

**Social and Individual Security, Opportunities and Responsibility:
The Capability Approach and the Third Way**

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Abstract

The fashionable widespreading of Sen's ideas coincides with a new mood in the shaping of public policies in affluent societies. In Europe indeed, an "opportunity"-based approach to social security has been implemented through the European Employment Strategy. Public action tends to rely on a procedural concern with individual opportunities or potentialities in the labour market. The underlying ethics is that individuals are then responsible to use these background opportunities in order to lead the kind of life they value most. More broadly, the discourse and practice of the so-called "Third Way" shares with the CA an appeal for a procedural and enabling depiction of the role of the State. Is then the "Third Way" a practical representation of the capability approach to social policies? The paper intends to clarify the relation between procedural and opportunity-based approaches to social justice, among them the CA, and these new patterns of public action. Our vision goes in the way of a yet renewed, but deeper action of the welfare state, where social agency is envisaged as the very condition of individual agency. The issue eventually boils down to an ethical reflection on the articulation of responsibilities, and to a pragmatic and substantial concern for the content of what "providing security" should mean in practice.

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0. Introduction

The fashionable widespreading of Sen's ideas (the translation of his books, the organisation of high level international conferences, the increase in doctoral dissertations dedicated to the CA in various disciplines, etc.) actually coincides with a new mood in the shaping of public policies in affluent societies. In Europe indeed, an "opportunity"-based approach to social security has been implemented through the European Employment Strategy, and is more generally carried out by the "micro" turn in social policies. Public action tends to rely on a procedural concern with individual opportunities or potentialities in the labour market, which has been presented to the citizens under the heading of "employability". In Great-Britain, the language of rights, opportunities and responsibility has tended to become the cornerstone of social and employment policies. In Belgium, the philosophy of the "Active social State" defends individual agency against the former "dependency" pitfalls, etc. Thus, the last twenty years have seen a steady increase in interest in the ideal of equality of opportunity. The objective of "widening opportunities" among disadvantaged groups (at least in the specific areas of education and employment) has featured increasingly in the programs of European political parties of both the centre-left and the centre-right. The rhetoric used and the "egalitarian intuition" behind these policies (see Lake, 2001) claim that it is opportunities that the State should guarantee and promote, rather than direct levels of well-being or the simple materialistic provision of benefits. The underlying ethics is that individuals' are then responsible to use these background opportunities in order to lead the kind of life they prefer or value most. More broadly, the discourse and practice of the so-called "Third Way" shares with the CA and many other "opportunity"-oriented views for evaluating social arrangements an appeal for a procedural depiction of the role of the State, qualified by some as "enabling" (Gilbert, 2003). The proximity with the developmental approach of the CA goes without saying. Is then the so-called "Third Way" a practical representation of the capability approach to social policies? The paper intends to clarify the relation between procedural and opportunity-based approaches to social justice, among them the CA, and the procedural and opportunity-based new patterns of public action. Section 1 summarises the main issues raised by the recent transformations of the welfare state and analyses their impact in terms of social justice and articulation between individual and collective responsibility. Section 2 shows how such political developments have

been mirrored in the academic sphere by a move from “equality of resources” to “equality of opportunity” theories, that incorporate the liberal values of individual freedom, responsibility and desert at the very centre of the egalitarian ideal. Nevertheless, these conceptions remain highly controversial, and there is no theoretical consensus concerning the range and scope of opportunities to be provided, as well as the best articulation between individual and collective responsibility. The third way rhetoric is pervaded by the same ambivalence, and it is not clear what kind of equality third way policies actually promote. Section 3 claims that the capability approach could be the most promising way out the “resource vs. opportunities” and “individual vs. collective responsibility” dilemmas. At the very least, it provides an analytical and critical framework allowing to clarify the meanings and scope of third way policies and “equality of opportunity” theories, as well as the main challenges associated with the micro turn in the field of social policies and normative political theory.

1. Recent trends of the welfare state

The issue of justice lies at the very core of the recent changes of the welfare state. As a matter of fact, during the last three decades, the informational basis mobilised in order to define what redistribution is right and fair has considerably evolved under three respects: 1) what is to be redistributed or restored via the public intervention: cash and other kinds of resources, or opportunities and abilities to act? At a theoretical level this has been aptly captured by the “equality of resources” vs. “equality of opportunities” debate; 2) who is in charge of providing help? Is it a matter of individual responsibility (according to the “help yourself” principle) or social responsibility, and how to determine the fair combination between both? 3) who deserves to be helped and what criteria are to be used in order to determine this? Another issue crosses all these questions: is it possible or desirable to design a uniform intervention to be applied to all welfare beneficiaries, or are all cases to be tackled by local public, private and social actors? The following pages will successively tackle these issues.

a) What equality? From resources to opportunities

The welfare state has been first conceived as a way to compensate for losses of revenue due to unemployment or inactivity, i.e. inability to provide for oneself on the labour market. The mechanisms set up during the so-called golden age of welfare used to follow along the same logic. At first, categories of social risks were defined (classically the nine risks identified in Convention 102 of the International Labour Organisation) in order to delimit the legitimate territory of intervention of the welfare state. The compensation of the costs induced by such social risks was indeed considered to be a social responsibility, i.e. individuals were unconditionally entitled to receive cash benefits in case those risks were to occur. Thus, the delimitation of these risks was of utmost importance, since it was parting out the respective territories of individual and collective responsibility. This delimitation combined two main concerns: a) identify situations where the lack of resources due to absence of income or any other kind of revenue had to be compensated; b) determine which ones among these situations resulted from inability to work or gain revenue. Actually, the use of this second criterion narrowly depended on prevailing social norms (e.g. in a patriarchal society, women ought to stay at home in order to look after children or to take care of the household, which implies that female inactivity is not entitled to cash entitlement). Therefore inability to work was not defined along strictly biological parameters.

Until the eighties, the development of the welfare state has seen the first criterion (i.e. lack of resources) increasingly prevail over the second one (i.e. inability to work). This coincided with an ever larger scope of compensated inactivity, which also implied that issues connected with the good or bad will of the people in need of cash benefits were less and less taken into account. Indeed, the territory of social insurance (i.e. unconditional entitlement to cash benefits) tended to be ever more encompassing whereas social assistance mechanisms (means-tested, discretionary, and to be reimbursed) were mobilised for an ever more residual part of the population. The aim of social insurance was thus not to restore working capacity as quickly as possible, but to compensate for the loss of revenue, which means that the welfare state focused on equality of resources with very varying devices and degrees in the way the lost incomes were compensated (only for the worst-off in the liberal regimes; for everybody but with a view to maintain the inequalities prevailing on the

labour market in the conservative regime; for everybody with a genuinely egalitarian ambition in the social-democratic regimes – Esping-Andersen 1990). In this model of social insurance, equalising opportunities was not considered to be a matter of social intervention, indeed politics was confined to provide the macro conditions whereas the upgrading of individual opportunities or the appropriateness of recipients' behaviours were considered as individual concerns¹. By contrast, social assistance beneficiaries were compelled into adequate behaviour, i.e. into return to financial autonomy. In this first age of welfare, there was a strict separation between equality of resources (envisaged as a social responsibility) and equality of opportunities (an individual responsibility), and any intervention of the welfare state in the field of opportunities was confined at the macro level. Moreover, individual behaviours and their ethical appropriateness were considered to be out of the scope of the welfare state except for social assistance devices, where such intrusion in the private sphere was purposefully conceived of as a tool of social control aiming to enforce compliance with prevailing social norms (i.e. work ethic). The main way to provide security was then provision of cash resources, but beneficiaries still had to strive for opportunities on their own.

From the 80s onwards, the main pitfall of this system was found to be the moral hazard conveyed by unconditional cash benefits (inducing the so-called dependency trap). Neo-liberal policies suggest to eliminate this trap by reducing or suppressing cash benefits, or by introducing much stricter eligibility conditions. The underlying postulate is that if people are not provided with resources, they will better strive for their living, and this will boost the creation of opportunities. The retreat of the State is thus envisaged as the very precondition for promoting individual responsibility. Third way policies that emerged in the middle of the nineties propose yet another policy orientation: in Giddens' words, the main objective is "investment in human capital wherever possible, rather than direct provision of economic maintenance. In place of the welfare state we should put the social investment state" (1998: 117). In this perspective, the intervention of the State is granted legitimacy if it is a productive investment, in other terms equalisation of resources is legitimate only if it contributes to create new opportunities in the future. The language of opportunities is not to be contrasted with that of resources, but to be instilled in it and to subordinate it. In other

¹ With the exception of the social-democratic regime, where active labour market policies were set up already in the 60s (cf. the Rehn-Meidner model).

words, the logic of compensation needs to be pervaded (and not substituted as neo-liberal policies would have it) by that of investment. In third way policies, security is achieved via equalisation of opportunities to which income redistribution is doomed to contribute. Therefore, future security features as a more important concern than present well-being. In Esping-Andersen's words, the main finality of the new architecture of the welfare state is no more decommodification, but the struggle against social inheritance in order to equalise opportunities for all members of society. Thus the discourse of social investment, especially in human and social capital, is to substitute the 'tax and spend' tendency of the Keynesian welfare state: "A social investment strategy directed at children must be a centrepiece of any policy for social inclusion" (2003: 30).

This paves the way for new conceptions of equality to be strictly distinguished from neo-liberal and social-democratic views alike. On one side, Giddens claims, meritocracy generates significant outcome inequalities, which badly impact on social cohesion. Moreover, inequalities that are not tackled by social interventions tend to reproduce themselves, which is in full contradiction with the meritocratic logic. On the other side, social-democratic redistribution aiming at equalising financial resources inevitably results in dependency traps, i.e. in producing disincentives discouraging the creation of opportunities by all recipients unable to behave responsibly by themselves. In both cases, Giddens says, the result is social exclusion either via the unfettered market logic of neo-liberalism, or via the unconditional payments of social-democratic welfare states. By contrast, third way policies define equality as inclusion, and inequality as exclusion. "Inclusion refers in its broadest sense to citizenship, to the civil and political rights and obligations, that all members of a society should have, not just formally, but as a reality of their lives" (Giddens 1998: 102-3). In our present society, access to work and education feature as the most important opportunities to be provided in order to guarantee inclusion to each and every member of society.

By providing opportunities, the social investment state promotes active risk-taking instead of passive benefit-receiving. For that very reason, the British New Labour claims to depart both from the New Right (i.e. Thatcher and Major lines of government) advising deregulation and privatisation as the ways to promote individual responsibility and competition, and from the Old Labour guaranteeing unconditional rights via the welfare state, thus providing powerful disincentives for

individual autonomous and responsible behaviour. The rhetoric of the third way constantly plays on this departure from its forerunners (Powell 1999). What distinguishes third way policies from neo-liberal views is that the State keeps a leading role in the pursuit and achievement of equality defined as inclusion. Conversely they oppose the social-democratic welfare state in that social expenditure is envisaged as a productive investment rather than an unproductive cash compensation. To put it short, third way policies share with neo-liberalism the discourse of opportunities but the channels used to achieve equality of opportunities are opposed: on one way market mechanisms, on the other the social investment state. They agree with social-democrats on the key contribution of the state, but suggest a radical shift in the allocation of social expenditure from resources to opportunities (in that equalisation of resources is legitimate only to the extent that it favours equalisation of opportunities, which implies that the main resources to be equalised are not only cash resources, but in first line capitals to be fructified, namely human and social capital). The concern for present consumption capacity is replaced by that of investment with a view to create new opportunities.

This passage from resources to opportunities also coincides with a significant transformation in the way to conceive redistribution of financial resources, in that the traditional welfare mechanisms (i.e. social insurances) give way to the so-called fiscal welfare state, in which redistribution takes place via tax credit programmes (supplementing actual incomes instead of compensating income loss), in line with the “making work pay” logic.

The European Union Strategy with its focus on employability, training and active labour market programmes, follows along similar lines. Investment in capital is envisaged as essential if the EU is to become the most competitive knowledge economy. Esping-Andersen and colleagues' report to the Belgian Presidency (2002) emphasise the aim of a child-centered social investment strategy, which coincides with the ambition to adapt individuals and society in order to increase competitiveness and better cope in the new knowledge economy. The future-oriented focus of the social investment state certainly aims to equalise opportunities on a lifelong term, but this takes place with a view to enhance European competitiveness in a globalised knowledge economy. In Finlayson's words, this amounts to promote an ideal vision of the actor as “a reflexive individual who regards his/herself as a form of capital to be processed, refined and invested, and who does this within the context

of an obligation to the community to be productive" (2003: 166, quoted in Lister 2004). In other words, the economic metaphors used in third way rhetoric convey an economicist conception of man as a means towards greater economic productivity. However, the "equality of opportunities" discourse does not carry with it such a restrictive definition of opportunities envisaged as merely instrumental to economic productivity. In the same way, the enabling, managerial version of the state, that is advanced as the preferred mode of third way governance, is not a fatality. As a possible alternative, proponents of the so-called "ensuring state" claim that there is place for exercising public responsibility after empowering, and that the state has a moral and political responsibility to see that adequate resources and services are provided, whether this responsibility be achieved via audit, regulation or specific funding devices. Hence, the range and the very content of the opportunities to be provided via public intervention are contentious matters, and the present primacy of human capital approaches by no way indicates their absolute superiority. Part 2 will analyse how this issue is tackled in theoretical thinking.

b) Who is in charge? From the central technocratic state to situated local actors

The golden age of welfare relied on a centralised pattern of public action. Categories of social risks were defined by central political bodies with the help of central administrations, and local civil officers were then in charge to implement the directives deployed at central level. The issue of equality of resources was conceived as a mechanical device where human discernment and decision-making played no part whatsoever. Rather the contrary, local officers' initiatives were constrained in order to avoid arbitrariness in decision-making. Equity was guaranteed by the central-level design of appropriate measures, the implementation of which had to be as automatic and mechanical as possible. In such a model, no wonder if the main tools of reform were lobbying and pressure put on the central political and administrative bodies in order to modify the level and duration of benefits, i.e. of resources provided via the cash welfare state. This has been coined the age of neo-corporatism (e.g. Crouch 1993), when trade unions and the political left were uniting their forces in order to impose their view on decision-making processes within parliamentary bodies. In scientific terms, this was also the golden age of so-called "power-resource

theories” explaining the diversity between welfare states via the varying ability of trade unions and political leaders of the left to impact on welfare design (e.g. Korpi 1983, Esping-Andersen 1985).

By contrast, third way policies insist on the setting up of local partnerships between public and private actors. This induces a twofold transformation: first the emergence and mobilisation of private and civil society actors in the pursuit of publicly designed targets; second a new balance within the public sector itself between central and local actors, giving the latter more autonomy and decision-making power in their daily action. Under such conditions, the external State imposing its objectives from the outside, gives way to the so-called situated State where the content of public policies is to a larger extent defined in context (Storper and Salais 1993). The local actors' capability for voice becomes key in this model, i.e. the extent to which they are able to express their genuine concerns (and not adaptive preferences) and make them count in the course of public action (Bohman 1996). Public policies at the central level do not disappear (as would be the case in strictly neo-liberal policies aiming to clear the field in order to pave the way for market mechanisms), but are designed in such a way as to support and promote local actors' initiatives. The State's role is then twofold: monitoring the process via diverse forms of re-regulation (Genoud 2004), and empowering local actors, especially civil officers and beneficiaries, in order to let them design and implement the most appropriate intervention. This changing pattern of public action often coincides with the emergence of New Public Management principles, which raises many problems in terms of capability for voice, especially when the directives elicited by the central level (i.e. performance indicators, benchmarking practices, budget envelopes, etc.) compel local actors into specific modes of intervention, i.e. prevent the design and implementation of tailor-made programmes at a situated level. Thus, New Public Management guidelines feature as a refinement of the old technocratic logic rather than as a new situated pattern of public action.

The appeal of the social capital approach is also key within the preferred governance mode of third way policies. In this model, social capital is envisaged both as a good in itself and as a prerequisite for economic prosperity. Again, the language of economics and fructification is at the very core of the private-public partnerships recommended by third way policies. Instead of the old “command and control” model, Giddens (1998, 2000) and Esping-Andersen (2003) recommend the setting up of a

welfare mix associating private and public actors in the pursuit of greater economic prosperity. In such a perspective, the ideal of community-building embodied in social capital approaches is subordinated to economic productivity, much in the same way as human capital is meant to be fructified, i.e. to generate further economic capital. For the same reason, it is most doubtful whether such EU mottos as the “principle of subsidiarity” (Bonvin 2002) or the “open method of coordination” are path-breaking tools leading towards genuinely reflexive policy-making, or if they are just path-dependency instruments adapting technocratic ways of government to the new governance fashion. In other words, does third way appeal to governance really make a difference vis-à-vis conventional government, or is it simply a subtle way to confirm government in its prerogatives? This issue is addressed in part 2, via the analysis of the “centralised (Roemer) vs. decentralised (Cohen, Sen) patterns of public action” debate.

c) Who are the beneficiaries? From categories to individuals

The aim of the traditional welfare state was to compensate for income losses resulting from the occurrence of certain predefined social risks. An actuarial calculus allowed to determine the amount of compensation to be offered via social insurance mechanisms. Thus, individual characteristics did not intervene in this calculus, it was rather the overall cost for society and the wage percentage to be paid in order to cover such expenses that mattered. In other terms, expenses were equitably (i.e. proportionally) distributed among the whole labour force, and an equivalent amount of benefits was paid to all people affected by these social risks. Workers had to pay equal shares of their wage, and in exchange they would receive equivalent compensation in case of working incapacity due to the occurrence of a recognised social risk. Therefore, the conventional welfare state is not interested in individual characteristics such as adequate moral behaviour, or biological working capacity. The preoccupation is to redistribute risks and their costs equally on all working members of society. In other words, the welfare state focuses on what Ewald calls the “average man” (Ewald 1986), i.e. man viewed through statistical means rather than personal features. This approach is rooted in the use of categories, and men are differentiated according to their belonging or not to such groups. The issue of good or

bad will, that of individual responsibility are subordinated to that of belonging to a recognised risk community. Such concerns hold only for social help recipients, for which the provision of cash resources is accompanied by interventions aiming to enforce their compliance with prevailing social norms.

By contrast, third way policies striving to equalise opportunities and life place individual characteristics at the very centre of public action. While members of risk categories used to receive compensating resources whatever their specific behaviour, beliefs, expectations, wishes etc., individual beneficiaries of “equality of opportunities” policies are required to provide much more data about personal behaviour and beliefs. The threat of unduly intrusion into the private sphere is reinforced in the framework of third way policies. The focus on categories characteristic of the welfare state implied that individual features could be kept out of the grip of welfare agents. With the entry of individual characteristics into social policies, the ambivalence of public action is reinforced. In such a model, the way to assess individuals and to determine the appropriate measures for them are key: what informational basis is mobilised for assessment? To what extent are individual expectations and wishes respected, or shaped according to publicly designed targets? etc.

The threefold transformation identified in this introductory paragraph deeply impact on the issue of the fair and equitable redistribution. In third way policies, the distribuendum are rather opportunities, or at least a combination of resources and opportunities. With the incorporation of liberal values such as individual responsibility and desert, what is exchanged via the social contract has undergone significant transformations: whereas benefits used to be exchanged against former payments, they now integrate issues connected with individual responsibility. As a matter of fact, redistribution of resources is no more envisaged as an entitlement but as a way to promote individual responsibility in the creation of opportunities. At the same time, new patterns of public action integrating a greater concern for situatedness gain prominence. However, all these transformations are ambivalent, and it is doubtful whether they will promote some kind of enabling State (Gilbert 2003), or if they will be yet another avatar of the technocratic “command and control” mode of government. The variability observed in actual policies show the diversity of available ways in order to cope with the challenges conveyed by this threefold transformation The

same ambivalence is also present in theoretical debates, as the next paragraph will evidence. Nevertheless, we think that the CA approach could well be the most promising way to square the “opportunities vs resources” circle. Stepping stones will be provided in this direction in the third and concluding paragraph of this paper.

2. Opportunities and Responsibilities

“For individual responsibility to *matter* to us we have to think that what people receive by way of burdens and benefits should be related in some sense to the existence, exercise, or development of the relevant capacities.” (Lake 2001: 28)

As was told in introduction, the evolutions of egalitarian normative political thinking seem to mirror the manifold changes in social policies in contemporary welfare states. New patterns of action have been scrutinised in the previous section, all of which indicate a net tendency to focus on personal responsibilities in counterpart of the social provision of rights. After all this is nothing but an updating, or a recall, of the contractual foundations of our modern States and their institutions. And the balancing of rights with duties is the foundational root of this social contract. No one can deny this. The problem lies in the fairness of the new balance between rights and duties. We have put forward the dangers of an hypertrophy of individual responsibility elsewhere (Bonvin, Farvaque 2003), and this was one of the main provisos against the current trends analysed in the previous section. How does egalitarian thinking help in analysing this *division of responsibilities* between the State and the citizens? The “social division of responsibility” – a Rawlsian term – seems to be the appropriate framing in order to analyse the place of responsibility in our egalitarian would-be welfare states (Lake 2001). More precisely, the rhetoric used and the “egalitarian intuition” behind third way policies (*ibid.*) claim that it is *opportunities* that the State should guarantee and promote to the individuals, rather than direct levels of well-being or the simple materialistic provision of benefits. The underlying ethics is that individuals are then responsible to use these background opportunities in order to lead the kind of life they prefer or value most.

a) *The social division of responsibilities*

At the abstract level of normative political thinking, this is hence with Rawls that this egalitarian intuition, enshrined in the idea of an articulation between *opportunities* and *responsibilities*, was put clear. It even founded the commonly accepted normative framework for studying equality and inequalities in Western societies.

Rawls' approach to egalitarian justice focused on a vision of social opportunities delivered and guaranteed by the State as *primary goods* encompassing "rights and liberties, powers and opportunities, income and wealth" (1971: 62). The vision of individual advantage was correlatively seen in terms of possession of these primary goods, and the possibilities open by them in order for anyone to follow his or her life plan. To put it differently, the persons are equally free to pursue their own personal ends with the help of these goods pictured by Rawls as all-purpose means². This is straightforward in the following quotation:

"The ... account of primary goods includes what we may call a 'social division of responsibility': society, citizens as a collective body, accepts responsibility for maintaining the equal basic liberties and fair equality of opportunity, and for providing a fair share of the primary goods for all within this framework; while citizens as individuals and associations accept responsibility for revising and adjusting their ends and aspirations in view of the all-purpose means they can expect, given their present and foreseeable situation. This division of responsibility relies on the capacity of persons to assume responsibility for their ends and to moderate the claims they make on their social institutions accordingly" (Rawls, 1993: 189)

Two major problems can be raised with this normative construction of responsibilities and opportunities. First, the well-known issue of the *conversion* of these means into genuine *ends* was raised by Sen. Equality in the space of primary goods – or more broadly speaking in the space of *resources* – is *instrumental*, i.e. it neglects the *intrinsic* value of what can be achieved via the use of such goods. The conversion argument says that the importance of these primary goods or resources is derivative

² Public cooperation is hence possible for no particular conception of the good is imposed. "What Rawls claims ... is that a specifically *political* conception of justice, as opposed to a comprehensive moral doctrine, must provide a basis of interpersonal comparison that meets certain tests of *public* acceptability and justification. Thus, for Rawls, the attraction of primary goods is that they constitute a common political currency. They are open to public view and scrutiny in a way that goods tied to the promotion of intangibles such as happiness or welfare satisfaction cannot be." (Lake, 2003: 74)

on individual capability to convert them into valued functionings. And these converting capabilities are highly diverse among people, which weakens the supporting argument for a resource-based equality (Sen, 1992: 19, n20).

Second, Rawls' assumption of an equally distributed capacity to be responsible for one's ends does not either resist the capability test. Rawls' conception implies that all individuals have an equal capacity to launch a rational life plan, and hence as a result an equal responsibility for its success. Through the social division of responsibility, Rawls says, institutions deliver all-purpose primary goods, and then people are responsible for using them cleverly and rationally. This denies the actual constraints people face in the real world, as well as the unequally distributed capacity to think and act rationally (Green, 1985). *Our contention is that, if personal choice is to be seen as a central element of the social division of responsibility, it should not be assumed as a starting point assumption, but as a possible outcome of it.* As Lake goes on, "... Rawls claims of the social division of responsibility argument that it 'relies' on certain capacities we have in respect to our ends. This would suggest that he believes the injunction that citizens *ought to* take responsibility for their ends implies that they *can* do so" (2003: 78). This discussion raises issues of personal control over ends, desires, wills, etc. Actually Rawls promotes a rather mechanical vision of society, where institutions *control* the delivery of instrumentally valued goods, while persons *control* their use and fructification. That people's wants and desires are not beyond their control is assumed by Rawls, and even features as foundational for his argument³. This altogether puts serious limitations on the relevance of using the rational choice paradigm as a foundation for social justice theories.

³ "that the responsibility of free persons is implicit in the use of primary goods can be seen in the following way. We are assuming that people are able to control and to revise their wants and desires in the light of circumstances and that they are to have responsibility for doing so, provided that the principles of justice are fulfilled, as they are in a well-ordered society. Persons do not take their wants and desires as determined by happenings beyond their control. We are not, so to speak, assailed by them, as we are perhaps by diseases and illness so that wants and desires fail to support claims to the means of satisfaction in the way that disease and illness support claims to medicine and treatment." (Rawls, "A Kantian conception of equality", R. M. Stewart ed., *Readings in social and political philosophy*, NY. OUP, 1986; 187-195, 191, quoted by Lake, 77)

b) Dworkin's refinement of the social division of responsibility: insurance-based welfare states

Rawls' social division of responsibilities has had a crucial impact in the egalitarian thinking. Despite the highly abstract level of his approach to justice, the idea underlying this social division is widely shared nowadays. One can say that it gave birth to the first brilliant formulation of an 'egalitarian intuition' to social justice and the role of the State, which would indeed claim that *distances from the equality ideal are possible and even desirable when personal responsibility is involved*. At the core of this egalitarian intuition, lies the idea that individual responsibility might be appropriately tested. The evolution of egalitarian ideas in the wake of Rawls has followed this intuition, and tried to make it more precise. Indeed after Rawls, the articulation of social opportunities and individual responsibility couldn't be thought of without proposing i) a clear definition of the notions of opportunities and responsibility, and ii) the formalisation of responsibility-sensitive redistributive mechanisms.

The crucial distinction between what lies in our hands and ambition (i.e. our responsibility) and what is beyond our control (i.e. our circumstances), was further refined by Dworkin (1981 a and b). Along with this refinement of the notions of opportunities and responsibility went another vision of what 'equality of resources' (instead of the Rawlsian equality of primary goods) should mean. It is Dworkin who "has, in effect, performed for egalitarianism the considerable service of incorporating within the most powerful idea in the arsenal of the anti-egalitarian right: the idea of choice and responsibility" (Cohen 1989: 933). What was used at the time of his writing as a weapon against the deleterious effects of the welfare states (cf. analysis in terms of moral hazard above) has been mobilised by Dworkin as a defence for egalitarianism and redistributive devices – indeed, a possible path for reforming welfare institutions in the sense of a more responsibility-sensitive philosophy. The slippery notion of responsibility is then "co-opted" by the egalitarian framework to justice, which is not unproblematic (Armstrong, 2002: 415).

The Dworkinian resourcism is conceived as an anti-welfarist framework (Dworkin, 1981a), and as a refinement of the Rawlsian approach, accused to be insufficiently 'ambition-sensitive' and 'endowment-insensitive' (Dworkin 1981b, Lamont, 2003). Dworkin agrees with Rawls that, if people are provided with equal resources, they

should abide by the consequences of their choices with regard to the use of these resources. This implies that variations in preferences and ambitions are matters of personal responsibility. Equal means may legitimately lead to unequal outcomes if these are the result of preferences, choices or ambitions. However, Dworkin wants to bring people's natural endowment in the picture as well. Such unequal initial endowments should be compensated for, what is missing in Rawls' *Theory of Justice*⁴. Dworkin's conception of justice is then one of fair compensation of the consequences of natural endowments (i.e. beyond personal control and responsibility), which impinge on individual possibilities to achieve life plans. Such compensation provides a more appropriate field for the deployment of personal responsibility.

In Dworkin's perspective, individuals differ in two major respects: their circumstances (what they cannot be held responsible for), and their ambitions (for which they are accountable). Circumstances are composed of *internal resources* and *external resources*: the former typically include all natural (age, sex, etc.) as well as some social features (social background, etc.); the latter are the resources distributed by institutions (money, infrastructures, etc.). Dworkin's equality of resources aims to equalise the *extended resources* bundles, which are the total amount of these two kinds of resources. Since internal resources are inalienable and not transferable, the issue for the social planner boils down to determine what amount of external resources is necessary in order to compensate for inequalities in internal resources. Dworkin's approach is exactly about finding a procedure which will result in such an equalisation of extended resources. He proposes to set up a hypothetical insurance market in order to resolve this issue.

Briefly summarised, this insurance scheme assumes that it is possible to distinguish preferences (or ambition) from handicaps (or internal resources). In Dworkin's hypothetical situation, people know their ambitions but not their internal resources (hence, their possible talent or handicap)⁵; furthermore they are endowed with equal initial money. The insurance scheme consists of giving people the possibility to insure themselves against handicaps. If they are effectively handicapped, they are then

⁴ Rawls' approach consists of helping the worst-off so categorised in terms of primary goods, but not in terms of natural endowments. Handicaps are not addressed *as such* in his framework, hence is endowment-sensitive.

⁵ This situation appears like a thin veil of ignorance – thinner than in Rawls' *Theory of Justice* since people know their preferences.

entitled to be compensated. Handicaps are then explicitly considered as (missing) resources to be compensated for by a financial pool constituted by all the insurance premiums paid by individuals. “In this way unchosen luck is transformed into morally inoffensive chosen luck (so far as this is thinkable)” (Arneson, 2003).

This highly abstract scheme, criticized by economists for proposing an impossible insurance market, nevertheless captures some important traits of the emergence of welfare insurance mechanisms from the end of the 19th century onwards. Dworkin’s vision of money as the common currency to be used in order to equalise resources is very much in line with the logic of the Keynesian cash welfare state (by contrast with the more extensive range of Rawls’ primary goods). In Dworkin’s perspective and in the conventional welfare state alike, financial redistribution features as the most efficient tool in order to struggle against social injustice. Furthermore, both conceptions share the same fascination for actuarial methodologies and probability-based insurance techniques (Ewald, 1986).

Along with the former distinction between ambition (or preferences) and circumstances, Dworkin suggests a second essential distinction between *option luck* and *brute luck*. Actually, if a hazard results from a deliberate choice (e.g. if one voluntarily quits her job), it will be coined an option luck which does not entitle to compensation. On the contrary, if the unlucky situation results from the occurrence of a risk that is not a deliberate gamble, then people have a legitimate claim to compensation. Individual responsibility is further clarified and refined with this second “option luck/brute luck” distinction. As Arneson puts it, “Starting from an initial equality of resources, any results that issue from voluntary interactions reiterated over time do not offend against the equality ideal. Let voluntary choice and chosen luck prevail” (Arneson, *op. cit.*). The result is an immediate reduction of collective duties, and hence a different, though still “resourcist”, approach to the social division responsibility. To quote Arneson at length:

Another thought that motivates the family of equality-of-resources ideals is that society's obligations by way of providing for its members are limited. A just and egalitarian society is not plausibly held to be obligated to do whatever turns out to be necessary to bring it about that their members attain any given level or share of quality of life. The reason for this is that the quality of life (the degree to which one attains valuable agency and well-being goals) that any individual reaches over the course of her life depends on many choices and actions taken by that very individual, so to a considerable extent, the quality of life one reaches must be up to oneself, not the job of society or some agency acting on behalf of

society. Along these lines, the actual course of an individual's life and the degree of fulfilment it reaches also depend on many chance factors for which nobody can reasonably be held accountable. Justice is a practical ideal, not a Don Quixote conception that aims to correct all bad luck of any sort that befalls persons. A reasonable morality understands the social justice obligations of society as limited, not open-ended and unbounded. So if equality of condition is part of social justice, it too must reflect an appropriately limited conception of social responsibility. Equality of resources fills this bill. (Arneson, *ibid.*)

c) Choice, Luck, "Opportunities" and the decentralisation of welfare states

Dworkin has performed the formidable challenge to incorporate the idea of responsibility in an egalitarian framework. All the same, he did not draw all consequences of his distinction between choice and luck, choosing instead to focus on the "preferences vs. resources" dichotomy. By contrast, Cohen stresses the fundamental importance of the former distinction, on the basis of which he devises yet another conception of egalitarianism, commonly labelled as "*luck egalitarianism*" afterwards. Cohen's proper aim is not to compensate all disadvantages or handicaps, but only involuntary ones, i.e. those that do not reflect a choice (Cohen 1989). The new egalitarian horizon is defined as follows:

"When deciding whether or not justice (as opposed to charity) requires redistribution, the egalitarian asks if someone with a disadvantage could have avoided it or could now overcome it. If he could have avoided it, he has no claim to compensation, from an egalitarian point of view. If he could not have avoided it but could now overcome it, then he can ask that his effort to overcome it be subsidized, but, unless it costs more to overcome it than to compensate for it without overcoming it, he cannot expect society to compensate for his disadvantage." (*ibid.*: 920)

With this philosophy Rawls' and Dworkin's resourcism is abandoned in favour of opportunities that are envisaged as the right *distribuendum*, hence paving the way for an "*equality of opportunity*" approach to justice. By contrast with insurance schemes compensating people ex post, the very point of equality of opportunity is to act at "levelling the playing field" (Arneson, 2002; Roemer, 1998). Rather than a materialist orientation towards what resources are to be distributed, it is then a fuzzier "opportunity" orientation which has been elected. Indeed, there is no theoretical or practical consensus about the meaning and content of such *opportunities* and about the most appropriate way to distribute and assess them. The next paragraphs will

briefly sketch the conceptions of the main representatives of the “equality of opportunity” trend. We will separate out centralised approaches and decentralised ones. Some links with contemporary trends in policy-making, with regard to the transformation of welfare states, will also be suggested.

c.1) Roemer’s approach shares noticeable traits with Dworkin, resulting in a comparable centralised system of evaluation of people’s circumstances and preferences⁶. It results in an original algorithm supposed to guide a responsibility-sensitive social planner in her distributive mission (Roemer 1995, 1998). According to this method, the population is to be divided into circumstance-based types, i.e. types defined by features beyond personal responsibility: e.g., sex, age, skin colour, parents’ educational level, etc. Someone’s position within one type however depends on her personal responsibility, i.e. the intensity of her effort. In Roemer’s view, the level of compensation within the same type ought to be proportional to that intensity. Such a scheme relies on a highly centralised system of reward, requiring the collection of perfect information, something like a God-like system (Fox-Genovese, 1995). Nevertheless the Roemerian scheme displays striking similarities with certain contemporary reforms, for instance in Belgium where the so-called “Active Social State” defended by Minister Frank Vandenbroucke⁷, aims at enforcing strict sanctions on unemployed people who remain on the dole more than the average of the people belonging to the same type. The responsibility-sensitive planner here compensates the unemployed as long as they do “better” than the other members of the type, and punishes the others. Similar reforms in Switzerland, inspired by New Public Management Principles, show how fast a concern for individual responsibility may transform itself into a desert/punishment device. In such cases, paradoxically, the appeal to individual responsibility is translated into a powerful tool of social control.

⁶ There’s no room here for presenting the very technical papers on responsibility and compensation developed by authors such as Fleurbaey, Bossert and others. This economic literature proceeds by way of axiomatisation of responsibility, looking for systems of “fair” allocation. Fairness here is meant to follow a twofold requirement: that people who take their responsibilities (ie, who are ambitious, who make effort, etc.) be rewarded (“principle of reward”), while natural disadvantages experienced by people through no fault of their own be neutralised (“principle of compensation”). It is regrettable that this literature generally begins with caveats, such as: “Of course, the very question of responsibility is difficult to define and difficult philosophical issues may quickly arise.” (Bossert, Fleurbaey, van de Gaer, 1999, 35), in order *not to* define what they mean by responsibility.

⁷ Who completed a PhD dissertation in economics on this very idea, under Cohen’s supervision.

c.2) Alongside this technical and centralised representation of the responsibility concern, other authors who can be classified in the “equality of opportunity” conception of social justice adopt a rather *decentralised* or situated approach to responsibility and, consequently, to the articulation of collective and individual duties. By contrast with Rawls-Dworkin-Roemer’s highly centralised representations, Arneson and Cohen suggest alternative views allowing to better grasp the particularities of decentralised or situated public action.

In his critic addressed to Dworkin, Cohen (1989) incidentally raises an interesting issue about the cognitive features of choice.

“We are not looking for an absolute distinction between presence and absence of genuine choice. The amount of genuineness that there is in a choice is a matter of degree, and egalitarian redress is indicated to the *extent* that a disadvantage does not reflect genuine choice. That extent is a function of several things, and there is no aspect of a person’s situation which is wholly due to genuine choice.” (Cohen, op. cit.: 934)

Thus, the capability to make genuinely free and rational choices among an opportunity set, is far from being equally distributed among people. As Cohen puts it,

“One of the things that affects how genuine a choice was is the amount of relevant information that the chooser had. But we do not have to ask, Exactly what sort and amount of information must a person have to count as having genuinely chosen his fate? All that we need say, from the point of view of egalitarian justice, is: the more relevant information he had, the less cause for complaint he now has.” (Cohen, *ibid.*)⁸

The issue is no more about how the central state does compensate or not the effects of bad luck, it is rather about how the state, at its different levels of intervention, can help the people to be more responsible, in the sense of having more possibilities to make genuine choices. If one recognises that rationality is not an exclusive private matter but that external sources pervasively impact on it, then the informational role of multi-levelled actors is essential in many concrete policy-making situations. Take the increasing importance given to local actors in social and employment policies, in particular the professionalisation and empowerment of “local advisors”. Rationality is considered here as a matter of interactions, exchanges, argumentation, etc. One can talk of distributed or shared rationality, and local agencies facilitating the matching between labour supply and demand, can be seen as ‘informational agencies’ (White, 1990).

In much the same perspective, Arneson suggests that evaluation should take into account what concrete array of options are available to people.

For equal opportunity for welfare to obtain among a number of persons, each must face an array of options that is equivalent to every other person's in terms of the prospects for preference satisfaction it offers. (Arneson, 1989: 177)

Arneson's requirement clearly departs from Roemer's statistical construction of types. What is required here is that some evaluator assessing a certain number of people (and not the whole population) collects information on their actual set of choices and their possible futures. Equality of opportunity obtains when people have equal arrays of options. Such an approach to social justice, we assume, requires that public evaluators be situated at a local level in order to analyse and assess the concrete opportunities of people. This is a first important informational activity. A second equally important informational activity occurs when assessing people's knowledge about these options, or their ability to seize these opportunities:

"People might face an equivalent array of options, as above, yet differ in their awareness of these options, their ability to choose reasonably among them, and the strength of character that enables a person to persist in carrying out a chosen option" (Arneson, 1989, p. 178).

Despite their touch on the topic of cognitive and informational procedures, and the few hints (very few indeed!) on the possible public action supportive of individual choice, Arneson's and Cohen's theories remain anchored into an idealistic presumption of equality and a fascination for choice, especially obvious in Arneson's rational choice theory orientation. By contrast, we think that opportunity-based approaches should start from the observation of concrete inequalities and try to remedy them, instead of postulating a problematic ideal of equality that is then mobilised to justify concrete inequalities resulting from supposedly free choice. Drawing on the various critics of mainstream equality of opportunity, two opposed approaches to responsibility may be identified: on the one hand, responsibility is mainly conceived of i) a "luck vs choice" fixed starting point, ii) a backward-looking conception and iii) a highly individualistic framework. We situate Cohen and Arneson's so-called "luck egalitarianism" in this group. On the other hand,

⁸ He adds: "It seems to me that this plausible nuancing approach reduces the dependence of political

responsibility is envisaged as i) an outcome of public policies, rather than a starting point, ii) a forward-looking conception, and iii) a combined institutions-individual framework. We situate here Sen's capability approach, as well as critics of the former luck egalitarianism path (Fleurbaey, Anderson, Wolff).

3. Squaring the “Resources vs. Opportunities” Circle – The Contribution of the Capability Approach

Though there's no such thing as a real genuine choice (Cohen 1989), the distinction between luck and choice remains the backbone of the “luck egalitarianism” approach to equality of opportunity. This is not without raising many problems. The issue can be termed as follows: does a social theory of equality ultimately boil down to a theory of luck? Social institutions like insurance-based welfare state can be seen as incorporating notions of luck and risk, but their very foundation should not be confused with the issue of separating out genuine individual choice and brute luck. Their main finality is to relieve distress (Goodin, 1988), not to neutralise bad brute luck and to reward option luck.

What has been currently labelled as the metaphysical issue has been raised notably by Fleurbaey in a couple of papers, but it was already present from the outset in Dworkin, Arneson, or Cohen's theories. As Cohen puts it, the central role accorded to choice in his theory might rapidly lead us “in the morass of the free will problem” (1989: 934). This problem amounts to the practical impossibility to assess if a result achieved by a person depends entirely (and exclusively) on her free will, or partly on circumstances outside her control. According to Fleurbaey (1995), this undermines the very foundations of equality of opportunity. In particular, Fleurbaey remarks that the judgement on a person's degree of responsibility for his situation may evolve with time⁹. It results that a perfect imputation of responsibility on someone is not possible.¹⁰ As Fleurbaey concludes, this practical impossibility is not a trivial problem:

philosophy on the metaphysics of mind.” (*ibid.*)

⁹ Imagine the discovery of a gene “responsible” for the behaviour of the person: it would clear him for previously attributed responsibilities. Imagine that now a new medical discovery states that he could have overcome this genetic influence if he really wanted to; he then becomes responsible again, etc. It is therefore highly risky to found a policy on such premises.

¹⁰ Even if this practical impossibility were to be overcome, another problem immediately arises: perfect equality of opportunity requires that when a person exerts his will, he has to bear the full

“Either we wait for the free will issue to be settled by metaphysicians (...). Or we allow political institutions to intervene to decide what factors the individuals are responsible for” (1995, p. 39). How do these political institutions intervene, and what criteria do they mobilise in order to justify public action, remains to be seen. In order to counteract this argument, Cohen wrote that “The amount of genuineness that there is in a choice is a matter of degree” (see *supra*), which corresponds as well to Dworkin’s caveat that in fact brute luck and option luck are separated by a large continuum of intermediate situations.

In one sense, Fleurbaey and Cohen’s provisos amount to recognizing a decisive role for the legislator. One can imagine a public arena in which the “degree of responsibility” falling upon individuals and society should be debated, or more technically and less democratically, that the government imposes its own vision of responsibility, thus providing a political solution to the metaphysical free will problem. This is what Vandenbroucke (2001) proposes between the lines in his vision of a responsibility-sensitive government: if there are two competing measures of individual responsibility, then it is the “government’s vision” that will prevail.

Drawing the consequences of the practical impossibility to solve the free will dilemma, Fleurbaey has developed a vision of government which should insure equality of outcomes or functionings in some spheres judged essential for people: this is neither equality of resources nor equality of opportunities, but an equal concern for people to reach a minimal or sufficient level of basic functionings. In his view, government should proceed as follows:

A list of all relevant outcomes which depict an individual’s fate (health, living standard, education level, career, family life, sense development, preference satisfaction, cheerfulness, etc.). (...) For each of these outcomes or functionings, it must be decided *what* decision centres (government, local authorities, associations, family and friends... and last but not least, the individual herself) should assume *some* responsibility for the achievement obtained by the individual. (Fleurbaey, 1995: 45, emphasis added)

His theory is complete from an institutional point of view: each society “decides” to attribute primary importance to some results (or functionings in Sen’s words), it then states which institutions are responsible for each sphere of activity. In particular,

consequences of his decisions, with no limit of time. Thus, if one decides to behave dangerously when young, gets hurt as a result and is to remain handicapped for the rest of his life, the free will principle in its more general definition will not entitle him to medical treatment nor to any compensation. Under this principle – one gets what one wanted –, one has to assume his past behaviour for the rest of his life.

Fleurbaey proposes to distinguish “social outcomes”, for which society has “some” responsibility, from “private outcomes”, which are to be left at the entire discretion of the individual. So, for Fleurbaey, “only the distribution of social outcomes (...) matters from the standpoint of social justice” (ibid: 53). As an “illustration”, he proposes the six following individual outcomes which must, ideally, be equalised among individuals: respect for the private sphere, health, education and information, wealth, collective decision making-power, social integration. The relevance of this list can of course be debated (Farvaque and Raveaud, 2002), but there is in this institutional and outcome-oriented approach to responsibility a net advantage vis-à-vis the equality of opportunity theories. Indeed, well-being in terms of achievements is certainly the right currency for many basic social problems such as education, health, etc. Basic functionings are a matter of crucial importance for public action, and one cannot justify departures from a concrete equality in these fields on the ground of personal choice or freedom. There is no freedom in refusing one’s children to be educated or vaccinated, and the language of conditionality and individual responsibility has no legitimacy when it comes to basic functionings, which ought to be provided unconditionally. Thus, Sen’s capability approach shares the same concern as Fleurbaey’s proposal for remedying concrete inequalities and guaranteeing basic functionings to every member of society. This indeed is not a matter of responsibility or appropriate behaviour, but of human dignity. Still, it remains that capability is the key currency for all other concerns of public action. For instance, basic education is an entitlement for everybody and it must be guaranteed; however, beyond this basic threshold, it is the language of individual responsibility and freedom (to get further training, to follow one’s favoured area of study, to be capable to reach a marketable level of secondary education, etc.) that matters. It is the same for social policies: having enough food at disposal is a basic functioning that cannot be neglected on the ground of a theoretical commitment to individual freedom, but what matters beyond this is the capability to earn one’s living rather than simply to live on benefits. In Sen’s model, resources and opportunities are complementary and not envisaged, as is the case in third way and neo-liberal policies though to a varying extent, as incompatible. Fleurbaey’s outcome-oriented approach is also too radical in that it simply invalidates the language of opportunity. A compromise can be achieved through the framework of the CA which, in practice, gives importance to results (functionings) and means (resources), as well as to the process through which they

are achieved (the capability to make choices or opportunities). Reaching this compromise is the very point of the daily practices of local street-level public actors. With respect to their practical job, one can say that the CA has numerous comparative advantages in dealing with the issue of responsibility. The next pages will review the most important, at least in our view, among these assets of the CA.

i) an outcome of public policies

By contrast with other equality of opportunity approaches such as Arneson's focus on rational choice-theoretical equal arrays of options, Sen starts from the observation of real freedom and real constraints. As he said in his *Dewey Lectures*, arguing in favour of well-being freedom (a close word for capability):

“Importance may well be attached to checking whether one person did have the opportunity of achieving the functioning vector that another actually achieved. This involves comparison of **actual opportunities** that different persons have. If one person could have achieved all the relevant functioning vectors that the other could, then in some important sense the first person had at least as much freedom to live well. The general idea of the freedom to achieve well-being can be called well-being freedom.” (Sen, 1985: 201)

The cognitive role of local agents may be attached to verify the real opportunities available to people. In case one has been denied substantive freedom and capability (which we identify as a clear definition for what opportunity should mean in practice), then responsibility ought to be brought off the picture.

The argument for social support in expanding people's freedom can, therefore, be seen as an argument *for* individual responsibility, not against it. The linkage between freedom and responsibility works both ways. **Without the substantive freedom and capability to do something, a person cannot be responsible for doing it.** But actually having the freedom and capability to do something does impose on the person the duty to consider whether to do it or not, and this does involve individual responsibility. In this sense, freedom is both necessary and sufficient for responsibility. (Sen, 1999 : 284)

A freedom-oriented view of responsibility needs to go both ways, Sen says. On the one hand, a person with substantive freedom can certainly be judged responsible of her own failures. The notion of responsibility, though not prominent in Sen's works, is

nevertheless implicitly central to the fundamental distinction between capability and functionings in the approach¹¹. On the other hand however, individual responsibility appears as a much milder concern than it was in the “equality of opportunity” works previously studied. It just can be the case that responsibility judgements are ruled out by the purpose of evaluation. Since responsibility “relates immediately to the agency aspect of a person, rather than to the well-being aspect”, considering someone’s responsibility can be of interest for assessing her “moral claim for support” while “not be of direct relevance in judging a person’s *actual well-being*” (Sen 1985: 197, n27). Echoing Fleurbaey’s proposal of a collective responsibility having priority with regard to some basic functionings, Sen puts that: “Society might accept some responsibility for a person’s well-being, especially when that is in danger of being particularly low” (1992: 70).

More generally, the CA appears like a rejection of the “choice/luck” cut used proposed by Dworkin and further developed in equality of opportunity approaches. Indeed, the necessary presence of uncertainty in all human action, which is not fully translatable in the language of actuarial probabilities, weakens the pretence of such a model to precisely identify the extent an action is genuinely chosen or not. Furthermore, uncertainty goes along with time, and the dynamic aspect of people’s capability has to be taken into account. With the passing of time, people see their capacity to make plans, to deliberate, etc., i.e. their responsibility to assume ends, change in the same move as their substantive freedom and capability set, and the quality of their opportunities also evolve.

“In fact, the case for concentrating on freedoms to achieve as opposed to actual achievements depends quite heavily on the *knowledge* and the *ability* of the persons to understand and intelligently choose from the alternatives they really do have.” (Sen, 1992: 149, emphasis added)

Such “knowledge” and “ability” to make reasonable choices are obstructed in particular by inadequate personal, social, or environmental conversion factors, e.g. “social conditioning” or “social discipline” (Sen, *ibid.*). The empirical observation of reality abundantly documents the very unequal ability to make plans, to deliberate,

¹¹ Sen however admits that: “In dealing with responsible adults, it is more appropriate to see the claims of individuals on the society (or the demands of equity of justice) in terms of *freedom to achieve* rather than *actual achievements*. If the social arrangements are such that a responsible adult is given no less freedom (in terms of set comparisons) than others, but he still wastes the opportunities and ends up worse off than others, it is possible to argue that no unjust inequality may be involved. If that view is

i.e. to behave responsibly. Despite this, the capacity to build a realizable “project” is a common demand from welfare institutions. Either these institutions consider the beneficiaries of public action as Rawlsian rational men, or they try to act on these factors of obstruction, helping people help themselves later. In the second case, this is not a matter of compensation, rather of “capacitation” with close connections with the idea of educating people (Carmen, 2000). On one side, responsibility is seen as pre-existing and nothing is done in order to create the conditions for responsible behaviour. The consequence is an exacerbation of individual responsibility, going hand in hand with a compulsory reduction of people’s set of choices (since the conditions for responsibility are there, the issue is one of bad will; therefore all disincentives, among which supposedly too generous cash benefits, are to be eradicated). On the other side, it is assumed that the conditions for responsibility are not adequately provided, and then social institutions are *responsible* themselves to help people gain autonomy (Goodin, 1998). Responsibility might be an efficient outcome of public action. As Bane and Ellwood say,

“... there is a growing literature showing that in some circumstances, when poor persons are given more control over their housing or some other feature in their life, they respond by taking on new responsibilities and gaining new confidence to move into other areas” (Bane, Ellwood, 1994)

In case of repeated failure, institutions are not there only to sanction, but to empower, i.e. to restore the conditions for responsible behaviour. This is an enabling view of public action where responsibility is an outcome to be reached, sharply in contrast with a controlling or disciplining view in which responsibility features as a necessary prerequisite for public action.

ii) a combined institutions-individual framework

The previous section focused on a combined institutional-individual framework, with an enlarged role for institutions that are not confined into ex post compensation of people affected by bad luck, or in guaranteeing one’s entitlement to the fruits of his personal efforts and ambitions. Institutions have to *equip* people for markets, and in

taken, then the direct relevance of capability (as opposed to achieved functionings) will be easy to assert.” (Sen, 1992: 148)

the same wave *equip* markets for people (Gazier, 2003). Responsibility then is not a strictly individual matter, rather it has to be articulated between social institutions, in particular those acting at the local level against the impact of some negative conversion factors, and civil society and market agents.

Such an institutional framework for the articulation of responsibilities is driving us far away from the idealistic wish to separate out what results from choice from what results from luck. There is no clear-cut answer to this debate, and practical solutions rather lie in conventions, norms or values (Farvaque and Raveaud, 2002). They also emerge from public discussion, where capability for voice ought to be guaranteed to all those concerned (Bonvin and Farvaque 2003). As a result of such public involvement of all those engaged in the process, a valuable alternative is found to the absence of respect for public action beneficiaries conveyed the luck egalitarian framework. The idea, which has been put forward by Wolff (1998) and Anderson (1999), is the following: at a practical level, if one is willing to follow luck egalitarians' guidelines in order to set out principles of help, then a harsh and intrusive procedure is unbyassable. Defenders of equality of opportunity theories decided to base egalitarianism on a "choice vs. luck" basis, as if this couple was sufficient to tackle the notion of equality. This overemphasis on the issue of free will denies any significant for other important values, such as respect of the beneficiaries. We have already stressed the importance of collecting data about people, and this is a mission to be fulfilled by local agents. If these agents are to be fair to Cohen or Dworkin, they ought to be intolerably intrusive when assessing potential beneficiaries, even putting them in front of their failures and asking them to find a good luck-derivative reason to justify them. This illustrates the practical implications of the luck egalitarian framework, i.e. the need for "shameful revelations" (Wolff) and the absence of respect for those who are generally the worst-off in society – welfare claimants, underdogs, homeless¹²... As Wolff shows, welfare claimants must prove that they have less opportunities than employed persons. Imagine a labour market with no bottleneck, i.e. jobs are available. Since external opportunities exist, the claimant has to show that the failure is internal to him, for instance that he lacks talent or ability to be employed. "To press a claim, then, one is required not merely to admit but to

¹² Raveaud showed to what extent the notions of personal responsibility, the capacity to have a rational project, and the acceptance of revealing very personal features, were decisive principles of local attribution of publicly-funded flats to homeless people (Raveaud, 2000).

make a convincing case that one is a failure, unable to gain employment even when there is no difficulty for others” (Wolff, 1998: 114). This case is well illustrated in sociological literature (Astier, 1997 for France; Oriane et al., 2004 for Belgium; Dean 2003, for UK; Levy 2003, for a European appraisal, etc.). One can fairly assume that such a lack of respect results from the highly individualistic framework advocated by the luck egalitarians, mirroring the highly individualistic policy framework in Europe. A more balanced combination between individual and institutional responsibility is then a prerequisite for more respectful public policies, and this ought to take place both at central and street-level. This dimension is underdeveloped in Sen’s writings, all the same it is in our view central to the design and implementation of capability-friendly policies (Bonvin, Farvaque forthcoming).

iii) *a forward-looking conception*

To see responsibility as an outcome of public action, and to consider social duties in close articulation with individual ones, leads us to a third and last point referring to temporality. Our contention is that the CA is the only theory among those examined which genuinely relies on a forward-looking conception of responsibility, while all the others tend to draw on a backward-looking vision. By contrast with a vision representing responsibility as a factual data, assessed by an evaluator able to separate out the net effects of choice and luck in past individual actions (thus imposing shameful revelations on people), one can advocate an alternative vision where responsibility as an outcome is seen as a forward-looking process. Different kinds of actors at central and especially local level would be involved, and adequately equipped in order to make sense of this “responsibility-promoting” project.

The dynamic aspects of the key notions of capability and agency have already been pointed out. Kanbur (1987) has emphasised the impact of time over the person: someone at time $t+1$ is not the same one as at time t . Kanbur’s analysis is explicitly directed to expected utility theory, but this rational choice-theoretical approach underlies the depiction of people’s behaviour and action in most egalitarian theories. Since people change with the passing of time, Kanbur says, ex post assessments are fairer than ex ante ones. Defenders of ex ante evaluations say that people must be held accountable for their past actions because they knew what they were doing. By

contrast, Kanbur shows that it is extremely difficult to fully anticipate the consequences of one's action. He draws on a long quotation of Shackle we reproduce at length:

I do not think it is *necessarily possible in the nature of things* for information, as it exists in the human mind (and that is its only real existence) to be perfect in the sense that anticipative and retrospective utility would be bound to be the same. Suppose I am a young man with a splendid fortune. I decide to pursue all the joys of youth; I know that in doing so I shall dissipate my fortune, but I am the 'prodigal son' of our Bible story of which you may know ; when middle age comes, I find myself destitute and filled with regret, regret which I *foresaw*. Two moments, two *different* dates, cannot be the same moment, cannot give to an event, an action, a situation, which objectively are one and the same events or actions, the *same meaning* for the individual. *I do not think, in human terms, knowledge can be so perfect that tomorrow's hunger can be felt today.* (G.L.S. Shackle, 1965, Comments on two papers on time in economics, *Artha Vijñana*, quoted in Kanbur, 1987 : 65)

This quotation justifies ex post alleviations of inequalities, even though they are the result of free choice or deliberate gamble. The example of the injured biker driving without helmet and consequently having no entitlement to help since he deliberately chose that risk, leads to highly contestable recommendations for public action. By contrast, ex-post assessments justify that help be provided even if the situation derives from a voluntary choice. There is an alternative then to luck egalitarianism and its foundations in the "choice vs. luck" mainstream morass. To the argument: "he knew what he was doing", one can oppose that "tomorrow's hunger can be felt today". And there is no reason whatsoever why the first argument should prevail. Similar arguments have been developed by other authors. Lake (2001) distinguishes the background and the foreground of human action. In his view, opportunities belong to the background and logically come first, whereas outcomes pertain to the foreground. As Lake goes on:

"If we want to know *what would have to be true* in order for you and I to be responsible for our foreground *holdings*, then we shall need to address our attention to the background or enabling conditions against which we came to have the holdings that we do. Inspections of these background conditions will not of itself tell us whether we two are responsible for our holdings: in order to make *that* judgement something would also need to be said in the matter of whether we possessed or exhibited the relevant degree of agency. None the less, our responsibility for our holdings requires that the background conditions against which we acquired them be suitably favourable. I am not *responsible* for my holdings if, for instance, the background social conditions against which I acquired them were such that others were able to impose their will upon me or to frustrate me in the pursuit of my purposes." (84-5)

With Bovens (1998), the crux of the distinction between the concepts of active and passive responsibility (i.e. responsibility as accountability) is a matter of temporal and geographical relation between the actors. In the passive form, i.e. accountability, the interaction takes place between someone who calls for a justification and someone who *has to* respond. The relation is vertical and backward-looking. By contrast, the active form puts the possibility of responsible behaviour at the very centre of a horizontal and forward-looking exchange:

In the case of passive forms of responsibility, one is called to account after the event and either be held responsible or not. It is a question of who *bears* the responsibility for a given state of affairs. The central question is: 'Why *did* you do it?' In the case of active forms, the emphasis lies much more on action in the present; on the prevention of unwanted situations and events. Above all, it is a question of responsible acting, of taking responsibility, of *behaving* responsibly. The central question here is: 'What *is* to be done?' (Bovens, 1998: 27, italics original).

The point is that only if appropriate resources are on offer the individual might behave responsibly in the course of action. Following Bovens, "The moral acceptability of the passive form will mostly dependent on the availability of the active form. We will not easily accept the idea of bearing responsibility unless we have at our disposal *the possibilities of behaving responsibly*. We would be asking a lot of someone if we held him responsible in a situation in which he had no choice other than to behave in the way he did" (id., emphasis added). The constant issue is to find out which resources are available (this entails the creation of policy instruments) and to evaluate their appropriateness (this entails an adequate and constantly adapted diagnosis of the people's needs and capabilities).

To sum up, the capability approach focuses on designing an appropriate institutional-individual framework in order to create the conditions for responsible behaviour. This sharply contrasts with most actual public policies where the main concern is for assessing past behaviour in order to determine if benefits are deserved or not. In our view, the CA features as the most promising way out of the "resources vs. opportunities" dilemma, in that it provides a new pattern of public action based on a greater involvement of local actors and on a constant resort to public deliberation. Thus, ready-made technocratic recipes are discarded; instead, public policies are to be designed and implemented in situation. Furthermore, the CA allows to take as a starting point actual inequalities rather than a very controversial ideal of equality. As

such, it provides a critical framework in order to better identify the ambiguities of third way policies and suggest possible alternatives.

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