

DISTRIBUTIVE JUSTICE FOR DEMOCRACIES:
A NEEDS-BASED SUFFICIENTARIAN APPROACH

by

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In memory of my uncle Jim,
my grandparents Katerina, Harry, Helen, and George,
and my friend Candace

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ABSTRACT

I argue that members of a democratic society owe one another, as a matter of justice, access to what they need to function as full and equal citizens. My view pairs the measure of citizens' needs with a sufficientarian principle of distribution: that is, a principle aimed at moving individuals from a position of objective lack to a position of objective satisfaction. I argue that this pairing is fitting because citizens' needs can be satisfied at an objective, finite level of capabilities and an objective, finite level of effective opportunities to exceed this minimum.

I am not unique in taking individuals' needs *qua* full and equal citizens as central to democratic distributive justice. However, the needs-based accounts proposed by Rawls and Anderson test the expectation that reasons will be available to citizens that they can offer one another in justification of their society's principles of justice. These views rely on moral intuitions that citizens need not accept as part of their implicit commitment to basic democratic values. I demonstrate how far-reaching and attractive a floor for distributive justice can be, even when based on an insistently political account of full and equal citizenship that eschews controversially egalitarian intuitions.

Chapter one introduces an account of the citizen role from which citizens' needs are derived. It is distinguished by a strictly political account of citizens' equality that is closely tied to central citizenship functions. I also describe a social minimum that enables individuals to occupy this role. Chapter two proposes regulating opportunities above the guaranteed minimum to prevent the emergence of castes and to express an understanding of reciprocity that respects citizens' standing as equals. Chapter three addresses the challenge posed by individuals with extraordinarily costly citizenship-related needs. I argue that claims of distributive justice may be overridden by other claims of justice and at the margins by efficiency considerations. Lastly, I survey the sufficientarian landscape, defining the conceptual space that my view occupies in relationship to the views of Frankfurt, Rosenberg, Crisp, Hayek, Satz, and Anderson.

CHAPTER 1

CITIZENS' NEEDS AND SUFFICIENTARIANISM

I. Introduction

In this chapter, I argue that members of a democratic society owe one another, as a matter of justice, access to what they need to function as full and equal citizens. I also demonstrate that these needs can be satisfied by providing citizens with access to a finite level of capabilities. This feature of citizens' needs suggests a sufficientarian approach to distribution. Sufficientarian principles direct a society to guarantee individuals access to an objectively adequate level of provision, where what counts as adequate depends on the goals that motivate the view. On my view, adequacy is achieved when citizens have access to enough capabilities and enough opportunities to function as full and equal citizens. In short, then, I defend a sufficientarian principle of distribution paired with the measure or metric of citizens' needs.

I can best explain my project's significance by addressing the democratic condition on its scope.¹ One might ask why fitting a system of distributive justice to the

¹ There are many reasons for the sustained intellectual and practical appeal of democracy, and defending this form of social organization is not my project here. Still, I want to be clear about what I mean by "democracy," and to offer some reasons for going this route. Throughout, I have in mind the familiar idea of liberal democracy. Democracy without liberalism exists in a society in which citizens are engaged in collective decision-making on terms of equality—no first-class and second-class standing in policy-making discussions. It is consistent with majority rule. Democracy *with* liberalism puts the brakes on majority rule politics by protecting a certain set of rights for every citizen. These are classic Bill-of-Rights type

specifications of a liberal democracy is any different from arguing for a theory of distributive justice without qualification. As it turns out, many theories of distributive justice are advanced primarily on the basis of their moral appeal. Frankfurt, for example, argues against money equality and for everyone having enough money by describing intuitions such as the following:

if we believe of some person that his life is richly fulfilling, that he himself is genuinely content with his economic situation, and that he suffers no resentments or sorrows which more money could assuage, we are not ordinarily much interested—from a moral point of view—in the question of how the amount of money he has compares with the amounts possessed by others.²

Whatever the merit of his intuitive arguments, Frankfurt's view is missing the additional *political* muscle that a theory of distributive justice must put on if it is to be appropriate for democratic societies. Moral intuitiveness works in a theory's favor, but more is needed to show that a theory is compatible with achieving the kind of life and discourse among citizens that is characteristic of a democratic society.

Frankfurt, for example, needs to explain why citizens are responsible for bringing about a society in which citizens give one another either guaranteed or conditional access to enough money to live richly fulfilling lives absent of complaints that more money could dispel. There is an expectation in democratic society that reasons will be available

freedoms: rights to freedom of speech, freedom of conscience, freedom of assembly and freedom to petition one's elected officials, not to mention rights to privacy and to justice. Walzer suggests that citizens' liberal freedoms correspond to the state's commitment to refrain from interfering unnecessarily in various realms of society: so, for example, individuals' freedom of religion corresponds to the state's respect for a wall between the church and the state. See Michael Walzer, "Liberalism and the Art of Separation," *Political Theory* 12.3 (Aug., 1984): 315. As for reasons to go this route, liberal democracy enables people to realize and pursue their aims and conceptions of the good life, and it gives them the freedom to form the kinds of associations and relationships that are so important to doing so. In addition, Mill, Dewey, and Anderson have argued that liberal democracy is an epistemically superior form of social organization. It draws on the knowledge of many differently situated individuals to solve problems and to anticipate the consequences of policies, and the protection of liberal rights encourages a broad variety of thinking styles and perspectives among citizens.

² Harry Frankfurt, "Equality as a Moral Ideal," *Ethics* 98 (1987): 33.

to citizens that they can offer *one another* in justification of their duties as citizens. These justifications are not supposed to take advantage of some citizens' threat advantage over other citizens, but to offered on terms of equal standing, so that it is reasonable to offer these reasons and reasonable to expect that they will be accepted. The world Frankfurt describes is a wonderful world, but democratic citizens need reasons to think that they owe one another allegiance to principles that would bring it about.

The key question that arises here concerns what counts as a good reason that citizens can reasonably offer to one another and reasonably expect one another to accept. The two most promising candidates for common ground among citizens (the basis for constructing mutually acceptable justifications) are citizens' actual shared commitments and their implied shared commitments, where the latter are inferred on the basis of citizens' participation in or reliance on the same democratic institutions. However, each of these bases for public reasons is associated with a different significant worry. As I will explain, my view goes the implied commitments route but minimizes the problems associated with doing so, thus carving out a place among existing views on democratic distributive justice.

In the first case, citizens appeal to their actual shared concerns to ground public policy, avoiding reasons that only appeal to particular conceptions of the good. As not everyone is a Catholic, reasons that appeal to the Pope's edicts are bad public reasons by this standard. The same goes for reasons that only appeal to Utilitarians, to Marxists, to rich people, to people down on their luck, and so on. For reasons in this camp to work as justifications for institutions of basic distributive justice, they must refer to lasting common ground among citizens. Some plausible candidates are citizens' similar interests

in pursuing their individual conceptions of the good, their similar interests in satisfying their personal preferences, and their similar interests in satisfying their needs.

A serious worry with admitting citizens' actual shared concerns as the basis for mutual justification of *basic principles of justice* is that citizens' actual common ground may or may not have a normatively authoritative basis. Citizens' shared concerns and values may simply reflect the status quo. For example, citizens may share a resistance to socializing health care costs because such subsidization is unknown in their society. They may even share values that run contrary to basic democratic commitments, as when a religious citizenry favors the establishment of an official state religion or when citizens condone zoning laws that create class-segregated neighborhoods. If we allow citizens' actual shared values and commitments to ground their justifications of basic policies of justice to one another, they may offer one another reasons based on normatively baseless or even morally bad commitments. The fact that unthinking or morally faulty commitments are held in common does not obviously redeem them.³

This worry has led John Rawls to place a different condition on good public reasons, at least with respect to the public justification of basic principles of justice. He demands that public reasons refer to and support basic democratic values such as the commitment to equal citizenship or the commitment to basic liberal freedoms for all. As he puts it, public reasons should be

³ Another worry regarding citizens' actual shared concerns has to do with the fact that in a free society, we can expect citizens to vary in their beliefs about the value of wealth, education, health care, and the other benefits that are typically regulated by institutions of distributive justice. Some will prize wealth, while others will reject this attitude as money grubbing. Some will prize higher education, while others will value becoming financially independent after high school, and forego college. The scope for possible disagreement regarding the value of benefits and opportunities is quite broad, enough such that we might be lucky to get citizens to agree to commonly provide access to a very basic level of income and health care. Appeals to the requirements of occupying the citizen role become key, then, in establishing common ground that will bear more substantial claims and claims that maintain democratic society by maintaining citizens' access to full and equal citizenship.

worked out from fundamental ideas seen as implicit in the public political culture of a constitutional regime, such as the conceptions of citizens as free and equal persons, and of society as a fair system of cooperation.⁴

Rawls maintains that citizens have a shared commitment to these basic democratic values, because they count on the protections of democratic institutions every day.

In an ideal society, citizens will be politically knowledgeable and aware of this shared interest in democratic values. Under non-ideal circumstances, we take a chance when we move from drawing public reasons from citizens' acknowledged shared concerns to drawing public reasons from their imputed common concerns as members of a democracy. Despite this, I give special credit to public reasons that support the constitutive values of democracy because they offer the possibility of supporting the institutions of democratic society even while allowing citizens to make more self-interested claims on one another in service of their personal goals. A sustainable system of distributive justice does not only pay out benefits, accommodations, and opportunities that help individuals pursue their personal conceptions of the good. It supports the system that produces those goods in the first place.

However, even acknowledging the appeal of the implied commitments basis for public reasons, my worry regarding this basis remains: it invites philosophers to elaborate freely on their favorite democratic ideals. Of course, sophisticated contemporary political philosophers do not go so far as to offer purely moral or intuitive arguments for their favored accounts of ideals such as citizens' equality or society as a system of fair cooperation. Elizabeth Anderson and Debra Satz in particular construct theories that, in the first place, respond to the challenges and problems afflicting contemporary

⁴ John Rawls, "The Idea of Public Reason Revisited," *The University of Chicago Law Review* 64.3 (Summer 1997): 776.

democracies. Still, the implied commitments model of good public reasons encourages philosophers to mix uncontroversial reasons that are closely tied to the requirements of running a just democracy (e.g., that the natural lottery ought not *define* citizens' life prospects) with less indubitable reasons that seem to be more closely tied to philosophers' personal moral convictions (e.g., that the natural lottery ought not *affect* citizens' life prospects, insofar as possible). Seemingly as a result, the most influential contemporary theories regarding distributive justice for democracies are associated with visions of the perfection of equal relations among citizens. These theories are justified by reference to uncontroversial commitments to democratic values as well as by more controversial elaborations of what those values entail. Thus, for example, Rawls moves between invoking equality and invoking fraternity among citizens when defending the Difference Principle. The latter value informs Rawls's understanding of ideal relations among citizens, yet does not have the same indisputable standing as a democratic value that equal citizenship has. Likewise, Anderson inveighs against many, many social hierarchies, some of which are more obviously contrary to basic democratic values than others.

I do not deny that I feel the pull of these more egalitarian visions of justice. That fact, however, fails to dispel my worry concerning the implied commitments model of public reasons. Failing to separate the demands of less controversial aspects of one's interpretation of, for instance, equal citizenship from the demands of its more controversial aspects, a philosopher risks convincing only those who are already friendly to the more controversial claims. My aim in this project is to demonstrate how very much is required in the way of distributive justice by an insistently noncontroversial

account of one key democratic value—full and equal citizenship—even without the help of more controversial, robust egalitarian intuitions. In doing so, I intend to establish a floor at or above which democratic distributive justice must operate.

The payoff of this approach is twofold. On one hand, by carefully avoiding even the suggestion that I could be preaching to the choir, I position myself to push small-government conservatives to concede that the basic democratic commitment to full and equal citizenship requires far more in the way of public provision of education, health care, and access to income and opportunities than is typically acknowledged. In this project, I demonstrate that a modest account of full and equal citizenship that is closely tied to the functions that citizens are expected to be able to perform in a democracy yields surprisingly substantial distributive demands. On the other hand, my project also bolsters the distributive claims of projects more ambitiously egalitarian than my own by showing how much is won, in terms of distribution, by taking a modest understanding of full and equal citizenship seriously—that is, before reliance on more controversial claims enters the picture. Thus, my project establishes the many distributive claims it has in common with more egalitarian projects on firmer footing.

Ultimately, I do think that my work suggests that there may be a difference between violating an ideal of equality and committing an injustice. A democracy that does not meet the standard I set out is obviously unjust. It is *harder* to establish—given the difficulty attached to mutual justification among citizens on the basis of their implied shared commitments—that citizens owe one another more in the way of distributive justice. At the very least, I think that there is a difference in the quality of concern that we ought to register regarding societies operating above the bar and below the bar set by

my view. Below the bar, societies hinder the development and exercise of individuals' central citizenship-related capabilities. In concrete terms, below the bar, societies may fail to give citizens the educational opportunities they need to contribute productively to political discussions, exclude citizens from jury duty for being insufficiently educated, marginalize groups that are poor, geographically isolated, or unpopular, and otherwise fail to equip citizens to meet the basic criteria of full and equal membership in society. Above the bar, societies support the development and exercise of these central capabilities but tolerate unequal social relations that are consistent with my solid but comparatively less risky interpretation of equal citizenship. These relations may make us squirm with egalitarian displeasure, but they do not interfere with all enjoying the standing due to equals in those spheres of life that are central to citizenship. At the very least, my view provides a political principle that is useful as a baseline for thinking about what more could be done given a stronger commitment to equality. At best, I think it also demonstrates how far-reaching and attractive a modest account of full and equal citizenship, closely tied to the functions ordinarily associated with being a democratic citizen, can be.

In what follows, I first develop an account of the role of full and equal citizen from which my list of citizens' needs is derived. Its distinguishing feature is an account of what it means for individuals to stand as equals in their roles as citizens. Eschewing Rawls's moral-turned-political account of citizens' equality, I develop an account that is tied to political participation, work, and other functions that citizens are expected to be able to perform in a democracy. By avoiding leaning on moral accounts of equality

among persons, I demonstrate how very far a strictly political account of equal relations among citizens can go to win distributive measures for citizens.

Then, because the use of need as a measure of distributive justice is hotly contested, I explain the notion of need in play and introduce several considerations in favor of needs and against a leading alternative, preference satisfaction. Of these two, only needs commits us to providing one another objectively important benefits without leaning toward subsidizing expensive tastes or stinting individuals with low-adapted preferences. The needs metric is also better tied to reasons we can appreciate for providing one another positive aid. Lastly, the needs metric can beat the preferences metric at its own game of supporting individuals' autonomy. As I have suggested, these intuitive reasons for favoring the needs metric are helpful but insufficient to establish it as the proper metric of democratic distributive justice. In addition to presenting the intuitive case for needs over preferences, I argue that the metric of citizens' needs is a standard that democratic citizens can reasonably propose to one another and reasonably expect one another to accept.

Having justified the choice of citizens' needs as the metric of democratic distributive justice, I turn to enumerating these needs. Citizens need access to a minimum level of capabilities that is sufficient to equip them to perform the functions that citizens are expected to be able to perform in a democracy. I argue that these needs can be met with a sufficientarian principle of distribution provided a scheme of blocked exchanges is maintained to protect the adequacy of the guaranteed minimum levels of capabilities. Then, I trade talk of capabilities for talk of concrete benefits and demonstrate that my argument succeeds when recast in terms of citizens' needs for

concrete benefits such as education and health care. The following chapter rounds out the list of citizens' needs by considering their need for a level of opportunities to exceed the guaranteed minimum argued for in this chapter.

II. The Citizen Role

To identify the needs associated with achieving full and equal citizenship, we first require an account of the *role* of the full and equal citizen. A complete account should include a list of those functions that citizens are expected to be able to perform, including all of the functions that maintain democratic society and democratic processes: participation in local and national politics, work, jury duty, and so on. An account of full and equal citizenship also must explain what it means for individuals to stand as equals *in their roles as citizens*. For my purposes, Rawls's moral-turned-political account of equality is not helpful. As he has it, equal persons possess adequately the capacity to form, revise, and pursue a conception of the good and the capacity for a sense of justice, which is the ability to understand and follow the rules of fair cooperation.⁵ This is a fairly one-sided, self-oriented account, revolving in large part around an individual's personal goals and ideas regarding the good life. A better account of citizens' equality is grounded in the specific functions that characterize the citizen role. Citizens are expected to participate in the determination of the laws and policies of their society. An account of equality among citizens should acknowledge and interact with this function, rejecting social exclusion and marginalization as barriers to participation in the codetermination of laws. Likewise, citizens must participate in the production of benefits that is requisite for

⁵ The rules of fair cooperation consist of the principle of equal basic liberties, the principle of fair equality of opportunity, and the difference principle. See John Rawls, *Justice as Fairness: A Restatement* (Cambridge, MA: Harvard University Press, 2001) 18-20.

their society to be self-sustaining; an account of citizens' equality ought to comment on the role that work and cooperative contribution play in having standing as a valued member of society. Later, we may wish to consider whether and how my account of full and equal citizenship falls short of our best moral accounts of equality among persons. My goal here is to describe just how much is bound up in the goal of achieving equality among individuals *qua citizens*.

To build an account of full and equal citizenship, let us first consider the narrowly political and governing functions that citizens are expected to be able to perform. Citizens are expected to be able to vote in understanding of their options and to serve on juries in a competent manner. They are expected to be able to exercise freedom of conscience to form long-view, informed political opinions and to assert their independence from individuals who would impinge upon their freedom of conscience. They are expected to be able to petition their elected officials and to participate in local politics. Especially if liberal democracy is to live up to its claim of epistemic superiority in virtue of the broad base of perspectives it cultivates, citizens from all walks of life must be equipped to perform these functions adequately.

On top of these capacities to function, citizens are also expected to stand as equals in the political arena. We can get some insight into what political equality consists of besides one vote per voter by considering the original participatory model of democracy. It casts citizens as policy makers, gathered *en masse* in public spaces to hear one another out and to make political decisions. Citizens may vary in socioeconomic status and in other dimensions of social standing, but in the political arena, they share the same right to participate in political conversation—an equal right that is supposed to be insulated from

the social hierarchies that characterize the rest of life. Clearly, something is lost when the political participation model is applied to large, spread-out modern democracies: citizens cannot all convene in the same place, nor can they learn about and discuss every policy. Still, the notion of political equality survives the participatory model's demise. Citizens should be able to participate politically without respect to their status outside of the political arena, and policy makers should be responsive to the interests and claims of citizens without regard to their social status. Described in Walzerian terms, citizens' political equality rests on the existence of walls that prevent social hierarchies that exist outside of the political sphere from dictating who has access to positions of political power and whose interests policy makers have in mind.⁶

Put another way, if certain kinds of marginalized or debased status weaken individuals' ability to participate politically and to have their claims and interests considered by others, citizens must be able to avoid these kinds of marginalization and debasement. Citizens who are socially excluded have no chance of making effective bids for political office. Citizens who are marginalized (on the basis of race, age, sex, or whatever other characteristics) face barriers to having their opinions and interests given serious consideration by other citizens and by policymakers. Equality among citizens is incompatible with consigning any to low or marginal social status that poses a serious challenge to performing the political and governing functions expected of citizens. Equality is also incompatible with the existence of a hereditary class that passes down political offices and political power. None of this is to say that aristocracy and elitism on one hand and social exclusion and marginalization on the other are fundamentally

⁶ Walzer describes this partitioning of society as sphere differentiation in his account of liberalism. Walzer 315-317.

problematic because of their effects on citizens' standing as equals in the political arena. Rather, the important point I am driving toward is that a principally political account of citizens' equality, tied tightly to the functions associated with the citizen role, can capture a normatively heavy-hitting and intuitively attractive account of equal relations.

Of course, there is more to life than political functioning; correspondingly, the citizen's role includes functions in public life that go far beyond narrowly political and governing functions. Let us next consider citizens' expected functions in civil society. The civil arena includes the economy and the public media, as well as public accommodations and other spaces that are open to citizens generally. Following Taylor, we might describe civil society as the space where people are permitted to coordinate plans and form associations free of official direction.⁷

Few functions are required of citizens in civil society, as this is a space in which citizens make plans and choose associates and associations freely. However, work or cooperative contribution is in effect demanded. Citizens may take or leave religion, take or leave particular kinds of recreation, and take or leave particular social groups, but wherever they go and whatever they do, work is typically unavoidable as the primary means of functioning as a cooperator in society.

An account of citizens' equality ought to acknowledge the expectation that citizens will work or contribute, and the fact that non-contributors are likely to be seen as dependents, freeloaders, or otherwise less valued members of the community. Judith Shklar goes so far as to argue that the right to work for pay has become key to full citizenship in the U.S. because of the enduring psychological impact of slavery. As she

⁷ Charles Taylor, "Invoking Civil Society," in *Philosophical Arguments* (Cambridge, MA: Harvard University Press, 1995) 208.

has it, the right to work for pay is crucial to avoiding debased status.⁸ Citizens who are excluded from work or cooperative contribution on the basis of race, age, disability, or other characteristics they cannot change (or cannot reasonably be expected to change) cannot stand as equals. Barred from work, these citizens lack an important means of gaining standing in society. Likewise, those whose employment options are limited to jobs that are not valued in society cannot stand as equals. Insofar as positions are associated with more or less prestige, power, and respect, citizens' equality requires that citizens from all walks of life be able to aspire to positions on higher rungs of the prestige ladder. However, given the variety of jobs that must be done in any society, it would seem that citizens' equality requires both widening citizens' employment options and encouraging citizens to appreciate the cooperative contributions of all citizens who perform work that *someone* has to do.⁹

As for the "optional" aspect of civil society, while citizens are free to pick and choose their plans and associates, this very autonomy is necessary for a democracy to run well. Both the interests that citizens develop freely and the political opinions they own freely are essential for meaningfully representative government. Citizens' freedom to choose their relationships, associations, jobs, places of residence, projects and political opinions helps to make their chosen interests their own; by contrast, consider the state of "representative" government in a society where citizens are assigned or locked into jobs, residences, or religious affiliations. Given the importance of citizens' autonomy to a well-functioning democracy, we can truthfully maintain that citizens are expected to

⁸ Judith Shklar, *American Citizenship: The Quest for Inclusion* (Cambridge, MA: Harvard University Press, 1991) 64.

⁹ This signal might be broadcast by giving all workers benefits that express respect for their work.

perform a para-governmental function in civil society: developing the interests and opinions to which their representative government must respond.

These functions in the political and civil arena, along with the requirements of equal relations, characterize the citizen role. Having described this role, I am now in a position to consider what individuals need to occupy it. However, need is a complicated notion, and its use as a measure or “metric” of distributive justice is contested, particularly by proponents of preference satisfaction. Therefore, I will take some time to discuss the notion of need in play and to introduce several advantages of selecting needs over preferences as the metric of distributive justice. Then I will return to the project of enumerating citizens’ needs.

III. Needs vs. Preferences

There are two ways that we can understand the notion of need. On one understanding, needs are requisites for being able to function in designated ways or for achieving particular states—no judgment passed regarding the worthiness of the end.¹⁰ On this reading, it is as legitimate to say that one needs skis to go skiing as to say that one needs food to survive. On a second reading, needs are requisites for achieving worthy and urgent ends. At this point, skiing drops out as a non-urgent end under ordinary circumstances; one can no longer be said to need skis, though one still needs food. In place of a general worthiness-and-urgency standard for needs, Braybrooke substitutes a standard of indispensability tied to the specific roles a person occupies: a person needs whatever is “indispensable to mind and body in performing the tasks assigned a given

¹⁰ See Brian Barry, *Political Argument* (New York: The Humanities Press, 1965) 47-49. Braybrooke calls this the “relational formula” for needs. David Braybrooke, *Meeting Needs* (Princeton, NJ: Princeton University Press, 1987) 30.

person under a combination of basic social roles, namely, the roles of parent, householder, worker, and citizen.”¹¹ In the comparisons with preferences that follow, I will group the latter two notions of need together; this needs standard commits us to supplying requisites for achieving worthy and urgent ends *such as* occupying important roles.

Needs are characterized by a degree of independence from the opinions and desires of those who bear them. Whether I need x to y does not depend on whether I think I need x to y , nor does it depend on whether I want to y . Likewise, the standard of worthiness and urgency that separates surviving from skiing, and a person’s needs from mere interests, is independent of the person’s opinions regarding the importance of those interests.

Preferences, by contrast, do not float free of their holders’ opinions or choices. Sen identifies three important understandings of preference. One, the revealed preference view, links a person’s preference to her choices. As Sen describes it, an “outside observer notices that this person chose x when y was available and infers that he preferred x to y .”¹² As a basis for distributive justice, revealed preferences are problematic, since a person’s choices may take into account her idea of what distributive justice requires. That said, a second, less obviously troubled interpretation of preference also tracks a person’s freedom to choose. It aligns a person’s preferences with what she estimates to be better. Call this the subjective autonomy understanding of preference, since it defers to an individual’s preferring x over y on any grounds she chooses. Lastly, a third view

¹¹ Braybrooke 48.

¹² Amartya Sen, “Behaviour and the Concept of Preference,” *Economica, New Series* 40.159 (Aug., 1973): 241.

aligns a person's preferences with what she estimates to be better for her personal welfare. As Sen describes this notion of preference, "[i]f a person prefers x to y then he must regard himself to be better off with x than with y ."¹³ We will call this the subjective welfare understanding of preference.

Sen is intent on us seeing that these notions of preference come apart. In particular, a person's choices and aims may not reflect her estimation of what is in her self-interest exclusively. My aim is not to enter this debate, or to vindicate one notion of preference over the others. For my purposes, each notion of preference simply brings to mind different advantages of the needs metric, here understanding needs in the second, more selective sense.

Needs vs. Preferences: The Intuitive Case

The subjective welfare view points up the advantages of need as a metric that is attached to an objective standard of welfare. If a view aims to produce subjective welfare, it cannot prevent individuals from substituting fancy vacations for health care if they deem that they do as well or better with the vacations. Such a view is committed to being indiscriminate regarding how welfare is generated. Yet why think we have reason to subsidize fancy vacations as a matter of justice? As Scanlon puts it, a subjective welfare principle does not distinguish between individuals who need extra resources to cope with expensive tastes and those who need extra resources to cope with disabilities.¹⁴ We have reason to help citizens cope with disabilities, since they interfere with objectively important interests a person has in avoiding life as a disabled shut-in. The

¹³ *Ibid.* 253.

¹⁴ T. M. Scanlon, "Preference and Urgency," *The Journal of Philosophy* 72.19, Seventy-Second Annual Meeting American Philosophical Association, Eastern Division (Nov. 6, 1975): 659.

disabled citizen's preference that we supply her with relaxing vacations, on the other hand, does not have the same standing, since it does not contribute to an objectively important interest.

A needs standard, by contrast, commits us to supplying requisites for achieving worthy and urgent ends, such as occupying important social roles. Such a standard is substantially independent of needs bearers' opinions regarding the importance of satisfying their needs. A needs standard may refer to basic human needs, to citizens' needs, or to our needs in some other capacity; regardless, needs metrics only license individuals to demand benefits that increase welfare in ways that are objectively important. Substitutions are not allowed for benefits that would increase a person's overall level of welfare comparably by her standards. This is a protective measure. Some individuals adapt their desires to a low level so as not to be continually disappointed in life.¹⁵ These individuals might experience a welfare high from paltry benefits that do not come close to meeting their needs. They are better protected under an objective welfare standard.

A related problem afflicts preference when it is tied to a person's choices or to what she estimates to be better on any grounds—the latter being what I have called the subjective autonomy understanding of preference. Typically, the moral intuition that we have reason to provide a person positive assistance in pursuing an aim depends our ability to appreciate the aim's importance. That someone would choose it or estimate it to be better than other aims has far less weight. As Scanlon comments, the fact that someone

¹⁵ Amartya Sen, "Well-being, Agency and Freedom: The Dewey Lectures 1984," in *The Journal of Philosophy*, vol. 82, no. 4 (Apr., 1985): 191. See also Sen, *Inequality Reexamined* (New York: Russell Sage Foundation, 1992) 55.

would choose to spend his money on a monument to his god rather than on food does not affect our obligation to assist him in obtaining food, nor does it generate an obligation to help him build his monument.¹⁶

By contrast, an objective welfare standard such as need may be tied to interests such as bodily health, mental health, safety, literacy, and political functioning. Our ability to appreciate the importance of these aims does depend on the existence of good reasons for doing so. Still, reasons associated with a carefully chosen objective welfare standard stand a better chance of resonating with their intended audience than reasons scraped together in support of a standard pegged to individuals' idiosyncratic aims.

That said, one seemingly first-rate reason for supporting a subjective autonomy standard is that it appears to support individuals' ability to pursue their aims. While individuals may not share one another's aims, each can appreciate that all are similarly situated with respect to having an interest in satisfying his or her own preferences. We can imagine citizens making the following deal: I will agree to measures that help you satisfy your preferences if you agree to the same measures to help me satisfy mine.

Unfortunately for the proponent of preferences, there is a hitch. As Don Herzog points out, one person's freedom to enact her preferences can interfere with others' ability to enact their preferences.¹⁷ Does the "brute fact" that I have preferences regarding your behavior generate an obligation on your part either to act differently or to internalize the costs to me of choosing according to your conscience? Keep in mind that people have preferences regarding one another's family arrangements, sexual

¹⁶ Scanlon 659-660.

¹⁷ Don Herzog, "Externalities and Other Parasites," *The University of Chicago Law Review* 67.3 (Summer, 2000): 895-923.

orientations, choices to drive gas-guzzling cars, choices to live in storm-prone areas, and more. The list of preferences people have over others' choices is long, and the practical problem of tracking innumerable externalities is not the main problem. The principled problem rankles more: to allow individuals to exercise their preferences over others' behavior, or else demand compensation, would amount to an intolerable restriction on everyone's autonomy. To solve this problem, we might "launder" people's preferences to exclude meddling preferences.¹⁸ However, this solution works only when applied in an *ad hoc* manner, because some of our preferences over others' behavior correspond to legitimate claims we have on one another. This is a serious problem for supporting personal autonomy through the metric of preference: individuals' enactment of their preferences interferes too much with others' autonomy.

Interestingly enough, a needs metric can outdo the subjective autonomy preferences metric with respect to protecting citizens' autonomy. Citizens' needs plausibly include a need for autonomy: citizens need a reasonably large and rich set of life options, complete with enough disposable income to pursue a variety of interests, enough education to pursue a variety of jobs, and so on. If a society limits the preferences that people can act on to those that are consistent with everyone satisfying a set of objectively important interests, specified by a list of citizens' needs, it will avoid licensing the kind of preference satisfaction that defeats its own goal of supporting personal autonomy. As I see it, the autonomy consideration that was supposed to count

¹⁸ In doing so, we would be following Goodin, who suggests that we launder people's preferences to filter out nasty preferences, short-sighted preferences, preference that confound their possessor's goals, and so on. See Robert Goodin, "Laundering Preferences," *Foundations of Social Choice Theory*, ed. Jan Elster and Aanund Hylland (New York: Cambridge University Press, 1986) 80-87.

in favor of preferences counts in favor of this kind of carefully constructed needs standard.

The Political Argument for Citizens' Needs as the Metric of Distributive Justice

We have, at this point, an intuitive case for favoring needs as the metric of distributive justice. As an objective welfare metric, it provides objectively important benefits to individuals without regard to expensive tastes or low-adapted preferences. If we take into account a need for autonomy, the needs metric can also co-opt an advantage mistakenly assigned to the preferences camp, that it provides the material conditions for individuals' freedom. Moreover, if we choose the needs metric properly, it will be justifiable to citizens on the basis of reasons that it is reasonable to expect that they will accept.

This last point is particularly important in the democratic context. As mentioned earlier, it is a fundamental democratic expectation that reasons will be available to citizens that they can offer one another in justification of their duties as citizens. The best public reasons, I argued, refer to basic democratic values and support the institutions of democratic society instead of merely allowing citizens to make claims on one another in service of their personal goals. After all, a sustainable system of distributive justice does more than pay out benefits; it produces them. That said, one fixture of democratic society is the democratic citizen: without capable citizens, democratic politics and civil society suffer. To tie the metric of distributive justice to the needs associated with occupying the citizen role is to make provision for democracy.

This move also involves citizens in making provision for one another as a condition of each making claims on his or her own behalf as a citizen, introducing an

element of reciprocity that is fitting in a democratic society. If a citizen complains that she does not want to help others satisfy their citizenship needs, we can explain her mistake: to participate in specifically democratic politics, other citizens must also participate. To enter into the free associations of democratic civil society, one's associates must also be free. To stand as an equal citizen, one must stand among equals: one cannot be an equal among inferiors, after all. It is a confused individual who thinks that her basic needs as a citizen can be satisfied without making provision for others at least being in a position to satisfy *their* basic needs as citizens.

With respect to my choice of the metric of citizens' needs, my view is close to Rawls's. He revises his account of primary goods, the metric of his view, to track citizens' needs, or as he puts it, to track "what free and equal persons (as specified by the political conception) need as citizens."¹⁹ Unfortunately, his ensuing description of the free and equal person is one-sided, wrapped up as it is in individuals' promotion of their personal conceptions of the good. Free persons are free to form, revise, and pursue a conception of the good; they also regard themselves as entitled to make claims on others in service of their conceptions of the good.²⁰ Equal persons possess adequately the capacity to form, revise, and pursue a conception of the good and the capacity for a sense of justice.²¹ Compared to the Rawlsian account of citizens' needs, on my view, the need to form, revise, and pursue a conception of the good plays a smaller role. I take this to be a strong point of my view. As a matter of participating in a just democracy, citizens must recognize others' need for autonomy and the requirement of expressing reciprocity

¹⁹ Rawls (2001) 60.

²⁰ *Ibid.* 21, 23.

²¹ *Ibid.* 18-20.

toward other citizens, but they may well be indifferent or hostile to one another's personal projects and commitments. It seems better that citizens' claims on one another not be phrased in such large part as direct requests for support of their ability to pursue their conceptions of the good. On my view, citizens are called instead to support a variety of one another's citizenship-related capabilities.

IV. Citizens' Needs for Capabilities

Having made the case for needs over preferences, and for citizens' needs in the democratic context, I now turn to enumerating those needs. First, I consider citizens' need for a guaranteed level of capabilities.²² Then, because these needs can be satisfied completely at a finite level of capabilities, I argue for pairing the metric of citizens' needs with a sufficientarian principle of distribution. Lastly, to confirm the fit between these two, I trade talk of capabilities for talk of concrete benefits and make my argument in terms of citizens' needs for education and health care. In this last discussion, I aim to head off the worry that citizens' need for a finite level of capabilities in fact poses limitless demands on a society's resources.

A Minimum Level of Capabilities

The preponderance of citizens' needs is readily extracted from the list of functions associated with the citizen role. Recall, citizens are expected to be able to form informed political opinions, to vote in knowledge of their options, to participate in local politics, to petition elected officials, to work, to associate with others freely, and to exercise a substantial degree of personal autonomy. Citizens have needs for effective access to

²² In the following chapter, I circle back to consider citizens' need for a level of opportunity to exceed the guaranteed minimum, arguing that the just regulation of opportunities is also suited to sufficientarian treatment. Only then are the demands of equal relations addressed fully.

these functions. In Sen's parlance, we might say that citizens need a set of capabilities, or effective freedoms to function in a set of ways.²³ This notion of a set of capabilities is particularly fitting, since citizens' needs are not adequately met if, for example, their access to work comes at the expense of their access to political participation.

The minimum level of capabilities that must be supported for citizens to perform the functions expected of them as citizens is substantial but finite and consistent with some citizens doing better. To cast informed votes, citizens do not need to know as much or analyze issues as competently as the most erudite citizens. They do need to be capable and knowledgeable enough to understand the issues at hand. This requirement suggests both bringing citizens up to a certain level of capability and arranging institutions such that political debates and policy contents and justifications are accessible to citizens at this level of capability, and not only to specialists. If tax forms are too complicated for citizens with high school math to figure out, it is the tax forms that, in the first place, stand changing. Is the science underlying climate change, the theory backing credit swaps, or the technical information associated with another important policy issue too complicated for non-experts to grasp? Nonsense: if a policy is important enough to demand citizens' attention, a society ought to aim to make accessible layman interpretations of its key points available to them.

Each of the functions that citizens are expected to be able to perform yields a need for a finite level of capability coupled with societal accommodations that secure the adequacy of that level to performing the relevant function. Full and equal citizenship does not require that citizens achieve the same heights in political participation. The aim

²³ See, for example, *Inequality Reexamined*.

is not for everyone to have a turn at being mayor, but for all to be able to organize politically, to form independent and knowledgeable political opinions, to petition officials, and to otherwise have a voice in the political process. For a society to supply an adequate level of capability to all citizens, its institutions must be arranged such that citizens are unhampered by their social status in performing these functions. For example, it must not be the case that policymakers turn a deaf ear to poorer citizens. Likewise, social norms must militate against ignoring the political concerns of fellow citizens.

Something similar can be said of work. Full and equal citizenship does not require that one rise to the top of the corporate ladder, or in general to the top of one's field, to be recognized as a valuable contributor. Were this the case, full and equal citizenship would be out of reach of most citizens, something to be avoided at all costs. Citizens do need access to a variety of occupations not limited to menial work to satisfy their need to make valued contributions and to satisfy their need for autonomy. This entails providing citizens with a competitive level of work-related capabilities or skills that are adequate to compete for a variety of jobs.

Moreover, societal institutions and social norms must be accommodating of the work-related demands of equal relations. Economically well-off citizens must not have special access to the instruments of political power, such that living a middle-class existence is not in fact adequate for political participation on terms of equality. And while some citizens may prize and respect wealth, it would seem that any social hierarchy based on wealth must exist among non-hierarchical civil associations and among independent social hierarchies not influenced by wealth. In a society where wealth is

universally prized and respected, citizens with less cannot expect to play the same role in the codetermination of laws as citizens with more. As it is hard to imagine insulating the democratic political process from intrusions by truly dominant social hierarchies, these must be guarded against. Any finite level of capability is sufficient for full and equal citizenship *only* when paired with an adequate level of societal accommodation and protection.

I have insisted that full and equal citizenship does not require that citizens achieve the same heights with respect to political participation, work, or other functions associated with citizenship. This is not to say that opportunities to occupy positions of responsibility and respect are unimportant; indeed, the following chapter is devoted to describing citizens' need for opportunities to exceed *any* guaranteed minimum. The topic at hand, however, is different: when it comes to elaborating the capabilities that every citizen must be in a position to develop, it is clear that exceptional functioning is unnecessary for taking up the citizen role. Any of us might aspire to function in better and better health, or, for the matter, find a use for more and more of the capabilities associated with education or wealth. This is irrelevant. For the sake of functioning as a full and equal citizen, perfect health is not needed. More and more education or wealth is not needed. What is needed is enough of these, and the capabilities they make possible, to occupy the citizen role.

V. Satisfying Citizens' Needs: A Rationale and Plan for Sufficiency

Citizens' needs for capabilities are satiable, which is to say that in principle, they can be satisfied completely.²⁴ In virtue of being satiable, principles such as “feed the hungry” and “meet citizens' needs” are concerned with bringing people up from a position of objective need to a position of objective satisfaction. Their satiable character leads intuitively to sufficiency—that is, to organizing distribution with the end of securing an objectively adequate level of provision for all. Adequacy is judged against the stated goal of a satiable principle, whether that be satisfying hunger or satisfying needs.

A principle's satiable character leads to sufficiency: to organizing distribution with the end of securing *enough* for everyone. The connection between satiability and sufficiency is easily appreciated with a simple example. Consider “feed the hungry,” a satiable principle. The most obvious way to satisfy this principle is to provide people with enough food to end hunger. That is exactly what sufficiency suggests. By contrast, egalitarianism gives inappropriate advice. Concerned with individuals' standing relative to one another, an egalitarian principle would address individuals' relative hunger.²⁵ Indeed, egalitarianism only directly addresses a person's relative standing and may or may not bring her up from a position of objective

²⁴ Following Joseph Raz, I understand a satiable principle to be one whose “demands... can be completely met.” By contrast, “Maximize utility” and “Maximize citizens' capabilities” are insatiable: the work is never done to satisfy them. Joseph Raz, “Equality,” *The Morality of Freedom* (Oxford: Clarendon Paperbacks, 1986) 235.

²⁵ This point is due to Raz. He suggests that egalitarianism may be useful to temper insatiable principles that do not otherwise treat individuals fairly. For example, “Maximize the net amount of pleasure” does not give morally satisfactory advice about how utility should be distributed among individuals, but adding an egalitarian requirement ensures that none are sacrificed to the utility-maximizing venture. See Raz 238-239.

need to a point of objective satisfaction. Prioritarianism also makes for an odd fit, as a prioritarian principle would be concerned with serving the hungriest individuals first or the most. This seems unnecessary unless all hunger cannot be satisfied and a scarcity principle is required. Likewise, a maximizing principle is also inappropriate. Individuals need enough food to avoid hunger, not as much food as possible. A sufficientarian principle of distribution makes the most sense given the logic of “feed the hungry.” It demands that we end hunger, and then allows that we stop. The same logic applies to the satiable principle that directs a democracy to equip its members to satisfy their needs as full and equal citizens.

Satiable Needs for Capabilities, Satiable Needs for Benefits

Citizens’ needs can be satisfied completely at a finite level of capabilities and, I will argue more fully in the following chapter, at a finite level of opportunities to develop additional capabilities. In the space of capabilities and opportunities, no citizens need more and more. Practically speaking, however, access to capabilities is provided through the provision of benefits such as income, health care, and education. One might worry that citizens need more and more of these benefits to attain the needed level of capabilities. This is by and large an unfounded worry.²⁶ I will take on education and health care to make my point.

First, let us consider the minimum level of education that is needed to perform the functions associated with full and equal citizenship. While it is compatible with some citizens being even more educated, the minimum level of education must keep up with the times. After all, the education needed to participate in an informed and active way in

²⁶ My chapter on extraordinary needs does address a society’s obligations to citizens who can approach the minimum level of capabilities only given extraordinarily costly accommodations.

the political arena depends on how one's education compares to the average level of education in one's society. An increasingly informed and Internet-wise citizenry raises the standard for what it means to be an informed participant in the political arena. Likewise, the educational qualifications of one's fellow citizens also affect one's ability to secure jobs; a variety of jobs that once required a high school degree in the United States now routinely require college degrees.

Still, none of this points against specifying a minimum level of knowledge and training that any citizen needs to cast an informed vote, to be competent in forming independent political opinions, to participate in local politics and on juries, and to have access to a variety of job possibilities not limited to menial work. In the United States context today, that guaranteed minimum would have to cover a high school education with realistic possibilities for four-year college. However, it is simply not necessary for functioning as a citizen that one attain much more education. Moreover, given the likelihood that many citizens would rather not pursue more education than they must, it seems perverse to engineer the functions expected of citizens such that performing them requires ever higher levels of education: if, as stated earlier, tax forms are too complicated for the average citizen, the tax forms should change.

I am moving toward arguing that citizens' needs in a democracy can, on the whole, be met on a budget. On one hand, citizens' equality requires that the social minimum keep up with the times. On the other hand, it *limits* the level of capabilities that citizens need to be in a position to develop: citizens must keep up with the pack, but they need not beat it. It is helpful to recognize that sufficiency with respect to full and equal citizenship is possible at a number of different "price points." A high school education

was sufficient to secure a variety of valued jobs a century ago; today, given the workforce's improved educational credentials, citizens can reasonably demand access to college in satisfaction of their need to be able to perform valued work in their society. Yet surely the component of equal standing that comes from making a valued contribution to one's community could have been made available to citizens of both eras. The level of education that had to be supplied would have differed, but not the end result of equal standing. This case suggests that the sufficiency level must keep up with the times. However, it also serves as a reminder that the goal of equipping citizens to relate as equals can be achieved at a number of different levels of capabilities, expenditure, and benefits-availability. The sufficiency level can, in principle, be adjusted downward in keeping with a society's means.

Stopping the Capabilities Creep: The Importance of Blocked Exchanges

Were the guaranteed minimum to keep up with more educated citizens, it is not clear what the guarantee after college would cover. There are a variety of degrees that could contribute to one's functioning as a citizen. If it is the case that one kind of education—say, legal education—allows some citizens to dominate the political arena, a problem exists. On my view, however, it is the political system that stands changing. While I make the following argument with respect to education and capabilities in the political arena, it points in general against allowing the level of capabilities required to function as a full and equal citizen to creep up without good reason, pushing citizens to

become more and more educated, healthy, rich, or otherwise well-endowed for the sake of “staying in the game” as full and equal citizens.²⁷

Political equality demands that individuals not be allowed to dominate the political process because they have more money or more influential family backgrounds than others. The same can be said of individuals with more legal education or any other good that truly threatens to dominate politics. The answer to lawyers’ domination of the political process is not to guarantee everyone entrance to law school, but to sever the problematic connection between being a lawyer and having a special amount of influence on politics. The alternative, having a society of citizens who are trained as lawyers or encouraged to train as lawyers, is restrictive in comparison. By blocking the exchange of legal education for political power, we can protect citizens’ ability to function in the political arena at a competitively set guaranteed minimum level of education.²⁸ We can achieve this goal even if some citizens surpass that level. And we can achieve it without encouraging citizens to develop the same extensive set of educational credentials. On one hand, this solution increases citizens’ liberty to pursue diverse lifestyles by not bloating the list of time-consuming educational qualifications that a person must develop to function as a full and equal citizen. On the other hand, this diversity also serves a democracy’s epistemic needs well. In a society where citizens are of many minds and

²⁷ I do not deny that there are reasons to promote increased prosperity and health among citizens. My point is that these gains ought not be pushed as prerequisites for standing as an equal citizen. Distributive justice ought not push citizens to engage in a race to develop capabilities.

²⁸ I am here relying on Walzer’s notion of blocked exchanges. Were I discussing citizens’ need for income, I would be arguing along similar lines for blocking exchanges of money for political power. This is Walzer’s classic example of a blocked exchange, though the aforementioned “Liberalism and the Art of Separation” describes a variety of blocked exchanges that are at the heart of the liberal state. Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (Basic Books, 1983) 100-103.

many perspectives rather than a few, it is more likely that citizens will correctly anticipate the various consequences of policies.²⁹

A Seemingly Tricky Case: Health and Health Care

I have insisted that citizens' needs are, on the whole, capable of being satisfied at a finite level of capabilities. This is no less true for citizens' need for health. Individuals need a moderately high level of physical wellbeing to participate in politics, to work, and to enjoy access to civil society on a par with others.³⁰ Citizens do not, on the other hand, need perfect health or health as good as that of their healthiest peers. All of the functions associated with functioning as a full and equal citizen are compatible with experiencing aches and pains and many kinds of illnesses, disabilities, physical limitations, and aging-related decline.

Of course, societal accommodations are key to making a moderately high level of physical wellbeing adequate for functioning as a citizen and for participating on terms of equality. If, for example, adequate physical wellbeing is taken to include mobility but not necessarily the ability to walk, wheelchairs and wheelchair accommodations must be provided for citizens whose legs cannot carry them. In general, when a finite level of health-related capability is recognized as necessary for functioning as a full and equal citizen in society, citizens existing at that level must be accommodated and supported with respect to all citizenship functions. Insofar as possible, this accommodation must avoid any measures that might be construed as marginalizing treatment, lest the standing of citizens existing at the sufficiency minimum be harmed.

²⁹ This point is due to Elizabeth Anderson. See "The Epistemology of Democracy," *Episteme* 3 (2006): 9-23.

³⁰ Citizens may also make claims to health care on humanitarian bases, but that is not at issue here.

Earlier, I argued that sufficientarianism is a good fit for theories that posit goals for distributive justice that can be met completely. In principle, citizens can achieve a moderately high level of health that is completely adequate for functioning as full and equal members of their society. That is, *in the space of capabilities*, citizens' need for health is satiable. It makes sense, then, to *aim* to bring citizens up from whatever positions of objective lack they occupy with respect to health to the point of objective adequacy.

However, a society could easily devote limitless resources to maintaining citizens at an objectively adequate level of health, however moderate. On one hand, individuals routinely suffer mishaps such as illnesses and injuries that impinge upon their ability to work, to associate with others, to participate in the political process, and to otherwise function as citizens. On the other hand, each and every citizen is bound to die at some point—a point that can be forestalled, in some cases, through intervention. It would seem that a sufficientarian society is committed to helping citizens maintain the adequacy level of health, even in the face of these challenges.

That is exactly right. Citizens' claims of justice to the adequacy level of health do not expire at the age of ninety, or upon suffering a particularly grievous injury. In the first place, some health-related costs are moderate. There is no basis for declining to satisfy (or to provide access to satisfying) these needs. Moreover, it would seem that a sufficientarian society must devote itself to keeping as many of citizens' health-related needs in this affordable category. In particular, this might involve providing the kind of preventative care and lifestyle education that it *can* afford, especially if it is to later decline to pay for costly interventions for preventable conditions such as heart disease,

lung disease, or obesity-related diabetes. A sufficientarian society must strive to keep the health-adequacy-related costs incurred by citizens within the range of its budget.

On the other hand, a capabilities-sufficientarian society is not committed to subsidizing measures that do not result in significant gains in capabilities relative to the baseline alternative measure. This has particular ramifications for claims to costly new medicines and extraordinary interventions: the case for trying these options depends on the likelihood that they will produce significantly better results than other available measures. As I will argue later in a chapter devoted to extraordinary needs, this has ramifications for end-of-life care. The capabilities-sufficientarian case for giving up life-extending efforts and for starting palliative care increases as a person ceases to have “good” options that can noticeably improve the quality of her life. Given the approach’s focus on capabilities gains, it declines to require devoting resources to negligible gains.³¹ I am here sidestepping the question of extraordinarily costly health-related needs that *can* be met; later, however, I will argue that these claims compete, sometimes unsuccessfully, with other claims of justice for a society’s limited resources and attention.

Life expectancies were lower and medicine was less advanced a century ago; today, citizens can expect to live longer, and in many cases, in better health. Yet it is not at all clear that a society in which citizens live and relate as equals for an average of sixty years is less just than a society in which citizens live and relate as equals for an average of seventy years. The inevitability of death and decline is not a problem of justice. What does matter is the grounds on which citizens’ claims to health-related interventions are satisfied or declined. The capabilities-sufficientarian has a principled and, in my mind,

³¹ That said, a person whose citizenship needs cannot be met still has needs as a human being and as a person. This topic is addressed in the extraordinary needs chapter.

intuitively satisfying approach to this challenge, focusing as it does on securing adequate health for all insofar as possible and on providing basic health care measures before costly extraordinary interventions.³²

Conclusion

In this chapter, I argued that members of a democracy owe one another the satisfaction of their needs as full and equal citizens. Then, I established that what citizens need is access to a finite level of capabilities that is adequate for performing crucial citizenship functions. This led me to adopt a sufficientarian principle of distribution. Sufficientarian principles are compatible with the existence of inequalities above the sufficiency level that is guaranteed to all. Provided all have access to the sufficiency level, individuals' standing relative to one another has no preordained relevance to justice. On my view, provided all citizens are in a position to develop the sufficiency level of capabilities, it is no definite insult to justice or to other citizens' standing as equals if some citizens exceed the sufficiency level. However, the goals of a sufficientarian view *may* require that a society regulate inequalities above the sufficiency level. And indeed, the demands of equal citizenship *do* constrain the distribution of opportunities to exceed the guaranteed minimum level of capabilities. The following chapter describes these constraints.

³² It is outside of the scope of this project to critique the state of health care in the United States, but the merit of the capabilities-sufficientarian approach to health care can be appreciated by considering the problems of the U.S. health care system (lack of widespread basic care, very high costs, and poor results) and how they might be resolved by instating a capabilities-sufficientarian plan.

CHAPTER 2

OPPORTUNITIES TO EXCEED THE GUARANTEED MINIMUM

I. Introduction

On my view, citizens of a democracy are guaranteed access to a level of capabilities that is set with the intention of being truly adequate. By design, individuals need not exceed the guaranteed minimum to function as full and equal citizens. Still, it would be unjust to cap citizens' prospects at this level of capabilities. First of all, to effectively cut off certain sectors of society (e.g., rural dwellers, low-income families, members of a hereditary group) from opportunities to develop capabilities above *any* guaranteed minimum, however substantial, is to relegate the excluded citizens to second-class status. Access to opportunities must be regulated in such a way as to prevent the emergence of groups with truly substandard levels of opportunities to develop extra capabilities, particularly because competitive levels of capabilities open the door to securing powerful, respected, and otherwise privileged positions. Citizens from all regions of society and from all walks of life must have some realistic access to these positions, lest we set the stage for paradigmatically unequal relations, writ large on the social-class scale: the commanding class and the following class, the respected class and

the class that looks up with respect, and other classes of “haves” and “have nots.”³³ In short, the expectation that all citizens will stand as equals requires that a democracy instate some kind of anti-caste principle to regulate opportunities. An anti-caste principle can work to prevent *group*-based privilege and deprivation with respect to opportunities to secure capabilities beyond the guaranteed minimum and thence to secure privileged positions. Eschewing an equality of opportunity standard (with respect to opportunities to develop capabilities) I argue for a sufficientarian standard: group membership shall be no barrier to enjoying a *substantial* level of effective opportunity to exceed the guaranteed minimum of capabilities.

In the second part of the chapter, I address individuals’ *personal* claims of justice to opportunities to exceed the guaranteed minimum. I maintain that expressing a conception of reciprocity that respects citizens’ standing as equals leads to providing every citizen with access to the means of pursuing a broad and deep variety of jobs, interests, and lifestyles. The initial guaranteed minimum of capabilities does much of the work toward this end, but insofar as providing a broad and deep set of life opportunities requires that individuals have opportunities to develop to capabilities above the guaranteed minimum, I am committed to supplying such opportunities. I will make my case by setting out Rawls’s case for the Difference Principle component of his conception of reciprocity, and then backing away from the controversially egalitarian aspects of his view to define a floor for reciprocity in a just democracy.

³³ Elizabeth Anderson proposes a taxonomy of hierarchical relationships that is helpful for understanding equal relations by way of contrast: “There are hierarchies of *esteem*, whereby those on top elicit honor and admiration, while those below are stigmatized and held in contempt as objects of ridicule, loathing, or disgust. There are hierarchies of *power*... whereby those at the top command those below... There are hierarchies of standing, whereby those at the top are empowered to make claims in their own right, and to enjoy [special] rights and privileges.” Elizabeth Anderson, “How Should Egalitarians Cope with Market Risks?,” *Theoretical Inquiries in Law* 9 (2007): 263-264.

Lastly, I will demonstrate how differences in the educations provided by rural and urban schools expose equality of opportunity as an illusory standard. While I have argued that equality of opportunity standards are justifiable only if we avail ourselves of controversially robust egalitarian intuitions, one might be drawn in by those intuitions and tempted by the aesthetic symmetry of the equality standard. I will argue that a smartly constructed sufficiency standard takes into account the importance of how individuals' opportunities compare. By contrast, equality of opportunity tempts us to make absurd sacrifices in pursuit of a standard that is barely more attractive than the best sufficientarian alternative, and distracts us from the important goal of identifying a smart sufficientarian standard.

II. Regulating Opportunities to Exceed the Guaranteed Minimum as an Anti-Caste Measure

What the "Initial" Guaranteed Minimum Does and Does Not Secure for Citizens

To appreciate the importance of providing realistic paths for citizens of all walks of life to develop capabilities that exceed the guaranteed minimum, let us consider what citizens functioning at the minimum can and cannot do. Crucially, citizens at the minimum *can* enjoy standing as first-class citizens. Existing at the minimum—even working a low-prestige job—does not mean being consigned to second-class standing and missing out on standing as an equal to first-class citizens. The guaranteed minimum level of capabilities is designed to be adequate for individuals not to be excluded from crucial categories of recognition; thus, it aims to be specifically adequate for attaining equal standing.

In chapter one, I argued for an account of citizens' equality that is tied to the specific functions that characterize the citizen role, such as work and political

participation. By contributing valued work to society, and by participating in the political arena unhampered by their standing in other social spheres (or unaided, as the case may be), citizens earn standing as first-class citizens of society: these are members of society with something valuable to contribute to their society's economy and with something valuable to say about their society's direction (i.e., something policymakers and fellow citizens ought to take into account).³⁴ The guaranteed minimum level of capabilities is designed to be adequate for individuals to contribute valued work, to participate competently in the political arena, and to circulate freely in civil society.

It is key that citizens need not be doctors, lawyers, or other especially respected professionals to make a valued contribution to society through work and to earn standing in the work-related category of recognition. Performing *any kind* of valued work is adequate. Indeed, if janitorial work or any other socially necessary work is not respected or valued, it is not a solution to ensure that citizens can avoid such work. Someone has to do it; as G.A. Cohen says, not everyone can escape the proletariat for the bourgeoisie.³⁵ The only way to ensure that all citizens can enjoy equal standing through their work contributions, to the exclusion of none, is to express society's value for the cooperative contributions of every citizen who performs work that someone has to do. As suggested earlier, this might be accomplished in part by guaranteeing work-related benefits that are generous enough to express genuine appreciation. To make the same point with respect

³⁴ Hence the importance of blocked exchanges to my view. On a different note, even free association in civil society, another function expected of citizens, can be said to contribute a crucial category of recognition for the purposes of standing as a first-class citizen. That citizens are equipped to appear in public without shame and that they are free to circulate in civil society, not shunned by other citizens, indicates their acceptance as members of society at large. This puts a "check" in the box of another crucial category of recognition.

³⁵ G.A. Cohen, "The Structure of Proletarian Unfreedom," *Philosophy and Public Affairs* 12, No. 1 (Winter, 1983): 3-33.

to political participation, a citizen does not need to become mayor or occupy another position of special power in the political arena to enjoy standing as an equal there.

Informed, capable participation is adequate. This *must* be the case, as not everyone can aspire to positions of special power, and yet political equality ought to be available to all citizens simultaneously; there ought not be fewer positions of equal political standing than there are citizens.

Capabilities beyond those supplied by the social minimum may make one competitive for more desirable jobs or for more political power. Moreover, it is true that without opportunities to exceed the social minimum, citizens may have severely limited realistic access to the best positions that their society has to offer. However, whatever a just democracy's obligation to provide opportunities to citizens to secure these privileged positions, justice also requires that it work to avoid the situation where a citizen *must* secure one of these privileged or desirable positions to stand as a first-class citizen among first-class citizens.

A Guaranteed Minimum of Opportunities to Exceed the "Initial" Guaranteed Minimum

In this section, I will argue that while citizens *need* not exceed the guaranteed minimum level of capabilities or occupy privileged positions to stand as equals, were citizens of particular walks of life to be effectively *cut off* from exceeding the minimum or from aspiring to occupy privileged positions, that would offend against their standing as equals. Citizens differ with respect to their values, and some groups of like-minded citizens will doubtlessly value certain capabilities or benefits more than other groups do. Thus (to generalize) we may find that citizens in parts of rural New York tend to prize outdoor pursuits and natural beauty over opportunities to earn high incomes, that their

neighbors in New York City are on the whole more money-minded, and that the rural New Yorkers have lower incomes than their urban counterparts. That said, while citizens may value capabilities or benefits differently, and set their life courses accordingly, it is unacceptable to fail to secure realistic paths to exceed the guaranteed minimum level of capabilities for entire groups of citizens (e.g., rural New Yorkers, or those born to low-income families). Unless a society provides these realistic paths to members of all groups, it risks allowing the emergence of groups with set levels of access to capabilities and the benefits (primarily income, education, and health care) that support capabilities.

At first glance, this may seem merely offensive. What, after all, is unjust about allowing the emergence of a richer class of citizens that passes down its yachts and paintings from one generation to the next? If I am to remain true to my strictly political account of citizens' equality, I cannot reject offensive social hierarchies that do not interfere with citizens' equality *qua citizens*. We do have reason to fear these hierarchies when blocked exchanges break down; then, greater wealth may buy political power in addition to yachts and paintings. I will put aside the non-ideal case now to make the argument that even in a society that is not troubled by illegitimate exchanges, it is clearly unjust if citizens from certain sectors of society do not have realistic paths to exceed the guaranteed minimum.

Effective access to capabilities above the guaranteed minimum does not only help to buy yachts and paintings; it helps to secure access to desirable and privileged positions. A society that fails to secure realistic paths to compete for its best positions for entire groups of citizens risks the emergence of a caste system: that is, hereditary groups

of citizens with defined *ranks* and positions in society.³⁶ As a measure to prevent castes, a just democracy must ensure that citizens from all sectors and regions of society have realistic paths to positions of power, respect, and other elevated ranks. Consequently, it must ensure that citizens from all sectors and regions have realistic paths to develop capabilities beyond the guaranteed minimum.

Sufficiency of Opportunity, not Equality of Opportunity, as the Anti-Caste Standard

Next, I will argue for a sufficientarian rather than egalitarian anti-caste principle—at least as a floor for democratic distributive justice. There are two points to demonstrate in support of this conclusion. First, for anti-caste purposes, it is not necessary that a society pursue an equality of opportunity standard. It is enough that group membership not be a barrier to enjoying a high, competitive level of effective opportunity to exceed the guaranteed minimum level of capabilities. Second, an equality of opportunity standard is too controversial to have a place in my view, which aims to establish a fairly indubitable floor for democratic distributive justice. In particular, an equality of opportunity standard implicitly denies the reasonable claims that (1) a number of factors aside from a society’s distributive-justice-related efforts go into determining individuals’ effective opportunities, and (2) it is not citizens’ duty of justice to try to compensate for all of these factors: to wit, all of one another’s choices, all of one another’s parents’ choices, all of the outcomes of one another’s luck, and all of the other

³⁶ I say “hereditary groups,” but a just democracy will also want to look out for other social groups such as women, religious groups that accept converts, inhabitants of particular regions (some may move into a region, not be born there), and so on. I am not the only contemporary philosopher to talk about castes when discussing access to opportunities. For example, as Richard Arneson describes equality of opportunity, it is “a political ideal that is opposed to caste hierarchy but not to hierarchy per se....The background assumption is that a society contains a hierarchy of more and less desirable, superior and inferior positions.” See Richard Arneson, “Equality of Opportunity,” *The Stanford Encyclopedia of Philosophy* (Fall 2008 Edition), Edward N. Zalta (ed.). 8 October 2002. 10 May 2009. <<http://plato.stanford.edu/archives/fall2008/entries/equal-opportunity/>>.

things that affect the paths that are realistically open to a person (i.e., their effective opportunities).

First, preventing the emergence of castes can be achieved through sufficientarian regulation of opportunities. The aim is to prevent the emergence of groups with unacceptably inferior levels of effective opportunities to develop capabilities above the guaranteed minimum, and thereafter, unacceptably inferior levels of opportunities to secure powerful, respected, and otherwise privileged positions. What counts as “unacceptably inferior”? Castes exist when members of some group, *F*, are *locked in* to certain positions in society; they exist when members of some group, *G*, can monopolize certain privileged positions, effectively *locking others out*. Preventing the emergence of castes does not require that a society avoid the scenario where group *G* has a consistently superior level of effective access to some privileged position relative to group *F*. For instance, the rural *F*'s may have consistently less realistic access to medical school compared to the *G*'s in New York City; the urban *G*'s may in turn have consistently less realistic access to healthy outdoorsy lifestyles, though this does not show up on the scorecard of distributive justice. The key goal, from an anti-caste perspective, is that *F*'s and *G*'s both have some significant level of realistic access to medical school, and in general, some significant level of realistic access to positions of power, respect, and privilege. Group membership ought not be a barrier to enjoying a significant, competitive level of effective opportunity to develop capabilities beyond the guaranteed minimum.

How high does the level have to be? Provided that the level keeps up with the times and is not obviously unacceptable, I have no comment: a wide range of levels of

opportunity could be argued to be sufficient, and other factors relevant to justice may figure in to the calculation. For example, Elizabeth Anderson argues that opportunities to occupy elite positions ought to be arranged to serve a democracy's epistemological interest in a diverse elite class that draws from all sectors of society.³⁷ The key point I want to make is that across groups, levels of effective access to opportunities need not be the same: equality of opportunity is not needed to stop castes from emerging. Even how citizens' opportunities compare to one another—which is to say, citizens' relative standing—has only derivative importance.

Moreover, an equality of opportunity standard has no place serving as an anti-caste principle in a view that is explicitly committed to avoiding controversial moral intuitions. To establish this conclusion, I first want to point out that many, many factors affect individuals' effective opportunities (i.e., their realistic paths to pursuing options) in addition to society's efforts to enforce some level of effective access to opportunities for citizens. Any particular individual's ability to realistically aspire to positions of special respect, power, or responsibility will depend on a confluence of factors: her talents, her choices, the circumstances she finds herself in, and even her luck. A society has not necessarily *actively* stacked the deck against an individual who cannot realistically aspire to secure a privileged position. (Indeed, anticipating the “not everyone can escape the proletariat” fact of life, the guaranteed minimum *is* actively designed to make life at the minimum wholly adequate for participating fully in the life of society.) Differences with respect to these factors—individuals' choices, their talents, the way their values and their luck shape their circumstances—can add up to group-level differences in citizens'

³⁷ Elizabeth Anderson, “Fair Opportunity in Education: A Democratic Equality Perspective,” *Ethics* 117 (July 2007): 595–622.

effective opportunities. For example, that individuals of some group tend to value spending more time with their families over putting more time in at work may very well result in that group having less effective opportunities to move up the corporate ladder than members of a group that privileges work.

Thus far, I have made an uncontroversial observation about how group-level differences in opportunities can come to be. Correcting for *all* of these differences—i.e., effacing them by instituting an equality of opportunity standard—is impossible in practice. Furthermore, I want to point out, the intuition that citizens ought to even *aspire* to approximate an equality standard across groups is highly controversial.

Let's divide the factors that produce differences in individual citizens' effective opportunities into noxious causes of difference and non-noxious causes of difference. Noxious causes of differences—for instance, a past injustice that affects a person's opportunities—are unfortunate, but they will not be my focus. That, for instance, an individual has less of an effective opportunity to attend a private college because her parents invested with Bernard Madoff is a misfortune grounded in an injustice. Punitive justice may correct for the injustice; we hope that it will. However, the principles of justice in distribution are rightly aimed at setting up the basic structure of rights and duties in a society, not at compensating for an unmanageable number of individual injustices individually—meaning that making up for failures of the punitive justice system is outside of its scope. I owe this argument to Rawls and will not pursue it further here.³⁸

³⁸ See John Rawls, *Theory of Justice* (Cambridge: The Belknap Press of Harvard University Press, 1971) 7-11.

Non-noxious causes of differences in individuals' effective opportunities do the most to undermine any semblance of incontrovertibility that an equality of opportunity standard (across groups) has. It is absurd to think that differences in citizens' effective opportunities that can be attributed to non-noxious factors ought, under ideal circumstances, to be ironed out if they add up to group-level differences. Non-noxious factors include a person's choices, some of which are guided by her values. They include a person's limited talents: we can aspire to be Renaissance men, but most of us are better at doing some things than others. They include the choices our parents made about raising us according to their best lights, in the towns they were living in while they raised us, around the people who were their companions and acquaintances at the time, and so on. Must we efface all group-level differences in effective opportunities that amass as a result of these many, many non-noxious choices and non-noxious facts of life? Surely it is important that citizens of all walks of life be protected from *unacceptably inferior* fates with respect to their effective opportunities. For example, the public schools must be good enough anywhere that citizens are raising families. However, provided a high minimum level of opportunity is maintained, we need not worry that individuals are being dangerously short-changed, with respect to effective opportunities, on the basis of their group membership.

It would take robustly egalitarian moral intuitions to demand more. As I am arguing for a floor for democratic distributive justice, I do not deny that more egalitarian theories would pose further demands in the anti-caste and *actively pro-social-mobility* vein. However, I have given up reliance on these robustly egalitarian intuitions to avoid overstressing the bounds of what citizens can mutually justify to one another on the

basis of their implied commitment to basic democratic values such as equal citizenship. In short, a high sufficiency standard is enough to get us over the bar with respect to the clear injustices, particularly the emergence of a caste system. An equality of opportunity standard aspires to more, but is much harder to justify.

As discussed, an anti-caste principle will not ensure that any particular individual with high hopes of securing a privileged position has a good chance of succeeding in her quest. Any particular individual's ability to realistically aspire to positions of special respect, power, or responsibility will depend on a number of factors. An anti-caste principle simply ensures that people *like* her—say, women, or rural dwellers, or graduates of public schools—are not generally cut off from positions of elevated rank. In other words, the principle addresses group-level access to respect, command, and privilege. That said, individuals with little or no effective opportunity to exceed the guaranteed minimum *do* have a personal claim of distributive justice to more. In the next section, I will argue for a standard of reciprocity that rewards citizens *individually* for their cooperative contributions and lawful participation in the life of their society with a substantial level of effective opportunity adequate to pursue a broad variety of jobs, interests, and lifestyles.

III. Regulating Opportunities to Express a Conception of Reciprocity Appropriate for a Society of Equals

I have argued that neither exceptional levels of capabilities nor exceptional levels of health, wealth, and education are among individuals' needs as full and equal citizens. In what follows, I will take a similar stance regarding citizens' needs for opportunities to exceed the guaranteed minimum. As I will argue, expressing an understanding of reciprocity that is appropriate to a society of equal citizens requires that a society provide

all citizens with access to the means of pursuing a broad and deep variety of jobs, interests, and lifestyles. The initial guaranteed minimum of capabilities will do much of the work to this end, but insofar as providing a broad and deep set of life opportunities requires that individuals have opportunities to develop to capabilities above the guaranteed minimum, supplying effective opportunities to exceed the minimum is also required by justice. In practice, this almost certainly indicates in favor of giving citizens opportunities to develop capabilities beyond the guaranteed minimum, a point that is especially apparent when we consider citizens' work options: many kinds of work and most kinds of interesting work require that individuals specialize, developing educational credentials or other kinds of training that go beyond what could be offered unconditionally to every citizen.

Reciprocity: What and Why

The notion of reciprocity figures prominently in Rawls's work on democratic justice. He describes the particular understanding of reciprocity figuring into his view, justice as fairness, thusly:

reciprocity is a relation between citizens expressed by principles of justice that regulate a social world in which all who are engaged in cooperation and do their part as the rules and procedures require are to benefit in an appropriate way as assessed by a suitable benchmark of comparison. The two principles of justice, including the difference principle with its implicit reference to equal division as a benchmark, formulate an idea of reciprocity between citizens.³⁹

the idea of reciprocity lies between the idea of impartiality, which is altruistic (being moved by the general good), and the idea of mutual advantage understood as everyone's being advantaged with respect to each person's present or expected future situation as things are.⁴⁰

³⁹ *Ibid.* (2001) 49.

⁴⁰ John Rawls, *Political Liberalism* (New York: Columbia University Press, 1996) 16-17.

Some understanding of reciprocity figures in most contemporary democratic theorists' views on distributive justice. Abstracted from the particulars of Rawls's account, reciprocity demands that citizens' rewards for cooperating and contributing to their society not be determined solely by the wages they can command in a free market. Rather, citizens can count on a level of reward that reflects, besides the demand for their services, something more akin to appreciation for or recognition of their cooperation and contribution to society.

Some theorists reject even the general notion of reciprocity just stated, but they do so at a cost to the attractiveness of their views that should send us running back to the reciprocity camp. Robert Nozick's libertarian view provides a notorious counterpoint to Rawls's view and to the views of other reciprocity-friendly democratic theorists. On Nozick's view, individuals are justly entitled to only that property that they acquire by following principles of justice in acquisition (from the commons) and justice in transfer (of already owned property), and through the application of a principle of justice in rectification that compensates individuals when their rights as specified by the principles of acquisition and transfer are violated.⁴¹ Enforcing a standard of reciprocity on top of these principles would require imposing a measure such as a tax; any such measure would clearly violate citizens' property rights, as defined by the three principles. While the subject of much attention, Nozick is not the only author commonly read by philosophers to maintain that citizens cannot make substantial demands for benefits on one another on the basis of their shared citizenship. F.A. Hayek, whose work I will discuss in chapter four, also denies that "membership in a particular community or nation

⁴¹ Robert Nozick, *Anarchy, State and Utopia* (No location given: Basic Books, 1974) 151.

entitles the individual to a particular material standard that is determined by the general wealth of the group to which he belongs.”⁴² He does permit the establishment of a low economic safety net, but, as I will now point out, it is still grossly inadequate for maintaining a society of *equal* citizens.

Both Nozick’s and Hayek’s views face what I take to be devastating counterexamples because they reject anything like a substantially *materially rewarding* standard of reciprocity. A materially rewarding standard of reciprocity provides all citizens with realistic access to benefits such as income, primary goods, or, as on my view, the means of developing capabilities (including concrete benefits and societal accommodations). Nozick’s libertarian society would leave hardworking individuals to destitution if they were unable to fetch a living wage on the free market. But certainly citizens of a democracy can demand more income and benefits of one another as a matter of justice; were citizens to be vulnerable to depending on others’ charity to get by, it would be disastrous for equal standing among citizens. Hayek’s view is barely better. While he acknowledges that a comfortably prosperous society can afford to guarantee its members access to a level of benefits sufficient to avoid severe poverty, he justifies the provision of such benefits as best for the stability of society and the protection of property holders, not as a claim of justice on the part of the recipients.⁴³ His view is compatible with low-level poverty, if not destitution; it is also compatible with the rich manipulating those who are less fortunate. A society that fails to instate a high materially rewarding standard of reciprocity leaves its citizens vulnerable to poverty and to domination by others in intuitively repugnant ways. Given a democracy’s commitment

⁴² F. A. Hayek, *The Constitution of Liberty* (Chicago: University of Chicago Press, 1960) 100.

⁴³ Hayek: 377.

to its citizens' equal standing, a notion of reciprocity that includes a material-rewards clause must be in order.

Those of us who already endorse even mildly egalitarian intuitions need not be convinced that members of a democracy can make *some* claims of justice on one another for benefits and for the means of pursuing their conceptions of the good. However, it is reassuring to know that we have the means of arguing with archconservatives who would deny the appropriateness of a standard of reciprocity that guarantees a level of material support to citizens in exchange for their cooperation and contribution. On that note, let us turn to defining a floor for reciprocity for a just democracy.

Starting with Rawls: Tying Reciprocity to Citizens' Common Interest in Effective Personal Freedom

Given that citizens can be counted upon to vary with respect to the rewards that they value most, one might wonder how to set a standard of material reward that is suitable for expressing reciprocity toward all citizens. Rawls reminds us that citizens share a common interest in pursuing their visions of the good life. He builds a material standard for reciprocity—the Difference Principle—accordingly. My line of argument will involve setting out Rawls's path to the Difference Principle as part of his conception of reciprocity, and then backing away from the controversially egalitarian aspects of his view to define a floor for the material-rewards aspect of reciprocity that reflects a more incontrovertible account of the demands of citizens' equality.

I will begin by recounting the important points along the way to Rawls's arrival at the Difference Principle as part of his ideal of reciprocity. Rawls maintains that citizens are free in virtue of their capacity to form, revise, and pursue a conception of the good and in virtue of regarding themselves as entitled to make *demands* on others in service of

these conceptions.⁴⁴ Given the political (not metaphysical) nature of his revised theory, Rawls insists that it is society or the state that is to regard citizens as though they possess an interest in their capacity to revise their conceptions of the good.⁴⁵ Whether we consider Rawls's view of citizens' freedom in its metaphysical or political incarnation, the upshot with respect to what ought to be demanded on citizens' behalf in the Original Position is the same. Any citizen could in principle develop a more rather than less resource-demanding conception of the good. Consequently, the safe bet to make on citizens' behalf is to secure access to as many primary goods as possible. Individuals can always refrain from capitalizing on this access should doing so be unnecessary for pursuing their conceptions of the good, but more access is money in the bank. Thus, on Rawls's view, citizens' interest in developing their capacity to pursue a plan for the good life of their own choice poses an insatiable demand for resources. Of course, there is only so much we can reasonably demand of fellow citizens, and Rawls does not argue that citizens are bound by justice to pour resources into doing as much as possible to satisfy these insatiable demands.

Rather, Rawls argues for equality as a fair baseline for the distribution for primary goods, moves away from which must be justified. The controversial egalitarian intuition that drives him to this point, and thence to the Difference Principle, is most evident in "A Kantian Conception of Equality," wherein Rawls offers an informal argument for the Difference Principle. He begins with the idea that citizens of a constitutional democracy regard one another as free and equal and identifies citizens' guarantee of equal liberties and the principle of fair opportunity as "a natural expression of" individuals' equality as

⁴⁴ Rawls (2001) 21, 23.

⁴⁵ For a summary of the political/metaphysical point, see Rawls (2001) 19.

citizens.⁴⁶ Then, he goes on to assume that “the obvious starting point is to suppose that all other social primary goods, and in particular income and wealth, should be equal.”⁴⁷ But why? Rawls suggests that starting with inequalities in primary goods such as wealth would indicate that we are willing to institutionally affirm the propriety of citizens being better off because they have been favored by nature or by lucky circumstances. Equality is the only starting point that scoffs at the idea of allowing the “basic structure [of society] to be deeply affected by social chance, and natural and historical contingencies.”⁴⁸ On this line of thinking, we move to the Difference Principle from equality for practical purposes.⁴⁹ However, equality of prospects is the morally admirable ideal; it shines through the Difference Principle to express the moral irrelevance of luck.

The Case for A Sufficiency Standard

With the Difference Principle, Rawls has introduced an attractive materially rewarding component of reciprocity that neatly reflects citizens’ equal standing in a baseline distribution of benefits that is also equal. However, if the aim is to set a material standard for reciprocity that is adequate to support citizens’ ability to pursue a freely chosen conception of the good and adequate to protect citizens’ standing as equals, we need not move to an egalitarian baseline distribution of opportunities to obtain benefits. (That would be benefits of whatever kind—capabilities on my view, primary goods on Rawls’s. The point is that equal distribution expresses a certain message; the *stuff* that is distributed equally can vary from one view to the next without changing the message.) I

⁴⁶ John Rawls, “A Kantian Conception of Equality.” *John Rawls: Collected Papers*. Ed. Samuel Freeman. (Cambridge: Harvard University Press, 1999) 262.

⁴⁷ *Ibid.* 262.

⁴⁸ *Ibid.* 262.

⁴⁹ *Ibid.* 262.

will make two points in support of this case. First, what I take to be a commonsense claim: it is sufficient for living freely, according to a freely chosen conception of the good, that a person have many realistic life paths available to her—not boundless options, not the same options as others, and not the same size set as others. Second, provided citizens have a broad and deep set of realistic life paths available to them, and provided an anti-caste principle is enforced effectively, a society has set up a very solid floor for establishing citizens on terms of equality. A more egalitarian standard, such as Rawls's Difference Principle, is icing on the cake, and harder for citizens to justify mutually to one another without getting into the dangerous territory of relying on robust egalitarian intuitions.

Common sense tells us that living according to a freely chosen conception of the good does not require that an individual have infinitely many paths realistically open to her. Rather, an individual needs enough choice, with enough *good* options and enough *variety* among her options, to design a life according to her own lights. In a democracy, as in other free societies, we grant that citizens are expected to be able to choose or affirm freely many of the factors that define their everyday life: their occupations, their places of residence, their partners, friends, and associates, their clubs and interests, and so on. Of course, many aspects of an individual's life are given, not chosen. We are all born to certain kinds of parents, in certain places, and with certain talents, inclinations, limits, and even handicaps. In ordinary, non-tragic cases, that individuals are dealt a certain hand at birth and that they must deal with events that are out of their control does not prevent them from playing a significant role in designing their lives. The free citizen is not expected to have an impossible level of control over her circumstances. She is

expected to be capable of working around the fixed points of her life to exercise choice with respect to her work, friends, interests, and other aspects of her lifestyle. How *much* choice is arguable, but without assuming more exactitude than the subject permits, some conditions can be set down that citizens' opportunity sets must meet before we can say that citizens are equipped to live freely.

First, citizens need a broad and deep set of life options. We can arrive at this point by working backwards. Individuals' choices often reflect aspects of their backgrounds that they have not chosen: for example, a farmer's son or daughter may decide to continue the family business, while an urban dweller may never have a vividly real opportunity to take up farming for a living. It seems reasonable to say that the farmer's adult child operates autonomously (i.e., chooses freely) in taking on the family farm provided a variety of other work options, not limited to menial work, are vividly available to him or her. Likewise, it seems reasonable to say that the city dweller's freedom is not harmed by the fact that "rural" work options are not vividly, readily available to him or her, provided a full panoply of options are. It is arguable how much choice a citizen needs, but I think that we can easily grant that a citizen's autonomy is not frustrated by the mere *existence* of limits on her opportunity set. For our purposes, we need not work with an ideal understanding of lifestyle-related freedom on which any limit on a citizen's effective opportunity set poses a problem for that individual's enjoyment of full and robust freedom. The kind of freedom that we expect a democratic society to secure for its citizens is fully within citizens' reach provided they have effective access to a broad and deep set of options in life.

Second, the extent of the “broad and deep” opportunity sets that citizens need to live freely can be clarified by enumerating opportunities that are too important to be left out of citizens’ sets. Were certain key opportunities to be effectively closed to certain citizens, they could rightfully register a reciprocity-related complaint of justice. Something has presumptively gone wrong if citizens from rural areas cannot aspire to careers in teaching or medicine, if handicapped citizens cannot aspire to work outside of the home, or if poor citizens cannot aspire to represent their own communities in positions of political authority. I do not have a complete account of “key opportunities” in mind, but some opportunities can signal the absence of a whole package of related opportunities, whereas there seems to be no good reason for failing to provide access to others. For instance, if an individual cannot realistically aspire to become an elementary school teacher, we will want to know whether she had a realistic path to four-year college, and thence to teaching and a number of other careers. On the other hand, if an individual cannot realistically aspire to become a beautician or a technician of another kind, we will want to investigate what stopped her: compared to realistic paths to other professions, realistic paths to these careers are relatively easy to supply to citizens. Citizens need not be in a position to aspire to any lifestyle that they might imagine, but they ought to have a variety of objectively decent choices available to them, perhaps especially with respect to citizenship functions such as political participation, work, and free circulation in civil society. Insofar as these options are not available to citizens as a result of developing the guaranteed level of capabilities, paths to secure these choices must be open to citizens as part of a guaranteed level of opportunities to exceed the initial guaranteed minimum.

To recapitulate, to live freely, citizens need access to a broad and deep set of realistic life paths. These sets ought not be missing key opportunities without good reason. And given the credentials and capabilities it takes to pursue many jobs, interests, and worthwhile situations, it seems reasonable to say that citizens can demand a level of opportunity to exceed the minimum level of capabilities—though the case for opportunities may go down somewhat as the guaranteed minimum goes up. (This may not be the case, since particularly competitive levels of capabilities will always be required to secure many kinds of interesting work.) In sum, a carefully constructed sufficiency standard for opportunity is up to the task of securing citizens' ability to live freely.

Provided such a standard is enforced, and provided a society can guard against caste-like divisions of access to privileged positions, it would seem that the society has met the demands of respecting citizens' equality, at least to a very substantial degree. The material-rewards standard of reciprocity that I am suggesting, along with the initial guaranteed minimum, rewards all who do their part in society with completely adequate means to participate fully in the life of their society. It rewards them with realistic paths to pursue a truly broad and deep set of lifestyles, even if they are not among the lucky few who can aspire to positions of special respect, power, and privilege. All that my account is missing entirely, compared to Rawls's Difference Principle, is a commitment to justifying inequalities in benefits by pointing to associated benefits to the worst off.

That commitment, however, follows from Rawls's strongly egalitarian intuition that insofar as possible, "social chance, and natural and historical contingencies" ought not affect the basic structure of society, and consequently citizens' life prospects. I do

not see how we can make it to an equal-distribution baseline without this controversial step, or a step that relies on a similarly robust egalitarian intuition. My view assumes that citizens are implicitly committed to basic democratic values; consequently, I readily grant that citizens are implicitly committed to the claim that the natural lottery (and anything else falling under the heading of social, natural, and historical contingencies) ought not *define* citizens' life prospects. However, to move to the claim that the natural lottery ideally ought not *affect* citizens' life prospects would be to read a far more controversial moral intuition into the stockpile of basic democratic values. Earlier, I argued against aspiring to iron out differences in individuals' effective opportunities resulting from their non-noxious choices and other non-noxious facts about their lives. A similar point applies here. Provided individuals are protected from unacceptable fates—and the standard of reciprocity that I have suggested does far better than that—aspiring to an equality standard is unnecessary except according to a conception of reciprocity founded on a radically egalitarian intuition.

IV. A Case Study: Differences between Rural and Urban Schools Expose Equality of Opportunity as an Illusory Standard

Thus far, I have argued that we need not rely on a controversial equality of opportunity standard to prevent the emergence of castes or for the material-rewards aspect of reciprocity, because a sufficiency standard is adequate to the task. Moreover, I have given reasons to think that equality of opportunity standards are justifiable only if we avail ourselves of controversially robust egalitarian intuitions. Still, one might be drawn in by these intuitions, and tempted by the aesthetically appealing symmetry of equality of opportunity. Then, one might wonder—why not? Why not spring for the sterling equality standard? In what follows, I will show how the differences between

rural and urban schools demonstrate that equality of opportunity is an illusory goal. I have chosen this case study because it reflects a non-noxious cause of differences in individuals' opportunities, both at the individual level and at the group level, but as one might imagine there are countless other examples that could support the same conclusion regarding equality of opportunity. In brief, I will be arguing by example that a smartly constructed sufficiency standard for opportunity can reflect the important aspects of individuals' standing relative to one another (specifically, how their opportunities to compare). By contrast, equality of opportunity is both impossible to achieve without making absurd sacrifices *and* dangerous, tempting us to make absurd sacrifices in pursuit of a standard that is barely more attractive than the best sufficientarian alternative. Seen in this light, equality of opportunity is an illusory goal that distracts us with its undeniable aesthetic appeal from attending to a worthy sufficientarian standard.

Both rural and non-rural schools can be equipped to offer their students attractive educational opportunities. However, we can expect the opportunity sets generated by well-functioning rural and non-rural schools to be different, and not merely around the margins. Good rural schools do not mimic the size or course offerings of larger urban and suburban schools, research in the U.S. context suggests. As a matter of fact, the push since 1959 to consolidate small schools for the sake of saving money and broadening course offerings has been harmful to rural students, precisely because it has conformed small rural schools to the supposedly superior larger-school model.⁵⁰

⁵⁰ In 1959, James Conant published *The American High School Today: A First Report to Interested Citizens* (New York: McGraw-Hill). His argument that high schools with fewer than 100 students per class could not field the curricular diversity needed satisfy the needs of American students took root and accelerated small school consolidation, affecting many rural schools. I learned of the impact of his book reading Kathleen Cotton's 1996 survey of research on school size, entitled "School Size, School Climate, and Student Performance," available through the online School Improvement Research Series. Kathleen

A 2007 study of consolidated school districts in West Virginia explains why rural schools fail their students when they try to function like the larger schools of more densely populated areas. The study links greater school consolidation to longer school commutes and to decreased participation in extracurricular activities.⁵¹ It also links longer commutes directly to decreased extracurricular participation. Not surprisingly, students who travel longer are less likely to participate in extracurricular activities, and when they do participate, they invest less time in activities than their less encumbered peers. The effect appears to be compounded by socioeconomic factors: the study shows that students who ride the bus to school are much less likely than students who drive there to participate in any extracurricular activities, whether their schools are in high or low consolidation districts. Extracurricular involvement matters because it is “highly associated with engaging students in schooling and is one key element in combating adolescent alienation” and because it is linked to “higher grade-point averages, higher standardized test results, and better attendance rates.”⁵² In short, then, rural schools that combine to offer big-school opportunities undermine their efforts to serve their students better when they cease to be local schools serving local students.

Let’s consider how sufficiency and equality of educational opportunity standards would compare in this context. I will focus on vertical equity as the equal development of potentials (providing students with more resources insofar as they have more “social

Cotton, “School Size, School Climate, and Student Performance,” *School Improvement Research Series*, May 1996. 12 July 2009. <<http://www.nwrel.org/archive/sirs/10/c020.html>>.

⁵¹ Lorna Jimerson, “Slow Motion: Traveling by School Bus in Consolidated Districts in West Virginia.” A publication of The Policy Program of The Rural School and Community Trust. 16 March 2007. 12 July 2009. <<http://www.ruraledu.org/articles.php?id=1949>>.

⁵² Lorna Jimerson, “The Hobbit Effect: Why Small Works in Public Schools,” Rural Trust Policy Brief Series on Rural Education. 5 September 2006. 12 July 2009. <<http://www.ruraledu.org/articles.php?id=2026>>.

obstacles” to overcome) because it seems to provide objectively good opportunities for everyone insofar as doing so is humanly possible. Equal opportunity as nondiscrimination and equal opportunity as horizontal equity—granting every child the same amount of money for education—are far less attractive candidates for the “sterling” equality standard, as they fail to provide objectively good opportunities for everyone.⁵³

Either a sufficiency or a vertical equity plan could push schools to provide students with an objectively good set of educational opportunities that is fully adequate (in conjunction with non-educational measures) for satisfying students’ need for a broad and deep set of realistically open life paths. However, a well-designed sufficiency standard, while less demanding, would be completely satisfactory. Such a standard would check rural and urban students’ opportunity sets for adequate breadth and depth, and for the presence of important opportunities. For example, it would ensure that students develop academic capabilities adequate for success in college. Thus, though Advanced Placement courses would probably not be guaranteed by justice, rural students’ academic capabilities would not be allowed to fall far behind the prevailing standard set by other schools. A sufficiency standard would also accommodate differences between rural and urban schools, as by adjusting college admissions criteria to compensate for rural students’ lack of access to those Advanced Placement courses. A smartly constructed sufficiency standard pays close attention to how rural students’ educations compare to the educations offered at other schools. By ensuring that rural students’ educations keep up with the times, and by taking ineradicable differences in rural and

⁵³ The monikers “horizontal equity” and “vertical equity” come from Debra Satz. She describes the problems of formal equality of opportunity and horizontal equity at length. See Debra Satz, “Equality, Adequacy, and Education for Citizenship,” *Ethics* 117 (July 2007): 623-648.

urban educations into account in college admissions, a smart sufficiency standard can achieve a large measure of the results typically associated with an equality standard.

While rural students may not, on the whole, be as competitive as their urban counterparts for spots at selective colleges, the sufficiency standard should cover realistic access to four-year colleges for all, if not more.

In the same vein of accommodating differences between rural and urban schools, a sufficiency standard would be attuned to any autonomy-related needs unique to particular populations of students.⁵⁴ For example, part of cultivating students' effective autonomy involves making students aware of the opportunities that are open to them. This poses something of a challenge in isolated rural communities, where students may feel that they are being raised *nowhere*, in a non-place with few opportunities that any ambitious person would flee upon growing up. Place-based education, which mixes learning with community service, has been proposed as a way of giving rural students some pride and a sense of possibility in their hometowns. Place-based projects might involve students in researching their town's Civil War history and providing a historical tour for locals, or send students to the wild places of their community to help document and restore a local ecosystem. The Rural School and Community Trust, an advocate of placed-based education as a means of training capable rural citizens, aims to "develop rural leaders," "engage young people in community building and civic action," and "build visibility and credibility for rural places and their schools."⁵⁵ Justice does not require that

⁵⁴ I am using "autonomy" here as shorthand for students' access to a broad and deep set of realistically open life paths.

⁵⁵ This material was drawn from the strategies section of the Trust's website. The website has since been revised, but the same content is still available. See "Rural School and Community Trust 2004 Annual Report." The Rural School and Community Trust website. 9 June 2009. <<http://www.ruraledu.org/articles.php?id=2209>>.

we share the Trust's interest in reinvigorating rural communities any more than we share any cultural organization's value for preserving its cultural traditions. However, democratic justice does require that a society equip individuals to function as full and equal citizens *whatever* their station in life, *wherever* they may live. As long as citizens choose to live and raise children in rural areas, supporting rural students' sense of the depth and breadth of the opportunities that are effectively open to them may require that schools take special measures to demonstrate to students that opportunities for living and for engaging politically are available in their own communities. Given its explicit focus on meeting citizens' needs, a sufficiency standard geared at securing citizens' autonomy could accommodate such special requirements fully. In particular, it would be completely attuned to the need to provide a broad and deep set of realistically open life paths to students where they live now.

On the other hand, we could attempt to secure citizens' autonomy by adopting a vertical equality of opportunity standard that is geared at equal development of potentials. A well-designed vertical equity standard would secure the gains of a sufficiency standard. However, it would also introduce an additional, distracting aim. In addition to focusing on securing an objectively adequate level of opportunities for students, vertical equity makes a separate issue of how rural students are doing relative to urban students. Vertical equity is not only concerned with rural students' relative standing as it pertains to securing objectively adequate opportunity sets for them; it is concerned with "catching up" rural schools and, in principle, with slowing down urban schools insofar as rural schools cannot make up the difference.

However, as the research shows, there is no way of catching up rural schools, short of extraordinary measures. The well-functioning rural school is a small, local enterprise with limited course offerings. A society could hire private tutors for rural students, or it could ship students off to boarding schools, but moving *up* to a vertical equity standard would require great sacrifices. Alternatively, college admissions, job applications, and everything else that hangs on the quality of one's high school transcript could be adjusted so that rural graduates are not penalized *at all* for their limited coursework. This would also require odd and dramatic adjustments: it is one thing for rural students not to be faulted unduly for their limited coursework, and another thing to pretend that rural and urban educations are equivalent for all purposes. Of course, a society could also move *down* to a vertical equity standard. However, forcing urban schools with more curricular diversity to level down the educational opportunities they offer would also force painful sacrifices.

There are clearly good reasons to stop short of doing all one can to enforce a vertical equity standard. Egalitarians can, for example, stop short of leveling down because they value things other than equality, such as the development of talents. However, a just democracy need not aim at vertical equity in principle and backtrack in practice—not for the sake of securing a broad and deep set of realistically open life paths for both rural and urban students, and not for the sake of preventing the emergence of castes. A sufficiency of opportunity standard is completely satisfactory and makes more sense against the background of urban/rural difference. Sufficiency affirms two really good ideas underlying vertical equity: that it is important to get everyone up to an objectively adequate level of opportunity, and that how one's opportunities compare to

others' affects the objective adequacy of one's opportunities. But sufficiency rejects the irrelevant and trouble-making commitment of vertical equity: bothering about differences between individuals' opportunity sets when these differences do no harm to any student's access to a broad and deep set of realistically open life paths or to preventing the emergence of castes. A commitment to vertical equity over and above a sufficientarian standard only tempts us to make absurd sacrifices.

Were well-functioning rural and urban schools the same, and were other factors such as family background held constant, differences in students' opportunity sets might consistently flag the existence of genuine problems. Against a background of sameness, there might not appear to be any good reason for some students to have better opportunities to develop their potentials than others. However, the urban/rural difference in schooling opportunities is due in part to factors such as low population density that make life in certain places distinctive and even choiceworthy. Against a background of difference that is not attributable to unjust or unfortunate practices, equal development of potentials is not merely an impossible, absurdly demanding standard.⁵⁶ It is potentially dangerous, distracting us from identifying and pursuing an adequate sufficientarian standard for opportunity. Lastly, as I have argued, it calls us to go beyond stopping caste-formation and beyond expressing an adequate conception of reciprocity to eliminate differences that may not be problematic.

⁵⁶ Satz makes the good point that vertical equity is incompatible with parents' legitimate liberty to raise their children by their own lights, even within reason (634).

CHAPTER 3

EXTRAORDINARY NEEDS AND THE BANK-BREAKER DILEMMA

I. Introduction: The Source and Scope of the Bank-Breaker Dilemma

Everyone under the range of a sufficientarian scheme of distributive justice has a claim of justice to the sufficiency level of provision. This level may be measured in terms of capabilities, resources, wellbeing, or some other metric, depending on the goals that motivate the view. On my view, for example, all citizens of a democracy have a claim to access to whatever resources and accommodations they need to develop the capabilities associated with full and equal citizenship in their society. This is fine and well for individuals with “ordinary” or “standard” needs—which is to say, for individuals who do not require extraordinary investments to develop the sufficiency level of capabilities.⁵⁷ However, some individuals can attain or approach the level of sufficiency only given unusually costly accommodations: particularly expensive medical care, or extra attention in the classroom at a significant expense to other students, or a complicated overhaul of public spaces.

Consider, for example, the case of conduct disorders in the classroom. With proper supervision, a violent child might develop the basic social skills and educational

⁵⁷ “Standard” is a term heard in some of the disability literature that explicitly rejects language that is marginalizing to the disabled, such as talk of normalcy.

credentials requisite for functioning as a citizen among citizens. This might be accomplished at the cost of depressing overall achievement in the classroom, but without plunging other students below the sufficiency threshold of education. One can easily fill in plausible details: with the help of an aide or several aides, and with some class time devoted to helping students interact productively with their violent or abusive peer, an “inclusive” classroom setting could work *well enough*. Ideally, aides would mitigate the need for the primary instructor to spend too much extra time with the violent student, course objectives would be met, the violent student would observe and learn from fellow classmates’ rights-respecting behavior, and everyone would learn something about the value of tolerance and inclusion.⁵⁸ Of course, even in the ideal case, the mixed classroom has its costs; there is the matter of aides’ salaries and the sacrifice of opportunities to push students to exceed the minimum required by sufficiency. While some such tradeoffs are certainly required for the sake of justice, I will be concerned with extreme cases where the extraordinary cost of satisfying a fellow citizen’s claim to sufficiency forces us to question our societal obligation to satisfy that claim.

Undoubtedly, some individuals with extraordinarily costly needs *can* be equipped to function at the sufficiency level. Moreover, a prosperous society such as our own can afford to serve many of these individuals without plunging anyone else below the sufficiency threshold. The tradeoff made when satisfying these individuals’ very expensive needs is that a society has less resources and attention to expend on societal projects that go above and beyond supplying the sufficiency level to citizens. The *bank-*

⁵⁸ For a hopeful example of how things can go right for a violent child and his classmates, see the first example documented in the National Research Center on Learning Disabilities’ “Twenty-Five Years of Progress in Educating Children with Disabilities through IDEA.” 12 July 2009. <<http://www.nrclid.org/resources/osep/historyidea.html>>.

breaker dilemma, as I will call it, concerns how a sufficientarian society ought to divide its resources and attention between bringing everyone up to the sufficiency level and investing in other societal projects. The dilemma looms over all sufficiency views that promise access to a guaranteed level of “results” (e.g., a level of capabilities or welfare) rather than access to a guaranteed level of resources or “means” (e.g., a level of income or primary goods).

From an intellectual perspective, individuals with extraordinary needs who can be brought up to the level of sufficiency pose a particularly salient challenge to sufficientarianism. These cases get to the heart of the sufficientarian’s principled commitment to maintaining everyone under the scope of her view at the sufficiency level. This intellectual interest should not distract us from the equally important case of individuals with extraordinary needs who cannot be brought up to the level of sufficiency at any cost.⁵⁹ For instance, given the limits of medicine and our society’s current state of development, it may be impossible to meet the citizenship needs of some individuals suffering from Alzheimer’s disease. While the following discussion is structured around addressing the bank-breaking dilemma, I will also contend that sufficientarianism gives us useful insights into our obligations to individuals with extraordinary needs that cannot be met. In particular, the sufficientarian ethos suggests securing those appreciable and important gains that are within reach. A person whose citizenship needs cannot be met still has important needs as a human being and a person; an individual who cannot

⁵⁹ These cases constitute the focus of Stein’s critique of Nussbaum’s capabilities approach to justice. I will address his arguments later in this chapter. See Mark S. Stein, “Nussbaum: A Utilitarian Critique,” *Boston College Law Review* 50 (2009): 489-531.

function as a citizen may still be able to aspire to develop the level of capabilities that is sufficient for functioning as a person or a healthy human being.

Source of the Problem

The bank-breaker dilemma is both intrinsic to sufficientarianism and limited in its scope for any well-conceived project. Sufficientarianism is premised on the idea of providing individuals with enough, where enough for what depends on the goals of justice motivating a particular view: preventing poverty, equipping individuals to function as full and equal citizens, ensuring that everyone is above the threshold where compassion would move an impartial spectator to intervene, or whatever else. Any view that guarantees access to a level of capabilities or welfare has to deal with the fact that some individuals will require more resources, attention, and accommodations to reach this level of results than others. That is to be expected and is not necessarily problematic. At the extreme end of this expected variation, those who require extraordinary measures to reach the sufficiency level do generate a problem—the bank-breaker dilemma.

Capability-sufficientarians and welfare-sufficientarians might try to escape this problem by guaranteeing individuals access to a standard level of resources instead of access to a standard level of capabilities or wellbeing. This measure treats individuals with standard needs and those with extraordinary needs identically; thus, it might be rationalized as an evenhanded, seemingly fair measure. To guarantee a social minimum of resources, however, is to abandon individuals who cannot achieve or fail to achieve the adequate threshold of functioning (or wellbeing) on the budget set by the social minimum. To abandon these individuals is to quit the sufficientarian project of supplying an adequate level of provision to all. In principle, gains in functioning or welfare that

matter to justice must be figured into the sufficiency level, at whatever cost. Given this defining commitment to giving everyone enough, sufficientarians necessarily expose their views to the risk that it will be very costly to supply the sufficiency level to some individuals.

Scope of the Problem and the Importance of Satisfiable and Attainable Goals to Sufficientarianism

Thankfully, the bank-breaker problem is limited in its scope for well-conceived sufficientarian projects. Sufficientarians are concerned with supplying individuals with access to a finite level of provision that is adequate to meet the goals taken on by their views: ending economic distress, enabling individuals to pursue their personal goals, equipping them to occupy a certain role, or whatever else. This suggests two conditions on the well-conceived sufficientarian project. First, such a project must avoid insatiable goals of distributive justice. I have argued that sufficientarianism is a good match for satisfiable principles, which pose demands that can be met completely. By contrast, insatiable principles such as “maximize economic growth” and its more modest cousin “promote economic growth” lack principled stopping points.⁶⁰ There is no finite level of provision that is adequate to fully satisfy a maximizing principle or an open-ended growth principle such as “promote economic growth.” Were the goals of democratic distributive justice insatiable—pushing us to maximize individuals’ citizenship-related capabilities, for example—sufficientarianism would have no particular priority over other principles of distributive justice. We might instead strive for equality in the development of certain capabilities, for the sake of even-handedness. Alternatively, we might employ

⁶⁰ As Raz puts it, insatiable principles pose demands that “it is always possible in principle to satisfy to a higher degree” (236).

a kind of Rawlsian Difference Principle to avoid the leveling down that attends egalitarian distribution. Were a society to employ a sufficientarian scheme of distribution, the sufficiency level would define at best a point of practical convenience, perhaps the best that could be done to satisfy the insatiable principle with the resources on hand.

Given that sufficientarianism aims to offer enough to satisfy a principle and that insatiable principles do not have principled stopping points whereupon they are fully satisfied, insatiable principles make something of an embarrassment out of sufficientarian hopes. They also turn the bank-breaker problem into the norm, in principle. Any individual with an insatiable need or capacity to use resources could, in principle, absorb whatever resources or attention we would otherwise devote to other societal projects or to other individuals.

For similar reasons, well-conceived sufficientarian projects also ought to be limited to goals of distributive justice that can be satisfied more or less completely in practice, not merely in principle. At the very least this means that a project ought to target goals that can be met completely given the resources a society has or can expect to generate. For instance, while the goal of extending all human life to ninety years of age has a built-in stopping point, in practice no contemporary society has the means to achieve that stopping point. In addition, a society's other vital commitments pose a practical challenge to satisfying satiable principles of distributive justice; a society's resources and attention are bound to be divided among several projects and commitments. A well-constructed sufficientarian project acknowledges that a society will have to devote some of its resources toward other important commitments, at least

including other concerns of justice such as satisfying a just savings principle and engaging in basic environmental conservation.

If a society's resources and abilities are in practice inadequate to satisfy the goals assigned to distributive justice, it is best to forgo sufficientarianism. A society that cannot pay the tab of sufficiency does not only run into the bank-breaker dilemma at the margins: citizens' needs collectively break the bank, and there are no resources left over to commit to other societal projects. A contingency plan would do more good here, at least in practice. For example, a prioritarian system could at least attend to the situation of the worst off, or a good-maximizing system could do the most good with the limited resources at hand. A sufficiency level matched to goals that a society does not have the resources to meet provides a "wouldn't it be nice" picture for better times. However, it provides inadequate practical guidance unless supplemented by a backup plan for the nonideal circumstances at hand.

Satisfying Citizens' Needs on a Budget

Fortunately, my project does not run into the problem of insatiable goals or the problem of inadequate resources to satisfy satiable goals. Most needs of citizens in a democracy can be satisfied on a budget, without taking extraordinary measures. Elsewhere I describe the role of the full and equal citizen and the needs to which it gives rise in detail. However, we need not recall the full account here to appreciate that equal citizenship does not require that individuals develop a maximal set of capabilities, but rather a set that is large enough to keep up with fellow citizens. As I began to argue earlier, the requirement that citizens relate as equals works to *limit* the level of capabilities that individuals need as citizens.

Consider, for example, how citizens' needs for education and income are shaped by the requirements of political equality. Political equality is characterized by citizens' ability to participate in the political process without respect to their status outside of the political arena, and by policy makers' responsiveness to the interests and claims of citizens without regard to their social and economic status. The level of educational credentials and economic clout that citizens need to ensure that their communities have power, that politicians pay attention to them, that educational and economic policies are made in consultation with them, and that members of other communities cannot stifle their influence on political outcomes *does* depend on "ambient" levels of education and wealth. Citizens do need a competitive level of education and a competitive ability to lobby politicians, if lobbying is allowed at all. However, while the social minimum must keep up with ambient or societal levels of education and wealth, it need not exceed them in the name of equipping individuals to function as full and equal members of their society. In the case at hand, there is no need to provide citizens with more and more education and income for the sake of securing their political equality.⁶¹ (Blocked exchanges are needed, but that is besides the point: without blocked exchanges, even economic equality among citizens would not stop motivated parties from pooling their resources to monopolize political power.) While citizens' equality requires that the social minimum keep up with the times, it also limits the level of capabilities that citizens need to be in a position to develop; as I put it earlier, citizens must keep up with the pack, but they need not beat it.

⁶¹ As I discuss elsewhere, if we find that an exceptional level of education in some field (law, science) is needed to navigate a society's political system competently, that is an indication that the political system is exclusionary. Then, on my view, it is the political system that stands changing, not, in the first place, the sufficiency level.

This point is reinforced when we consider citizens' needs for life and health. As argued earlier, justice does not require that we defeat death and age-related physical decline. It is enough that each generation have the opportunity to participate fully in the life of society for a time, the length of that time being responsive to the medical capabilities of the era. These kinds of examples suggest that the sufficiency level must keep up with the times. They also remind us that full and equal citizenship can be secured at different sufficiency levels, and hence at different levels of expenditure.

Consequently, we can adjust the sufficiency level up or down in keeping with a society's means. This may entail disappointing citizens' inflated hopes regarding, for example, the level of end-of-life care that their society can supply to generation after generation of octogenarians without running itself into the ground or giving up on other commitments to citizens. However, given that the goal in mind—providing access to full and equal citizenship for all—can be achieved at a number of different levels of provision, it makes sense to disappoint inflated hopes in the name of providing a sustainable social minimum. The bank-breaker problem is a real problem, but it need not be the norm for a sufficientarian project geared at satisfying citizens' needs over the generations.⁶²

A Note about Name-Calling

“Bank-breaker” describes the dilemma generated by extraordinary needs well, but it is not a particularly diplomatic designation. Individuals are not bank-breakers, except loosely speaking with respect to particularly costly barriers to their achieving full and

⁶² As it stands, Dreze and Sen provide encouraging evidence that every society has resources to meet sufficientarian functioning goals; they report that Kerala, a relatively poor state of India, has through public involvement achieved remarkable levels of literacy, health, and gender equity. See Jean Dreze and Amartya Sen, *The Amartya Sen and Jean Dreze Omnibus* (Oxford: Oxford University Press, 1999): 103-107.

equal citizenship. An individual may have particularly costly medical requirements but be “standard” with respect to the costs of education, housing, work training, and other costs associated with functioning as a full and equal citizen. The physically disabled in the U.S. have long struggled to be recognized as mentally competent and otherwise unexceptional compared to the physically able, and I want to be careful to reject the notion that sufficientarians are committing to identifying a class of bank-breaker individuals who are then vulnerable to stigmatization. There is no reason to cast some individuals as bank-breakers and general burdens on society. Indeed, I think that sufficientarians must figure out what to say about duties of justice to satisfy extraordinary needs lest the life experiences of individuals with these needs be unnecessarily aggravated. Citizens deserve to know what they can demand as a matter of justice and accept without the undue gratitude that would be a more appropriate response to charitable aid. Conversely, all citizens need to know what others can reasonably demand of them as a matter of justice, not charity, lest resentment or condescension poison equal relations among citizens. I do not doubt that there is a murky area where neither justice nor charity applies clearly, but for the reasons just mentioned, it seems worthwhile to try to make incursions into this territory.

Chapter Summary and Outline of Central Arguments

In the next section, I identify exactly what a society stands to lose if it resolves the bank-breaker dilemma by finding entirely in favor of satisfying extraordinary needs and against giving any projects priority over individuals’ claims of distributive justice. Then, motivated by the importance of avoiding these losses, I set out a more nuanced approach to the bank-breaker dilemma. I argue that individuals’ claims of distributive justice are

capable of being overridden by other claims of justice and at the margins by efficiency considerations. To use the appropriate term of art, claims of distributive justice have *pro tanto* status. They have a real force that is not dissipated, weakened, or otherwise undermined when they are overridden, but they can be overridden, in which case their satisfaction is denied in order that some other claims might be satisfied or some other projects funded. Individuals' claims to a society's resources and attention cannot be allowed to stop justice in its tracks. These claims of individuals can lose the competition for resources and attention to other claims of justice. For instance, a claim to extraordinarily expensive medical intervention might lose out to a society's just savings principle. We must allow this overriding of claims, or else allow the whole of justice to be held hostage to the problem cases of distributive justice. I also maintain that in special cases, claims to have extraordinary needs satisfied can lose out to societal projects that are not required by justice. This is possible when projected sufficiency-related gains are quite small relative to the investment being considered, as when an extraordinarily expensive medical intervention promises little improvement in a person's condition compared to a baseline set by the best alternative practice.

After describing my approach to the bank-breaker dilemma, I discuss three alternative ways of handling it. The problem appears under somewhat different guises to trouble prioritariness, luck egalitarians, and Rawls's view of cooperators, and the last sections of this chapter introduce Crisp's weighted priority solution, Dworkin's insurance solution, and Rawls's pass on the problem of extraordinary needs. Throughout, I take the opportunity to fill out my view and to explain why I reject existing ways of finessing the bank-breaker dilemma.

II. The Stakes: What a Society Stands to Lose if Claims of Distributive Justice Cannot Be Overridden

It goes without saying that a society can be expected to devote only part of its budget and attention to public education, part to public health care, part to making public spaces accessible to all citizens, and so on for the other departments of distributive justice. Competition among these departments for a society's resources and attention limits the amount that can be devoted to any particular one. That said, there is an extreme kind of view—Peter Singer's stand on global distributive justice comes to mind—that suggests that there are no further limits to the amount of resources and attention that claims of distributive justice can command. Singer focuses his argument on our obligation to help satisfy destitute individuals' basic needs, given other individuals' and societies' failure to do so. As he sees it, our obligation to satisfy people's basic needs increases with other agents' failure to help, even if that means that we must organize our lives around basic-needs satisfaction. These basic needs have moral priority over other projects that might command our time and resources.⁶³

The upshot for just societies is clear. To be just, a society's productive capabilities ought to be reorganized to attend to the basic needs of the world's people. Only after these needs are satisfied may any resources be directed toward non-basic expenditures that do not contribute optimally to the satisfaction of basic needs. Whatever portion of a society's resources and attention would optimally serve the world's people's basic needs ought to be devoted to satisfying these needs in some way, even if that means that *all* of a society's resources and attention are devoted to discharging matters of basic distributive justice. Thus, while part of a just society's budget may go toward satisfying

⁶³ Peter Singer, "Famine, Affluence, and Morality," *Philosophy & Public Affairs* 1 (1972): 229-243.

basic health care needs, part to economic development, part to food aid and part to emergency aid, no part ought to go toward activities that do not contribute as much as possible to the wellbeing of the worst-off over the long run.⁶⁴

For the sake of demonstrating how total accommodation of extraordinary needs would configure a society's productive and distributive institutions, I want to apply Singer's moral to my project. For basic needs, I will substitute the needs at the heart of my project, those associated with standing as a full and equal citizen in one's democratic society. A Singer-inspired sufficientarianism for democracies would put the condition that all citizens be provided access to a level of benefits sufficient to satisfy these needs on any investment in unrelated projects. A society on the "Singer program" would require fully adequate public funding for the levels of education, health care, medical care and research, job training, and other services and opportunities that are needed to equip individuals to function as full and equal citizens. Funding for those kinds of higher education, health care, job training, research in the humanities, environmental protection, and other services and opportunities that are not needed to establish citizens as full and equal members of society would be conditional on full and equal citizenship being secured for all citizens (insofar as humanly possible).⁶⁵

⁶⁴ On a weaker version of Singer's argument, the priority of the worst-off ends when they are objectively well off.

⁶⁵ For the record, Singer does not in fact espouse this position. In fact, he explicitly rejects Nussbaum's defense of a similar position: "Nussbaum's denial that empirical calculations are relevant appears to require that if a society has only one member below the minimum entitlement level, it should spend all its resources on bringing that member above the entitlement level before it spends anything at all on raising the welfare level of anyone else, no matter how big a difference the resources could make to everyone else in society. That, surely, is an absurdity." Peter Singer, "A Response to Martha Nussbaum." The Tanner Lectures on Human Values, 13 November 2002. 9 July 2009. <<http://www.utilitarian.net/singer/by/20021113.htm>>.

In particular, two classes of public projects would not be funded were it possible to satisfy individuals' personal claims of distributive justice related to their citizenship prospects instead:

- (1) projects that afford individuals benefits for personal use that *exceed* the sufficiency level of capabilities or the sufficiency level of opportunity to outdo the guaranteed minimum (e.g., Social-Security-type social insurance programs, popular but needlessly generous benefits such as the European eight to ten weeks of paid vacation, and non-basic health care benefits such as orthodontia), and
- (2) projects that do not satisfy *individuals'* personal claims to resources and accommodations at all. These projects may support equal relations among citizens or enhance individuals' abilities to participate fully as citizens. However, it would be odd for an individual to assert a personal right to them, or to count herself personally wronged if the projects are not funded (e.g., many environmental conservation efforts, research initiatives in many areas of math, science, and the humanities, space exploration, archaeological work, public parks, monuments, and national museums).

In the latter case, a limited level of funding for public parks and monuments might be justified as necessary for the maintenance of citizens' equality in civil society and for fostering a common identity among citizens. Still, many opportunities to support equal relations among citizens would be squandered by a system of distributive justice focused on satisfying individuals' claims to access to full and equal citizenship insofar as humanly possible: claims to have extraordinary needs met would trump plans to fund any extra, unnecessary public spaces and projects. Likewise, many societal projects that one might imagine winning citizens' support in a democracy would fall outside of the scope of such a system. This is deeply problematic. A democratic society can put some projects out-of-bounds to protect citizens' rights, but it cannot thwart generally the pursuit of projects that citizens support through democratic channels without undermining its commitment to democratic governance and its "power to the people"

ethos. These are powerful motivations for declining to satisfy all of citizens' extraordinary needs.

The following discussion begins to set out a principled approach to finessing the bank-breaker dilemma. First, I develop a competing claims argument for overriding claims involving extraordinary needs in favor of satisfying other obligations of justice. Then, I consider a complimentary efficiency argument that excuses a society, on sufficientarian grounds, from pouring resources into projects that yield tiny or insignificant benefits. Finally, I consider the related case of impossible needs that cannot be met at any cost.

III. Recognizing the Pro Tanto Status of Claims of Distributive Justice

Extraordinary Needs vs. Public Projects Associated with Full and Equal Citizenship and Other Claims of Justice

One coarse model of distributive justice likens the administering of distributive justice to the cutting up and distribution of a pie that makes up a society's wealth and benefits. The model is coarse for a number of reasons—primarily, it is easy to see that distributive justice involves more than the distribution of benefits for personal consumption, regulating also the design of societal institutions and infrastructure. Still, the pie model captures something important about philosophers' thinking about distributive justice: its orientation toward distributing benefits in satisfaction of personal claims, for personal use.⁶⁶

One way to push against the absolute priority of claims to have extraordinary needs met is to assert the existence and importance of claims of justice that do not fit the

⁶⁶ This thinking is particularly evident in views that adopt personal welfare as the metric of distributive justice and that count any gains and losses in personal welfare as relevant to distributive justice. Crisp, for example, talks about the welfare gained from fancy bottles of wine. Roger Crisp, "Equality, Priority, and Compassion," *Ethics* 113.4 (Jul., 2003): 745-763.

personal-claim mold. There are societal projects that are important for our standing in relations of equality to which none of us can stake a personal claim. Who is owed, for example, public parks and spaces for gathering? In a sense, we are all owed these spaces in our neighborhoods—should all parks and public spaces be located uptown, citizens living downtown can contend that they are being wronged and demand public spaces of their own. We can certainly locate these societal accommodations, important to citizens' capacity to function as full and equal members of society, under the auspices of distributive justice. These projects are not a supererogatory branch of distributive justice; they are projects that a society must take on to support full and equal citizenship and democratic institutions such as civil society. If, however, the necessary criterion for first-pass funding is that some individual has a personal claim of distributive justice to a benefit, public projects that are not owed to particular individuals do not make the cut. Understanding that people may be harmed, opportunities to support equal relations among citizens squandered, and the fullness of societal life limited if many such projects are not funded, we have good reason to dispute the priority of extraordinary-needs claims. When resources are diverted away from the satisfaction of certain extraordinary-needs claims, they do not simply go to satisfying less urgent personal claims. These resources might have gone toward important public projects.

Put another way, the importance of certain public projects to justice gives us reason to assign *personal* claims of distributive justice pro tanto status. This move allows us to maintain that extraordinary-needs claims have a real force that is never dissipated or undermined, and, recognizing that, to allow that these claims can be overridden. I do not claim to have a master plan for adjudicating claims of justice: besides matters of justice

in distribution, there are undoubtedly matters of environmental justice, punitive justice, and additional concerns of democratic justice that compete for a society's resources and attention. On the other hand, neither am I proposing a kind of Rawlsian intuitionism: "the doctrine that there is an irreducible family of first principles which have to be weighed against one another by asking ourselves which balance, in our considered judgment, is the most just."⁶⁷ More modestly, I suggest that given the variety of valid claims of justice, individuals' claims to have extraordinary needs met cannot be allowed to hijack a society's means of satisfying claims of justice generally. If we insist that the system cannot be hijacked for personal use, we can allow that claims of distributive justice have pro tanto status and as such can be overridden. Whether there can be a principled approach to adjudicating these claims, or whether we must rely on intuitions, awaits a fuller account of the various demands of justice.

Efficiency Considerations

Talk about overriding claims of justice suggests that something very important had better justify the denial of extraordinary-needs claims and the redirection of a society's funds and attention—an equally worthwhile claim, at the very least. It wouldn't do to deny citizens' claims of *justice* to invest in highway beautification, would it? This kind of thinking points our attention to the projects to be funded if extraordinary-needs claims are denied, and encourages us to scrutinize those projects for worthiness. Unfortunately, it obscures another factor that justifies denying extraordinary needs' satisfaction with societal resources: a feature inherent to extraordinary-needs claims themselves.

⁶⁷ John Rawls (1971) 30.

A capabilities sufficientarian such as myself has a principled commitment to securing appreciable and important gains in functioning for citizens. That, after all, is the point of distributing access to capabilities rather than access to resources: guaranteeing individuals a particular level of resources may or may not secure a gain in functioning for them, so we make the move to capabilities to ensure that all have the level of resources they need to secure whatever gains in functioning are important to justice. This commitment to the capabilities approach extends to recognizing claims of distributive justice to have extraordinary needs met, that recognition lasting even when these claims are overridden by other claims of justice. However, the results orientation of my view indicates against devoting resources and attention to projects that do not yield appreciable and important gains in functioning.⁶⁸ Efficiency considerations ought to allow that whether we must satisfy an extraordinary-needs claim or not depends on how much can be done for the person with the extraordinary need.

In an ideal world with an infinite supply of resources, what we can do for someone might be all that mattered. A small improvement in someone's citizenship-related capabilities might be justifiable at a cost of ten dollars or ten thousand dollars. In the real world, societies have limited resources to divide among many possible projects, some of which will have significantly positive outcomes. As significantly, some costs are not measured in terms of dollars. To accommodate a violent child in a classroom setting, other students may have to sacrifice learning opportunities. To make a mountain wheelchair accessible, its aesthetic appeal may have to be compromised—that appeal

⁶⁸ Here, I part ways with Nussbaum, who makes a point of emphasizing the importance of striving to achieve even small capabilities gains for severely disabled children. See Martha Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* (Cambridge, MA: The Belknap Press of Harvard University Press, 2006): 190.

being exactly what makes people want to visit the mountain in the first place. The sufficientarian approach to efficiency considerations gets it right for the real world: before a society commits itself to trying to satisfy an extraordinary need, it can do discovery work to see whether significant progress can be made toward meeting the need. Plans to spend resources unproductively may be nipped in the bud.

In the context of discussing Nussbaum's capabilities sufficientarianism, Stein characterizes this kind of sensitivity to efficiency as an acceptance of "the benefit-maximizing principle of utilitarianism." As he sees it, Nussbaum must accept utilitarian help to "avoid [the] absurd result" of hemorrhaging resources on extraordinary needs.⁶⁹ We need not grant utilitarians title to efficiency considerations. It is in the name of achieving measurably positive outcomes, but not in the name of *maximizing* positive outcomes, that sufficientarians ought to decline to devote resources toward bringing about negligibly positive outcomes.

To be clear, from a capability-sufficientarian perspective, efficiency considerations do not warrant dismissing a claim merely because it is particularly costly to satisfy. If there is evidence that the violent child can make significant gains in functioning, the child's claim to sufficiency, and thence to inclusion in the classroom, cannot be denied on efficiency grounds. It may, of course, be denied on other grounds: for the sake of satisfying other claims of justice, or, in practice, because of intense popular opposition. Efficiency "excuses," however, are reserved for cases where little can be done for an individual relative to the baseline alternative.

⁶⁹ Stein: 514.

Baseline alternatives are important to appreciating the plausibility of the sufficientarian position. Sufficientarians are not committed to doing either everything possible or nothing at all for individuals with extraordinary needs; abandonment is not generally a promising alternative to abstaining from extraordinary efforts that promise insignificant results. Shall publicly subsidized insurance cover a costly new Alzheimer's drug? From a sufficientarian perspective, that depends in large part on whether the drug helps Alzheimer's sufferers to function appreciably better than cheaper drugs. The same thinking determines how much life-prolonging care citizens of a sufficientarian democracy can expect at the end of their lives, when walking away from the hospital is not an option. The sufficientarian case for abandoning life-extending efforts and starting palliative care (on efficiency grounds) increases as a person ceases to have "good" options that can make an appreciable difference to the length of her life.

Impossible Needs

As was just emphasized, a major virtue of sufficientarianism is that it directs our attention toward securing appreciable and important gains in capabilities, welfare, or standing. While it may be impossible to meet some of a person's needs as a citizen, it would seem that other citizenship needs—for example, the need to be able to participate in the life of one's community, or the need to be able to appear in public without shame—can ordinarily be met without an extravagant outlay of resources. Insofar as these appreciable gains can be made on a citizen's behalf, her claim of justice to have access to them stands.

Moreover, even if it is impossible or implausible to satisfy an individual's needs as a citizen, the capabilities-sufficientarian can appreciate other important sets of

capabilities. Individuals have needs as human beings and as persons: needs for shelter, food, privacy, recreation, the pursuit of personal projects, and the company of others. Nussbaum, for instance, has formulated the following list of capabilities that a person must develop to live a fully human life: the capability for physical survival, for bodily health and integrity, for the exercise of imagination, for experiencing emotion and exercising practical reason, for love, friendship, and other affirming relationships, for connection with nature, for play, and for control over one's environment.⁷⁰ The elements of a list of our needs as humans or as persons are arguable, but we can appreciate that such a list might serve as a basis for supplying a humanitarian sufficiency level that responds to our needs as people when it is not possible to meet our needs as citizens.

Stein faults Nussbaum for her all-or-nothing approach to central human capabilities. Nussbaum insists that *all* individuals be equipped with *all* of ten central human capabilities, and Stein characterizes her project as devoting "enormous sums... to people who receive very little benefit from efforts to raise them toward a capability threshold."⁷¹ I appreciate Nussbaum's concern that we not write off the handicapped as globally incapable. Her admittedly strategic plan countenances our tendency to do just that by fighting for all ten central capabilities for all people.⁷² My approach, by contrast, is to point out the many roles that individuals may occupy. Individuals who cannot occupy one role fully (say, that of parent) or at all (say, that of citizen) can still occupy

⁷⁰ For an early citation, see Nussbaum, "Women and Cultural Universals," *Nussbaum, Sex and Social Justice* (Oxford: Oxford University Press, 1999): 40-41. For a revised version, see Nussbaum (2006): 76.

⁷¹ Stein: 489.

⁷² Nussbaum recognizes the strategic nature of her approach: "In short, then, using a different list of capabilities or even a different threshold of capability as the appropriate social goal for people with impairments is practically dangerous, because it is an easy way of getting off the hook, by assuming from the start that we cannot or should not meet a goal that would be difficult and expensive to meet. Strategically, the right course seems to be to harp on the single list as a set of nonnegotiable social entitlements, and to work tirelessly to bring all children with disabilities up to the same threshold of capability that we set for other citizens" (2006) 190.

other roles with different characteristic functions. If we identify some roles as inalienable for all individuals—say, the role of dignified human being—we may well find ourselves in Nussbaum’s position of strategically insisting that access to some capabilities must be protected especially well.

IV. Alternative Approaches to the Bank-Breaker Dilemma

The Prioritarian’s Bank-Breaker Dilemma and Crisp’s Solution to It

In “Equality, Priority, and Compassion,” Roger Crisp sets out a distributive principle called *absolute priority* that faces a close relative of the sufficientarian’s bank-breaker problem. Absolute priority’s requirements are described as follows:

when benefiting others, the worst-off individual (or individuals) are to be given absolute priority over the better off.⁷³

As Crisp recognizes, absolute priority requires “allow[ing] the smallest benefit to the smallest number of worst off to trump any benefit, however large, to any but the worst off”—a problem he compares to leveling down, which hobbles strict egalitarianism.⁷⁴

Recall, the sufficientarian bank-breaker dilemma arises because it seems that all individuals have a claim to the sufficiency level, but satisfying all of those claims can command all of a society’s resources and attention if there are any extraordinary-needs claims in the mix. And yet, the dilemma goes, there are other societal projects that a democratic state may feel compelled to fund. The problem afflicting absolute priority is the entirely analogous. Committed to serving the worst-off individuals first, the absolute prioritarian can find herself bound to committing all or most of a society’s resources and attention to satisfying the needs of the worst off if those needs are particularly costly to

⁷³ Roger Crisp, “Equality, Priority, and Compassion,” *Ethics* 113 (July 2003): 752.

⁷⁴ *Ibid.* 752.

satisfy. This attention to the worst off comes at the expense of those who are better off or at the expense of collective societal projects—the analogue to supplying more than the sufficiency level and investing in other societal projects for the sufficientarian. The absolute prioritarian is at risk of bumping into the bank-breaker problem at every step: if the very worst-off individual does not have extraordinarily costly needs, the next worst-off individual may, or the next to next worst-off individual may, and so on. A hitch at any point puts an end to helping individuals who are better off.

Crisp’s solution to the absolute prioritarian’s bank-breaker problem is to allow greater benefits to outweigh smaller benefits, and to allow benefits to greater numbers of people to outweigh benefits to smaller numbers of people:

benefiting people matters more the worse off those people are, the more of those people there are, and the larger the benefits in question.

To prevent benefits to a large number of rich people from outweighing benefits to a small number of poor people, he adds the qualification that “the number of beneficiaries matters less the better off they are.”⁷⁵ Taken together, these conditions comprise the *number-weighted priority* view. This view allows the prioritarian to bypass extraordinary needs through its allowance for weighting. If a certain sum can either benefit one individual by satisfying her extraordinary need or generate a substantially greater benefit by being directed elsewhere, the prioritarian has grounds for overriding the extraordinary-need claim to generate the greater benefit.

⁷⁵ *Ibid.* 754.

The Problem with Crisp's Solution

Crisp ultimately rejects prioritarianism because it fails to recognize that benefits to the worst-off cease to matter at all once the worst off are objectively well off.⁷⁶ In other words, prioritarianism has no principled stopping point to mark the point where our concern for the worst off runs out. Even so, his solution to the prioritarian's bank-breaker problem leaves something to be desired for our purposes as sufficientarians. One could fix on the bald sense in which prioritarianism and sufficientarianism do not align. It is true that prioritarianism assumes a single ranking of worst-off to best-off, while sufficientarians rely on different and less fine-grained measures: individuals are above or below the sufficiency level, and there is no presumption that it is possible to generate a single, authoritative worst-to-best-off ranking of individuals below the sufficiency level. Consequently, Crisp's number-weighted priority view, as a solution to the bank-breaker problem, is burdened with the presupposition that we can say who is worse off than who else ("benefiting people matters more the worse off those people are") and that different benefits can be ranked in the same manner ("the larger the benefits in question"). The sufficientarian might find this advice inadequate when comparing educationally deprived individuals with medically needy individuals. Still, stepping back, it does not seem unduly charitable to interpret Crisp's revision of the absolute priority principle as a passable efficiency-oriented streamlining.

From a sufficientarian perspective, Crisp's efficiency solution is right for emphasizing the importance of sizable benefits, and wrong for failing to deemphasize the importance of tiny gains to large numbers of people. Recall the puzzle regarding

⁷⁶ *Ibid.* 755.

Alzheimer's drugs. Shall publicly subsidized insurance cover a costly new Alzheimer's drug? From a sufficientarian perspective, that depends on whether the drug helps Alzheimer's sufferers to function appreciably better than available cheaper drugs. Following Crisp's rule, public subsidization of the drug may be required if enough people suffering from Alzheimer's Disease do a tiny, tiny bit better with the drug—especially since Alzheimer's patients can be particularly badly off. From a capability-sufficientarian perspective, tiny gains are tiny gains: a society can deliberate regarding their importance and decline to make massive expenditures for the sake of gains it deems insignificant. A sufficientarian approach to efficiency considerations does somewhat better than Crisp's simpler "weighting" approach.

That said, the most marked difference between my approach to the bank-breaker dilemma and Crisp's efficiency approach is generated by Crisp's failure to acknowledge the existence of claims of justice aside from individuals' claims of distributive justice. As a result of this failure, Crisp does not consider the possibility that other claims of justice may compete for a society's resources with individuals' claims of distributive justice. This omission deprives Crisp of the opportunity to consider non-efficiency-related considerations that might lead us to override a claim to have an extraordinary need met. These considerations are, of course, at the heart of my approach to the bank-breaker dilemma.

The Luck Egalitarian's Bank-Breaker Dilemma and Dworkin's Solution to It

Luck egalitarianism is another scheme of distributive justice that runs into a version of the bank-breaker dilemma. The view is distinguished by its distinction between option luck, which results in gains and losses that an individual brings upon

herself through calculated risk-taking (“deliberate gambles”), and brute luck, which involves the gains and losses that befall an individual as a result of factors beyond her control.⁷⁷ A luck egalitarian society allows the results of option luck to stand. An individual who gambles knowingly and freely deserves her winnings or losses. On the other hand, luck egalitarian societies compensate individuals for bad brute luck, and may even level down windfalls resulting from good brute luck, according to an insurance policy that indemnifies individuals against certain losses.

This insurance policy is put in place to avoid a certain kind of bank-breaker problem. Were a luck egalitarian society to insure individuals against all varieties of brute luck, some individuals’ losses would be so costly to cover that a society might easily be forced give up investing in other societal projects in order to compensate for these losses. While the sufficientarian society must decide how it ought to divide its resources and attention between bringing *everyone* up to the sufficiency level (insofar as humanly possible) and investing in other societal projects, the luck egalitarian society must decide how to divide its resources and attention between compensating *everyone* for *all* bad brute luck (insofar as humanly possible) and investing in other projects.

The terms of Dworkin’s insurance policy—his means of putting the brakes on spending for brute luck compensation—are set by the policy that average citizens would purchase. He puts the question of the insurance policy this way:

Suppose we can make sense of and even give a rough answer to the following question. If (contrary to fact) everyone had at the appropriate age the same risk of developing physical or mental handicaps in the future (which assumes that no one has developed these yet) but the total number of handicaps remained what it is,

⁷⁷ Ronald Dworkin, “What is Equality? Part 2: Equality of Resources” *Philosophy and Public Affairs* 10.4 (Autumn, 1981): 295.

how much insurance coverage against these handicaps would the average member of the community purchase?⁷⁸

He suggests that a luck egalitarian society compensate individuals at that rate with societal funds.⁷⁹

The Problem with Dworkin's Solution

Dworkin seems to recognize the practical problems dogging his solution. It seems unlikely that individuals would in fact convene upon the same insurance policy, and unlikely that we could divine more than roughly what that policy would be. Still, many respected views regarding distributive justice, utilitarianism and Rawls's Difference Principle included, have practical barriers to knowing exactly when they are satisfied. I want to levy a different, more principled complaint against Dworkin's solution that turns on concerns of democratic justice.

The question we ought to be entertaining is this: under what conditions do individuals' insurance choices have anything to do with what it is just to provide citizens as a matter of justice? Rawls's Original Position thought experiment, a relative of Dworkin's insurance market, has the force it does because of the way it models the commitment of a democratic society to democratic values such as full and equal citizenship for all. The Original Position is defined by a number of constraints that prevent participants from running roughshod over these basic democratic values. Likewise, the kind of insurance market we would take an interest in, from the perspective of democratic justice, would seem to be one that does not allow individuals to fail to insure against outcomes that undermine their standing as full members of society and as

⁷⁸ *Ibid.* 297.

⁷⁹ *Ibid.* 298.

equals to other citizens. The interesting insurance market faces its own bank-breaker dilemma: what to do when it is extremely costly to respect an insurance policy that indemnifies citizens against the loss of full and equal standing—so costly that we must choose between satisfying the policy completely and investing in other societal projects. Dworkin does not begin to address the interesting insurance market or its bank-breaker quandary.

Rawls's Approach to the Problem of Extraordinary Needs, and Failure to Acknowledge the Bank-Breaker Dilemma

Rawls's view, while ahead of Dworkin's with respect to the role played by insurance schemes, does not escape the extraordinary needs problem. Rawls ascribes the role of cooperator to citizens of a democracy in constructing his theory of democratic distributive justice. Distributive justice does not simply pay out to individuals; citizens pay in to the system, generating the benefits that they and fellow citizens consume and generating the conditions for democratic society that citizens then enjoy. However, qualifying as a cooperator is no small feat: cooperators must possess the two moral powers,⁸⁰ and citizens' access to primary goods is generally conditional on their working paid jobs and on their complying with the written laws and unwritten expectations that sustain democratic society. In recognition of these demands on citizens, Rawls's revised account of primary goods tracks what citizens need to function as cooperator-citizens.⁸¹ His Difference Principle subsequently regulates the distribution of primary goods such as income, education, and health care. It ensures that the institutions of democracy treat equality of prospects to obtain these goods as a baseline, allowing moves away from

⁸⁰ Rawls (2001) 18-23.

⁸¹ Rawls (2001) 60.

equality when doing so improves the prospects of individuals who occupy the least advantaged positions in society as much as possible, within limitations set by the just savings principle.⁸²

The Difference Principle is particularly generous, and should equip citizens with a level of resources that is more than sufficient to meet many of their needs as citizens. Still, some needs will be too costly to satisfy even given one's fair share of primary goods, and Rawls's resource-distributing view is not committed to satisfying these extraordinary needs. As generous as the Difference Principle is, Rawls's view does not promise access to definite levels of capabilities associated with functioning as a full and equal citizen. His implicit solution to the problem of extraordinary needs is to ignore it.

More regarding Rawls's attitude toward extraordinary needs emerges in "Kantian Constructivism in Moral Theory," wherein he introduces a number of idealizations that characterize a "well-ordered society"—which is to say, an ideal society that models Rawls's theory of justice as fairness perfectly. One of these idealizations has to do with citizens' roles as cooperators:

all citizens are fully cooperating members of society over the course of a complete life. This means that everyone has sufficient intellectual powers to play a normal part in society, and no one suffers from unusual needs that are especially difficult to fulfill, for example, unusual and costly medical requirements.⁸³

He explains his omission of these "unusual" needs as follows:

Of course, care for those with such requirements is a pressing practical question. But at this initial stage, the fundamental problem of social justice arises between those who are full and active and morally conscientious participants in society.⁸⁴

⁸² John Rawls (1971) 53, 266.

⁸³ John Rawls, "Kantian Constructivism in Moral Theory: The Dewey Lectures 1980," *The Journal of Philosophy*, LXXVII.9 (September 1980): 546.

⁸⁴ *Ibid.* 546.

Rawls distinguishes between an idealized well-ordered society, in which all citizens cooperate and can be equipped to cooperate with relative ease, and actual societies, which fall short of this standard. In doing so, he avoids addressing extraordinary needs at all in his ideal theory, especially as they attach to individuals who could be fully cooperating members of society given an adequate investment of resources. Rawls brackets the issue of these citizens' needs entirely. It is no surprise that disability theorists have complained that Rawls shunts the disabled and their caregivers aside, placing them outside of the scope of justice proper. By Rawls's own admission, dealing with the disabled is a "practical" problem, not a problem for a comprehensive ideal theory of justice.

By contrast, a capabilities approach places these concerns front and center, with the consequence that extraordinary needs cannot be swept under the rug of ideal theory. Once capabilities are recognized as the metric of democratic distributive justice, it seems patently disingenuous to dismiss individuals with more costly barriers to developing important capabilities as merely a practical problem of non-ideal theory.

While capability theorists such as myself cannot plausibly sidestep the problem of extraordinary needs, I have argued that the scope of the bank-breaker dilemma is limited for a capabilities sufficientarian committed to the project of full and equal citizenship in the democratic context. I have also reasoned that the existence of other claims of justice requires that we override some claims involving extraordinary needs, in order that a society's whole system of justice not be held hostage to the problem cases of distributive justice. Lastly, I have argued that the motivating virtue of capabilities-sufficientarianism—a commitment to securing adequate or at least appreciable gains in functioning—provides a principled basis for rejecting certain extraordinary-needs claims

on grounds of efficiency. The bank-breaker dilemma poses a real challenge for capability-sufficientarian views such as my own, but not an insurmountable one.

CHAPTER 4

CONTRASTS WITH OTHER SUFFICIENTARIANS

I. Introduction: A Survey of Sufficiency Views

This chapter surveys the sufficientarian landscape, defining the conceptual space that my view occupies in relationship to the major views in print. I begin with Frankfurt, whose arguments in the 1987 text “Equality as a Moral Ideal” established the grounds for more recent sufficientarian work. Frankfurt’s view, Rosenberg’s extension of it, and Crisp’s compassion-based standard for sufficiency share an apolitical bent. I break from their work in offering a sufficientarian principle that can be justified to citizens by unpacking the requirements of maintaining a democracy that respects basic democratic values. Then I turn to Hayek, who splits the difference between apolitical and patently political views, arguing for a low-level safety net that protects individuals in their roles as economic agents. He and I differ regarding the extent of democratic citizens’ power to make claims on one another.

In the latter half of this chapter, I turn to two views that address individuals’ needs as citizens of a democracy explicitly. Satz arrives at a sufficientarian view regarding access to education as a result of considering democratic citizens’ needs. While I am sympathetic to the general terms of her view, I put pressure on the controversially egalitarian bent of her interpretation of the terms of reciprocity between citizens. In

closing, I turn to Anderson's view, which under the banner of equal citizenship addresses individuals' needs as citizens and as moral equals. As was the case with Satz's interpretation of reciprocity, the pull of Anderson's ideal of equality among people is undeniable. However, I argue that my view's narrower, more restrained interpretation of citizens' equality serves a different and unique political purpose, setting a floor at or above which democratic distributive justice must operate. Put another way, while Anderson, Rawls, and others have produced admirable accounts of the perfection of equality among citizens, I take a more conservative tack to define the floor that democratic citizens *must* provide one another as a matter of justice. Identifying this floor is particularly important given the worry with which I opened the first chapter of this dissertation: that the implied commitments model of good public reasons tempts philosophers to mix uncontroversial claims that are closely related to the demands of running a just democracy with controversial claims that are more closely tied to their personal moral convictions (regarding, for example, equality among people). My view ought to be more palatable to those who do not share these personal moral convictions. It also establishes the distributive claims it shares with more egalitarian projects on firmer footing.

II. Harry Frankfurt: The Beginnings of Sufficiencyarianism

Frankfurt introduces three arguments against overestimating the moral importance of money equality. Each argument undermines the idea that money equality and *relative* measures of wellbeing have fundamental moral importance, while emphasizing the moral priority of *absolute* measures of wellbeing. These arguments—I will call them Moral Disorientation, Worse Off versus Badly Off, and Rich and Richer—face significant

difficulties as arguments against money equality. They also fail to convene upon a single standard for money adequacy. Worse Off versus Badly Off suggests that a person may be said to have enough money if she can meet her basic needs, while Moral Disorientation suggests that a person has enough money only if she also has adequate funds to pursue her chosen goals and personal projects.

Nonetheless, Frankfurt's arguments succeed in motivating needs-satisfaction as a basic and important starting point for thinking about distributive justice.

Sufficientarianism is a good fit for needs-oriented thinking about distributive justice, given its emphasis on giving individuals enough to reach the levels of standing or functioning that are relevant to justice. It is no surprise, then, that Frankfurt's article preceded the recent proliferation of sufficientarian literature. His arguments, to which I will now turn, certainly inspired my needs-based sufficientarian project.

Moral Disorientation

In *Moral Disorientation*, Frankfurt considers how a person ought to determine her personal economic goals. As he sees it, "intelligent" economic goals are set when a person concerns himself primarily with "discover[ing]... what he himself really cares about and what will actually satisfy him."⁸⁵ The process of setting intelligent goals involves, in the first place, setting personal goals and recognizing personal needs, and in the second place, matching these personal goals and needs to adequate economic goals. In this matching process, Frankfurt recognizes that individuals will find it useful to take cues from others. A person's economic standing relative to others is important insofar as

⁸⁵ Frankfurt: 23.

it helps or hinders him in fulfilling his needs and goals in life.⁸⁶ This importance, however, is derivative: an economic inequality is important if others' greater wealth undermines a person's self-respect or ability to run for office—but only because self-respect and the ability to run for office are antecedently important. Frankfurt fears that the belief that economic equality has nonderivative moral importance threatens to distort our thinking about how much wealth we need by inclining us to demand what others have simply because they have it. To avoid moral disorientation, he argues, our personal economic sufficiency thresholds must reflect our personal situations and interests first and foremost.

Moral Disorientation Evaluated and Contrasted with My View

Moral Disorientation offers useful advice to individuals, especially to ones living in a society that encourages or condones competitive consumption. It does not, on the other hand, translate straightforwardly into a position on distributive justice. The argument concerns individuals' personal needs for money given their personal interests and goals. Frankfurt offers useful advice for individuals, who are instructed to figure out what they care about and to set their economic goals accordingly instead of focusing on keeping up with the Joneses. However, a society that arranged its institutions of distributive justice to give benefits to citizens according to their individual goals and interests would privilege individuals with expensive tastes and stint those with low-adapted preferences. It would also compromise its citizens' privacy greatly in collecting individual, non-aggregated information about their tastes and preferences. In short, then, Frankfurt fails to explain how we might move from his *moral* argument regarding money

⁸⁶ *Ibid.* 23.

inequality and individuals' economic goals to a sound *political* argument against money egalitarianism and for a more sufficientarian distribution of wealth in a society.

My view addresses the problematic aspects of Frankfurt's view directly. I impute a generalized set of needs to citizens *as citizens*, and charge the institutions of distributive justice with satisfying these needs. This prevents the state from preferring citizens with expensive tastes and excuses it from intruding into citizens' private lives unduly. Most importantly, my approach puts front and center all of the needs that are important from the perspective of democratic justice. Having fair access to resources needed to satisfy one's personal interests and goals, or to pursue one's conception of the good, as Rawls might describe Frankfurt's target, is merely one among many needs associated with standing as a full and equal citizen. A just government will attend to all of the needs associated with full and equal citizenship, whether or not individuals place these needs high on their slate of personal goals.

On a related note, democratic theorists cannot take much comfort in Frankfurt's demonstration that economic equality lacks fundamental moral importance. We must acknowledge that economic inequality is problematic if it is allowed to disrupt citizens' ability to stand as full and equal members of their society. Citizens have a corresponding interest in discovering how their relative economic standing interacts with their ability to stand as equal citizens in their society. At bottom, Frankfurt's project diverges from my own because he ignores individuals' roles as citizens and the needs and legitimate concerns to which the role gives rise.

Worse Off versus Badly Off and Rich and Richer

Frankfurt's remaining two arguments work together to undermine the fundamental moral importance of economic equality and to emphasize the fundamental moral importance of a different kind of economic sufficiency. Worse Off versus Badly Off exposes a bad kind of argument for money equality that exploits our moral concern for those who are truly badly off. The offending egalitarian introduces a scenario in which some people are leading objectively impoverished lives and others are doing better. Noting our moral displeasure at the condition of the worst-off, the egalitarian argues that great inequalities are morally objectionable: we ought to support egalitarianism, or at least moves toward greater equality. She has, of course, switched the bait on us. As Frankfurt puts it, that which is "intuitively objectionable, in the types of situations characteristically cited... [to motivate us to condemn] economic inequality, is not the fact that some of the individuals in those situations have *less* money than others but the fact that those with less have *too little*."⁸⁷ As evidence for this, he notes that not all cases of relative deprivation are intuitively objectionable. We take little note of or moral offense at the situation of a person whose life is full, enjoyable, and not hampered by worries that more money could resolve—or so Frankfurt hopes. In support of this point, Frankfurt introduces a quick intuitive test, Rich and Richer. How much are we moved by the fact that fairly rich people have less money than their very rich neighbors? His answer: we aren't. They may lack love, respect, or tranquility, but none of these

⁸⁷ *Ibid.* 32.

individuals' worries arise for lack of money. Frankfurt's moral concerns about economic inequality vanish once he sees that everyone has "plenty."⁸⁸

These Arguments Evaluated and Contrasted with My View

Frankfurt's arguments set the economic sufficiency threshold at the point where an individual's economic situation does not inspire pity or moral approbation about the society that leaves individuals to such fates. Unfortunately for Frankfurt, we cannot know whether a person's economic situation is morally objectionable without knowing, at the very least, its history and how it affects the individual's relationships with others. This is particularly important in the political context: we cannot dismiss a difference in individuals' economic standing simply because all of the individuals in question are objectively well off. Consider the condition of two individuals, each comfortable enough to pursue meaningful goals he has chosen in light of his talents and interests, but one somewhat richer than the other. Is this unequal distribution of economic assets objectionable from the perspective of justice, given that no one is objectively badly off? Without more information, it is hard to say. We do not know whether the one man is richer because he inherited a fortune, because he put his considerable talents to work, or because he works eighty-hour weeks. We do not know whether the other is poorer because he is a member of a despised minority, because he cannot stand the groveling to superiors required to earn more, or because he works four short days a week. We have no idea whether and how the men's standings affect their interactions and their efficacy in the political arena: if the richer man is able to parlay his wealth into greater political power, so much the worse for truly democratic politics.

⁸⁸ *Ibid.* 33.

On some level, Frankfurt knows this full well. He admits that egalitarian policies may help societies achieve unspecified important goals, even though he maintains that equality is not in itself fundamentally morally important.⁸⁹ He also acknowledges that individuals' standing relative to one another may have derivative importance, for how it affects the adequacy of individuals' means for pursuing their goals and interests. The problem with Frankfurt's argument is not that he fails to understand these politically relevant facts. It is that in trying to establish that money equality has no fundamental moral importance, he fails to acknowledge that this conclusion is likely to pale in significance next to the fact that relative economic standing has great political importance.

My view is particularly attuned to the political importance of individuals' relative economic standing. The sufficiency level guaranteed to citizens responds to the times, keeping up with the changing requirements of maintaining equal relations among citizens. My view also attends to how patterns of distribution are achieved. Distribution must be handled in a manner that is consistent with equal citizenship. For example, no "groveling" for benefits is allowed, handouts are generally incompatible with citizens' need to earn standing through cooperative contribution, wages cannot be tailored to discriminate on the basis of race, sex, or age, and so on.⁹⁰

Moreover, as I see it, equal citizenship requires that the regulation of distribution not begin and end with the sufficiency package of guaranteed access to benefits. My view does not stop at setting a social minimum of income, health care, and education that

⁸⁹ *Ibid.* 22.

⁹⁰ Anderson elaborates this point in "What is the Point of Equality?" There, she insists that distribution must be arranged in a manner that is respectful of individuals' standing as equal citizens. See Elizabeth Anderson, "What is the Point of Equality?," *Ethics* 109 (1999): 314.

is guaranteed to all. It also includes a social minimum of opportunity to obtain benefits that cannot be guaranteed to all. Every citizen is supplied a level of opportunity to achieve benefits such as graduate education, political office, and other desirable positions that are too limited in number to be supplied to every citizen. As argued earlier, this measure guards against the emergence of classes of citizens who enjoy a first-class status not available to others, establishes a standard of reciprocity that respects citizens' standing as equals, and satisfies citizens' need for autonomy.

The Upside: An Inspiration for Needs-Orientation

A certain picture emerges from Frankfurt's arguments, one that has influenced the sufficientarian literature greatly. Needs-satisfaction is important to us, he points out. And satisfying needs does not necessarily require that we supply the need-bearer with as much as others have. It may require that we attend to individuals' standing relative to others, but relative standing has no preordained role in a needs-oriented theory of distributive justice. What is essential is that individuals have enough to satisfy those needs whose satisfaction is the business of justice—whatever that entails. Later sufficientarians such as myself have expanded Frankfurt's understanding of need, adding to basic human needs those needs that individuals acquire as a result of assuming the roles of citizen, of worker, or participant in the social life of one's community. Still, we retain Frankfurt's focus on needs and adequacy and reject material inequalities only when they impede this aim.

Rosenberg's Frankfurtian Proposal

We can get more insight into Frankfurt's view by considering Rosenberg's Frankfurtian proposal. Rosenberg pins the sufficiency level to "what each of us really

cares about, and what each of us should care about.”⁹¹ Although his view is inspired by Frankfurt’s, he remedies the problems attaching to satisfying individuals’ personal goals by suggesting that we first estimate “what is broadly sufficient at least for many types of individuals” and then guarantee everyone a social minimum based on this estimate.⁹²

Like Frankfurt, Rosenberg ignores political considerations. Consequently, his view fails the test of public justification in the democratic context. Rosenberg’s reliance on the notion of “what each of us should care about” threatens to override citizens’ legitimate differences regarding what is valuable in life. Our common ground “as creatures,” to use his phrase, is probably sufficient for democratic citizens to mutually justify public provision of basic human needs for food, shelter, basic medical care, and so on. However, if the sufficiency level is to provide resources sufficient to pursue our personal conceptions of the good, or, in Rosenberg’s words, “what we really care about,” we cannot rely on our common interests as human beings or persons. My view suggests that a promising alternative is our common ground as citizens.⁹³

III. Crisp: Sufficiency and Compassion

The Sufficiency Threshold

Like Frankfurt, Crisp builds an apolitical case for sufficientarianism. On his view, the sufficiency threshold marks the point at which an impartial observer’s compassion for individuals runs out. Below the threshold, individuals are objectively badly off, a condition which evokes the observer’s compassionate concern. Above the

⁹¹ Alex Rosenberg, “Equality, Sufficiency, and Opportunity in the Just Society,” *Social Philosophy and Policy* 12.2 (Summer 1995): 67.

⁹² *Ibid.* 67.

⁹³ In his revised view, Rawls splits the difference between my view and Rosenberg’s, arguing for supplying democratic citizens with the means of pursuing their conceptions of the good (what *they* really care about) by catering to their needs as citizens. See Rawls (2001): 60.

threshold, individuals are objectively well off, and any concern felt for them is characterized as “‘mere’ benevolence.”⁹⁴ Crisp grants that the notion of compassion in play is a “theorized” concept; the distinction between compassionate concern and benevolent concern must be stipulated and defended, not discovered.⁹⁵ However, though he introduces models of compassion, he declines to defend an authoritative description of the bounds of compassionate concern, ultimately remarking that his ballpark “intuition is that... eighty years of high-quality life on this planet is enough, and plausibly more than enough, for any being.”⁹⁶ This ambiguity regarding compassion poses something of a problem for Crisp, because the point at which compassion runs out determines the definition of objective wellbeing and objective lack, and the sufficiency threshold that separates them.

The Currency of Distributive Justice: Welfare

This brings us to another aspect of Crisp’s view, his focus on patterns of welfare achievement. Crisp casts his view as an improvement on egalitarianism, prioritarianism, and utilitarianism. Of utilitarianism, Crisp keeps welfare as the currency of distributive justice and patterns of welfare achievement as the ultimate focus of his view. He assumes (at least for the purposes of his article) that any benefit or burden that counts for the sake of justice can be accounted for in the single metric of welfare, and defines the sufficiency threshold in terms of welfare.⁹⁷

⁹⁴ Crisp: 758.

⁹⁵ *Ibid.* 757.

⁹⁶ *Ibid.* 762.

⁹⁷ Crisp’s departure from utilitarianism regards the problem that Crisp calls “the distinction between persons” (for Rawls, the separateness of persons), this being the charge that utilitarians are committed to sacrificing some individuals’ interests for the sake of improving others’ positions if doing so maximizes total utility (757). On Crisp’s view, the interests of those below the sufficiency threshold are protected

Rationale for the Sufficiency Threshold: Rejection of Egalitarianism and Prioritarianism

Crisp arrives at his position by rejecting egalitarianism for prioritarianism and prioritarianism for sufficientarianism. Egalitarianism fails in the manner described by Parfit's Leveling Down objection. Crisp recognizes that egalitarians may avoid leveling down benefits by adopting additional principles, but he faults egalitarianism for "claiming any reason" at all to favor a situation that levels down to equality over a situation in which everyone is better off. Leveling Down leads Crisp to prioritarianism, which does not throw away benefits that cannot be distributed equally among individuals if an unequal distribution harms no one.

Next, Crisp employs his Beverly Hills case to move from prioritarianism to sufficientarianism. Prioritarians maintain that the worse off people are, the more it matters to benefit them. Prioritarianism dictates, then, that we benefit the worst-off first, or the most. Crisp maintains that if the condition of the worst-off person does not elicit the compassionate concern of an impartial spectator, it is not important to benefit that person instead of benefiting other, better-off people.⁹⁸ This recalls Frankfurt's Rich and Richer test: who cares about benefiting the Rich so that they can catch up to their neighbors, the Richer?⁹⁹ The compassionate concern of Crisp's impartial spectator runs out for both parties when they cross the sufficiency threshold, and so Crisp only grants that giving priority to the worst-off matters below the sufficiency threshold.¹⁰⁰ As a compassion-threshold sufficientarian, Crisp maintains that we are not morally obligated

from such a sacrifice. Specifically, a great benefit to those above the sufficiency threshold is intolerable if it comes at a non-trivial cost to those below the threshold.

⁹⁸ *Ibid.* 755.

⁹⁹ Frankfurt 33.

¹⁰⁰ Crisp 758.

to benefit someone on the basis of their poor relative standing unless their absolute standing is also poor.

Crisp's view contrasted with my own

Crisp's view is close in spirit to Frankfurt's. Both views are apolitical, inattentive to the history of patterns of distribution, and motivated in part by the same rejection of prioritarianism. These first two points mark the disagreements that I have with both positions. Indeed, my major problem with Crisp's view is its apolitical nature, as evidenced by his understanding of need and his inattention to the history of patterns and to the sources of welfare.

Crisp and I differ regarding the definition of need because his view is fundamentally apolitical, whereas my view is fundamentally tied to the needs generated by the citizen role that members of a democracy take up. In considering how to define compassion, Crisp considers tying compassion to needs and then declines to do so. Though he recognizes that others' needs invoke our compassionate concern, Crisp reasons that "on any plausible distinction between needs and, say, desire satisfaction or other components of welfare, needs give out before compassion."¹⁰¹ That is to say, compassion covers needs *and more*. The idea that compassion easily outstrips need emphasizes the apolitical nature of Crisp's concept of need. He nods to the distinction between basic and nonbasic needs,¹⁰² but were he to recognize the legitimacy of needs to which the citizen role gives rise, he could not confidently assert that needs give out before compassion. In their roles as citizens of a democracy, individuals certainly have needs for significant levels of conditional access to the top-end benefits that their society

¹⁰¹ *Ibid.* 759.

¹⁰² *Ibid.* 759.

generates. On the other hand, it seems plausible that an impartial observer will not feel compassionate concern for the individual who lives a “high-quality life” but who happens to lack a significant level of access to graduate education, to political office, or to other positions of power and responsibility. Crisp’s notion of compassion was never intended to cover this sort of ground.

It is worth noting that even if compassionate concern did cover all of the needs associated with standing as a full and equal citizen, invoking the language of compassionate concern could be perceived as inappropriate and even insulting in the context of conversations about justice. Both pity and the nobler sounding “compassionate concern” are responses to individuals’ being badly off. When citizens make claims on one another as citizens, we hope that they make claims as equals seeking to maintain their full membership in society, not as beleaguered citizens needing compassionate concern. Claims of justice ought not be routinely cast as aid for the badly off, if it is possible to avoid doing so. The popularity of Social Security benefits (available to the rich and the poor) and the shame and stigma associated with welfare benefits that target the poor exclusively support my point.

That said, Crisp’s focus on patterns of welfare and his lack of attention to their histories and to the sources of welfare only compound the problems of his view from a democratic perspective. As I argued in the context of considering Frankfurt’s view, it is important that a society attend to the way that distributive outcomes are brought about: groveling for benefits is incompatible with equal citizenship, handouts are incompatible with citizens’ need to provide cooperative contributions to their society, and so on. The same problem attends Crisp’s measure of distributive justice, welfare. Citizens need

access to particular capabilities, and hence to particular benefits and accommodations. The equivalent level of welfare, paid out in fancy vacations or champagne, is inadequate. Crisp's frequent reference to the welfare obtained from very expensive bottles of wine emphasizes the outrageous apolitical bent of his view.

IV. Hayek: The Sufficiency Threshold as a Safety Net

The Sufficiency Threshold and Hayek's Justification for Its Limits

Hayek breaks from Frankfurt, Rosenberg, and Crisp's moral style of argument. On his view, the guaranteed social minimum acts as an economic safety net. Individuals can count on a level of benefits sufficient to avoid destitution,¹⁰³ and society is protected by the safety net as well, from the dangers of citizens who have too little.¹⁰⁴ As a safety net, the social minimum provided at the sufficiency threshold is not intended to sustain individuals comfortably. Its low level of guaranteed benefits (as compared to the higher levels of opportunity to gain, discussed in the next section) is intended to encourage citizens to participate in the market economy and to earn their way to greater comfort.

Hayek defines the sufficiency threshold or "safety net" by explaining its necessary limits. Certain benefits cannot be guaranteed to all, lest a society compromise two key values. These are individual freedom and the freeness of markets. Of these, the leading value is individual freedom: the social minimum must not limit individuals' freedom to choose their vocations or cut off other important personal liberties. In a comfortable society, protection for individual freedoms is compatible with guaranteeing all a level of resources sufficient to avoid destitution.¹⁰⁵ Such a society can afford to

¹⁰³ See F.A. Hayek, *The Road to Serfdom* (Chicago: University of Chicago Press, 1944) 120.

¹⁰⁴ Hayek (1960): 377. Consequently, Hayek defends compulsory public education.

¹⁰⁵ Hayek (1944): 120 and (1960): 285.

provide such resources to individuals who cannot or do not earn them. Hayek also allows that there is no conflict between individual freedom and insuring against “common hazards of life” such as sickness and accidents.¹⁰⁶ He grants that there is a good argument for state-organized insurance against these risks,¹⁰⁷ but does insist that all citizens be required to pay for this insurance lest they become freeloaders at the public’s expense.¹⁰⁸ Similarly, while he grants that publicly financed housing is a good idea, Hayek insists that it not be too grand, lest it appeal to those who can afford not to live in public housing.¹⁰⁹ Increased demand for public housing would hurt the market for non-state-subsidized housing. At every turn, Hayek watches the social minimum for increases that would ultimately harm our economy and our standard of living.

This brings us to Hayek’s second, supporting value. The social minimum must be compatible with free markets, both because they protect individual freedoms and because they are requisite for a healthy, increasingly wealthy economy. Hayek’s value for free markets acts as a significant constraint on what the social minimum can provide. His biggest target is “the security of a given standard of life,” a fortified version of present-day Social Security.¹¹⁰ Hayek considers a skilled worker whose job has become redundant through no fault of his own. The worker’s loss “offends our sense of justice”—we are tempted to give this person not only the means to get by, but also his accustomed salary.¹¹¹ Were we to do this, however, we would destroy the signaling effect of his salary. Decreasing the salaries of redundant workers is the only way to

¹⁰⁶ Hayek (1944): 120.

¹⁰⁷ *Ibid.* 121.

¹⁰⁸ Hayek (1960): 286.

¹⁰⁹ *Ibid.* 345.

¹¹⁰ Hayek (1944): 120.

¹¹¹ *Ibid.* 123.

indicate to job-seekers that their labor is less needed in a field than it once was; thus, income security cannot be provided to all as part of the social minimum. As Hayek puts it, if people “are to be able to judge what they ought to do, they must be given some readily intelligible yardstick by which to measure the social importance [the usefulness, he explains] of the different occupations.”¹¹² A year after publishing *The Road to Serfdom*, from which this discussion is drawn, Hayek’s article on the signaling effect of prices appeared.¹¹³ “The Use of Knowledge in Society” shows us that consumers need prices to signal that, for example, building with titanium is inadvisable when steel is adequate to do the job. By the same token, workers need wages to indicate to them when they should give up work in one industry for work in another. Absent these cues, Hayek worries in *Serfdom*, government officials must assign people to jobs. This would severely limit individual freedom, place too much power in the hands of central planners, and trade intelligent free markets for the unavoidably ignorant judgments of these planners.¹¹⁴

Opportunities to Surpass The Sufficiency Threshold

Unlike Frankfurt and Crisp, Hayek regulates the distribution of opportunities to surpass the sufficiency threshold. His position is made evident in his treatment of public education. The minimum level of compulsory public education ought to satisfy citizens’

¹¹² *Ibid.* 125.

¹¹³ F.A. Hayek, “The Use of Knowledge in Society,” *The American Economic Review* 35.4 (Sep., 1945): 519-530.

¹¹⁴ Hayek (1944): 123. Job assignment, and central planning in general, has at least three flaws. It is not compatible with individual freedom, of course. It is also bad for the economy. As Hayek demonstrates in “The Use of Knowledge in Society,” free markets coordinate and convey information that is essentially dispersed among the many consumers and producers in the economy. Central planners are hopelessly ignorant in comparison. Third, the terms of the income-insurance policy offered to each citizen would necessarily reflect “the views held by some authority about what a person ought to have done, what he ought to have foreseen, and how good or bad his intentions were” (124). As Anderson points out in her related critique of luck egalitarianism, these judgments require that we violate citizens’ privacy and the policy itself represents a significant diminution of citizens’ liberty (1999) 310.

interest in having their fellow citizens share a core set of values and knowledge with them.¹¹⁵ Beyond this, opportunities to outdo the minimum are to be regulated for the collective advantage of society. As Hayek puts it, decisions about who gets the opportunity to exceed this minimum “must rest not on the benefit it [higher education] confers to the recipient but on the resulting advantages for the community at large.”¹¹⁶ It is in our interest as a society to invest in educations that give back more than they cost. The level of publicly financed provision can be as generous as it is other times limited, provided our economic interests as a society are served.

Hayek's Economic Model

Hayek treats individuals as actors with an interest in personal freedoms and materially better standards of living. The kinds of injustices that we can suffer from are, accordingly, losses of freedom and economic security. We can find ourselves “left outside the range of sheltered occupation” in an economy that insures some jobholders against loss of income.¹¹⁷ We can be trapped in a system that does not permit passage from one economic class to another.¹¹⁸ We can be shut out of unions, and watch members benefit at our expense.¹¹⁹ Hayek paints a wrenching picture of the injustices we can suffer when we are short of money and not free to improve our situations.

He denies, however, that individuals can be wronged *as citizens* with respect to access to material goods beyond the social minimum. Indeed, Hayek explicitly denies that we can make substantially taxing claims on one another in our roles as citizens;

¹¹⁵ Hayek (1960): 377.

¹¹⁶ For a related discussion, see Elizabeth Anderson, “Fair Opportunity in Education: A Democratic Equality Perspective.”

¹¹⁷ Hayek (1944): 129.

¹¹⁸ *Ibid.* 210.

¹¹⁹ Hayek (1960): 270. He fails to anticipate the possibility of virtually universal unionization.

recall, he maintains that it is not the case that “membership in a particular community or nation entitles the individual to a particular material standard that is determined by the general wealth of the group to which he belongs.”¹²⁰ Membership cannot entitle citizens to more than a minimal social minimum, Hayek fears, because were the minimum more generous, non-citizens would beat down the doors to join them.¹²¹

Hayek’s View of Justifiable Social Cooperation Contrasted with My Own

Putting aside the credibility of Hayek’s fear, the interesting thing to notice here is the emerging picture of justifiable norms of cooperation among members of a society.

Let us consider a definition of cooperation, one that makes it clear that cooperating helps all cooperating parties to advance their goals:

People *cooperate* when they forego the pursuit of their own independent interests and follow rules or roles, the collective following of which promotes everyone’s interests better than would have been done by everyone pursuing her own interests *independently*.¹²²

The question is not whether individuals benefit as a result of cooperation, but how much, and relative to what baseline. This definition leaves it open that individuals with little means of advancing their goals going into a cooperative agreement may have barely improved prospects of advancing their goals after a cooperative agreement is reached. The contractualist position, on the other hand, maintains that justifiable terms of social cooperation must reflect individuals’ standing as equal citizens or, to put it in moral and apolitical terms, their claim to equal respect from one another.¹²³ Contractualism is typically contrasted with contractarianism, a view on which the justifiable terms of cooperation reflect individuals’ actual power over one another in the real world—and in

¹²⁰ *Ibid.* 100.

¹²¹ *Ibid.* 101.

¹²² Stephen Darwall, *Contractarianism/Contractualism* (Malden, MA: Blackwell Publishing, 2003): 3.

¹²³ *Ibid.* 4, 6.

particular, what the parties have to lose if no agreement to cooperate is reached.¹²⁴

Hayek is not a brutish contractarian. He does defend a safety net for all, even those who might have nothing if left to their own defenses—albeit by maintaining that it is necessary to preserve everyone’s interest in individual freedom and a healthy economy. However, his defense of a paltry safety net does seem to belie favor for those who exist comfortably enough not to rely on it. Hayek certainly rejects contractualism. He rejects out of hand the idea that citizens can demand, on the basis of their standing as equal citizens, even *conditional* access to a truly decent standard of living, to higher education, or to privileged positions. In the case that Hayek addresses directly, access to higher education is granted when it benefits society, but neither higher education nor conditional access to it is guaranteed to citizens on the basis of their equality and a corresponding expectation of full membership in society as an equal. My view, by contrast, relies heavily on citizens’ ability to make demands on one another in support of their standing as equal citizens. As discussed in chapter two, Hayek is particularly opposed to the kind of conception of reciprocity to which I am friendly.

That my view falls in or close to the contractualist camp while Hayek’s does not reflects the role that each of us assumes individuals occupy when they make claims of distributive justice. Hayek casts individuals in the role of free agents interested in preserving their individual freedoms and engaged in promoting their interests through participation in the market economy. The values embodied in this role constrain other societal institutions, including the organs of distributive justice. I depart from the market or competition model of distributive justice, finding that it does a poor job describing the

¹²⁴ *Ibid.* 4.

relationships among equal citizens in a democracy. As I see it, by not privileging the role of the equal citizen in setting up the rules of distributive justice, Hayek consigns himself to an impoverished view of distributive justice that is inadequate for a democratic society.

V. Satz: Educational Sufficiency and Equal Citizenship

Equal Citizenship as the Goal of the Educational Sufficiency Threshold

In “Equality, Adequacy, and Education for Citizenship,” Debra Satz sets a standard of educational adequacy that is tied to the demands of equal citizenship in a democracy. She unpacks the notion of citizenship using T.H. Marshall’s model of the political, civic, and economic conditions of full citizenship. These conditions define, Satz hopes, at least “in general terms, the nature and content of educational adequacy.”¹²⁵

Her understanding of Marshall’s three-part notion of full membership in a society is as follows:

As full members of society, citizens (1) have equal basic political rights and freedoms, including rights to speech and participation in the political process; (2) have equal rights and freedoms within civil society, including rights to own property and to justice; (3) have equal rights to a threshold of economic welfare and to “share to the full in the social heritage and to live the life of a civilized being according to the standards prevailing in the society.”¹²⁶

The civil/social right distinction is somewhat slippery, but as Marshall draws the line, civil rights secure a person’s freedom to transact and freedom to demand protection under the law, while social rights secure citizens’ freedom to participate in the full complement of social interactions that happen in civil society without fear of being shunned or marginalized.¹²⁷

¹²⁵ Satz 636.

¹²⁶ *Ibid.* 636.

¹²⁷ T. H. Marshall, “Citizenship and Social Class,” *Class, Citizenship, and Social Development: Essays by T. H. Marshall* (Chicago: University of Chicago Press, 1977).

It is fitting that Satz employs Marshall's notion of citizenship, which he describes as capturing the "development of citizenship to the end of the nineteenth century," because it also captures contemporary expectations of democratic citizens' range of rights, and in particular, those expectations that were affirmed by the U.S. Civil Rights movement. For example, Marshall's three-part distinction helps us to articulate the expectation that social rights will accompany citizens' political and civil rights. Satz points out the tie between Marshall's account of citizenship and the U.S. Civil Rights movement when she discusses *Brown v. Board of Education*, in which the U.S. Supreme Court identified the right to education—a social right, by Marshall's lights—as necessary for the "performance of our [i.e., citizens'] most basic public responsibilities."¹²⁸

The Sufficiency Threshold of Education

The guaranteed educational minimum is set, according to Satz, by determining for a given society what it takes for individuals to have equal political, civil, and social rights. Four requirements follow. First, the minimum must equip citizens to exercise their equal political, civil, and social rights, which range in the examples mentioned by Satz from freedom of speech to the obligation to serve on juries to rights to become involved in politics and the economy. Second, the minimum must keep up with the times, reflecting "the distribution of skills and knowledge in the population as a whole."¹²⁹ Third, the minimum must include an accommodation for citizens to be educated in settings that are not segregated by class, race, or other unacceptable ranks. Lastly, the minimum must be high enough to avoid inequalities between the best and

¹²⁸ Satz 635.

¹²⁹ *Ibid.* 636.

least educated that strand the least well-off in a state of “second-class citizenship.”¹³⁰

Throughout, Satz is careful to note that, contra the opinions of sufficiency detractors, a sufficiency threshold tied to equal citizenship is quite sensitive to how citizens are doing relative to one another.

Why Not Equality of Opportunity

In explaining why she rejects equality of opportunity, Satz makes two excellent points in favor of a sufficiency standard. First, she reminds us of something we may forget when caught up in the equal opportunity debate: “the *causes* of inequalities matter to our assessments” of their acceptability.¹³¹ It is easy to get caught up in assessing patterns of distribution when considering matters of distributive justice, but we cannot necessarily judge inequalities independent of their histories. Some inequalities, Satz points out, are due to factors that are unobjectionable, such as parents’ choices to raise children one way or another, in one part of the country or another. This is not to insist that inequalities with non-noxious causes are never noxious. Satz simply wants to remind us that not all educational inequalities or differences automatically send up red flags. We need always to consult the equal citizenship standard, checking to see whether an educational inequality actually interferes with children’s ability to develop into full and equal citizens.

Satz’s second point against equality of opportunity comes in stages. As Jencks points out, it is the vague notion of equality of opportunity that has such great appeal.¹³² Satz resolves the vague notion into several of its distinct incarnations, and explains their

¹³⁰ *Ibid.* 637.

¹³¹ *Ibid.* 633.

¹³² Christopher Jencks, “Whom Must We Treat Equally for Educational Opportunity to be Equal?” *Ethics* 98(3): 518–533.

flaws one by one before addressing what she takes to be the most admirable version of equality of opportunity. There is equality of opportunity as nondiscrimination, but that is compatible with many children being left behind in underfunded schools that leave them unable to compete for college or many skilled jobs. There is horizontal equity, which grants every child the same amount of money for education, but does not yield the same results for every child. Horizontal equality is particularly perverse because it fails children with the heaviest “loads”—students dealing with poverty, violence, and so forth.¹³³ These children are the farthest from achieving full and equal citizenship, and being the most vulnerable in this respect, ought to be served by a conscientious democratic society. From horizontal equity, Satz moves to two notions of vertical equity, which is identified with the notions of an “equal start” and a “level playing field.” The meritocratic version of vertical equity insists that only differences in children’s innate talents and equalities ought to affect their outcomes, but then, as Satz points out, “merit” is “highly endogenous to schooling” through high school.¹³⁴

This leads Satz to vertical equity as equal development of potentials. On this view, students are given more resources insofar as they have more “social obstacles” to overcome. Any differences in outcomes can be traced to differences in underlying potentials. The notion of “underlying potential” is vague, but it does not obscure the take-home message of vertical equity as equal development of potentials: that a society ought to supply more help for students with trouble that can be helped.

Satz acknowledges the intuitive appeal of equal opportunity as equal development of potentials, but explains its implausibility. On one hand, we cannot expect a society to

¹³³ Satz 628.

¹³⁴ *Ibid.* 629.

empty its coffers into educational reforms for the sake of keeping all children's educations on par with the standard set by those parents who devote the most resources to developing their children's potential. On the other hand, we do not want to level down, forcing these parents (and districts that tax heavily for education) to stop spending on their children: this decreases the talent that can be harnessed for everyone's good.¹³⁵ Satz's most biting criticism of equal development of potentials is that it is not compatible with respecting parents' basic liberties. Imagine a society that enforces equality of talent development for a generation of children. These children, when grown, are allowed normal freedoms, the likes of which we are loathe to deny anyone: freedom of movement, freedom of occupation, and freedom to raise one's children by one's own lights, within reason.¹³⁶ The result is unequal development of *their* children's potentials, unless the state steps in to limit parents' basic freedoms. The version of equality of opportunity that seems most in touch with the demands of equal citizenship is not sustainable from one generation to the next, unless we are willing to tolerate a severe restriction of parents' liberties. Given this insurmountable problem afflicting the most promising version of equal opportunity, Satz sees no shame in resorting to sufficiency of opportunity and a competitively set sufficiency level of educational opportunity.

Satz's View Scrutinized and Contrasted with My Own View

Satz and I are in agreement regarding the attractiveness of a sufficiency level of educational opportunity. Her use of Marshall's schema of rights also has a certain appeal. However, on its own, the schema is vague with respect to the level of economic welfare, education, and support that is to be offered to citizens equally. Satz's most

¹³⁵ *Ibid.* 632-633.

¹³⁶ *Ibid.* 634.

telling concrete advice regarding how we set the sufficiency level of educational opportunity is tucked into a discussion of equal development of potential and into the fourth requirement she attributes to full and equal citizenship. (The requirement is that the minimum guaranteed to all must be high enough to avoid inequalities between the best and worst off that “relegate some members of society to second-class citizenship.”¹³⁷) There, Satz takes a Rawlsian line on the kinds of inequalities that are compatible with equal citizenship:

Suppose you and I are equal in underlying potentials, but your parents invest in special lessons and that leads your potentials to surpass mine. Although it may now be true that my relative position with respect to a given opportunity is worse, my absolute position may be better, if your talent increases the size of the social surplus.... There are numerous [additional] ways a person can benefit from the cultivation of other people’s talents beyond the levels provided for by public funds: these talents may make life more interesting and stimulating, may give us a new sense of what human beings can achieve, and may be valuable for their own sake.¹³⁸

Rawls’s difference principle is itself embedded in a conception of justice that is meant to express a democratic idea of society, a society of equal citizens.¹³⁹

Satz’s conception of justice is precisely such a theory, geared at supporting equal citizenship in democratic societies. Thus, she seems to suggest that we pinpoint the level at which educational opportunities are guaranteed to citizens by employing the Difference Principle.

Unlike Satz, I do not adhere to the Difference Principle. With respect to educational opportunity, the principle would involve taking equal primary and secondary education for all children as our baseline distribution. All legitimate moves away from equal education would be associated with raising the minimum level of education or with

¹³⁷ *Ibid.* 637.

¹³⁸ *Ibid.* 632-633.

¹³⁹ *Ibid.* 639.

generating those benefits that we all receive from having more educated people around, such as having a more stimulating life. As I have argued in my discussion of reciprocity, this is a controversially heavy-handed interpretation of the terms of justifiable cooperation among equals.

The Difference Principle-free interpretation of reciprocity that I offer is far from impoverished. I prefer it to the Rawlsian vision (which Satz endorses) for at least two reasons. First, we ought not assume that the Difference Principle is easy to employ. We can tell to some degree when benefits to some redound to the benefit of the least well-off and those in between, but the question when applying the Difference Principle is whether the worst-off are benefiting maximally, or even close to maximally. I do not believe that the Difference Principle meets Rawls's own publicity requirement in this respect.

According to Rawls, the publicity condition is fully met if (i) citizens recognize the principles of justice and have grounds for believing that their society's basic institutions satisfy those principles, (ii) citizens recognize the presuppositions that led to the choice of those principles in the Original Position thought experiment, and (iii) citizens can recognize how justice as fairness is justified "in its own terms."¹⁴⁰ Even if citizens refrain from acting exploitatively, it may be difficult to determine the minimum effective incentives to do "dirty work" or to relocate to where one's services are needed.¹⁴¹ If so, the Difference Principle fails Rawls's first condition of publicity.

Second, the Difference Principle's appeal hangs on our accepting equality as a laudable baseline distribution, or rather, *the* laudable baseline distribution. As discussed,

¹⁴⁰ Rawls (2001) 121.

¹⁴¹ This point is due to Cohen. G.A. Cohen, "Incentives, Inequality, and Community," in Grethe Peterson, ed., *The Tanner Lectures on Human Values*, Vol. 13 (Salt Lake City: University of Utah Press, 1992).

Rawls concludes that this is so because social institutions should not amplify the effects of natural and historical contingencies.¹⁴² I have already offered my official line of argument against this understanding of reciprocity. It is worth adding, on a more “personal” note, that Rawls’s line of argument is self-alienating in a certain way, chiding individuals for taking credit for some of their most defining characteristics. On Rawls’s view, that a person is born into wealth or talent does not mean that she should get greater rewards in exchange for her cooperative contributions—and the same goes for being hardworking or driven, since a person’s undeserved upbringing has a lot to do with the work habits she develops. Rawls may be right, but this is a tough sell: accept equality as a fair baseline because most of your distinguishing characteristics (even the ones you worked hard to cultivate) are not a legitimate basis for receiving greater or lesser rewards. Satz recognizes this difficulty when she talks about the tension between equal development of individuals’ potentials and the exercise of basic individual freedoms. Allowing individuals to exercise their freedoms generates inequality, and individuals may have a deep, value-based stake in the outcomes they generate—a stake that we have reason to resist plucking up for the sake of promoting equal development of potentials. Why, then, rely on the egalitarian Difference Principle? I propose a robust alternative vision of reciprocity that shares Rawls’s aim of supporting full and equal citizenship, without the excess and confusion involved in enforcing the Difference Principle.

¹⁴² See, for example, Rawls (1999): 262.

VI. Anderson: Modified Sufficiency for the Sake of Equal Relations

Egalitarian Goals Motivating the Sufficiency Threshold and Additional Distributive Constraints

Anderson's view, democratic equality, aims to reconnect academic egalitarianism with its roots in real-world egalitarian struggles against racism, sexism, caste systems, and other noxious hierarchies. This aim is made especially evident in the "negative" requirement of democratic equality, that just democratic societies must protect their citizens from oppression.¹⁴³ Oppression is cashed out in Young's terms: no marginalization, no status hierarchy, no domination, no exploitation, and no cultural imperialism.¹⁴⁴ Democratic equality also has a positive aim, which overlaps partially with the aim of ending oppression. This is that a just democratic society must respect "the equal moral worth of persons."¹⁴⁵

The goals of ending oppression and respecting the equal moral worth of persons are attributed to the goal of equal *citizenship*. However, Anderson's egalitarian aims stretch the bounds of citizens' equality to reject "relations of domination" anywhere they appear in individuals' lives.¹⁴⁶ While some aspects of citizens' equality are tied closely to central citizenship functions, Anderson's account takes the motto "the personal is political" to heart, spelling out an ideal of equal relations that spans the whole spectrum of human relationships and interactions.

¹⁴³ Anderson (1999): 313.

¹⁴⁴ *Ibid.* 312.

¹⁴⁵ *Ibid.* 312.

¹⁴⁶ *Ibid.* 316.

Lest the sheer breadth of Anderson's ideal of equality go unappreciated, consider the following accounts of equality that figure into her view. Descriptive captions are added in italics.

Equality in any kind of relationship:

To understand what equal social relations are, consider their opposite: hierarchical relations.... There are hierarchies of *esteem*, whereby those on top elicit honor and admiration, while those below are stigmatized and held in contempt as objects of ridicule, loathing, or disgust. There are hierarchies of *power*... whereby those at the top command those below... There are hierarchies of standing, whereby those at the top are empowered to make claims in their own right, and to enjoy [special] rights and privileges.... Egalitarians aim to abolish such hierarchies and to replace them with relations of equality—equal respect, power, and standing. Where replacement is not practical, egalitarians aim to sharply limit the grounds on which hierarchy can be based.¹⁴⁷

How equals constrain their conduct toward one another:

Democratic equality regards two people as equal when each accepts the obligation to justify their actions by principles acceptable to the other, and in which they take mutual consultation, reciprocation, and recognition for granted.¹⁴⁸

Equality in conversation:

To stand as an equal before others in discussion means that one is entitled to participate, that others recognize an obligation to listen respectfully and respond to one's arguments, that no one need bow and scrape before others or represent themselves as inferior to others as a condition of having their claims heard.¹⁴⁹

Equality consisting in the development of Rawls's two moral powers:

Egalitarian political movements... assert the moral worth of persons.... Positively, the claim asserts that all competent adults are equal moral agents: everyone equally has the power to develop and exercise moral responsibility, to cooperate with others according to principles of justice, to shape and fulfill a conception of their good.¹⁵⁰

Equality among workers, or participants in cooperative production:

To be capable of functioning as an equal participant in a system of cooperative production requires effective access to the means of production, access to the education needed to develop one's talents, freedom of occupational choice, the right to make contracts and enter into cooperative arrangements with others, the

¹⁴⁷ Anderson (2007): 263-264.

¹⁴⁸ Anderson (1999): 313.

¹⁴⁹ *Ibid.* 313.

¹⁵⁰ *Ibid.* 312.

right to receive fair value for one's labor, and recognition by others of one's productive contributions.¹⁵¹

Particularly telling is Anderson's commitment to abolishing all social hierarchies and replacing them with "equal respect, power, and standing" except "where replacement is not practical."¹⁵² Democratic equality is a vision of the perfection of equal relations among citizens; it is totally comprehensive, and tied to an exacting ideal of equality among persons.

The exacting nature of Anderson's ideal of equal relations among citizens has egalitarian ramifications for distribution. While she argues for a guaranteed social minimum, Anderson also advocates for limiting economic inequalities and "crowd[ing] individuals in the middle of the [economic] distribution."¹⁵³ These additional measures support the social solidarity that her ideal of equal relations encourages. A guaranteed social minimum is but one of the distributive requirements associated with promoting her vision of democratic equality. While my view is aptly characterized as sufficientarian, her view is more aptly described as "sufficientarian plus."

Anderson's View on Equal Citizenship Contrasted with my Own

However, the fundamental difference between my view and Anderson's view has to do with our characterizations of equal citizenship. Both Anderson and I identify certain categories of recognition that we take to be crucial to securing equal standing as a citizen. However, I build a far less expansive notion of citizens' equality. My account is tied closely to the functions that citizens are expected to be able to perform in a democracy. Instead of targeting social hierarchies generally, I allow the functions central

¹⁵¹ *Ibid.* 318.

¹⁵² Anderson (2007): 264.

¹⁵³ *Ibid.* 267.

to citizenship to define the critical categories of recognition for equal citizenship. So, for example, citizens are expected to participate in the determination of the laws and policies of their society. My account of citizens' equality acknowledges and interacts with this function, rejecting social exclusion and marginalization as barriers to participation in the political process. Similarly, my account of equality acknowledges that citizens are expected to participate in the production of the benefits their society needs to be self-sustaining; consequently, I maintain that providing citizens access to equal standing requires that we provide them access to making valued contributions to society.

My view does not address many hierarchical relationships and opportunities for domination directly. However, it reaches quite a few of these through their effects on individuals' ability to function as citizens. Even familial relationships can be reached and regulated through the enforcement of citizens' need for autonomy and children's needs as up-and-coming citizens. In general, a society can insist on providing all citizens with effective access to the capabilities associated with the full complement of citizenship functions. This is no meager protection against domination, and it affords citizens an exit from intolerable relationships and situations.

That said, my view does detach functioning as an equal citizen from standing as an equal in the many social orders that typically characterize social living. My reasoning here does not involve denying the pull of more egalitarian visions of justice such as Anderson's. We are all subject to the stresses of social hierarchies, and the idea of a society free of demeaning interactions, dominating relationships, and other abuses of power and standing is appealing. Rather, as I argued in chapter one, I draw the boundaries of equal citizenship as narrowly as I do to because it is harder to establish that

citizens owe one another the enforcement of a robustly egalitarian society as a matter of justice. Standards of justice must meet the criterion of mutual justifiability among citizens of a democracy. The more we stretch the content of citizens' implied shared commitments to cover our moral intuitions, the less certainly we establish the conclusions we draw about what citizens owe one another on the basis of reasons drawn from these implied shared commitments.

In addition, by holding the line where I do, I think that my view marks off two intuitively different categories of concern, one attending to unequal social relations that do not obviously hinder the development and exercise of individuals' central citizenship-related capabilities, and one attending to unequal social relations that do. People flaunt their real and perceived social advantages with respect to all kinds of things: their luck in love, their admired looks, their respected artistic skills, their enviable bank accounts, their humble beginnings and their aristocratic ancestors. It may be hurtful of the rich to snub their less rich acquaintances by throwing exclusive parties; we can say something similar of individuals who wield other of their social advantages similarly. However, in a sufficiently diverse society, there is a kind of respite available for failure to obtain standing in any one sphere of life. An unpopular writer may prove to be a respected husband. An unappreciated husband may find success as a politician. An unsuccessful politician may find satisfaction in a lucrative lecture tour, and so on. None of this is to say that recognition and success in one realm literally makes up for low standing in another social order. However, with enough independence among social hierarchies, a society can guard against citizens losing standing across the board because they are, for

example, unpopular. Likewise, it can guard against citizens dominating across the board because they have, for instance, achieved economic success.¹⁵⁴

However, from the perspective of democratic justice, we ought to insist that there is no substitute or “making up” for loss of access to the capabilities central to functioning as a citizen. Likewise, for the sake of establishing oneself as an equal citizen, there is no substitute for the recognition that comes from exercising these central capabilities. From the perspective of justice, this loss of standing is intolerable and hence, to be protected especially well. No amount of respect as an artist or writer ought to be said to make up for being a member of a community that politicians ignore, even if particular artists and writers are mollified by their professional success. Similarly, no amount of respect as a parent or spouse can substitute for not being in a position to gain standing as a contributor of valuable work; no amount of wealth makes up for being a member of a stigmatized group that cannot run for office with any chance of success. These are intolerable failures of access in a democracy and my view sets them aside as such. By drawing the boundary around inadmissible inequalities somewhat conservatively, my view allows us to see uncontroversially unjust inequalities for what they are.

The upshot for my view, as compared to Anderson’s and other more egalitarian projects, is that it is only honest to identify it as a floor or required minimum for democratic distributive justice. The minimum I describe is the least a democracy can do consistent with securing the continuance of democratic civil society and democratic interactions in the political arena, because it is the least a society can do consistent with supporting the institution of full and equal citizenship. I grant that above the floor set by

¹⁵⁴ This idea of sphere differentiation is due to Walzer. See Walzer (1983).

my sufficientarian requirements, citizens are free to demand more of one another if they please. Indeed, egalitarians such as Anderson would argue that they are bound to do more if they are to better approximate the ideal of equal relations among citizens. However, given the difficulties attending citizens' mutual justification to one another of more ambitiously egalitarian views, I have thought it worthwhile to investigate how demanding a less controversial view, based on an account of equality among citizens that is closely tied to the functions defining the citizen role, can be.

CHAPTER 5

CONCLUDING REMARKS AND FUTURE DIRECTIONS

Sufficientarianism from Two Perspectives: Moral and Democratic

When I first started this project, I was on board with sufficientarianism because I thought that it was intuitively on the mark. I found Frankfurt's mantra incredibly compelling: what really matters is that people have enough, not that they have as much as others. By contrast, I had very weak egalitarian intuitions. Rawls's work in particular struck me as completely over the top in its egalitarian bent. Either my intuitive sense for discerning what we owed one another (either as citizens of a democracy or as members of the same moral community) was broken or Rawls's was.

Later, I realized that the most plausible way to pitch my project was to present it as a floor for democratic distributive justice. Instead of pitting my sufficientarian intuitions against others' egalitarian intuitions, I would call a truce. The egalitarian camp could have their intuitions, and those of us in the Frankfurtian camp could have ours. My argument would not hang on undermining anyone's egalitarian intuitions, though I hoped that it would in fact do so by demonstrating that most of egalitarianism's virtues can be co-opted by a smartly designed sufficiency standard. Instead of butting heads with egalitarians, I would argue that their most robustly egalitarian intuitions were too controversial to be read into democratic citizens' implied commitments to basic

democratic values. Given the importance of reasons being available to democratic citizens that they can use to justify their society's principles of justice to one another, I had a basis for placing my sufficientarian view alongside more ideal egalitarian accounts as more than a realistic compromise. My view would provide a floor at or above which democratic distributive justice must operate. I would acknowledge that further claims of justice might exist, but I would insist that further claims based on controversially egalitarian intuitions were suspect with respect to their mutual justifiability among citizens.

Today, when I compare my view to that of Anderson or Rawls, I note that their views on democratic distributive justice are pegged to visions of the perfection of equal relations among citizens. I describe my own project as measuring the demands of justice against a solid yet politically feasible interpretation of what individuals need to function as full and equal citizens—where “politically feasible” refers to the expectation that reasons for adopting my view will be available to citizens that they can reasonably offer to one another and reasonably expect one another to accept. Politically feasible or “realistic” political theories such as my sufficientarian view must face the criticism, leveled by David Estlund among others, that they relax the standards of justice simply in order to make them easier to meet or more politically acceptable.¹⁵⁵ While it is on principled grounds that I adhere to a political acceptability standard, Estlund can argue that my view is as cheap as others that ignore ideal theories of justice or morality. This is an area I anticipate investigating: the conflict of my idealism with respect to democratic

¹⁵⁵ David M. Estlund, *Democratic Authority: A Philosophical Framework*. Princeton: Princeton University Press, 2008.

requirements regarding justification and others' idealism with respect to the demands of equality and other moral ideals.

More on the Same Note: Democratic vs. Global Distributive Justice

I think that this issue has interesting applications in democratic and global distributive justice considered together. My present research explores democratic citizens' obligations to fellow citizens, to the exclusion of considering citizens' obligations to non-citizens abroad or within their society. The literature on global distributive justice observes a similar distinction: some writers fall into the camp that assigns obligation on the basis of association membership (such as shared citizenship), while philosophers such as Peter Singer promote a cosmopolitanism that ignores association membership in assigning obligations to provide positive aid. I believe that the debate in these terms is ill-conceived. The important question is how members-only claims and all-inclusive cosmopolitan claims ought to compete for priority. Significantly, these claims are grounded in different ways. A theory of distributive justice for democracies—my paradigmatic case of a members-only account regarding obligation—must be justified by appeal to political considerations. Such a theory must be supportive of democratic life and justifiable on grounds that citizens can reasonably offer to one another and reasonably expect fellow citizens to accept. A theory of distributive justice such as Singer's, on the other hand, cannot be justified on the basis of political considerations because it ignores associations in assigning obligations to provide assistance. Instead, his view is advanced primarily on abstract moral grounds.

Here I see the heart of the debate over how members-only claims of democratic distributive justice and all-inclusive claims of global distributive justice are to be weighed

against one another. As a democratic theorist, I treat moral arguments with circumspection: their conclusions may or may not be borne out by reasons that all citizens can be expected to accept. The cosmopolitan in turn regards democratic justification as inadequate given the way it prevents her from presenting the whole truth in support of her view. I am inclined to grant cosmopolitans the priority of basic human needs. Beyond that point, weighing members-only claims against cosmopolitan claims requires us to evaluate the limits of the liberal democratic practice of justifying policies by appeal to citizens' shared interests. Just as liberalism limits the range of majority rule in democracies, I plan to argue that legitimate cosmopolitan concerns limit the range of policies that can be justified solely by reference to citizens' shared interests.

An Unresolved Issue: Setting the Floor

I have focused on making the case for sufficiency over equality, taking more egalitarian views as my target. However, thinking about equality and sufficiency has not helped me to resolve a problem that *both* egalitarian and sufficientarian views face: how to determine the guaranteed level of provision. Frankfurt remarks that it is easier to figure out what an equal share is than to figure out what is enough, but that is not true except in textbook cases where a society is trying to divide a determinate-size pile of benefits equally among its citizens.

This is prefatory to saying that one issue I have not been able to resolve is how exactly to set the sufficiency level between the unacceptably low parameter and the impossibly high standard that cannot be supplied to all (or that would put equal citizenship out of reach for most citizens). A high school education without possibilities

of four-year college is too little, and a Ph.D. is too much to expect, but in between these extremes there is an uncomfortable amount of wiggle room.

Besides protesting that the problem is not unique to my view—it is also a problem for the large part of my audience that toes a Rawlsian line—I want to suggest, optimistically, that this latitude leaves room for other considerations of justice to determine the exact sufficiency level, and hence to be supported by the sufficiency level. As I noted earlier, Anderson argues that the distribution of opportunities ought to serve a democracy's epistemological interest in having a diverse elite class. Surely there are other considerations that bear upon the distribution of capabilities or opportunities; perhaps it is good that we have room to maneuver when setting the sufficiency level. I think that this suggestion is, however, a bit empty on its own. I hope to someday say more than that we cannot seek more specificity than the subject permits, and that it is expedient that the subject does not permit more specificity than it does.

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