THE METRIC AND THE PATTERN OF SOCIAL ADVANTAGES

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Abstract

In my paper I examine the connection between the different patterns and metrics of distributive justice. I do my scrutiny with focusing around the problems of responsibility and entitlements in the literature. First I establish an egalitarian framework to make easier the comparison between the following different metrics of distributive justice: welfare, resources and capabilities. Between the metric I argue that welfarism has to be rejected, but resources and capabilities seem to be promising concepts as the subject of distributive justice. In the second part of my paper, I revise my argumentation about the egalitarian framework and argue that the problems about responsibility and entitlements show into the direction of sufficientarianism. At the end I argue besides a hybrid version of sufficient capabilities and resources.

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0. Introduction

Distributive justice is one of the most interpreted topics in political theory. What society or policy decision makers think about the notion of distributive justice can influence policy decisions about distribution of material resources, common goods or creating institutions. Consequently these beliefs about distribution can seriously affect the society's everyday-life. There are several questions and problems about distributing the product of social cooperation. For instance: what is the exact subject of distribution or redistribution? What is the principle of allocating the goods? Or who are the morally deserving members of the society?

In order to say something about the structure of society and about different social groups policy makers have to make interpersonal comparisons and say something about the well-being level of these groups. They have to compare people in different situations in society and on different scales of well-being. Therefore policy makers have to decide on what level and in what dimensions are these people or social groups different. Policy making needs a scale to decide which people are worse off or better off. For instance: am I better off than my neighbor? Are pensioners worst off than unemployed young people? This scale, which is the base for interpersonal comparison, I call later in my thesis the *metric of social advantages*.

There are heavy debates in the literature about the metric of social advantages(see for instance: Williams and Sen 1982; Williams and Otsuka 2004; Hausman and McPherson 1997). In my thesis I compare the main ideas about these in political theory, namely: welfarism (Hausman and McPherson 1997), resourcism (Dworkin 2000), and capabilities (Sen 1999).

A policy maker also must decide between different allocation of social advantages, between different principles and patterns, how to distribute the products of social cooperation. I call this part of the distributive justice *pattern* of distribution. There are generally three

patterns in the literature. The most popular one is equality (Dworkin 2000) in the meaning that everybody should own equal amount of social advantages. But there are advocates of the other two principles also: of prioritarianism (Parfit 1997) and of sufficientarianism (Frankfurt 1987). Prioritarianism gives priority to the worst-off members of society and sufficientarianism defends a sufficient level of well-being but does not care about other comparisons above that line.

Obviously, I can not take into consideration each and every kind of argumentation about distributive justice. Taking into consideration the huge amount of literature on this topic, this would be impossible anyway. Therefore I choose to focus on the debate about *responsibility and the metric* of social advantages. I have two arguments for this focus: (1) the problem of responsibility makes the topic of social advantages narrower and easier to compare and (2) the difficulties around responsibility and the possible solutions can give us directions about the pattern of the distribution. I state that there is a connection between the metric and the pattern of social advantages, but this position is overlooked in the literature, thus I try to fill this gap.

I start my examination by our two very basic moral intuitions. The first insight is that in society everybody should be treated equally and every member in a society should be *equally well-off* in some respect. The second intuition states that everybody should get the *fair share of social advantages*. But what does it mean giving a fair share? I understand it as giving everybody what principles of justice requires.[1] And what is required by justice depends on people's responsibility.

The lack and presence of responsibility can be a reason to get less or more from the "pie" and achieve more or less well-being. In my thesis I rely on our moral intuition about situations around responsibility, luck and entitlement. For instance: if I choose to work hard

[1] I distance myself from the notion of desert and focus only on entitlements, because entitlement means that people should get whatever the principle of justice requires. The difference is noticeable when a gambler wins the jackpot: he does not deserve it, but he is in some way entitled to it. In my thesis I accept the luck egalitarians statement about the lucky gambler.

and as a result I gain more money then I am entitled to my better well-being. But if I am lazy and neglect my work and as a consequence my salary lowers or I do not get rewards then I earned my lowest well-being. But here is another example: if I work hard, but an accident destroys my work and I will not be paid for it, then I did not lay claim to the lowering of my well-being. Now the question arises for the policy maker: how should he distribute the "pie", the product of social cooperation if some members of the society deserves more or less than others.

Apparently this distinction about responsibility and luck, or choice and luck, or option luck and brute luck is a matter of degree. But I think that there are clear cases and the question is still valid. I refer to this whole topic about responsibility, entitlement and luck as the *problem around responsibility*. In this framework about responsibility the notion of preferences and disability has special importance. We can ask whether a preference is a result of choice or luck and we also raise the question what are the consequences if a disability is a result of the person's own fault or just his bad luck.

My work consists of theoretical argumentation; I will not use empirical analysis during my research. I start my examination in the *first chapter* by clarifying the different pattern of distribution and by establishing an egalitarian framework. I accept egalitarianism for the sake of the later argumentation in my thesis, because in this way it is easier to compare the different metric of social advantages later. In the *second chapter* briefly analyze welfarism and its objections and reject it. In the *third chapter* I write about one of the most influential metric of social advantages: resources. After a brief introduction of the concept I argue that the insurance market is incomplete and Dworkin fails to identify every kind of need of resources. In the *fourth part* I write about a promising concept of social advantages: about the capability approach. I defend it against the perfectionist and against Dworkin's objections, but raise another critique from the narrowing capabilities.

In the *last chapter* of my work I establish the connection between the metric and pattern and revise my egalitarian framework and state that the most plausible pattern of distribution is sufficientarianism and I argue beside a hybrid version of resourcism and capability approach. I state that everybody is entitled to a sufficient line of well-being. The best ways to approach this sufficient line of well-being are capabilities, because it gives to policy maker the highest amount of information. But after everybody is above the line, responsibility and luck modifies every pattern, and entitlement to goods, thus we can not stay with strict equality just with a fair insurance market.

1. Patterns and an egalitarian framework

Whatever type of metric or subject of distribution a policy maker would prefer or consider as fair – welfarism, resources or capabilities –, the policy maker has to decide what the objective of the policy is? Should we aim at equality, an egalitarian distribution? Or should we point towards the worst off group of society and give them priority above the better off? Or should we care just about a sufficient level of well-being for every member of the society? Hence, there are three main objectives or patterns – as Nozick calls then (Nozick 1974) – in the literature: (1) egalitarianism, (2) prioritarianism and (3) sufficientarianism.

(1) *Egalitarianism* means that the members of the society should be equally well-off according to some of the metrics. This is the most interpreted kind of distribution pattern and there are several arguments to egalitarianism.[2] An egalitarian political theorist can claim that equality has intrinsic moral value, therefore urgent moral importance in society. It also can be claimed that equality has instrumental position to some other moral value like human dignity, freedom or extending human capabilities. Equality is approachable from a negative point of view: we can claim that inequalities in society – like discrimination – are unjust, so we have to fight against them.

There are also arguments for egalitarianism from a practical point of view, taken from the real political life. We can pursue for equality because high inequality can cause social tension and undesirable discrepancies in social status, political influence or other abilities of people with unforeseen consequences for the society.

(2) The second kind of pattern is *prioritarianism*. If you prefer prioritarianism you claim that "inequalities in fortune should be redressed so as to benefit those less fortunate" (Williams and Otsuka 2004, 131) and the social advantages should be distributed with prior

[2] (as summary about the arguments see for instance: Temkin 1993; Parfit 1997)

attention for the worst-off members of the society. Rawls (Rawls 1971) stands for some kind of prioritarianism, where inequalities are allowed only if they benefit the worst-off members of the society. Parfit also prefers this pattern and claims that from a moral point of view it is more urgent to help the worst-off members even if the better-off would lose more than the worst-off would gain from a prioritarian redistribution (Parfit 1997).[3]

(3) The third type of distribution principles is *sufficientarianism*. The advocates of the sufficiency principles have to establish a line, under which people are miserable and need to be aided. Above this base-line, sufficientarianism does not care about inequalities in the society. The main reason for this approach is the moral value of human dignity. We can not allow anybody to starve, to be without shelter, sanitation or basic literacy skills.

A further argument for sufficientarianism is that justice is not relational – which is also true to prioritarianism –; we do not have to care about comparison between different members or groups of the society, about who is worse off and better off. The moral significance is the same sufficiency level for everybody. As Frankfurt – one of the advocates of this pattern – states: "what is important from the point of view of morality is not that everyone should have *the same* but that each should have *enough*. If everyone had enough, it would be of no moral consequence whether some had more than others" (Frankfurt 1987, 21).

In my opinion, to make a plausible principle for a distributive justice, a political theorist needs to say something both about the metric or subject of the distribution and about the pattern. Hence whatever subject we choose for a distribution, we still have to argue for a pattern also. And in reversed version: whatever pattern we choose, we still have to say something about what is to be distributed according to that pattern or on what metric citizens can be compared?

[3] Nagel and Parfit (Nagel 1991; Parfit 1997) both have the expressive example about a family with a healthy and a handicapped child. The prioritarian decision for the family is to move to the city, where the handicapped child can have the necessary treatment to develop, even if this way the healthy child lose the opportunity to flourish in a countryside environment.

If you are an egalitarian in some aspect and believe that people have to be equal in some way, you need to say something about what should be equalized, in what aspect people should be equal?[4] If you are a prioritarian or sufficientariarian, you have to say something about who are the worst off groups in the society or what is the sufficient level of welfare or means? The possible versions of the metric and pattern can be summarized in a table (Table 1.). So with combining the metric and the pattern, there are nine possibilities for a distribution principle.

1. Table: Metric and patterns

	Egalitarianism	Prioritarianism	Sufficientarianism
Welfarism	**1**	**4**	**7**
Resources	**2**	**5**	**8**
Capabilities	**3**	**6**	**9**

In my work, I accept egalitarianism for the sake of the later argumentation in my thesis. I do accept egalitarianism, not because the egalitarian arguments are the most convincing, but I do it in order to make easier the comparison between the three kinds of metric: welfarism, resourcism and the capability approach. So, first I look at the first column of the table and show the conflicts between the rows, between the theories of the metric in an egalitarian framework. Then, I broaden my research to the connection between patterns and see if the plausible metric can give us an answer about the pattern also.

[4] This question is the famous "Equality of what?" problem addressed first by Sen (Sen 1979) in Tanner Lectures and cited and reinterpreted since then very often.

2. Welfarism

Welfarism is the most influential and also the most criticized metric of well-being. Welfarism focuses upon the fulfillment of individuals' personal preferences, desires under the circumstance of being fully informed (Williams and Sen 1982). From an egalitarian point of view the most important aim is to equalize the satisfied preferences among the members of the society.

Concentrating on personal subjective satisfaction obviously has the advantage of capturing the essence of welfare: what matters at the end is people's personal well-being. However this theory can not escape often interpreted objections, such as backward looking preferences, illegitimate preferences and expensive and cheap tastes(Kymlicka 2002; Clayton and Williams 1999).

Backward looking preferences mean that the person does not have to take into consideration preferences or obligations from the past. For instance: if somebody has an obligation to pay back money, according to welfarism he does not necessarily have to give back, if he could reach with that money other more useful things. The concept of illegitimate preferences is also a very often explained objection against welfarism and utilitarianism[5]. Welfarism can not question morally wrong or harming preferences, if they are increasing the person's welfare. However it is strongly our intuition that harming preferences should not be allowed.

From the point of view of responsibility the most important objection against welfarism is the so-called problem of cheap and expensive tastes, citied very often by anti-welfarist authors like Rawls and Sen (Kymlicka 2002; Rawls 1971; Sen 1979). The problem can be

[5] For instance: Rawls also cites this objection about illegitimate or offensive tastes (Rawls 1971). Originally his objection is against utilitarianism, but as Sen notes later: Rawls is really criticizing welfarism as such (Sen 1979).

summarized in the following question: should the society finance expensive tastes, if it is somebody's desire in order to equalize welfare in the society? And generally the answer is no, because it is strongly against our moral intuition to pay for expensive desires, if the person can be held responsible to those desires.

To demonstrate the problem, let's look at the following illustration. The example has two parts, first I demonstrate the problem without referring to responsibility, and after this I introduce responsibility into the case. Therefore the first part of the example is the following: Agnes and Peter have the same amount of income or the same amount of goods and means. But they are different in their preferences: Peter has a preference for cheap beer and Agnes has a preference for expensive champagne. Now, Peter can easily satisfy his preference from his income, because he has a cheap taste. But Agnes does not have enough money or resource to get the expensive champagne, so her preference stays unsatisfied. The question for an egalitarian welfarist arises: should society give money to Agnes in order to satisfy her preferences and to bring her to the same welfare level as Peter? Our moral intuition is that it would be unjust to give more resource to Agnes because of her expensive desire.

The situation is still unjust from a reversed point of view: if we are welfare egalitarians and give Agnes the necessary amount of resource to achieve the same welfare level as Peter, who stays with the same resources. But it is unjust then to leave Peter with fewer resources, just because he has cheap tastes and cheap desires. Leaving Peter with less money and supporting Agnes seems like punishing Peter for his low-cost taste.

What if we modify the story and introduce Clara, who was born with a serious illness and now she is disabled and has a preference for a wheelchair, but her resources are not enough to satisfy this preference, because wheelchairs are expensive. Should we give her the money to buy one? It seems that our moral intuition is exactly the opposite than before: now we should support Clara's expensive preference. The difference between the two examples is

responsibility: Clara is not responsible for her disability, so she deserves the resource for a wheelchair. So, one way to defend welfarism from the objection of expensive tastes is to introduce responsibility, and claim that people are not responsible for their preferences, because tastes and desires – even the expensive champagne taste – are formed by circumstances and social norms (Clayton and Williams 1999), therefore everybody deserves the support to be on the same level of preference satisfaction.

However the statement that preferences are formed by external factors would lead us to a very dangerous field of metaphysics about the existence or non-existence of human free-will. Let's just assume for the sake of argument that there is something like deliberatively chosen preferences, and some kind of free will. This statement is nothing more than just rejecting full determinism. Rawls is of the same standpoint:

> As moral persons citizens have some part in forming and cultivating their final ends and preferences. […][Lack of responsibility] seems to presuppose that citizens' preferences are beyond their control as propensities or cravings which simply happen. Citizens seem to be regarded as passive carriers of desires (Rawls 1982, 168-169).

Dworkin has a more detailed argument based on the expensive tastes idea (Dworkin 2000). This argument is an illustrative example against welfarism and against the welfarist argument from responsibility. His story is about Louis and Jude.

Louis lives in a society where everybody has the same amount of resources and – as a result of some lucky coincidence – everybody can achieve the same welfare level with these resources. So all members of the society are equal both in welfare and in resources. But somehow Louis's preferences change. For instance: he reads more and broadens his life-experience and concludes that his previous life is just not enough for him. As a result of this change Louis has now more expensive preferences than before. He starts to like plover's eggs or cultivate a new expensive hobby. He thinks now that his life is miserable or worthless

without these new tastes, but meanwhile everybody else in society is fully satisfied as was Louis before the change. Thus, because of these new expensive tastes Louis does not have enough resource to satisfy them; therefore he can not reach the same level of welfare.

The question is now the same as in my previous example: should we support Louis's expensive tastes and give him the necessary resources to achieve the same welfare level and satisfaction as everybody else in the society? As in the previous example: our moral intuition is against this assumption. Dworkin has the same conclusion: "Louis should be free […] to make the best sort of life he can with his fair share of social resources. But he should not be free to trespass on the fair shares of others, because that would be unfair to them" (Dworkin 2000, 57).

However there are attempts in the literature to eliminate the above mentioned problem of Louis about welfarism. The theory of equal opportunity of welfare by Arneson (Arneson 1989) has exactly this aim. This approach is meant to equalize welfare-outcomes, as far as they are the consequences of causes beyond a person's control. It means that this concept wants to neutralize the effect of circumstances and endowment, thus not the achieved welfare counts at the end, but the opportunity to achieve it. This concept allows differences in welfare according to entitlement, autonomous choice or ambition. In Arneson's theory the metric of interpersonal comparisons are opportunities to achieve or receive a good, to the extent that it is aspired to.

Therefore we do not compensate Louis according to the equal opportunity for welfare because he could have chosen another way and not satisfy his expensive tastes. He had the opportunity for welfare as others, but he chose to have those expensive tastes. Therefore Louis can be held responsible for his lower welfare-level, and does not deserve compensation.

But Dworkin's story does not end with Louis. He introduces a new character: Jude. Contrary to Louis, Jude owns fewer resources than others in the society. But fortunately this is

not a problem for him: he has cheap tastes easy to fulfill so Jude is just as satisfied as others in the society. Therefore a welfare egalitarian policy maker would be very pleased in this society because everybody is on the same welfare level, so equality in welfare comes true.

But Jude – just like Louis – changes. He also broadens his worldview and comes to the conclusion that his life with those cheap tastes is worthless and cultivates new, more expensive tastes. Obviously Jude needs more resources than before to satisfy his new tastes, so he asks for the same amount of resource than others in the society. Should we give him those resources? I think we should, because our moral intuition is that Jude deserves the fair share of resources in the society. The question is that which situation should be compensated? And the conclusion is, that Jude situation should be compensated, but Louis situation should be not compensated.

However Jude example also can abolish the theory of equal opportunity for welfare. To be consistent with the Louis' case, we have to say the same about Jude's case: Jude does not deserve the compensation – as Dworkin suggest – because he is just as responsible for his new tastes as Louis, so he has the same opportunity for welfare as before. So equal opportunity for welfare would say that Jude can not ask for compensation. As Cohen writes: "[a] believer in equality of opportunity for welfare has to keep Jude poor" (Cohen 1989, 925). Therefore equal opportunity for welfare can answer the problem about Louis, but can not explain our intuition about Jude's compensation, so we are just back to simple welfarism. Dworkin explicitly states: "that supposedly different ideal [to wit equal opportunity to welfare] turns out to be equality of welfare under another name" (Dworkin 2000, 286).

Thus the egalitarian welfarism fails in two ways: (1) if we state that Jude deserves compensation to raise his welfare level to the equal level, than we also have to state that Louis also deserves the compensation to achieve the equal level. But the latter one – as I claimed earlier – is against our intuition. (2) On the other hand, if we state that Louis does not deserve

the compensation, because he is responsible for the change in his taste, then we also have to state, that Jude is also not worthy for support, because he is also responsible for his preference change. But punishing Jude for his cheap tastes is also against our intuition. Therefore egalitarian welfarism is unsuccessful in both ways. This is Dworkin's conclusion.

It seems to me that from the point of view of responsibility that welfarism can not handle the fact that generally people are partly responsible and partly not responsible for their preferences. Our moral intuition is that we should support Clara to get her wheelchair, but we should not compensate Agnes for plover's eggs. Because like in the Louis and Jude example: if we do not accept responsibility over preferences and we compensate Agnes for her wheelchair, then we have to give the support to buy the plover's eggs also to achieve the same welfare level. But if we deny the request for expensive tastes, because people are responsible for their taste like plover's egg then we also have to deny other expensive tastes, like a wheelchair. But both cases seem to be very strange.

As a conclusion, I think that welfarism has to be rejected because of these problems around backward looking, offensive and expensive preferences. I also claim that welfarism can not handle the effect of personal choice and responsibility, even if we try to change from achieved welfare to opportunity to achieve welfare. However Dworkin has a promising theory to avoid the problems about responsibility and give answer to the Louis and Jude dilemma.

3. Resources

In this chapter about resources as a possible metric or type of social advantages, I follow the following path: first I briefly introduce the theory of resources and related notions such as envy-test, insurance market and the distinction between brute luck and option luck. Second I consider an argument against the function of the insurance market, third I compare Dworkin's theory with Cohen's conception about choice and luck, and fourth I reinterpret the argument against resources from the subjective perception of disability.

3.1. The concept of resources by Dworkin

Dworkin has a solution to answer the dilemma about Louis and Jude: we just have to change the metric from welfare to resources, so we can answer why our moral intuition is that Jude should be given an equal share from the social products.

Dworkin's concept is the most well-known theory about social advantages as resources in the literature. According to Clayton and Williams (1999) this is the simplest form of interpersonal comparison; however I have doubts about it, as you can see later. Resourcist theorists state that the metric of interpersonal comparison is privately owned resources.[6] These resources are impersonal goods, such as natural assets or manufactured properties. If we are egalitarian, we can say that no one should be able to have more resources than any other individuals. We can even state this claim in market values: no individual should possess resources with higher market value than those available by other individuals.

[6] According to Dworkin commonly owned resources are a question of equal political power and not equality of resources (Dworkin 2000).

The fact that resources are impersonal has an important role in Dworkin's theory. He states that personal endowments or tastes are not a basis for interpersonal comparison. All that matters is the envy-test: the distribution is just if nobody prefers any other individual's resource bundle to her own[7]. In Dworkin's words: "No division of resources is an equal division if, once the division is complete, any immigrant would prefer someone else's bundle of resources to his own bundle" (Dworkin 2000, 67).

To satisfy the envy-test a simple equal distribution of impersonal resources is not enough. Dworkin has two arguments for this. First of all, this is because in practice the resources can not always be distributed equally. With a very simple example: there are fewer domestic animals around than people. The second argument reveals a shortcoming of the simple envy-test: even if nobody envies any other bundle of goods, some citizens may be unsatisfied with the distribution. If everybody has exactly the same package of goods – for instance: the same amount of oranges and apples –, obviously nobody can envy any other bundle because everybody has the same. But still there may be citizens who are unsatisfied because they hate oranges. They are not envying any other apple-orange bundle, but they would prefer a different distribution: a bundle of just apples.[8]

Dworkin's suggestion to solve this shortcoming of the envy-test is a hypothetical auction. Let's assume a situation where shipwrecked people get on an island. There is very little chance of being rescued soon, so the wrecked society faces the task of distributing the resources of the island and start the economy. But instead of allocating the goods equally among the individuals (which is anyway almost impossible as we have seen before) they

[7] However we connect Dworkin's name to the envy-test in contemporary literature, as far as I know the first framing of some kind of envy-test was done by an economist called Hal R.Varian (Varian 1974).

[8] Obviously the person who hates oranges could trade his oranges into apples after the initial distribution. But in this trade he would be handicapped, because it can happen that nobody prefers oranges to apples so he is just not able to trade his oranges.

organize an auction. Everybody gets the same amount of clamshells and they can bid for goods offered in the auction.

In the auction every distinct item on the island is a subject for distribution. But the items also can be split if someone informs the leader of the auction. For instance: the land itself is part of the auction but it can be divided into different parts if the citizens would want it. Then the auctioneer proposes a set of prices. If there is only one purchaser for an item at these prices then the prices clear the market. This process is repeated until nobody is envying any other's bundle, and everybody is satisfied. Now, as Dworkin writes: "No one will envy another's set of purchases because, by hypothesis, he could have purchased that bundle with his clamshells instead of his own bundle" (Dworkin 2000, 68).

Obviously this auction is hypothetical and not a real one, like in the case of the original position by Rawls (Rawls 1971). Generally societies do not face a situation like shipwrecked people on the island and do not start the distribution of goods with an equal share of clamshells or any other metric of value. But according to Dworkin we can ask in every social situation if that distribution would be reached with a hypothetical auction and the allocation of goods is fair according to the requirement of the auction.

What is the difference between the auction described by Dworkin where everybody starts with the same amount of seashell, and a simple market mechanism, where everybody has the same amount of goods and they can freely exchange goods between each other? Although Dworkin does not answer exactly this question, in my opinion there is a well-defined important distinction here: the value of the seashell is equivalent (technically equally zero), but the value of goods differs from type to type and also according to the owners marginal rate of substitution. So probably the result would be different from an auction with seashells and from a free-trade market mechanism starting with equal resources.

But even if the envy-test is satisfied and the auction was successful, we still face a problem with fair distribution of goods. Because after the auction people are left alone with their resources and they start to produce and trade with more or less success. Inequalities occur and the envy-test would shortly fail because the less successful people would desire the more successful people's bundle. I think this is the point, where the question of responsibility comes into the theory. From a moral point of view there is a difference between the following situations: if somebody is hardworking and gains more wealth than others, or just get lucky and wins the lottery. Also there is something different between people who are lazy and are wasting their money and between people who are hardworking but have bad luck with production. And the difference is the responsibility for their success.

One solution in Dworkin's theory about the differences in pattern is the second step of the envy-test. If somebody is hard-working (and lucky in some way) – like Adrian in Dworkin's example – and after the equal distribution he can produce more wealth than others. The envy-test seems to fail, because the others would envy Adrian's bigger amount of goods. But at this point Dworkin introduces the second step of the test: the envy-test is now valid both for the impersonal resources and for ambitions and life-style. Would other people envy Adrian's resource and hard-working ambitions together? Well, I agree with Dworkin, generally the answer is no. And because Adrian is liable for the resulting differences in outcomes, then it are a result of option luck, therefore it is just. This feature of Dworkin's theory is called ambition-sensitivity.

To solve the problem about responsibility, Dworkin makes a distinction between option luck and brute luck. Option luck is a calculated, perceived luck, like playing the lottery. In Dworkin's words: "Option luck is a matter of how deliberate and calculated gambles turn out" (Dworkin 2000, 73). But brute luck is the result of some unforeseen happening, "is a matter of how risks fall out that are not in that sense deliberate gambles" (Dworkin 2000, 73). In my

opinion, the distinction is clear theoretically, although Dworkin himself admits that it is just a matter of degree.

Both option luck and brute luck can have an effect on the distribution of resources. I think the distinction is important from two perspectives. First, we have the moral intuition that society has to compensate for the misfortune from the brute luck, but it is not necessary to have to compensate for the miserable situation resulting form option luck. For instance: we do not compensate people who were gambling away their money on poker. Second and this is Dworkin's argument: we are not allowed to take away the resources from the winners in option luck to compensate the losers because in that case nobody would choose a risk-taking life and for Dworkin this case is too paternalistic.

Dworkin claims that the solution to the problem how to compensate the result of brute luck is a fair insurance market. It is a hypothetical insurance market where citizens can buy insurance for brute luck. Therefore they can transform brute luck into option luck. For instance: if I buy insurance for car accidents, then I am secure against that brute luck, because I will be compensated in case of accident. Thus the brute luck becomes option luck. I can even have "bad option luck" – although the notion sounds weird – if I was buying the insurance against car accidents for nothing, but I did not have a car accident in my whole life.

The insurance market is setting the prices of the insurance so it is capable of reflecting the different risk-sensitivity of people. With Williams and Otsuka's words:

> [Dworkin] argues bad brute luck should be redressed to the extent required to mimic the operation of counterfactual insurance market in which equally wealthy individuals, aware only of the distribution of luck rather than their personal fortunes, purchase coverage against suffering relatively bad brute luck guided by their own values and attitudes to risk (Williams and Otsuka 2004, 134).

If everybody had the same opportunity to get insurance, then brute luck would not be a problem for society. However there are several problems about this insurance market: what

about people born with handicaps and did not have the opportunity to insure against it? Dworkin suggests that this situation should be treated as a lack of resources, because those people are missing personal resources therefore according to the equality of resources principle they should be compensated.[9]

As a summary, Dworkin argues that the right metrics of the interpersonal comparison are resources which should be distributed equally among the members of society. To rule out the consequences of bad luck, Dworkin suggest a fair insurance market to transform brute luck to option luck. In my opinion Dworkin's concept is especially responsibility-sensitive because he can make a difference between chosen, deliberate gambling and brute bad luck. Thus Dworkin starts from equality of resources, but allows inequalities from option luck. In the next three subchapters I make three objections against Dworkin's concept of equality of resources. I argue that – however the theory rests responsibility-sensitive – Dworkin theory remains incomplete.

3.2. Objection from the incompleteness of the insurance market

The insurance market is aimed to avoid the problem about too high costs of compensating and the problem of slavery of the talented or the so-called *bottomless pit problem*. Insurance market is planned to share the risks of brute luck equally within the society therefore it can avoid the situation that better-off people should endlessly support the losers of bad brute luck. Dworkin states that bad brute luck should be redressed *to the extent*

[9] In my opinion Dworkin is vague about this question. There are several problems around this solution. He makes a difference between ambition and features of body and mind and states that ambition – like expensive tastes – should not be compansated, but lack of normal features should. But what counts as normal? And where is exactly the difference between ambition and a simple feature? Dworkin himself admits that insurance market is not the solution which could solve every problem, but it is still the best possible option.

of a fair insurance market and not more. So society can withhold benefits from the least advantaged if it would overcome the prices and costs of the hypothetical insurance market.

But in my opinion, the insurance market can not avoid extremely high costs *in certain cases.* I have three arguments beside this: the first one (1) is about the problem mentioned earlier and recognized by Dworkin himself that people who are born with a disability can not be insured against their brute luck. But still our moral intuition (and Dworkin) suggests that they deserve some kind of compensation or support to supplement their deficient personal resources. For instance in the case of a person born blind the costs of compensating him during his lifetime can be very high. The problem of high costs also arises in another case: compensation for handicaps from brute luck is so expensive that there is no possible insurance against these cases.

(2) The next argument comes from a humanitarian point of view. Dworkin's insurance market suggest that people who are suffered an accident from a brute luck, but did not have an insurance, they should not be compensated. So there is no "rescue policy" in Dworkin's theory, even in the most extreme cases. But this is against our moral intuition about sharing each others misfortune. This case seems to show a "leak" in the insurance market.

(3) The third argument comes from Otsuka (Williams and Otsuka 2004). Otsuka states "that fair insurance fails to justify inequalities in outcome when reasonably priced fully compensatory insurance is unavailable" (Williams and Otsuka 2004, 135). Otsuka states that to satisfy the envy-test the handicap (from brute luck) should be full compensated. Full compensation means that the person should be indifferent between suffering misfortune and receiving compensation and escaping misfortune but staying without compensation. But there

are cases in which fully compensation is impossible, like disabilities which can not be cured. Then fair insurance is also impossible.[10]

If a blind person gets partly compensation because of his blindness then he will still envy other persons, who did not become blind. So the envy-test remains unsatisfied. Thus Dworkin's insurance market is incomplete, because it can not handle expensive cases and full compensation.

3.3. Objection about the right cut

I argued in one of the previous points that the concept of resources is sensitive to responsibility because Dworkin makes a distinction between brute luck and option luck. But Cohen argues that the difference between option luck and brute luck is not the right "cut" if we wish to talk about responsibility and social advantages (Cohen 1989).[11] He thinks that responsibility is not "foregrounded" enough in Dworkin's theory, because only what matters is compensating resource handicaps from brute luck.

Cohen argumentation goes as follows: first he cites the Louis and Jude example and states that Dworkin argument against Louis expensive tastes is that Louis does not deserve more than a fair share of resources. Cohen thinks that it would be better to say that Louis does not deserve more resources because he has *chosen* his expensive preferences. ("[S]orry, Louis, we egalitarians do not finance expensive tastes; whereas I say: sorry Louis, we egalitarians do not finance expensive tastes which people choose to develop" (Cohen 1989, 923). Thus, in Cohen's understanding on Dworkin, compensation is withheld from Louis not

[10] Otsuka's argument continues with making a difference between *ex ante* and *ex post* envy and states that Dworkin's theory can not recognise ex post envy, although it should (Williams and Otsuka 2004). But this line of reasoning is not important for my thesis, I just need to argue that the insurance market is incomplete.

[11] The notion of „right cut" used by Cohen seems like applying Plato's famous suggestion in *Phaedrus* about carving the world by its joints: „division into species according to the natural formation, where the joint is, not breaking any part as a bad carver might" (265b-266a).

because he is responsible for his choice but because he already has the fair share of resources and is not entitled to more.

Cohen suggestion is to make the distinction between *choice* and *luck* and neither between option luck and brute luck, nor between preferences and resources. As Cohen writes: "The right cut is between responsibility and bad luck, not between preferences and resources" (Cohen 1989, 922). Cohen selects between different kind of expensive preferences according to the bearer can be held responsible for that preference or not. If somebody has an expensive taste and he is not responsible for it then the expensive taste counts as lower access to advantages.

Cohen's proposal to the egalitarian metric of social advantages is the so-called "equal access to advantage" (Cohen 1989). He argues that opportunity for welfare is not the right evaluative space, because we can or can not use the opportunities before us according to our personal features or handicaps. So, under "access" Cohen understands the mixture of opportunities and personal characteristics. In a more general phrasing, with Cohen's words: "I shall treat anything which a person actually has as something to which he has access" (Cohen 1989, 917).

Cohen has the following example about Paul and Fred to support his argument against Dworkin: Paul's hobby is photography, but Fred's hobby is fishing. The prices are such, that fishing is relatively cheap, but photography is relatively expensive, thus Fred can easily satisfy his taste, but Paul has a harder task. As a result Paul's life is less enjoyable than Fred's. Cohen thinks that neither of them is responsible – or can be held responsible – for their tastes about photography and fishing, so in the name of equal access to advantage Cohen would subsidize Paul's hobby. And Cohen understands Dworkin's concept so as Dworkin would not compensate or subsidize Paul, because the envy-test is meet, Paul has the resources to

cultivate fishing. Thus, Paul and Fred seem to be the same in resources, but still Cohen would subsidize Paul.

Cohen himself considers a possible solution to solve the problem about Paul and Fred in Dworkinian terms. According to Dworkin there are expensive tastes which are "cravings" or "obsessions" or any other personal characteristics which can be held by the bearer as a handicap. Dworkin's point is that: the person wished not to have it, "because it interferes with what he wants to do with his life and offers him frustration or even pain if it is not satisfied" (Dworkin 2000, 302).[12] These handicaps are not part of the person's ambition in Dworkin's concept. And here lies one of the answer to the Paul and Fred problem, what Dworkin himself claims (Dworkin 2000): Paul, who likes photography can be compensated according to Dworkin if he considers his taste for photography as a handicap. Then Paul is in lack of resources so he has to be compensated.

But there are other possible answers to Cohen's example about Paul and Fred. The following arguments come from Dworkin (Dworkin 2000). He states that with arguing with Paul and Fred Cohen falls back to simple welfarism, because the difference between Paul and Fred is that they can not achieve the same welfare level. Thus Dworkin thinks that Cohen falls into his own trap, because he tries to avoid welfarism, but he relies on it in his argumentation.

The other argument against Cohen is that the Paul and Fred example can have the consequence that we are not responsible of any of our expensive tastes. But if we are not responsible then society should compensate *every* expensive taste. And I think we can agree that this would be a really bizarre society.

[12] Cohen thinks that Dworkin is not clear between the two following option: (1) a person does not want to have a characteristic because the characteristic hamper him to achieve his aims and this obstruction cause him frustration or (2) a person does not want to have a charactersitic because the characteristic cause him frustration and this frustration hampers him to achieve his aims. So in the first case the obstruction cause the frustration and in the second case vice versa: the frustration cause the obstruction (Cohen 1989). I think Cohen misinterprets Dworkin here. Dworkin himself probably is not clear about this distinction, but the second (2) version of the interpretation – that frustration cause the obstruction – seems pointless. Why would cause some charactaristic of a person *per se* frustration if not because of hampering an aim?

In the debate between Dworkin and Cohen, Cohen has counterarguments against the conception of handicaps by Dworkin, thus against the claim that a personal characteristic is a handicap when the bearer wishes not to have it (Cohen 2004). I think that Cohen tries to wash away the line between what is considered as a handicap, and what is just simple chosen expensive taste and argues with second-order preferences and dispositional characteristics. But I disagree with his attempt to confuse Dworkin's concept. In my opinion second-order preferences or desires, and dispositions are just as vague and slippery field of scrutiny from the point of view of political theory as the field of free-will and determinism.

I think that there are clear cases in the Dworkinian sense: there are clear cases where people simply and deliberatively cultivate an expensive taste (like the desire to bring someone's dog to dog hair stylist) and also there are clear cases where people simply does not wish to have a personal characteristic (for instance: a blind person wishes not to have the lack of sight, to wit, wishes to be able to see). Somebody could argue that bringing the dog to dog hair stylist – or any other expensive taste – is the condition to be a member in certain community, so it is not deliberatively cultivated, but externally constrained. But in this case we would be back at the field of determinism and free-will and we just can not state that every preference is externally constrained. I admit – as Dworkin also – that the question of responsibility about our preferences and desires is a matter of degree: between the clear cases there are several instances, where the distinction is not simple. But I think that either we just drop out the distinction between voluntary and involuntary desires or we bow the fact that there are vague cases. I better agree with Dworkin here:

> My distinction tracks ordinary people's ethical experience. Ordinary people, in their ordinary lives, take consequential responsibility for their own personalities. We know that when we make the decisions, grand and small, that will shape our lives, we must often struggle against or accommodate or submerge or otherwise come to terms with our inclinations, dispositions, habits, and raw desires, and that we must do this in the service of our judgments and convictions of various kinds, including moral

> convictions about what is fair to others and ethical judgments about what kind of life would be appropriate or successful for us (Dworkin 2000, 289-290).

Thus, in my opinion Cohen's argumentation is not necessary here. I also think that Cohen's mark that responsibility by Dworkin is not foregrounded is also unnecessary. Dworkin's argument about Louis and Jane would not work without referring to responsibility about the chosen preferences by Louis. Dworkin himself states that Louis has a choice, "he sets out deliberatively to cultivate it" (Dworkin 2000, 229). Without taking into account people's choices Dworkin could hardly make a distinction between Louis's expensive preferences and unwillingly disabled people with expensive preferences. But Dworkin makes that distinction, because he argues that the disabled person should be compensated.

Cohen's taxonomy is not so different from Dworkin's from another reason: Dworkin himself draws the line between option luck and brute luck with responsibility: option luck is a result from a deliberatively calculated gamble, but brute luck is just a result of an unforeseen – therefore uncontrolled – happening. Cohen and Dworkin have just a different concept of responsibility: Dworkin emphasizes an "endorsement" conception, but Cohen underlines the "choice" conception.

It follows from this distinction by Dworkin that the results of option luck are just, but the result of brute luck is unjust. This judgment is independent from the fact what kind of result happened: the luck increased or decreased the amount of owned resources.

3.4. Objection from the perception of disability

However there are other objections against this theory of resources, which are harder to avoid. I call these arguments in brief arguments coming from the perception of disability, because all that matters in these objections is how people perceive their (dis)ability.

Dworkin makes a distinction between personal resources and impersonal resources. Impersonal resources are natural and manufactured goods in the outside world. But personal resources are personal powers and endowments. With Dworkin's word: Personal resources are qualities of mind and body that affect people's success in achieving their plans and projects: physical and mental health, strength, and talent. Impersonal resources are parts of the environment that can be owned and transferred: land raw materials, houses, television sets and computers, and various legal rights and interests in these" (Dworkin 1990, 34). Personal resources are not part of the envy-test at the first level, because obviously they can not be distributed. But Dworkin admits that people, who were born with disability – with less personal recourse – should be compensated somehow and should be given more impersonal resources.

But are we not back to the expensive tastes problem, where expensive tastes can be considered as a disability and should be compensated? Dworkin's answer is no, because he makes another distinction between handicaps and preferences or tastes as I mentioned above. A mental feature can be considered as a handicap only if the person wishes not to have it. As Dworkin writes: "[These people] regret that they have these tastes, and believe they would be better off without them, but nevertheless find it painful to ignore them. These tastes are handicaps; though for other people they are rather an essential part of what gives value to their lives" (Dworkin 2000, 82). As a consequence, a personal feature is considered as a disability, only if the person himself considers it as a handicap or a craving. This distinction also has a consequence that disability has to be compensated only if it is considered as a disability.

It is an important part of Dworkin's theory because he can explain problems like the example about women's infertility. Being infertile can be a huge handicap for women who would like to bear a child. Thus – according to Dworkin – she deserves compensation. But the

same feature is not to be compensated if she thinks that being infertile is an advantage, because she does not want to have a child. In this way she even can have fewer costs, because she does not have to spend money on different means to avoid pregnancy. And in this latter case, obviously she does not have a legitimate claim to compensation[13]. As Clayton and Williams writes, this is a huge advantage of Dworkin's concept:

> [T]he test provides an account of interpersonal comparison which does not rest on the truth of contested claims about personal well-being. Instead individuals themselves decide what is to count as a valuable resource or opportunity, and what count as a limitation or handicap is. Because of the widespread disagreement about the nature of personal well-being characteristic of our pluralistic societies, many liberals will applaud this feature (Clayton and Williams 1999, 456).

However Dworkin's concept is still missing an aspect of compensation. This is the case, if somebody does not considers a feature a disability, but because of this characteristic he still in need of more resources. For instance the case of the "cold giant".

Let's assume that there is a society where everybody has the same height, but one of the citizens is much higher, he is a giant. Now, in winter everybody needs the same amount of clothes to cover their body, except the giant, who needs more resource to cover his higher body. The giant does not consider his height as a disability, he even can considering it as an advantages. A resource egalitarian, like Dworkin would not give him the additional resources not to be cold in winter, because the giant does not envy the characteristics of others. The giant could say: "I'm better a cold giant, than be a dwarf like you!" So he could prefer being a cold giant than being an average height, but I think that he would even more prefer being a

[13] This distinction between handicap and advantage seems to be a great solution to solve the problem about the lack of certain personal resources from a theoretical point of view. However it is really hard to imagine how would this work in a real society? How should the policy maker decide, who deserves the compensation? The situation is close to what Cohen mentions: this distinction as a policy would result an intolerably intrusive state surveillance to administrate who feels disabled (Hi! I'm from the Ministry of Personal Resources. Do you feel, by any chance, unusually handicapped today?) (Cohen 1989).

warm giant than being a cold giant. Thus we have to admit, that he is still in cold without more resources and I think that we should give him the necessary resources not to be cold.

The case of the cold giant shows that the existence of envy is neither necessary nor sufficient for inequality. As Clayton and Williams state: "individuals can be more needy than others even if they do not prefer their resources, and they can be less needy yet still prefer other's resources" (Clayton and Williams 1999, 457-458).[14] But Clayton and Williams has a bit different example than the story about the cold giant.

They start from the statement that having a children is much more personally costly for woman then for man. But still, many women considers as a value the opportunity to bear a child and they considers as an advantage to be a women, thus obviously they are not envying the reproductive endowment of men's. But still, they can prefer to reduce the costs of child-bearing than staying without some compensation. And many think that it is just, to compensate women because of those higher costs. As a matter of fact, this practice in many societies: there are maternity leaves and other benefits for women with children. So the case is that the woman does not envy the other's feature, but still deserves compensation.

But the story does not ends here, Clayton and Williams (1999) turns around the example and considers a less familiar case: let's assume a man who envies the women's reproductive capability and regrets being unable to bear a child. But many think that his claim for compensation would be strange, his envy is not morally relevant, and he does not deserve any compensation. With Burley's words:

> …when it comes to reproductive capacities for example, the greater financial burdens imposed on women by virtue of their unique biological endowments probably will not be compensated on Dworkin's view. A women's complaint is only deemed legitimate if there is penis envy, as it were. If she affirms her possession of female reproductive capacities, if, that is, she affirms the fact that she is a woman, we cannot

[14] From the point of view of my argumentation „needy" means here some kind of lack of well-being and not welfare in the strict-technical sense. This state of needy can be covered by capability approach.

> say that there is any injustice along Dworkinian lines when actually there is. To demand that a woman want to be a men to support compensation is simply ridiculous (quotes: Cohen 2004, 25).

In summary about Dworkin's theory: I think that equality of resources is a very promising concept of social advantages. It is responsibility-sensitive, however the theory of insurance-market is incomplete and it has complications around how people perceive their disability.

4. Capabilities

In this chapter about the capability approach first I briefly introduce the concept and show how it tries to solve the problem about the incompleteness of the envy-test – the cold giant example – which rises in Dworkin's theory. Second I examine the perfectionist critique of Sen and third Dworkin's objection against capabilities about collapsing into basic needs or welfarism (Dworkin 2000). Fourth I try to defend Sen from Dworkin's objection with the help of Williams argument about preferences (Williams 2002). And fifth I make an objection against the capability approach from narrowing capabilities.

4.1. The capability approach

The capability approach of Sen has triggered a major impact on both economics and other disciplines and it has practical relevance for policy design and assessment, most famously through the work of United Nation's Human Development Report(Sen 1999, 1995, 1990). The capability approach contains what information we should look at, if we are to judge how well someone's or a society's life is going or has gone. Consequently it is considered as a theory of social advantages and allows for interpersonal comparisons of well-being. Sen states that the theory of capabilities is especially a good tool to measure poverty in developing countries.

The concept of human nature has an important role in capability approach: to understand human beings, either individually or collectively, we should understand how well their lives are going and who or what controls them. A person's achievement can be judged in two different perspectives: (1) the actual achievement, and (2) the freedom to achieve.

Sen makes a distinction between *functionings* and *capabilities*: functioning means the state of a person – in particular the various things he or she manages to do or be in a leading life, something what he has good reason to do, or pursue. It can be doing or being also. For instance: being healthy or have reading skills. But a person's well-being consists not only of his current states and activities, but also the person's freedom or real opportunities to function in ways alternative to his current functioning. For example: fasting as a functioning is not just starving: it is choosing to starve when one does have another option. These activities and beings and the freedom to choose between them together constitute what makes a life valuable. Therefore Sen understand on the actual freedom they have, which means a real opportunity of something. Capability sets may include freedoms that are conditional, because they depend on the choices of other people. As brief summary of the aim of capability approach, let me cite Olsaretti: "Sen's main claim is that *capability to achieve valuable functionin*gs, that is, various valuable states of doing and being, is the relevant standard of individual advantage" (Olsaretti 2003, 2).

A key analytical distinction in the capability approach is between the *means* and *ends* of well-being. Sen has objections against Rawls's use of primary goods for interpersonal comparisons, because primary goods are mere means, not intrinsically worthwhile ends. Different people need different amounts and different kinds of goods to reach the same levels of well-being. For instance: the right amount of food to enable one person to labor effectively may be insufficient for a second person and too much for a third. The relation between a mean to achieve and the achievement of certain beings and doings is influenced by conversation factors such as mentioned previously: personal (physical condition, sex, intelligence), social (public policies, social norms), and environmental (physical or built environment, climate, pollution) factors. Sen argues that means and circumstances are both important, because

> it is not enough […] to know, that no one would prevent that person from pursuing that functioning if she attempted it: it also necessary that she have the means to pursue it, and that she not be faced by other internal obstacles that make the functioning ineligible for her, and/or its pursuit very costly for that person (Olsaretti 2003, 4).

To make use of capability approach the capabilities should be weightening, so we should decide which one is more and which one is less important. And here lies the answer to the problem mentioned against Dworkin about perceiving a valuing disability. Dworkin states that I am handicapped, if I have a personal feature which I consider as disability (Dworkin 2000). But as we have seen, this is not enough for an evaluation, because there are cases – like the cold giant and women's fertility – where the person does not feel itself handicapped or disabled, but still he is in need of more resources. These cases can be answered with capabilities: the giant needs the additional resource, because he lacks the capability of being warm (being not cold). The woman who bears a child also deserves the additional resources, because to live with the capability of bearing a child, she needs more resources. Therefore the capability approach can avoid this problem.

Sen rejects formalized theories invented to measure well-being, for example real income indices. His thinking about welfare is heterogeneous, and describing it is not appropriate with one type of data. His theory is explicitly pluralist form of measurement, which involves the question of practical applicability.

The capability approach could serve as an important constituent for a theory of justice, but the capability approach specifies an evaluative space, and this does not amount by itself to a theory of justice. Theory of justice must include aggregate considerations, distributive principles.

4.2. Perfectionism and evaluating capabilities

But the capability approach is also not without objections. The most problematic one is about perfectionism: the only way to say something about which capabilities should we support is some objective - therefore perfectionist - list of capabilities. Nussbaum explicitly takes this objection and creates an objective list of capabilities (Nussbaum 2011). If we follow the path of Nussbaum, then we can not avoid the perfectionist critique about objective capabilities.

The problem with the objective capabilities is that the capability theory implicitly contains the judgment that which resources and features help the individuals to achieve their goals and which endowments count as disability. For instance: being infertile can be a serious disability for some women who wants to bear a child, but being infertile can be an advantage for women who do not want to have a child.

However, I think Nussbaum's list and the perfectionist path can be confronted easily so the perfectionist challenge should be better answered with Sen's response about a deliberative process (Sen 1999). Choosing the important capabilities and weighting them is the task of some kind of democratic deliberative process.[15]

Another argument against the perfectionist objection is that on the evaluation we can focus on the opportunity for functioning. If we are taking into consideration functionings, we do not have to make substantive claims about comprehensive controversial theories. Sen himself states that the evaluative space can be the set of functionings or the set of capabilities also (Sen 1999).

If we reject to be a perfectionist capability theorist, then we have to choose the other path and accept that all what matters is the individuals own ranking, and valuation about

[15] I accept that answer from Sen for now, because this kind of argumentation is not the subject of my thesis. However I realize that Sen's argument is still slippery, because we just pushed the problem of perfectionism into the field of democratic theory. Obviously there are several difficulties about a deliberative democratic processes, for instance the problem of majority (Kymlicka 2002).

different capabilities by themselves or by a deliberative democratic process. As Williams writes:

> Sen replies that the possibility of comparing capability sets depends only on ranking them as more or less valuable, rather then on any idea of normality, and that the impossibility of eliminating inequality does not entail the undesirability of minimizing, or reducing it (Williams 2002, 29).

Therefore I can answer the question stated by Clayton and Williams: "Where a disability is welcomed should we accept the individual's own apparent judgment that it does not constitute a disadvantage" (Clayton and Williams 1999, 455)? And the answer is: yes, we should.[16] I agree with Clayton and Williams that this answer brings us closer to the welfarist view; however it also brings us closer to Dworkin's view about evaluating personal resources. And this anti-perfectionist path leads us to Dworkin's critique about capabilities (Dworkin 2000).

4.3. Dworkin against Capability

Dworkin argument begins by stating that if we want to follow a "midfare" path between welfarism and resourcism, like capabilities then this solution will be ambiguous. Then he states that: "[i]f the apparent ambiguity is resolved in one of two possible ways, his equality of capabilities also collapses into equality of welfare. If it is resolved in the other way, then equality of capabilities is identical with equality of resources" (Dworkin 2000, 286).

[16] We could think, that with emphasizing own evaluation we are back at the intolerably intrusive state surveillance mentioned by Cohen (Hi! I'm from the Ministry of Capabilities, I'm wondering what kind of capabilities do you value today?) (Cohen 1989). But by Sen the evaluation is not the task of the individual himself, but the task of the deliberative democratic process, whatever this process is.

The latter part of this statement is supported by Dworkin in the following way: if we focus on elementary functions, such as being adequately nourished, being healthy, have minimal shelter, and then we are back at the idea of resources, because these elementary functions are the same as some basic personal and impersonal resources. In this case, Dworkin and Sen are just using a different terminology for the same social advantages. The only difference is that Dworkin compensates through insurance market, but Sen does not define exact tool for it.

The first part of Dworkin's criticism of capability approach – and the previously cited quotation – can be explained in a different way. If Sen wants to broaden his set of functionings, then he should care about more complex functionings, like self-respect or participation in communal, political life. Dworkin admits that this broader set of functionings can be a very attractive idea. But he also admits that these complex functionings are those doings and beings which can be not grabbed by a resourcist theory, because they depend on factors which are outside of personal or impersonal resources. But in this case the complex functionings are merely another form of equality of welfare and all the objections against welfarism can be applied against capability approach.

Dworkin has this conclusion because of the flexible, open-ended framework of the capability approach. Sen himself does not specify the list of capabilities, thus his theory is open to any doings or being which can be reasonably valued, just like in the cases of welfarism, where preferences matter.[17]

According to Dworkin, we have now two ways to follow: we either follow the resourcist view "by expanding the class of relevant goods to include natural, as well as social primary goods" (Williams 2002, 26), because people's powers are technically resources,

[17] In my opinion, there is an exact difference between preferences and valued functionings. Preferences are desires for the state of affairs, where the individual expects utility from the satisfying. But functionings are just reasonably valued doings and beings, but the individual does not expect utility from it.

because they are used together with material resources to achieve well-being. The other way is to follow the welfarist view about the subjective preferences.

4.4. In defense of Sen

As far as I see, there are two ways of defending Sen from Dworkin's criticism. First to show that resources – either personal or impersonal – can not grab the essence of capabilities, to wit, capabilities can not be reduced to resources. The second way of the defense is to show that preferences in the welfarist theory are not like functionings in Sen's theory.

I start with the first way and claim that capabilities can not be reduced to resources. As Williams states: "Sen's remarks imply that it is possible for inequalities in capability to be morally relevant even though they do not derive from inequalities in either personal or impersonal resources" (Williams 2002, 30). If we take a look at the conversation factors between means and ends, we can realize that between them there are personal resources like gender, metabolic rate or body size, which can be interpreted in the framework of resourcism. But between the conversational factors there are social, environmental factors, like climate, social norms, social security, education which can be not reduced to personal or impersonal resources because can not be owned like resources defined by Dworkin.

To defend Sen from Dworkin's objection in the second way, there is Williams' example about Ann and Bob (Williams 2002). Ann and Bob are twin-siblings and are very much alike in their personal and impersonal resources. They both are well-educated, healthy and talented and they both have the aim to have a nice family-life with a member of the opposite sex and pursue successful careers. But there is only one difference between them: Ann is a women and Bob is a men. Williams argues in the following way:

> an individual's capability to combine parenthood and occupational success depends not only upon his or her resources and ambitions but also the ambitions of others. It is possible that although the twins have common ambitions, this similarity is atypical of men and women. Consequently, the capabilities of Ann and Bob to achieve their parental and occupational ambitions may still be quite unequal (Williams 2002, 31).

Williams support this argument with a very similar and contemporary example about preferences in accordance with family-life. We can assume a society, where every man is an ideal worker, meaning that they prefer to work in their profession than working at home around the house. If – in the same society – all the women are homemakers and prefer house-work to a profession, than there is no problem for family-life. But if in this society Ann is an ideal worker, or a co-parent, who like to divide the house-work equally will be in trouble to find a husband, because with an ideal-worker she can not share the house-work. So to satisfying Ann's preference for a nice family-life, depends very much on other's preferences. But this situation can not be described in welfare-terms, only in terms of capability.

Thus, I think that Sen can be defended from both horns of Dworkin's dilemma, although he can not escape from the problem of narrowing capabilities.

4.5. Narrowing capabilities

In my opinion there are two difficulties about narrowing – or lowering – capabilities. The first problem is that capability approach is insensitive to the reason why capabilities are narrowing. Sen himself admits this disadvantage of his concept. He states that a person's set of capabilities can be narrower as a result of two reason: (1) first, if the person's freedom was hurt, or (2) if the individual has personal disadvantage (Sen 1999). I describe the difference with an example: being unwillingly unemployed is practically missing the capability to work in the Senian terms. But being unwillingly unemployed can have different reasons: for

instance: I do not get a job, because I am discriminated as a woman. In this case we are talking about the first reason: the person's freedom was hurt. But another reason for being unwillingly unemployed can be for instance that I am not educated. Then we are talking about personal disadvantage. Sen states that from the point of view of a well-being theory it is indifferent, which reason caused the narrowing of opportunities. But from a moral point of view the case is different, because our intuition states that being unemployed because discrimination is unjust, but being unemployed because of undereducation is indifferent from a moral perspective (Sen 1995).

I think, from the point of view of personal responsibility the case is very similar. Capability approach can not make a distinction between the following two cases: I am poor because I played all my money in Las Vegas or I am poor because the bank, where I put my money went bankrupt and I lose everything. In the first case my poverty is the result of option luck and in the second case brute luck. Thus capability approach is insensitive to personal responsibility and moral perspective.

The capability approach also can not avoid the so-called bottomless pit problem. If our policy aim is to equalize the capability level of society, then there is no tool to make a difference between people who are worse-off because of their own fault or worse-off because of their brute luck. Thus it can happen that compensating the worst-off is extremely expensive and demands high costs from the better-off part of the society. Not to mention "black hole" kind of persons who always lose their resources or capabilities because of option luck (for instance: who goes to Las Vegas, lose his money, gets support, goes to Las Vegas, lose his money…etc.).

As a summary about capability approach: I think that capability approach is successful in avoiding almost all of the difficulties of the previous concepts of welfarism and resourcism

(or primary goods). However it fails to make a moral difference between people's choices and sheer luck in their well-being.

5. Metric and patterns

In the last chapter of my thesis I go back to the original question stated in the introduction: what is the connection between the metric and the pattern of social advantages. Most of the works in the literature concentrates whether on the metric or the pattern of distributive justice and social advantages. Some of them are focusing only on patterns without the metric and others are taking into consideration only the metric without the patterns. So most discussions fail to make the connection between the two.

In order to make this link between the pattern and the metric, I stop my examination in the egalitarian framework and I broaden my scrutiny into the other patterns of social advantages. First I analyze what is the relation between the different patterns of distribution itself from the point of view of responsibility. Then I examine whether the diverse metrics of social advantages show us something about the pattern also. At the end I make a suggestion to a possible theory of distribution.

According to Clayton and Williams there is a connection between the patterns of distribution. They state that– accepting it very generally without any explanation about the metric – "egalitarianism is blind to personal responsibility" (Clayton and Williams 1999, 446). Dworkin provides a solution to his problem with the tool of insurance market. However the insurance market has the consequence to leave people in misery, who were not insured. But this fact is against our intuition about human dignity, because we think that nobody should live in extreme misery.[18]

As a consequence we could say that from humanitarian reasons we should focus on the worst-off group of the society and argument beside some kind of prioritarianism. But

[18] Obviously there could be other arguments against egalitarianism, like the conflict between equality and liberty (Nozick 1974), but I stated in the introduction of my thesis that I shall focus on the problems around responsibility.

prioritarianism is also blind to personal responsibility, because does not make a difference between people who are worst-off because their own fault, and between people who are worst-off because sheer luck. Besides this, prioritarians also have to face with the problem of slavery of the talented or the bottomless pit problem, because it can easily happen that supporting the worst-off group in the society is very costly and very expensive for the better-off (Williams and Otsuka 2004).

These problems lead us to the last pattern of distribution: sufficientarianism requiring that each individual reach some decent standard of social minimum. Sufficiency principles can solve both the question of responsibility and the bottomless pit difficulty, although this pattern has to face with a following problem: it can not tell what should happen above the sufficient line. There can be huge inequalities in the society without any extreme suffering, without being somebody under the sufficient line.

Some of the metrics of social advantages can also show us directions about the pattern because they face with similar problems, like the patterns. Welfarism is not one of them, is not guidance in this way because welfare egalitarianism face with the same difficulties – expensive and cheap tastes – in every pattern. If we would like to advocate welfare sufficientarianism, then we would just push down the problem of tastes to one level down.

In spite of welfarism and primary goods, resources and capabilities have consequences to the pattern. Dworkin stand by equality of resources, although I think that at the end he gets very far from this pattern because of three reasons. First (1) Dworkin allows inequalities in resources, if they are the result of option luck. He allows those inequalities in both positive and negative direction. Second (2) Dworkin himself admits that the equality in his hypothetical island is very different from the pattern in any actual world driven by his theory, because in the latter case people begin their lives with different levels of wealth and resources. And third (3) people, who were not insured by the insurance market, but suffered

from brute luck and can not get compensation, easily end up in misery which is also against our moral intuition about social justice.

In this case, why should we stick to egalitarianism? I think these three reasons are enough convincing to change the egalitarian pattern of distribution to sufficientarianism in order to avoid extreme misery and avoid the almost impossible struggle for equality. But before drawing the final conclusion we should take a look at capabilities.

The capability approach seems to be the finest tool for interpersonal comparison, because it can explain cases, which the other metrics could not (for instance: the case of cold giant). But equality of capabilities suffers from the same bottomless pit problem as primary goods. Equality and prioritarianism both are problematic in the case of capabilities because of the narrowing situation. Capabilities are insensitive to responsibility in a sense that can not make a difference between the result of brute luck and option luck. Therefore what stays for capability approach is also sufficientarianism.

We arrived at a position where both resources and capabilities are connected with a sufficiency principle. But which one should we choose as a metric of the sufficiency level? I argue besides Sen that capabilities contains the most possible information about well-being, thus to decide besides the sufficient level of capabilities.

However the sufficient level of capabilities seems to be still an incomplete principle for distribution because of the above mentioned problem with the sufficientarianism: can not handle the situation above the sufficiency line. So what about above the line? Resources or capabilities? I think that after we are sure that nobody stays in extreme trouble we can start to focus on responsibility and desert. Dworkin has a tool for that: the insurance market. But what should we insure? Capabilities or resources? Given the fact that capabilities are means and circumstances together it is very difficult to base an insurance market on capabilities. Because in this case we should compensate narrowing capabilities with broadening capabilities, but

how could we reverse circumstance in the individual cases? Thus capability approach is not the right metric above the sufficient level of well-being, but resources by Dworkin can solve this problem. So to care about responsibility above the line of sufficiency, we can use the metric of resources and the insurance market to handle situations from option luck and brute luck. Therefore at the end we arrived at the right bottom of our table in the beginning.

But my argumentation for this hybrid capability-resource sufficientarianism could start from the opposite direction: I accept equality of resources because this is the most plausible solution to solve the problem around responsibility and well-being. Even if this equality is a moderate equality. Afterwards, I introduce the necessary sufficient level of well-being to avoid the problem of uninsured people and extreme misery. But to define the sufficient level of well-being I should redress the capability approach because it contains the most possible information about misery. An additional argument beside the capabilities under the line is that capability approach is used in the practice generally to explain and understand poverty is proven themselves worthy on that field (Sen 1999).

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