities of all should be regarded as acting more justly still. No matter how we answer the challenge of what to do about inequalities of capability, we must admit that there is also something else we must do about capabilities, and that is to expand them wherever possible (Sen, 1992, pp. 25-26, 92). Indeed, Sen has argued that not only must we pursue both goals, but we must pursue them *simultaneously* when facing problems of social and economic policy (1992, p. 120). Sometimes these goals will conflict, and there is no clear rule for resolving this conflict or the difficult choices which may result (1999, pp. 285-286).

Both goals seem to be required when capability concepts are brought within public reason and under its requirement to give equal consideration to everyone's good. The most valuable capabilities are those that everyone normally has reason to value, and, if that is so, then these capabilities are valuable to the well-off and the badly off alike.

Having a reasonably long and healthy life is something that people have reason to value whether they are poor and sick or wealthy and healthy. Hence they all have reason to value the expansion of their health-related capabilities. So, if a new treatment comes along to help avoid some illness, pain or injury, the well-off and healthy too will have reason to value it. Though expansion of health-related capabilities for the poor should be a social priority, we cannot deny the value that expanding these capabilities has for others. Normally, avoiding illness is something that everyone has reason to value, so discounting its value to one person amounts to discounting that person: «health is valuable, just not *your* health». And this would clearly deny equal consideration to that person. Discounting persons in this way is also to discount their worth and dignity, and so it would have to be rejected in public reason.

Nor are these two the only value dimensions of acting justly, which also calls upon us to pursue these goals in ways that are a) *empowering* for the people whose inequalities are being addressed and b) consonant with *legitimate procedures* for legitimate political and social action. In other words, those who reduce inequality in ways that are not empowering and legitimate are acting less justly than those who achieve the same results by means that are empowering and legitimate.

Since there are many such dimensions in which a society can be made more just or less, dimensions also in which one can act more justly or less so, achieving sufficiency alone is not a sufficient condition for achieving greater justice. What role then, can the ideas of sufficiency and social inclusion play?

As I argued in section 3, promoting social inclusion and reducing social exclusion cannot be valuable social goals unless the questions of «Inclusion in what?» and «Exclusion from what?» can be answered in a satisfactory way, and in particular «inclusion» and «exclusion» need to be understood as inclusion in and exclusion from something valuable. To pin this down, I proposed in section 4 to make the idea of an egalitarian optimum central. This I interpreted as the highest level

of capability for well-being that can feasibly be produced by a society for all of its members and for future generations. In what sense might this be «enough» (or a component of it)? Anyone arbitrarily held at lower capability levels could legitimately complain: if everyone's agency and well-being deserve equal consideration, why are mine lower than levels achievable in this society for everyone else? It is for that kind of reason that we can say that being below the egalitarian optimum is «not enough».

Thus we can use the egalitarian optimum to pin down the ideas of «social inclusion» and «social exclusion», particularly in addressing the question of «Inclusion in what?» In that case «social inclusion» means being able to engage in the kinds of relationships and activities that would sustain someone's capabilities at this level (at least), and «social exclusion» would refer to whatever causes people to be unable to do so. What «social exclusion» adds to the idea of sufficiency is a great deal of analysis and diagnosis of the causal factors that prevent people from engaging in activities and relationships by which they could achieve a high enough level of living, relative to that society. Of course, that level may still not be high enough in a global perspective, and, if not, then global public reason calls for upward harmonization to reduce the gaps between the lower optima achievable in some societies with the higher optima achievable in others.

What these ideas give us, then, is a moving target, by which we can judge what remains to be done in achieving greater justice. Any society that actually succeeds at bringing all its members' capabilities to the local optimum could conclude that, at least in this one dimension of acting justly, nothing remained to be done. Of course, what they achieved socially might still remain to be achieved globally.

I conclude that the ideas of social inclusion and exclusion, supplemented and reinforced in this way, can helpfully bring together pairs of ideas that might otherwise be in tension.

The first pair includes, as I have just explained, the ideas of social justice and global justice. It is not necessary to choose between being a nationalist and a cosmopolitan regarding global justice. Rather, the nationalist is enjoined by public reason to make continued efforts at reducing social exclusion with the goal of rendering all members of the society free to reach the highest level of living that can feasibly be produced throughout that society. But the cosmopolitan is also enjoined to adopt this goal, if only as a first step. Then global public reason enjoins both to reduce gaps between the feasible optima in different societies —with the proviso, of course, that all such optima must be sustainable for future generations.

The second pair includes the idea of sufficiency for all and the idea of giving priority to the worst-off. Here it is helpful to compare reducing social exclusion with responding to disasters. Disaster response has three phases, and two of them are directly relevant. Disaster relief aims to keep body and soul together, stabilizing people physically and emotionally so that they can once again participate in social functioning. Disaster recovery involves restoring that functioning in a region where it has been stilled by disaster. Reducing social exclusion is similar in having relief and recovery phases, but it differs by focusing on a sub-population within a society, rather than on entire communities and regions with widespread suppression of social functioning. Still, in both cases, giving priority to the worst-off is not antithetical to providing enough for all; they are simply different phases in a single process.

Perhaps surprisingly, the ideas of social exclusion and inclusion, despite the ambiguous and unclear ways in which they have been used in policy literature, provide a rich vein of thought for understanding social and global justice —if we can mine it with suitable devices of clarification.

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