Pluralism, Liberalism, and Distributive Justice

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I. INTRODUCTION

Isaiah Berlin famously preferred the fox to the hedgehog. The hedgehog, who “knows one big thing,” is essentially the monist, seeking to reduce moral complexity to a single formula that will answer all ethical and political questions. For Berlin, this approach to the moral world is both false and dangerous: false because human conduct and values are too complex to be captured in this way; dangerous because the attempt to do so carries the risk of forcing people into categories that ignore or distort their real wishes and needs. We are better off, at least when it comes to politics, with the fox. The pluralist fox, knowing “many things,” appreciates the irreducible diversity of human experience.

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and the impossibility of translating all of this into a single system. The fox leaves us with hard choices to make when different perspectives and principles come into conflict, but this is a more honest reflection of our reality. The clear, smooth decision procedures of the hedgehog come at too high a price.

A stimulating challenge to this view has been issued by Ronald Dworkin, who writes: “There are indeed dangers in the hedgehog, but we must not forget that there are dangers in the fox as well.” Great evil has been done by people determined to impose their single-minded vision on a recalcitrant world, but the opposite idea has also been harmful: when important political values conflict, every choice involves “sacrifices in some of the things we care about” such that no one choice is better than another. We are faced with poverty, even in the midst of plenty, but some people argue that our capacity to change this is limited because “if we were to raise taxes to the level necessary to address poverty in any serious way, then we would be invading liberty.” If liberty and equality conflict and neither should be regarded as dominant, then it seems that no response is more compelling than any other. The pluralist outlook appears to invite paralysis in the face of injustice.

This concern motivates Dworkin’s further argument that Berlinian pluralism is in any case not true, or at least that we have no conclusive reason to believe in its truth. The pluralist “purports to see to the bottom of a dilemma and see that there is no escape. Are we ever entitled to so ambitious a claim?”: Dworkin’s answer is no. Before we can properly reach the pluralist conclusion, we must first be sure that there really can be no acceptable formula that reconciles or ranks what seem to be conflicting values. Might it not be that liberty and equality do not truly conflict when these goods are properly understood? Dworkin believes that there are signs of progress in this direction and that, at any rate, pluralists have a long way to go before they can demonstrate that such a project is doomed to failure. In effect, the onus of proof is on pluralists and they have not yet discharged it.

How might pluralists reply? First, they might argue that in this debate the onus of proof is not on pluralism but on monism because pluralism has appearances on its side. As Berlin points out, our “ordinary experience” is of a world of moral conflicts that are often hard and
sometimes impossible to resolve rationally. It may be that this is mere appearance concealing a monist reality, that behind the phenomena of conflict and dilemma, we may still find the formula that would fix everything. But after two millennia of Western philosophy, the monist formula is yet to be found, and one may question how much progress towards it has really been made. If appearances are misleading, then is the onus not on monists to show us why and how? If so, that onus has not been discharged.

So, if Dworkin is right about the indeterminate and paralysing character of pluralism then that may just be, as Al Gore would say, “an inconvenient truth.” But is Dworkin right about that? My general task in this paper is to argue that he is not. The background worry that motivates Dworkin’s attack on the truth of pluralism is misplaced. Pluralism is not the field of indeterminacy and reform paralysis that he supposes it to be.

More specifically, I argue this point with reference to the question of justice in economic distribution. Using the liberal-pluralist framework I have developed elsewhere, I try to show that a value-pluralist approach to distributive justice, far from leading to inaction or acquiescence in existing patterns of power, commends a program of egalitarian redistribution—thus far, a position much like that of Dworkin himself. Matters get more complex when one asks what kind of egalitarianism is most in keeping with pluralism. Here Dworkin is again centre stage as a leading figure in the debate between rival welfare, resource, and capability-based views. In this debate, I align pluralism most closely with the capabilities approach while acknowledging the reach of Dworkin’s arguments in favour of resources.

I begin by summarising my version of liberal pluralism, emphasising that the notion of pluralism implies not only value conflicts and hard choices but also a set of normative principles that are capable of guiding public policy. I then use that framework to adjudicate between rival approaches to distributive justice within liberalism, starting with the basic division between laissez-faire and egalitarian-redistributive approaches and proceeding to the leading alternatives within egalitarianism.

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II. LIBERAL PLURALISM

In my view, Berlinian pluralism is best reflected in politics by liberalism. Indeed, pluralism provides a rational and ethical foundation for liberalism: if pluralism is true it gives us a set of reasons to support a liberal form of politics. Moreover, these reasons will be valid not just locally but universally. This set of claims is what I mean by “liberal pluralism.” The following is a bare outline of the main moves in my argument for this position, the details of which are available elsewhere.8

The idea of pluralism as I understand it consists of four main elements: universality, plurality, conflict, and incommensurability.9 First, there are certain fundamental values that are universal and objective in the sense that they contribute to human well-being. Such values must be conceived at a high level of abstraction because they may be instantiated in different ways in different circumstances or cultures. Their precise content is open to dispute, but plausible accounts have been offered by John Kekes and by Martha Nussbaum in her theory of human capabilities.10 Second, the components or dimensions of human well-being are irreducibly plural or distinct from one another. Third, these plural values may in particular cases come into conflict. For example, liberty may sometimes be increased only by sacrificing some degree of equality.

Fourth, and most distinctively, pluralism holds not only that values may sometimes collide, but also that they may be “incommensurable.” No basic value is inherently superior to any other, and none can serve as a common currency in terms of which other values can be quantified. No amount of one incommensurable value will wholly compensate for the loss of another. Pluralism therefore opposes two kinds of monism: first, the view that a single value overrides all others in all cases; second, the view that all values can be translated into amounts of a common currency. Preference utilitarianism might serve as an example of either


of these, depending on whether it is interpreted as placing preference-satisfaction at the top of a hierarchy of values or as proposing preference-satisfaction as a common currency for all goods. In either case, pluralists will regard the satisfaction of preferences as, at best, merely one value among others—a value grounding claims of its own that are, prima facie, no more fundamental or authoritative than claims based on liberty or equality.

Pluralism must also be distinguished from ethical or cultural relativism. Relativists tend to see ethical claims as expressing discrete, perhaps incommensurable perspectives, whether of individuals or cultures or other groups. Pluralists by contrast acknowledge a single, universal perspective on human morality, but see this as complex, involving conflicts among goods both within and across particular perspectives.\textsuperscript{11}

Because of the pluralist emphasis on value conflict and incommensurability, however, the question arises of how, under pluralism, we can choose among values when they conflict. The literature contains various responses to this problem. One widespread response, which might be called the “agonistic” view, assumes that if values are incommensurable then choice among them must be nonrational.\textsuperscript{12} But although incommensurable values cannot be ranked in the abstract, or in accordance with a single order that applies in every case, the evidence of moral experience is that there may be good reason to rank competing incommensurables in particular cases. If liberty and equality are incommensurables, it may still be true that a greater emphasis on one or the other is justified by the traditions or circumstances of a particular society. This can be called the “contextual” approach to pluralist choice.\textsuperscript{13} Its weakness from a liberal point of view is that it makes respect for key values, such as those embodied in human rights,


\textsuperscript{13} See, e.g., Berlin, \textit{Liberty}, supra note 9, at 47; Gray, supra note 12, at 154–55; Kekes, supra note 9, at 77.
too dependent on cultural and other contingencies—it threatens to relativise the foundations of liberalism.

In my view, the best option for liberal pluralists is what I call the “conceptual” account of pluralist choice. Reflection on the concept of pluralism itself yields principles capable of guiding ethical and political choices across a generality of cases. The principles I have in mind are not precise formulas for determining every specific ethical or political question. Pluralism rejects such formulas. Rather, these general principles serve to frame particular decisions, to narrow down the range of acceptable options. I believe they indicate a distinctively liberal framework within which more fine-grained choices remain to be made.

The salient principles in this respect are four in number: respect for value plurality, promotion of a diversity of goods, accommodation of reasonable disagreement concerning the good life, and facilitation of individual autonomy.

The first of these principles, respect for value plurality, is the most general and conditions all of the others. For pluralists, the human good consists of many distinct dimensions, each of which makes its own unique ethical claim on us. To acknowledge value pluralism is to respect each of those claims on its own terms. Further, I assume that to respect each claim is to hold in principle that it ought to be acted upon. Consequently, to respect value plurality is to accept that, prima facie, all such values have an equal claim to promotion in action.14

I say “prima facie” because, obviously, no single person or society can promote every good in the human spectrum to the same extent and simultaneously. Justice may conflict with mercy or reconciliation; solidarity and belonging may conflict with independence and self-reliance. Nevertheless, we can still respect a good even when choosing against it by insisting that we should, as far as possible, choose against a genuine good only when we have good reason to do so. To choose against a good simply by ignoring it, or by some arbitrary decision procedure like tossing a coin, is to fail to take seriously the claim that this good has

14. A possible objection to my view is that if plural values are incommensurable then their claims cannot be said to be equal. It is true that if values are incommensurable then they cannot be measurably equal. For example, it is not true that they are all worth, say, four units of value. Nevertheless, it still makes sense to say that they possess equal status. I take it that this is what Berlin means when he refers to incommensurable ends as “equally ultimate.” BERLIN, LIBERTY, supra note 9, at 213. One can draw an analogy with the equal moral worth of human beings: all human beings possess a fundamental equality of moral worth even though we cannot measure this. They do not all possess four units of moral worth, but they all have equal status as moral beings. Another way of putting the point may be to say that if values are incommensurable, then there is no reason to rank one ahead of another unless or until a specific context gives us such a reason—they possess prima facie or presumptively equal status.
upon us, and so to fail to take seriously the full range of human values. The pluralist outlook thus implies a commitment to practical reasoning.

Respect for value plurality suggests a second, more substantial principle, that of “value diversity.” If to respect a given value is to promote it in action, and if there are many such values each with its own unique claim on us, then in a given situation we ought, again prima facie, to promote as many of these values as we can—unless and until we have reason to select some rather than others. In other words pluralism raises a presumption in favour of promoting a wider rather than narrower range of goods, at any rate at the level of a society. I think this is what Bernard Williams means when he writes that “the greater the extent to which a society tends to be single-valued, the more genuine values it neglects or suppresses. More, to this extent, must mean better.” The presumption in favour of greater diversity can be rebutted, but only for good reason. Given a commitment to diversity in this sense, pluralists have reason to support liberalism. The pluralist outlook would surely favour, for example, the more accommodating environments of liberal democracies over the straitened worlds created by Fascist or Communist dictatorships.

Here I depart from John Gray’s view that pluralism implies the desirability of a world characterised by a diversity of political cultures, some liberal, some not. Gray’s position assumes that pluralism is primarily about the incommensurability of cultures. But if that were

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15. Different considerations may apply at the level of an individual life, but that is an issue I cannot pursue here.
17. Here it may be objected that liberalism does not clearly promote a desirable diversity of values because it makes more space not only for goods but also for evils. John Kekes, Against Liberalism 23–45 (1997). At best this looks like the beginning of a longer conversation rather than a conclusive point because it opens up many questions. For example, what evils are we talking about here? How do we know they are evils? What is their relation with goods—do they cancel out goods somehow? Supposing we have a single-valued or single-good-life society, would that produce fewer evils than a liberal society? The distinctive feature of liberalism, compared with alternative political systems, is its emphasis on personal liberty. On the face of it this may seem to leave more room for people to make mistakes, but what are the alternatives and how have they fared in human experience? In my judgment, these alternatives are even more vulnerable to the making of mistakes and therefore the promoting of evil. We are likely to have fewer mistakes, or fewer mistakes with major consequences, for great numbers of people if we leave people a good deal of freedom to decide for themselves how to live rather than authorising others to decide for them.
18. Gray, supra note 12, at 152.
true, pluralism would be merely a form of cultural relativism: if whole ways of life were incommensurable, then each would be uniquely valuable and therefore immune to criticism except on its own terms. Such an understanding of cultures is both unrealistic, because cultures have always interacted and overlapped, and inconsistent with the pluralist view that at least some goods are universals. What is distinctive and correct about pluralism is its emphasis on the incommensurability and multiplicity of values rather than cultures. Given that emphasis, a major problem with Gray’s conclusion is that some political cultures are more accommodating of value diversity than others. Contrary to Gray’s view, liberalism occupies a privileged position in relation to diversity—the liberal emphasis on individual liberty opens up social spaces in which a greater range of goods can be pursued than is the case in alternative political forms.

Note too that the goods in question include not only the generic universals mentioned earlier but also more specific interpretations of those fundamental goods in particular cultural, political, and personal settings. Liberty and equality, for example, are complex goods with different dimensions, which may themselves be incommensurable with one another, and each of these may be understood differently in different social and personal situations. This means that the value diversity commended by pluralists, although in part requiring that a society do its best to ensure that its people enjoy the basic components of human well-being in whatever form, goes beyond this to accommodate and encourage multiple ways of realising those dimensions of the good. On this point, I see the pluralist outlook as consistent with John Stuart Mill’s celebration of “individuality” and of those “experiments in living” that nourish it.

On the other hand, pluralist diversity cannot mean simply the multiplication of values without regard to how they fit together. There will be tensions within any system of values, but the elements of such a system must exhibit some significant degree of compatibility or fit if they are to sustain a society over a substantial period of time. Thus, the

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19. This is not to say that pluralists do not recognise the value of multiple cultures at all. On the contrary, so far as goods are incommensurable there will be more than one legitimate way of combining them—more than one legitimate and valuable way of life. But the diversity of cultures follows from the diversity of goods rather than the reverse; it is the latter that conditions the former. So, respect for diverse goods takes precedence over respect for diverse cultures or packages of goods.

20. For further critical discussion of Gray, see George Crowder, Gray and the Politics of Pluralism, in THE POLITICAL THEORY OF JOHN GRAY 59 (John Horton & Glen Newey eds., 2007).

pluralist ideal of value diversity can be understood in terms of a tolerably coherent package of values that can be judged to express or accommodate a greater range of human goods overall than the alternatives.22

The third pluralist principle is that a good society should accommodate reasonable disagreement about the good life. The view that this kind of disagreement is widespread in modern societies, and that within certain limits it ought to be accommodated, is central to contemporary liberal theory.23 It is also very much in line with value pluralism. On the pluralist view, conceptions of the good life can be thought of as essentially schemes for combining and ranking basic human goods across the life of a person or a society. If at least some basic values are incommensurable, then many such general rankings will be prima facie reasonable. Reasonable disagreement about the good ought to be accommodated, on pluralist grounds, because the costs of alternative policies are likely to be prohibitive, given a prior respect for value plurality. Again, liberalism—with its commitment to toleration or, more strongly, its positive support for multiculturalism within the limits of individual rights—provides the best political vehicle for such accommodation.

Finally, pluralism can be linked to liberalism by way of individual autonomy. Respect for value plurality requires that when we have to choose among competing incommensurable values, we should choose for a good reason whenever possible. To choose for a good reason in such a situation is to choose autonomously, through a process of critical

22. Patrick Neal has suggested that the “multiplicity” and “coherence” elements of my account of value diversity contradict one another. See Patrick Neal, The Path Between Value Pluralism and Liberal Political Order: Questioning the Connection, 46 SAN DIEGO L. REV. 859, 874–78 (2009). I do not see that this must be so. In general, the strategy of qualifying one commitment with another, or making the first subject to the second, is a familiar and valid move. An example is Rawls’s second principle of justice, in which social and economic inequality is permissible on certain conditions. JOHN RAWLS, A THEORY OF JUSTICE 302 (1971). In the case of my diversity argument, there would be an outright contradiction, rather than just a qualification, only if the coherence consideration shows that maximisation does not matter at all—if it shows that having a greater rather than lesser range of values is wholly unimportant. But I do not see that it does show this. If the human good has several distinct components, then it would seem better prima facie that more of these be promoted rather than fewer, and that more rather than fewer be promoted in diverse ways. That presumption may be rebutted in cases where promoting $X$ will interfere with $Y$ and $Z$. But that is surely a qualification and not a contradiction of the basic presumption.

23. See e.g., JOHN RAWLS, POLITICAL LIBERALISM (1993).
reflection.\textsuperscript{24} Just as we cannot resolve conflicts among incommensurables simply by appealing to monist rules like utilitarianism, similarly, we cannot rely on received practices or traditions alone to resolve our difficulties—these too represent rankings of incommensurables that reasonable people may contest. Any of these norms may be relevant in a particular case, but the message of pluralism is that we must decide for ourselves how to weigh such considerations in the case at hand. That is, pluralism obliges us to think autonomously. And because individual autonomy is one of the ideals most distinctive of liberalism, it is in a liberal political order that the capacity for individual autonomy is most likely to be encouraged.

This, then, is my basic case for a liberal reading of pluralism. To respect the deep plurality of values is to accept that a good society ought to promote value diversity, accommodate reasonable disagreement, and foster individual autonomy. Such principles cannot, of course, be overriding—they do not trump other considerations in every case. The rejection of overriding values is the heart of pluralism. Consistent with that fundamental point, however, broad principles can be derived from pluralism that apply with enough regularity to impart a general shape to a society’s politics and public morality. An example of this approach is Berlin’s preference for negative liberty as a political ideal. This does not mean that he proposes negative liberty as overriding other goods; on the contrary, he explicitly rejects that possibility.\textsuperscript{25} Rather, it means that, for Berlin, the general shape of a society’s institutions should owe more to negative than to positive liberty. I would make a similar claim for positive liberty in the form of individual autonomy.

III. DISTRIBUTIVE JUSTICE: LAISSEZ-FAIRE

Assuming that pluralists ought to be liberals, how should liberal pluralists approach distributive justice? All liberals endorse private property, and by extension the capitalist free market, as at least a necessary starting point. Pluralists too should accept some significant commitment to these institutions. They have reason to regard private property and capitalism as inseparable from the personal liberty that is commended by the principles of diversity, reasonable disagreement, and individual autonomy. By contrast, they will see the distinctively

\textsuperscript{24} For accounts of individual autonomy centered on critical reflection, see Mill, supra note 21; Raz, supra note 9. Note that critical reflection need not be thought of as a wholly rational process excluding any role for the emotions. As Mill writes: “He who chooses his plan for himself, employs all his faculties,” including not only “reasoning and judgment” but also “discriminative feeling.” Mill, supra note 21, at 122–23.

\textsuperscript{25} Berlin, Liberty, supra note 9, at 38, 172.
socialist commitment to public control of the economy, especially in its stronger forms, as vulnerable to antipluralist tendencies such as the domination of a society by the narrow will of a political party or a dictator.26

But liberals differ over whether and to what extent capitalism should be qualified or corrected. Classical or laissez-faire liberals favour a highly restricted role for government, leaving individuals maximally free—or obliged—to compete for resources through the market. Egalitarian liberals reply that free market distribution is not a sufficient basis for justice in distribution or for genuine freedom for all. Rather, justice and freedom require active state intervention to correct market distribution. Which of these views is more likely to be favoured from a pluralist perspective?

An attempt to argue from pluralism to laissez-faire can be found in Friedrich A. Hayek. His case against central economic planning includes the claims that planning involves the ranking of basic goods, that there is no uniquely correct way of doing this, and that consequently to impose a single solution is to override people’s reasonable disagreement.27 From this, Hayek draws the conclusion that individuals ought to be left free to make their own economic decisions rather than have a plan imposed on them.28

There are two things wrong with this argument. First, the pluralist idea that there are multiple incommensurable values does not imply that there is no best way of ranking them in any circumstances. The contextualist critique of agonism shows that although there is no optimal ranking that applies in every case, that is consistent with holding that one solution may be the most reasonable in a particular situation. A plan that was sufficiently tailored to the circumstances may be justified even if some people disagree.

Second, the upshot of Hayek’s view is in any case a ranking; individual liberty is given priority as a matter of public policy. On Hayek’s own interpretation of choice under pluralism as wholly indeterminate, this is unjustified: if no ranking is ever better than any other, then it would be no more rational to let individuals decide than to impose a plan. But even on a more reasonable understanding of

27. FRIEDRICH A. HAYEK, THE ROAD TO SERFDOM 65 (1944).
28. Id. at 90–92.
pluralism as allowing reasoned ranking in context, Hayek’s argument is at best incomplete. He would still have to show that in the circumstances of economic decisionmaking, it is always best to rely on the judgment of individuals. This might be shown, but it does not follow from the fact of value pluralism alone.

At this point a defender of economic laissez-faire might appeal to another great name in the classical-liberal pantheon, Robert Nozick. If we ask why economic distribution should be left entirely to the unimpeded enterprise of individuals in the market, Nozick’s answer is that individuals have rights to noninterference that amount to absolute “side constraints” on all other claims. Such side constraints are necessary to do justice to the fundamental idea of the inviolability of the individual. Consequently, absolute rights of self-ownership generate absolute entitlements to any holdings that people acquire, as long as they do not thereby violate the same rights held by others. This theory of “historical entitlement” comes into conflict with, and overrides, “patterned” theories of justice in which goods are distributed according to criteria such as equality of outcome, need, desert, and so forth. Nozick summarises his position with the slogan “liberty upsets patterns.”

Nozick’s economic laissez-faire should be rejected by pluralists because it is fundamentally monistic. It rests on an absolute hierarchy of value in which individual liberty always and absolutely overrides everything else—the patterns. This is made transparent by the famous Wilt Chamberlain example, in which the reader’s agreement that liberty is always more important than the values implicit in any pattern is simply assumed. For Nozick, as H.L.A. Hart observes, “[s]o long as rights are not violated it matters not for morality, short of catastrophe, how a social system actually works, how individuals fare under it, what needs it fails to meet or what misery or inequalities it produces.” Indeed, Nozick’s ethical basis is not only restricted to individual rights but also to a narrow conception of rights as both inviolable and strictly negative. Berlin makes the same criticism of laissez-faire more generally when he refers to “[t]he bloodstained story of economic

30. Id.
31. Id. at 150–53.
32. Id. at 155–60.
33. Id. at 160.
34. Id. at 161–62.
individualism,” in Victorian Britain for example, as the result of a monist elevation of negative liberty over all other considerations. It might be objected that Nozick is too extreme to be accepted as the best representative of laissez-faire, which can be defended on the basis not of negative liberty alone but of a parcel of goods. Markets have been associated with various goods and virtues in addition to freedom, including material prosperity, individual and group enterprise, self-reliance, prudence, trust, and respect for the rule of law and for due process. Indeed, Deirdre McCloskey has argued recently that markets not only depend on but also nourish all of the great classical and Christian virtues—courage, prudence, justice, wisdom, faith, hope, and charity. In part this is because practising the virtues is “‘smart business’”—they inspire confidence in customers and other traders. But market dealings also provide scope for people to experience the virtues as intrinsically valuable because a market exchange is also an “occasion for virtue, an expression of solidarity across gender, social class, ethnicity.”

However, reliance on the market also has its drawbacks. To some extent, this is only to be expected because one of the basic lessons of pluralism is that no human arrangement is capable of containing or expressing all genuine human values equally. Indeed, in some cases, benefits bring costs as a matter of necessity because to emphasise one good is necessarily to forego another, at least to some extent. For example, one of the strengths of the market is commonly said to be that it generates a powerful incentive to the production of desirable goods through the profit motive. But the corollary of this is market failure

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36. BERLIN, LIBERTY, supra note 9, at 38. Defenders of Nozick might object to my description of him as a monist by pointing to Part III of Anarchy, State, and Utopia. There Nozick rejects the idea that there is “one best society for everyone to live in.” NOZICK, supra note 29, at 311. He goes on to present the minimal state as “a framework for utopia” in which people are free to contract into or out of as many different kinds of community as there are human personalities, including highly traditional or authoritarian groups: “Though the framework is libertarian and laissez-faire, individual communities within it need not be . . . .” Id. at 320. Nevertheless, the framework for all of this remains the minimal state, which embodies the absolute priority Nozick gives to negative liberty. Whether the inhabitants of Nozick’s utopia will reach the promised land depends entirely on the degree of success they achieve in an unrestricted market or, failing that, on their success in attracting charitable aid.


38. Id.

39. Id. at 4.
where no such incentive exists, as in the case of “public goods” such as clean air and national defense, where benefits cannot be confined to paying customers.

Other important goods may be supplied by the market, but not equally or fairly among those who arguably have a claim to them in terms of fundamental needs or justice. Markets produce not only winners but also losers—those who do poorly in market transactions, including those who happen, through no fault of their own, to lack the skills, education, health, or sheer luck that are necessary to flourish in that sphere. As Rawls puts it, market rewards are to a considerable extent dependent on accidents of endowment that are “arbitrary from a moral point of view.”

The benefits of the market, which are real, are achieved through competition, but the consequence of this is undeserved inequality and dependence for some.

Some critics have plausibly alleged that market systems are not only neglectful of some goods and arbitrary in their distribution of others, but also positively harmful to human well-being in various respects. One does not have to be a Marxist to have some sympathy with the idea that capitalist relationships can sometimes be exploitative or alienating, or with the fear that market competition often encourages greed, selfishness, materialism, superficiality, rootlessness, insecurity, and anxiety. This side of capitalism has been strongly brought home to us by the recent worldwide banking and financial crisis.

Many commentators would say that these problems are especially prevalent in contemporary forms of capitalism that emphasise flexibility and globalisation. Again, the drawbacks mirror the benefits. The new global economy is widely celebrated for its capacity to adapt quickly to consumer preferences because of its flexible practices, such as the outsourcing of work to fixed-term or project-orientated contractors. But, as Richard Sennett argues, greater flexibility in the workplace means in effect more lives disrupted by downsizing and relocation, and a wider culture summed up by the phrase “[n]o long term.”

Workers’ lives are fragmented into temporary arrangements lacking a sense of “trust, loyalty, and mutual commitment”—longer term values that are central to the construction of a sustained identity. Hence, in Sennett’s view, the new capitalism leads to “the corrosion of character.”

Moreover, the critics allege that the values and virtues undermined by the unrestrained market include the very cultural resources that the

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40. RAWLS, supra note 22, at 15.
42. Id. at 24.
market relies on to sustain itself. Daniel Bell argues that the success of capitalism has led to the replacement of its original, transcendent, and austere “Protestant ethic” by a shallow hedonism that not only falls short as a source of legitimation but also provokes the emergence of a culture of anticapitalism.43 A similar point has been made by John Gray more recently. Although nineteenth-century laissez-faire relied on a background culture of “saving, civic pride, respectability, [and] ‘family values,’”44 these commitments have now been rendered “profitless museum pieces” by the relentless insistence of contemporary globalisation that “choice is the only undisputed value.”44 The point about loss of civic pride is reinforced by Robert Putnam, who stresses the extent to which civic community in the United States has been eroded by “‘corporate delocalization.’”45

Yet another shortcoming of the market from a pluralist perspective is identified by Michael Walzer. According to Walzer, the tendency of the market, unless checked and balanced, is not only to neglect or marginalise some important human goods, but also to distort our understanding of others: “[M]oney is insidious, and market relations are expansive. A radically laissez-faire economy would be like a totalitarian state, invading every other sphere, dominating every other distributive process. It would transform every social good into a commodity. This is market imperialism.”46 Healthcare, for example, comes to be seen more as a salable commodity than a basic need.47 This kind of false commensuration of distinct values by money has real consequences for people’s lives, leading to public policies under which important goods are seen as appropriately for sale to those who can afford them rather than distributed in ways that reflect more faithfully the distinct kinds of value they have for people.

To the extent that a society based on economic laissez-faire neglects or damages or distorts significant human goods, it thereby violates the fundamental commitments of liberal pluralism. Clearly, it places limits on the value diversity to which liberal pluralists are committed. Further, a society that neglects or damages those ways of life that emphasise

47. Id. at 86–91.
“nonmarket” values is also objectionable from the perspective of the pluralist commitment to accommodating reasonable disagreement about the good life. When success in the market is the sole route to human flourishing, it becomes harder to dissent or depart from those ways of life that are sanctioned by the market. It follows that people’s capacity for autonomy is also reduced because their options are narrowed. Most fundamentally, such a society falls short of an adequate respect for value plurality because it fails to take seriously enough those many values, virtues, and considerations that the market alone does not promote.

IV. EGALITARIAN LIBERALISM

So far I have argued that, although pluralism points towards liberalism in general, a classical-liberal or laissez-faire approach to distributive justice carries major costs from a pluralist point of view. Reliance on the market alone, although it does generate certain goods and virtues, neglects or diminishes others. The next question is whether the egalitarian alternative, distinguished by its willingness to redistribute wealth and opportunities through state intervention, is likely to do any better, again in pluralist terms.

Here it may immediately be thought that the egalitarian approach is bound to do better because it retains the market and its benefits while adding, through government action, attention to those other goods that the market neglects or downgrades. Thus, egalitarian-liberal policies, it may be argued, stand a better chance of satisfactorily promoting not only the values of the market but also public goods, equality or social justice, security, long-term commitments, community, and so forth. Such an approach seems to promise the best of both worlds.

I believe this is basically correct, but there are qualifications to be acknowledged. A comparison between laissez-faire and egalitarian liberalism is not simply a comparison between the gains and losses of a pure market system on one side and all the advantages of both market and government on the other. First, laissez-faire does not, of course, turn its back on government entirely. Markets always depend on government to some degree, for example, to maintain the legal system necessary to adjudicate and enforce contracts. It remains true, nevertheless, that laissez-faire views do place greater reliance on the market, and correspondingly less on government, compared with egalitarian positions. Most importantly, egalitarian views depart from laissez-faire in their commitment to economic redistribution. Consequently, egalitarians have a pluralist case against the proponents of laissez-faire if they can show that state redistribution promotes those values neglected, damaged, or distorted by the market.
Second, though, egalitarians should concede that the addition of nonmarket to market values will not be without cost. As noted earlier, a fundamental insight of pluralism is that distinct goods cannot always be combined without loss: to emphasise one value may be to sacrifice or reduce or inhibit another. In the case of egalitarian liberalism, the goods of the market may well be diminished by greater attention to other values. Greater equality may come at the price of less liberty, more security may mean less enterprise, and so on. Indeed, I have argued that costs seem to follow necessarily from benefits in some cases. If workplace flexibility always brings short-termism and insecurity to some degree, then attempts to ameliorate these problems are likely to come at some cost to flexibility.

So, the question for pluralists is not whether the goods of the market alone are outweighed by those of the market and government combined, but rather which combination of market and government is superior: that of laissez-faire or that of egalitarian redistribution. I think that the balance struck by the egalitarian form of liberalism should be more attractive to pluralists than that proposed by laissez-faire. This claim is hard to demonstrate conclusively, but here are some considerations that address the pluralist principles set out earlier, considerations that if not conclusive are at least persuasive.

First, there are good reasons to think that egalitarianism will do a better job than laissez-faire when it comes to maximising value diversity. The key feature of liberalism as a whole that recommends it in terms of diversity is the liberal emphasis on individual liberty; this is common ground between classical and egalitarian liberals. But the classical-liberal understanding of individual liberty as a purely negative matter of noninterference is a thin interpretation of what liberty consists in, leading to reduced prospects for diversity compared with those that flow from a richer notion of liberty. Negative liberty is consistent with the absence of any real opportunity to follow one’s bliss, as in cases where the necessary material resources are lacking. Egalitarian liberals, on the other hand, tend to insist on the value of “effective freedom,” requiring not merely noninterference but also access to resources, which in turn will not be possible for significant numbers of people in the absence of state redistribution.  

Alternatively, those egalitarians, like

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Berlin and Rawls, who concede that “liberty” itself should be conceived negatively, add that we must also attend to “the conditions of its exercise.” This demands, in effect, not just noninterference but also positive capacity, which again requires, in practical terms, redistributive action by the state. Egalitarians, in short, have a more realistic appreciation than do the supporters of laissez-faire of what it takes to create diversity.

A similar case for redistributive intervention can be made with respect to the diversity of ways of life implied by reasonable disagreement about the good. As argued above, a significant range of legitimate ways of life will be eliminated or threatened in a society in which market relations are unchecked. Consequently, intervention will be needed to preserve those ways of life, or at least a fair opportunity for their survival. In this connection, Will Kymlicka, for example, argues against policies of “benign neglect” under which vulnerable cultural minorities are merely tolerated rather than offered any public assistance in their struggle to survive. Under laissez-faire, these groups are likely to be “outbid” in the economic competition for scarce resources such as land that may be essential to their identity. Given the value of cultural membership to human well-being, there is a strong case for public intervention to prevent market-based distribution from diminishing cultural diversity.

Finally, an egalitarian approach is more likely to satisfy the pluralist commitment to individual autonomy. The negative liberty of laissez-faire is consistent with widespread heteronomy, the uncritical acceptance of conventional norms and ways of life—those aspects of Victorian culture excoriated by Mill are cases in point. Without effective freedom in the form of real opportunities for education and employment, critical reflection is likely to be a capacity enjoyed only by a minority. Moreover, there is a link between individual autonomy and state redistribution in Kymlicka’s case for state-sponsored cultural rights already mentioned. For Kymlicka, cultural membership is important not for its own sake but as a necessary context for individual autonomy, providing a framework for critical judgment. If redistributive policies promote cultural diversity, then they may also promote autonomy.

49. Berlin, Liberty, supra note 9, at 45.
50. Berlin writes: “The case for social legislation or planning, for the Welfare State and socialism, can be constructed with as much validity from consideration of the claims of negative liberty as from those of its positive brother . . . .” Id. at 38–39.
52. See id. at 109.
53. Id. at 82–84.
V. WELFARE OR RESOURCES?

Supposing that liberal pluralists ought to be egalitarians, what form should liberal-pluralist redistribution take? What ought to be made more equal? In Dworkin’s hugely influential account, the basic sense of equality for liberals is the injunction to treat people with “equal concern and respect” or “as equals.” According to Dworkin, there are two main rival interpretations of what this requires in the field of distributive justice: “equality of welfare” and “equality of resources.” What position should pluralists take in this debate?

The basic idea of welfare, as presented by Dworkin, is of happiness or well-being. Its immediate appeal, in contrast with a focus on resources, is that welfare seems more fundamental, offering attention to ends rather than means only. Two people may have the same income but one may be less happy or fulfilled than the other. Dworkin distinguishes between three main versions of welfare theory: “success” theories, in which welfare consists in the fulfilment of a person’s goals or preferences; “conscious-state” theories, in which welfare is equated with pleasure or enjoyment; and “objective” theories that set out what people ought to enjoy or pursue as goals.

Dworkin finds many problems with the welfare outlook. The conscious-state version does not get at what is fundamental because enjoyment in itself is not usually what matters most to people; what matters most to people is what they enjoy. Both conscious-state and success theories require the satisfaction of subjective preferences that may constitute bad reasons for distribution. Such preferences may be inherently inegalitarian or prejudiced, or impossible to fulfil, or generated by expensive tastes. Objective theories avoid these problems with the variable content of subjective preferences, but only at the price of setting up accounts of what people ought to want, which are

54. RONALD DWORKIN, TAKING RIGHTS SERIOUSLY 180 (1978).
56. Id. at 12.
57. Id. at 19.
58. Id. at 16–18, 45–47.
59. Id. at 44.
60. Id. at 45–46.
What view will pluralists take of welfare theories? Like Dworkin, they will be uncomfortable with the more subjective versions. For pluralists, these are fundamentally monistic because they all make the satisfaction of preferences overriding, as in the case of preference utilitarianism mentioned earlier. The case of objective theories of welfare is less obvious. Pluralists will join Dworkin in objecting to accounts of welfare that are very narrow or dominated by one or a few super values, or that consist of a single, thickly described way of life. But might it be possible to give an objective account of welfare that is compatible with pluralism? After all, pluralists do typically accept some objective framework of universal values; that is what distinguishes them from relativists. Might such a framework not accommodate many different goods and ways of life in a manner that satisfies the basic insights of pluralism? I shall return to this possibility later.

What about Dworkin’s favoured alternative to the welfare approach, the resources view? On this view, what ought to be equalised is not welfare but people’s access to those resources that are necessary to any good life. As a model for this ideal, Dworkin imagines an auction in which castaways on a desert island occupy an equal starting point from which they bid for what they want using equal amounts of an agreed common currency—clamshells in Dworkin’s example. After the auction, people’s resources will vary as a result of the choices they make or the accidents that befall them. When the latter amount to “brute bad luck,” Dworkin argues for compensation. In his “hypothetical insurance market,” people are assumed to want to protect themselves against such misfortunes, contributing compulsorily to a central fund from which they will be compensated if necessary. This models the safety net institutions of a welfare state.

Pluralists will immediately have doubts about the resources approach as outlined so far. Initially it seems that Dworkin is using his auction device to identify what counts as resources: these are whatever people are willing to bid for in order to pursue their ends. This would invite a charge of common currency monism, whether the currency is clamshells, money, or market preferences. That objection is reinforced by Dworkin’s account of the hypothetical insurance scheme. Again, the

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61. Id. at 46.
62. Id. at 65–119.
63. Id. at 66–68.
64. Id. at 73–74, 81.
65. Id. at 80–81.
assumption appears to be that any disadvantage that arises in the wake of the initial fair distribution is remediable in terms of a single currency, the money paid into the scheme.

In fact things are more complicated than this because Dworkin later defines resources independently of market preferences. Indeed, he distinguishes between two distinct kinds of resources: “impersonal resources,” which include money, material goods, and possessions; and “personal resources,” or qualities of mind and body, which include intelligence, strength, and talent.66 People can bid on impersonal resources in the auction but not on personal resources. In effect, the insurance scheme uses impersonal resources to compensate people for morally relevant disadvantages arising from poor personal resources. The classic example is compensation for a physical disability such as blindness.

However, a pluralist will remain dissatisfied. Amartya Sen makes the point that the effect of the resources approach is to direct public policy attention to the distribution of a relatively narrow range of material resources rather than of the more fundamental goods that those resources are supposed to enable.67 A pregnant woman and a man of the same age may possess equal resources in the form of income and wealth, yet the woman will have disadvantages to overcome in order to live well that the man will not have.68 Between the provision of the resources and people’s ability to convert them into actual capacities to live well, there may well be a gap.

Dworkin tries to meet this point with his impersonal-personal distinction. The impersonal resources of the man and the pregnant woman are equal but their personal resources are not; therefore, there is a prima facie case for compensation for the pregnant woman. But this move can be seen as reinforcing the pluralist point. No amount of impersonal resources, such as income and wealth, will equalise the positions of the two people.

Another way of putting this is to say that the common currency compensation, usually monetary, envisaged by the resources view is not the only means necessary or adequate to remedy disadvantage. Depending on the circumstances, disadvantage may be more appropriately remedied by other forms of public action such as medical treatment, support services such as equipment and carers, and environmental or political or

66. Id. at 300.
68. Id. at 27.
cultural changes. That is to say, “disadvantage is plural,” as Jonathan Wolff and Avner De-Shalit express it. There are distinct kinds or dimensions of disadvantage, each calling for its own kind of remedy.

Conversely, the goal of egalitarian justice cannot be, for pluralists, the equalisation of a single good that serves all purposes, whether this be conceived as welfare or resources. No single good serves all purposes. Welfare, conceived as preference satisfaction, does not address all disadvantages because preferences can adapt in such a way that they are satisfied even in obvious cases of injustice—those who experience nothing but injustice can come to expect nothing else. Resources, conceived as all-purpose means such as money, do not necessarily convert to well-being.

VI. RESOURCES OR CAPABILITIES?

Instead of resources, Sen proposes that egalitarian distribution should focus on “capabilities.” On this view, what is most important is “[a] person’s capability to achieve functionings that he or she has reason to value.” This requires more than resources alone because resources may not be convertible to actual capability. On the other hand, Sen does not demand actual functioning or achievement as the goal of distributive policy—he wants to leave room for people to choose which functionings are most important to them. He often refers to the goal he advocates in terms of freedom: “our freedom to promote objectives we have reasons to value,” or “the freedom to achieve.”

What is the content of the capabilities? Sen prefers to leave this open, referring only to “valuable functionings that make up our lives” or “objectives we have reasons to value.” Again, he wants to accommodate choice, including democratic choice. This approach contrasts somewhat with that of Martha Nussbaum, who spells out the “central human functional capabilities” in a ten-point list. The most recent version of the list contains the following headings: life; bodily health; bodily integrity; senses, imagination, and thought; emotions; practical reason; affiliation; other species; play; and control over one’s environment. Each item is essential to human well-being, so that a life that lacks any one of the capabilities cannot to that extent be rightly called a good

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70. SEN, supra note 67, at 54–55.
71. Id. at 4–5.
72. Id. at xi.
73. Id. at 4 (emphasis omitted).
74. Id. at xi.
75. NUSSBAUM, supra note 10, at 78–80.
human life. This in turn becomes a political principle, involving claims of justice and rights. A society that does not do its best to secure the capabilities of all its members is to that extent unjust and in violation of their rights as human beings.

The capabilities approach will be very attractive to pluralists. It is in fact a pluralist position. Thus, Sen acknowledges that the approach raises a question about how to select and rank the most important functionings and capabilities, implying that there is no hierarchy or common currency for these. Nussbaum’s pluralist credentials are more explicit still because she makes it clear that the items on her list are “separate components.” Each capability represents a separate good, distinct from and not reducible to the others, and no item is intrinsically more important than any other in a sense that justifies an abstract scheme of ranking. To say that the capabilities are distinct, irreducible, and not subject to any absolute ranking is in effect to identify them as incommensurable values.

The approaches of Sen and Nussbaum are also in line with the general principles I drew from the pluralist outlook earlier. To argue that all of the capabilities must be promoted as constitutive of a good human life and a just society is to endorse the pluralist norm of diversity of goods. To insist further, as does Nussbaum, that each capability has “multiple realizability”—openness to a wide range of legitimate interpretations in different cultural settings—is consistent both with value diversity and with the pluralist acknowledgement of reasonable disagreement. On the other hand, Nussbaum’s commitment to cultural diversity is contained within a universalist framework, and this too is in keeping with the pluralist outlook as I interpret it. Nussbaum’s universalism is marked by her conception of the capabilities as beneficial for any genuinely human life and by her “core idea” that what makes a life genuinely human is that it is self-directed: the life of “a dignified free being who shapes his or her own life in cooperation and reciprocity with others, rather than being passively shaped or pushed around by the world

76. SEN, supra note 67, at 45–46.
77. NUSSBAUM, supra note 10, at 81.
78. Two capabilities, practical reason and affiliation, are said to be “of special importance” because they “organize and suffuse all the others, making their pursuit truly human.” Id. at 82. But this is not the same as ranking or common currency commensuration.
79. Id. at 77 (emphasis omitted).
in the manner of a ‘flock’ or ‘herd’ animal.”80 This fits with the pluralist norm of individual autonomy.81

Dworkin, however, denies that the capabilities approach adds anything of value to what is already in his resources framework. He sees two main problems. First, there is the ranking difficulty acknowledged by Sen. How can, and why should, public policy equalize capabilities when people value different capabilities differently—some emphasising physical skills, others intellectual attainments, and so forth?82

Sen responds that although there can be no relative weighting of capabilities that applies in all cases—it is not true that capability A is always more important than B—there can at least be a “‘dominance partial order’” that tells us that “[h]aving more of each relevant functioning or capability is a[n] . . . improvement” without having to specify precisely how much of each will produce the greatest improvement in a particular case.83 Capabilities are always valuable, but how valuable they are relative to each other in particular cases is a matter that can be left to the judgment of those affected in the case at hand. The public policy implication is that government should promote all capabilities evenly across the board, or perhaps some especially salient set of capabilities responding to especially salient forms of disadvantage, leaving to individuals the choice of whether or not to exercise those capabilities as actual achievement.84

Another kind of ranking problem arises when individuals choose to pursue functionings that are to some extent in conflict with one another, such as when a person wants both a successful career and a family life.

80. Id. at 72.
81. In her recent work, Nussbaum distinguishes between autonomy and practical reason, arguing that the former is tied to the rejection of God as an ultimate moral authority, hence incompatible with many religious beliefs, and insisting that she is committed only to the latter. Martha C. Nussbaum, Political Liberalism and Respect: A Response to Linda Barclay, 4 NORDIC J. PHIL. 25, 40–41 (2003), available at http://ej.lib.cbs.dk/index.php/sats/article/view/437/473. But there is no good reason to write the rejection of God into the idea of personal autonomy. What is essential to that idea, and to practical reasoning, is the notion of critical reflection: a reasoned questioning and possible revision of one’s own conception of the good. That need not involve the rejection of God as an ultimate moral authority. One can consistently believe that both the options between which one chooses, and the reason with which one reflects on those options, are ultimately gifts of God.
82. DWORKIN, supra note 55, at 299–300.
83. SEN, supra note 67, at 46 (emphasis omitted).
84. More generally, Sen argues that it is a mistake to demand “overprecision” from judgments of well-being and inequality. Id. at 48. Striving for “totally complete and clear-cut orderings can do less than justice to the nature of these concepts.” Id. We should recall here that Dworkin’s own project is one of interpretation of his fundamental concept of equal concern and respect. Ronald Dworkin, Sovereign Virtue Revisited, 113 ETHICS 106, 106–07 (2002).
This points to a deep-seated issue in the capability view as a whole: some of the capabilities may collide with each other. In Nussbaum’s list, for example, the career-family tension is an aspect of a potential conflict at a more general level between affiliation and the material dimension of control over environment. What should we do when such a conflict comes to the surface?

The capabilities theorists might reply that such a case presents a genuine dilemma, but a dilemma not just for the capabilities view but also for the real-life experience that the capabilities view accurately and properly reflects. Thus, Nussbaum, in her recent work, sees such conflicts as inescapably “tragic,” involving serious loss of value whichever way we go.85 The only sensible public policy response is to try to make arrangements such that these tragic choices do not arise in the first place. In the career-family case, for example, work commitments might be structured in ways that are more sympathetic to families.

This response is realistic and sensible, but if I am correct in my general account of the links between pluralism and liberalism, then pluralists may be able to say more than this. To begin with, they can argue that even in tragic cases some decisions may be better than others because there can be decisive reasons for choosing between conflicting incommensurables within a particular context. Some individuals’ background ethical and personal commitments point more strongly towards career than family, or vice versa.86 Moreover, the idea of pluralism itself implies certain general norms—value diversity, accommodation of reasonable disagreement, and promotion of individual autonomy—that can serve as critical standards for public policy, and that together point to a certain kind of liberal political framework within which these decisions should be made. I have argued that, when it comes to questions of distributive justice, this framework will be egalitarian rather than laissez-faire. Within the egalitarian approach, I have so far tended toward its capabilities variant in contrast with the welfare and resources alternatives distinguished by Dworkin.

Dworkin’s opposition to capabilities is still on the table, however. His second main objection is that, in Sen’s version at least, the capabilities view is open to two different readings. On one of these, Sen’s view collapses into equality of welfare, on the other it collapses into equality of resources. In either case, capabilities is not the distinct and superior alternative that Sen claims it to be.

Capabilities collapse into welfare, according to Dworkin, if we are talking about capabilities for “‘complex’ achievements of happiness,” such as “‘being happy, having self-respect, taking part in the life of the community, and so on.”

87 DWORKIN, supra note 55, at 301 (quoting SEN, supra note 67, at 39–40).

88 Id. at 302.

89 Id.

90 Id. at 303.

91 Id.

This kind of welfare talk is understandable because people usually want resources not for their own sake but in order to pursue ends such as those listed. But to focus politically on capabilities rather than resources is to risk sliding into a commitment to ensure people’s “overall capacity to achieve these goals.”

88 To insist on equalizing people’s capacity to achieve happiness or fulfilment in these respects is, for Dworkin, “barely coherent and certainly bizarre” and “frightening” in its implications for public policy.

On the other hand, if we are talking only about the more basic capabilities, then Dworkin believes that Sen’s view collapses into a resources position. On this alternative reading, Sen is concerned only to address morally relevant disadvantages that arise from unchosen circumstances, not from choices. But if that is so, Dworkin argues, then Sen is concerned only with disadvantage arising from lack of impersonal or personal resources.

If Sen is concerned only to equalize resources in these terms, then his position is no different from Dworkin’s.

Overall, Dworkin concedes that people want resources to do things with, but he insists that public policy should concern itself only with the equalisation of resources, impersonal and personal, not with capabilities to achieve well-being. The latter, involving judgments about the content of well-being or welfare, should be a matter for individuals themselves, given equal resources.

How can the defenders of capabilities reply? First, do capabilities really collapse into welfare claims? An important issue here is whether we are talking about welfare in a subjective or objective sense, but I shall come back to this. A more immediate defence would appeal to the distinction between capabilities and functioning. If Sen and Nussbaum were demanding that government guarantee particular kinds of
functioning or achievement then their position would indeed be extreme, but in fact they are asking only for the securing of capabilities or, as Sen puts it, the freedom to achieve. This does not seem so bizarre or threatening. Dworkin appears to concede this when he argues that there is a “danger of sliding into . . . the false goal of equal welfare or well-being.” 92 Here the complaint seems to be not that capabilities are the same as welfare, but that the first leads to the second by way of a slippery slope. But Dworkin does not show that the slope is all that slippery. If capabilities generate rights, as Sen and Nussbaum imply, it remains open to people to exercise those rights or not as they choose.

At this point Dworkin might say that I have made capabilities seem more attractive only by collapsing them into resources. Here the defenders of capabilities need to show that there are forms of morally relevant disadvantage that do not derive from deficient resources, whether impersonal or personal, and that consequently cannot be adequately addressed by additional impersonal resources.

There does seem to be at least one important class of cases that is hard to account for in terms of resources alone. This is where disadvantage flows not from poverty or personal disability but from social conditions, especially widespread attitudes that set up barriers to people’s doing what they want with their lives. Andrew Williams has suggested the example of women having fewer chances than men of finding congenial partners in a society still characterised by gender stereotyping. 93 In such a society, fewer men than women will be willing to make domestic tasks rather than career ambitions their dominant focus, or even to make homemaking a significant commitment. This creates a degree of difficulty for career-minded women that their male counterparts do not face.

Dworkin explains this sort of case as an instance of an obstacle to a complex ambition caused by “the tastes and preferences of others.” 94 In such a case, it is hard for me to do what I want because my goals require resources that other people happen to be bidding for too. In other words my situation is akin to having an expensive vocation or hobby. This is really a welfare complaint, and therefore not a legitimate cause for public concern.

92. Id. at 302 (emphasis added).
94. Dworkin, supra note 84, at 138.
But this response misses the point. The case of reasonable ambitions thwarted by obstructive attitudes does not seem much like a case of expensive tastes. Collecting rare stamps is a personal choice undeserving of public support, but having very basic life prospects impeded by the beliefs of others seems more fundamental. Moreover, in the congenial partners example, what Dworkin refers to as the “preferences of others” include the kind of narrow and prejudiced beliefs that he elsewhere condemns, in his arguments against utilitarianism, as inherently inequalitarian and therefore illegitimate influences on public policy that should be trumped by individual rights.95

Of course, even if we accept social conditions as a source of disadvantage not captured by lack of resources alone, what kind of public action can address the problem is a further question. But here too the capabilities approach can claim an advantage because it emphasises, along with the plural nature of disadvantage, the plurality of appropriate responses to disadvantage. Widespread prejudices are unlikely to be dissolved by distributing additional resources, such as monetary compensation, to those who suffer from those prejudices. But other forms of public action, such as public statements and advertising aimed at the community at large, may do better.

VII. CONCLUSION

I have argued that a liberal reading of the Berlinian concept of value pluralism suggests an egalitarian rather than a laissez-faire approach to distributive justice. Within egalitarianism the debate between welfare, resource, and capabilities theories is more finely balanced. Pluralists will be unhappy with subjective versions of the welfare view, but some objective versions may be compatible with pluralism. The resource paradigm may seem too narrow at first sight, but in Dworkin’s hands it can be made to cover many of the cases that would concern pluralists. On the whole, though, I am inclined to believe that it is the capabilities model that meets pluralist requirements most fully, for the reasons that emerged in the last section. Pluralists should accept that, just as the human good is plural, so too is morally relevant disadvantage. The

95. Ronald Dworkin, Rights as Trumps, in THEORIES OF RIGHTS 153, 155–59 (Jeremy Waldron ed., 1984). Dworkin would reply that “equality of resources presupposes a society free from such injustices”; that is, it is an ideal theory in the light of which he too would condemn the attitudes in question. Dworkin, supra note 84, at 137. To this the defenders of capabilities might respond that such attitudes are part of social reality here and now, and ought not simply to be assumed away even for ideal-theoretical purposes. For this and other more general differences between the resources and capabilities views, see Roland Pierik & Ingrid Robeyns, Resources Versus Capabilities: Social Endowments in Egalitarian Theory, 55 POL. STUD. 133 (2007).
capabilities view championed by Sen and Nussbaum reflects this more completely than the alternatives.

It is worth asking, however, what the implications would be from a pluralist perspective if Dworkin were correct in his claim that capabilities collapse into either welfare or resources. First, if capabilities collapsed into welfare in its subjective sense, then that would be objectionable to pluralists for the reason given earlier: capabilities would then reduce to items of preference satisfaction, which would become overriding or commensurating. It seems to me that Nussbaum’s position, in which the capabilities are spelled out independently of preferences, is less open to this objection than Sen’s.

On the other hand, if the capabilities view reduced to an objective welfare claim, the pluralist response would depend, as suggested earlier, on how accommodating this claim was of distinct plural values. Pluralism as I have interpreted it is a theory of human well-being, but of human well-being as having a plurality of distinct dimensions, each of which has its own unique ethical force.

This view may not satisfy Dworkin if he insists on strict adherence to the principle of neutrality he has generally advocated in political thought. But if there is a dispute between Dworkin and pluralists on this point, I think the latter will be on fairly secure ground because strict neutrality is such an implausible ideal. Dworkin’s own view depends on a substantial ethical commitment to equal concern and respect, an ideal that is—wrongly, I believe—not accepted in all cultures. Further, his understanding of basic equality involves a commitment to the value of individual autonomy that is, again wrongly, even more controversial. Capabilities theory is not neutral, but neither is Dworkin’s position. Liberal pluralists will be content with this. Pluralism requires diversity and accommodation of reasonable disagreement, not neutrality.

What if capabilities collapse into resources? In that case Dworkin’s point is not that the capabilities approach is defective, merely that it adds nothing to resources—that it says the same thing as the resources

approach only in a different language. But where does that leave
Dworkin’s declared opposition to Berlinian pluralism?

This brings me back to my starting point. I began with Dworkin’s
motivation for rejecting pluralism, namely the claim that it paralyses
reform. For Dworkin, to allow the distinctive pluralist view that conflicting
values may be incommensurable is to allow that such values confront
each other like “independent sovereign powers,” a confrontation that can
be resolved only by a groundless act of will. 98 This apparently rules out
the possibility of reasoned agreement on the terms of just distribution.

But this cannot be right if my argument is accepted that capabilities
theories are pluralist theories. For then it turns out that at least one
interpretation of pluralism and its implications is on all fours with
Dworkin’s own approach to distributive justice—assuming that
capabilities are resources. It turns out that pluralism does not lead to the
indeterminacy that Dworkin fears.

Far from being politically open-ended, the concept of pluralism, I
have argued, implies norms of diversity, reasonable disagreement, and
individual autonomy that together point to an egalitarian-liberal political
framework and, within that framework, to the capabilities approach.
Even if capabilities did reduce to resources—perhaps especially if that is
so—Dworkin would have no reason to be fearful of pluralist forms of
argument, properly understood. Pluralism does not amount to a neat
formula that answers all questions, but neither does it sanction a
surrender, through indeterminacy, to an unrestricted market.

98. Dworkin, supra note 3, at 82.