



# Is Luck Capabilitarianism Possible?<sup>1</sup>

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## **ABSTRACT**

Capability theorists claim that real freedoms should constitute the informational basis for assessing individual wellbeing. Nevertheless, they have not yet developed a normative theory of social justice accounting for why or under what circumstances a political community has the obligation to mitigate deficits in real freedoms. This paper examines whether combining Luck Egalitarianism principles with capabilities as a metric of advantage can deliver an acceptable solution to this problem. However, in light of its inconsistency with the core claims found in capability literature, this paper ultimately rejects that possibility for two reasons: First, because it disregards the multidimensional character of the metric. Second, because it undermines the notion that capabilities are valuable not just because they represent positive freedom but because of the beings and doings they enable.

**Keywords:** Capabilities; Luck Egalitarianism; Wellbeing

## **RESUME**

Les théoriciens de l'approche par les capacités affirment que les libertés réelles devraient constituer la base informationnelle pour évaluer le bien-être individuel. Néanmoins, ils n'ont pas encore élaboré une théorie normative de la justice sociale expliquant pourquoi et dans quelles circonstances une communauté politique a l'obligation d'atténuer les déficits dans les libertés réelles. Cet article examine si la combinaison des principes de l'égalitarisme des chances avec les capacités en tant que mesure de l'avantage peut fournir une solution acceptable à ce problème. Cependant, à la lumière de son incompatibilité avec les revendications de base trouvées dans la littérature sur les capacités, cet article rejette finalement cette possibilité pour deux raisons: Premièrement, parce qu'elle ne tient pas compte du caractère multidimensionnel de la métrique. Deuxièmement, parce que cela sape la notion que les capacités sont valables, non seulement parce qu'elles représentent une liberté positive, mais aussi en raison des manières d'être et de faire qu'elles permettent.

**Mots clés :** Capabilités ; Egalitarisme des chances ; Bien-être

**JEL Classification:** I30

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<sup>1</sup> I am very grateful for critical comments made by Federico Abal and Ignacio Mastroleo to an earlier version of this paper.

*Éthique et économique/Ethics and Economics*, 15 (1), 2018  
<http://ethique-economique.net/>

## **1. INTRODUCTION**

Capabilities are real freedoms to do and to be which a person has reason to deem valuable. They are most widely used to define an evaluative area of individual wellbeing that is distinct from that of resources and welfare. A person has the capability to move around if she can indeed effectively move around once she decides to do so; if she is handicapped, for example, a wheelchair and adequate public facilities will be available to her regardless of whether or not she derives any pleasure from that. In this very basic picture, capabilities represent an evaluative space for assessing individual wellbeing (Sen 2009: 232-4). In other words, capability researchers appear to have a very modest goal: to simply offer an informational basis with which to assess individual wellbeing.

These evaluative results are, without a doubt, important in and of themselves, as confirmed by the richness of their various practical applications. The reconceptualization of poverty as lack of capabilities has long guided and promoted different public policies and practical guidelines for fighting poverty. However, this modest goal makes it very difficult to defend capabilities against more complete theories of justice or to include them as a real alternative.

For example, as Robeyns posited (2009b), the most acute problems of responsibility and duties that are omnipresent in liberal egalitarian discussions have been rarely assumed by capability theorists. Using capabilities as input for an evaluative exercise seems to exempt capability practitioners from taking a position on the adequate balance between efficiency, incentives and real freedoms, on how to compare deficits in real freedoms for different individuals, and who has, and under which circumstances, a perfect or imperfect obligation to remediate low levels of real freedoms.

This paper makes an initial contribution to how capability theorists should face the normative challenges of a more complete account of distributive justice. If successful, this contribution offers a better normative justification as to why, for example, the political community has the obligation to ensure those capabilities for its citizens, why a certain threshold of such capabilities should be embodied in constitutional guarantees (Nussbaum 2000), or why someone has the obligation to cover the costs of implementing a less than perfect (but comparatively better) public policy to reduce pressing inequality (Sen 2006, 2009). In fact, the important practical implications of the capability approach are, at a bare minimum, that someone has the obligation to do something to alleviate the condition of someone who is rightly identified as poor.

The goal of this paper is to confront capability theorists with one of the major normative challenges of the last twenty years, i.e. how an egalitarian society should deal with individuals who decrease their own wellbeing through their free individual choices and the resulting consequences of those choices. Are political communities obligated to keep granting resources to their imprudent, lazy, and reckless members? Should political communities strive to improve the wellbeing only of those individuals whose decreased wellbeing is a result of unchosen circumstances that exceed the person's control? In short, the main question in this essay is whether the defense of capabilities as the metric of egalitarian justice implies that individual responsibility should reduce or expand the distributive obligations of the

political community. If the answer is yes, capabilitarian theorists would have to embrace Luck Capabilitarianism, according to which inequalities in real freedoms raise egalitarian concern only when they result from circumstances that are beyond the individual's control.

I will argue that a consistent defender of capabilities as the adequate metric of wellbeing should not place Luck Capabilitarianism at the head of a normative exercise. As I will show, multidimensionality and the instrumental and political value of capabilities are two arguments that derive from the core claims of the capabilities framework and render Luck Capabilitarianism an impossible conception.

This paper is structured as follows. In Section 2, I offer a plausible *a priori* account of Luck Capabilitarianism. I show that it has some textual support in the classic Capability Approach and explain why capabilitarian theorists might be tempted to embrace that account. In Section 3, I claim that Luck Capabilitarianism justifies excessively harsh redistributive policies and undermines the multidimensional character of wellbeing. In Section 4, I show that Luck Capabilitarianism significantly reduces the value of capabilities as a result of its indifference toward situations in which individuals, due to their own choices, can no longer achieve a certain threshold of valuable functionings.

## **2. LUCK CAPABILITARIANISM: AN OUTLINE**

According to Luck Egalitarianism, a political community's obligations are contingent upon the presence of a choice or the presence of an unchosen circumstance. If a person's situation is product of their choices, she is responsible for them and must bear all their consequences. If, on the other hand, her situation results from circumstances she could not reasonably control, she should not bear all their consequences.

According to Seligman, this conception of distributive justice can be reduced to three claims:

- (1) Distributions are the result of people's choices and of chance. All factors that affect distribution are either choices or chance.
- (2) Any inequality in distribution is separable into parts traceable to a choice and parts traceable to chance.
- (3) Inequalities, or parts thereof, are just, if and only if, they are traceable to a choice, rather than chance. (Seligman 2007: 268)

These principles derive from and specify a core luck egalitarian intuition: an egalitarian political community has the obligation to guarantee an equal starting point for individuals to pursue their life plans and develop a life that is consistent with their conception of good. Because people will choose heterogeneous activities and plans, after a while, they will achieve different levels of resources and capabilities. According to Luck Egalitarianism, it would be unfair to recreate that equal starting point. For example, this conception's main rival ideal characters are free-riders and reckless people. The former voluntarily refuse to perform an action that is required of them by reasons of cooperation, but, nonetheless, enjoy the cooperative surplus; the latter choose to perform a specific action (e.g. fasting) despite their knowledge of the costs and risks of that action (e.g. being undernourished). According to Luck Egalitarianism, redistributing in favor of either of these ideal characters unequally distributes the costs of the choices made by individuals with different levels of prudence and

attitudes toward risk, while a third ideal character—the prudent and cooperative person—would then have to subsidize the cost of those choices (Stemplowska 2013; Dworkin 2000: 65-119; Kymlicka 2002: 72-75).

Seen in this way, Luck Capabilitarianism could then be the normative outcome of the evaluative exercise performed by capabilitarian theorists in light of those three claims and this basic intuition. Thus, the only deficits in real opportunities with which an egalitarian must be concerned are those resulting from luck and not choice; i.e. as Peter Vallentyne has suggested, “individuals can in principle be held accountable for their past option luck in the sense of having no claim against others to compensation when things turn out unfavorably.” (2005: 365). In a moderate version, it could claim that our obligations are, at least, less demanding if a disadvantage has been the product of a choice rather than that of luck, which could neither be controlled nor anticipated.

Luck Capabilitarianism is both directly and indirectly supported in both Nussbaum and Sen’s version of capabilities as the right evaluative space. As I will argue next, this should come as no surprise, as Luck Capabilitarianism has three features that are appealing to capabilitarian theorists.

Its first appealing feature is that Luck Egalitarianism can assist the capabilitarian theorist in fulfilling a key promise of the capabilitarian approach: that it can account for personal heterogeneity in a way that no other metric can. Both Sen and Nussbaum are concerned with identifying the factors that explain variations in the conversion of resources into functionings, i.e. why people can transform the same amount of resources into different levels of valuable beings and doings (Sen 1999: 70-72; Nussbaum 2006: 164-8). However, since these factors are practically infinite, one could doubt the plausibility and manageability of a capabilitarian metric. If every conversion factor could raise claims of justice, the level of compensations required for their remedy would increase dramatically; and, as Pogge has claimed, it would entail unreasonable rankings of natural inequality (Pogge 2002).

Luck Egalitarian principles could circumvent this shortcoming by restricting unequal conversion factors that should be relevant for reasons of justice. Because personal heterogeneity stems from different roots and causes, some distinctions are crucial for a sound normative exercise. Factors affecting conversion rates can be roughly classified into three groups: personal, natural, and social. Personal factors are the determinants of choices that constitute individual character: attitudes toward risk, talents, willingness to make efforts, tastes, ambitions, and the development of a conception of good. Natural factors are individual features that are independent of social structures; in addition, they are not morally deserved because they arise from biological or physiological processes: being tall, disabled from birth, healthy, clever, etc.; in short, they are factors arising from genetic traits. Social factors emerge as the byproduct of institutional and relational structures, habits, patterns of behavior, and social norms. Luck Egalitarianism claims that only natural and social factors must be taken into account. Therefore, Luck Capabilitarianism claims that unequal capabilities are relevant as long as social or natural factors are responsible for the unequal conversion of capabilities into functionings.

This seems to fit nicely with some capabilitarian claims about personal heterogeneity. For reasons of justice, both Sen and Nussbaum have stressed the importance of taking into

account how natural factors can affect the conversion of resources into capabilities. These circumstances that are not chosen by the individual will call for special measures beyond a standardized conception of human needs and endowments, such as, adapting the infrastructure of public facilities, providing extra financial resources or devoting a considerable amount of resources to individual medical and social assistance (Sen 1992: 81-82). Regarding social factors, let's take, for instance, Sen's position on sources of differences in conversion rates, i.e. relational source. Some members of a group may be deprived of cultural or communitarian functioning, not for lack of resources or choice, but because a prevailing majority excluded them from important cultural practices or public spaces. Powerful groups typically oppress minorities by limiting their options and blocking access, thus forcing the minority to choose from a less than equal set of opportunities (Brown 2005: 323). It can be argued that what the excluded group lacks, and which causes that low communitarian functioning, are the social relationships required to fully participate in that community (Sen 1999: 89-90). If this is so, having or lacking said social relationships is neither up to the excluded group nor a reasonable option for its members, thus constituting a social factor for which the individual cannot be held accountable.

This restriction of factors that are relevant in normative exercises can also be found in seemingly clear examples of personal factors. For example, Robeyns and Pierik (2007) have claimed that there are various cases in which presumably free individual choices are limited not only by the options available to the individual, but also by subtle and informal forms of discrimination or an unequal division of labor. It is only because of these unstated rules of behavior and expectation that the consequences of those "free" choices become relevant to the capabiltarian theorist. Thus, pure personal factors that result in poor levels of capabilities would not be relevant for reasons of social justice, i.e. heterogeneity in conversion rates from resources to functionings is not a normative issue in itself, but it gains significance when certain differences can be traced back to certain circumstances (Pierik and Robeyns 2007).

Its second appealing feature easily stems from the character of the normative exercise for which capabilities aspire to be the metric. Mainstream theories of social justice are not outcome-based but opportunity-based theories sustaining that a choice made under egalitarian conditions is sufficient to hold people accountable (Robeyns 2000: 10). Therefore, Luck Egalitarianism provides capabiltarian theorists with a conception of why it is important to secure equal initial capabilities and when unequal capabilities fail to constitute examples of unequal opportunities. After all, if a conception of positive freedom is developed mainly within a liberal framework (as is the case of the capability approach), individual choices should have a central place when defining obligations. If this conception didn't claim that individual choices represented some kind of limit to what a political community can demand from its members, then it would reenact the objections posed by Isaiah Berlin.

For instance, in *Inequality Reexamined*, Sen seems to embrace this luck egalitarian interpretation of equality of opportunities. He acknowledges that "if the social arrangements are such that a responsible adult is given no less freedom 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" (1992: 148). While it is true that this acknowledgment is heavily qualified by the challenging task of differentiating between voluntary factors and unchosen factors in particular choices, i.e. as uncertainties exist, obtaining adequate information is

difficult and costly, and choices are subject to numerous social determinants, motivations, and preference shapers (1992: 149), Sen's move is still undoubtedly ambiguous. On the one hand, the luck egalitarian component is qualified and isolated to a very abstract and theoretical possibility. After all, capabilities have been mainly applied and developed under the backdrop of poverty and extreme inequality; therefore, applying fixing criteria before such backdrops could result in error and harsh treatment. On the other hand, Sen does not call into question Luck Egalitarianism's general claim; i.e. as Robeyns (2009a: 78) sustains, the focus on poverty "does not absolve theorists of justice who deal with justice in affluent societies (or affluent sections of poor societies) from discussing the just division between personal and collective responsibility."

Alternatively, let's take Nussbaum's account as stated in *Frontiers of Justice*. According to her, individuals who freely choose not to function well (for instance, by smoking, having unsafe sex or boxing), should not be considered any worse off than others who freely choose to function well (2006: 171). If they have chosen that functioning, they should be held accountable for the result, and nobody has the obligation to improve their final situation. However, in a similar spirit to Sen's qualifications, she also thinks that the connection between certain particular functionings to a truly human life justifies discharging the individual from the full responsibility of the costs of certain imprudent or risky choices (2000: 91-5). This limitation of the principle of responsibility could be endorsed by a sophisticated and pluralistic version of Luck Egalitarianism; for instance, it could claim that for reasons other than justice (solidarity, assistance, etc.), there could be some discharge of responsibility from the imprudent; but, at the same time, if there is a conflict or if there is any shortage, the imprudent would be the last in line (Stemplowska 2013).

Its third appealing feature is the selection of capabilities, and not functionings, as the metric for egalitarian justice. According to one repeated and central example in Sen's texts (1999: 76; 2009: 237), two individuals have a low nutritional index, or in his own terms, enjoy the same level of the achieved functioning of being well-nourished. However, for religious reasons, one has decided to fast while the other lives in a famine-inflicted region and is starving. The difference between these two people is in their capabilities set, i.e. their real freedoms: the second person is a victim of famine throughout her region and cannot avoid being hungry. The first person, instead, chooses to be hungry; her choice not to eat is what makes her a fasting and not a starving person (Carter 2014: 85)

Admittedly, this example is used by Sen to show only that individual advantage should not be defined by looking at achieved functionings, as that would typically result in "false positives" in which, instead of identifying deficits in real freedoms, what would be identified are people who are not under any relevant disadvantage. Sen proposed the concept of "refined functionings" to account for this difference and capture the opportunities available to the agent at the moment of her decision: unlike mere achieved functionings, refined functionings are the beings and doings chosen by an agent (Sen 1987: 37).

Notwithstanding Sen's own reading, this example contains a tacit normative implication. The tacit implication is that it would be unreasonable for a political community to assume an obligation to improve the fasting person's condition, but it would not be unreasonable for it to assume the obligation to improve the starving person's condition. Because one key difference between these two cases is that the fasting person is under that condition by choice, while the

starving person is not, it seems that low levels of functionings or capabilities are only relevant for reasons of justice as long as they were not chosen; in other words, relevant disadvantages are reductions in wellbeing caused by the impact of luck.

It is true that the capabilities metric is particularly sensitive to social and cultural norms that affect not only sets of opportunities but choice itself. Adaptive preferences are one of the many examples used by capabilities theorists to show that choices could depend on unjust structures and that it would be reasonable to dismiss them for normative purposes and evaluations (Anderson 2003: 245-8; Sen 1999: 62-3; Nussbaum 2000: 136-42). This degree of sensitivity would undoubtedly set Luck Capabilitarianism apart from the crudest and harshest versions of Luck Egalitarianism and perhaps open too narrow a space for its principle of responsibility. However, it still constitutes a viable interpretation.

In this section, I have offered a rough outline of Luck Capabilitarianism and why capabilitarian theorists could be attracted to this account of how to distribute responsibilities and obligations pertaining to issues of social justice. In the next two sections, I will show that there are internal reasons for the capability metric to resist these appeals.

### **3. THE PUNISHMENT DOESN'T FIT THE CRIME**

This section will show the first argument against Luck Capabilitarianism. Despite the features described in the previous section, I will claim that Luck Capabilitarianism overlooks a distinctive feature of capabilities as a metric of advantage, i.e. the multidimensional character of wellbeing.

Capabilities cannot be reduced to a single and cardinal scale of real freedom. Each capability is, then, a real freedom to achieve a valuable functioning or, in Nussbaumian terms, a dimension of human activity that is fundamental for the dignity and the flourishing of the person; real freedoms in each dimension are separate, non-fungible and qualitatively distinct components, thus, no reasonable trade-off is possible between them (Nussbaum 2000: 81-2). Therefore, individual wellbeing is the combination of important and different real opportunities. This evaluative separateness does not mean, of course, that capabilities are not related in complex ways; if the political community promoted the capability for thought in some isolated group through a literacy campaign, then it would also have a positive effect on the group's capability for political participation as well as its capability to control its environment; if, instead, the political community discouraged the capability for self-respect, the capability to have meaningful relationships with others would, in turn, be negatively affected.

This multidimensional character is a distinctive feature of this metric because both resources and welfare constitute a single scale of wellbeing in which every being and doing is reducible to that metric (Alkire 2000: 85-89). This is clearly evident in how each metric assesses imprudent decisions. From a resourcist metric, an individual that gambles away and loses his resources ends up with a slightly smaller set of resources; from a welfarist metric, the person enjoys fewer opportunities for welfare, although the overall advantage is contingent upon subjective response. In contrast, from a capability metric, that same individual not only ends up with a smaller bundle of resources but, more importantly, with a smaller set of real opportunities, i.e. with a lesser degree of different freedoms. In short, adopting a capability

metric reminds us that, aside from imprudence, the individual no longer has the real option to achieve several functionings that are constitutive of his or her wellbeing.

This theoretical feature of capabilities would become fundamental in the assessment of Luck Capabiltarianism. As I will show, if the normative exercise were performed with Luck Capabiltarianism principles, it would weaken the impact that free choices from one dimension of activity have on other dimensions of action.

Imagine the following scenario in parallel to the case of the rich fasting man and the poor starving one. Both Kanye and Pedro suffer a medical condition that requires an expensive medication. Kanye is a billionaire that squanders away a considerable part of his fortune on expensive and extravagant parties; Pedro is a low-income worker that spends a substantial amount of money in bars. Let's also suppose that both men arrived at their current level of wellbeing as a result of choices made against a backdrop of equal opportunities according to a resourcist metric. As an exclusive result of their respective choices and talents, Kanye still has plenty opportunities to live quite a comfortable and healthy life, while Pedro can't even afford to buy his medications.

There is no difference between Pedro and Kanye as far as the pleasure they each obtain or their attributive responsibility or even their initial set of opportunities. However, they are different in their set of capabilities. The republican language of non-domination can help to illustrate Pedro's decrease in capability set. As a result of his choices, he has increased the chances of being dominated, i.e. of being interfered arbitrarily at the whim of others. He probably needs to borrow money from his friends and coworkers on a regular basis. In fact, he probably has to perform strategic actions, like humiliate himself by having to explain the reasons for his (repeated) cash-flow shortages, trying to disguise his habits and the pleasure and relief obtained from them. Since it is possible that, at some point, he will exhaust the good will of his closest circles, he will have to enter into increasingly dangerous and damaging relationships (e.g. with loan sharks) in order to get his medications. In short, he will have to anticipate the possible responses and attitudes of others, putting himself in a position of extreme vulnerability and dependency on their willingness to help him. On the other hand, since Kanye still has enough resources to buy his medications without relying on the mercy of others, he has not yet been dominated (Pettit 2012: 50-69; 114).

This example highlights how free choices can affect different dimensions of wellbeing beyond the dimension on which the choice has been made. The significant relationship between dimensions of activity in Pedro and Kanye's case is the same as that established between capability for practical reason and capability for bodily health. In Pedro's case, his choices with respect to a fundamental capability (the capability of entertainment) have spread to other fundamental capabilities (mainly, the capability of being healthy), which is not his choice. Thus, Pedro becomes dominated, not because of his choices with regards to his capability for entertainment—which are roughly similar to Kanye's—or because he has decided to be dominated, but because its consequences have spread to other capabilities.

Luck Capabiltarianism is prone to missing this spreading effect and, therefore, overlooks the metric's multidimensional character. In Pedro's case, the resulting domination would not give rise to a justice issue; as long as decreases of real freedom were attributable to choice, and not to luck, there is no unjust inequality. After all, if Pedro made such choices, a life of poverty,



domination, and anxiety is the kind of life that he really wants since those are foreseeable consequences. Luck Capabiltarianism would insist that Pedro should have given more thought to the possible consequences of his choices and that, since there were no factors beyond his control forcing him to make those choices, he should internalize their costs, even if the results of his choices tend to spread to other freedoms.

Two clarifications are in order at this point. First, it should come as no surprise that Luck Egalitarianism can justify instances of domination (Anderson 1999). Second, the role that domination plays in my argument must be explained. Since it is still problematic to take the relationship between freedom as non-domination and capabilities for granted (Sen 2009: 304-9, Pettit 2001), domination is simply taken as a shortcut for situations in which individuals are so far below a threshold of capabilities that they must become dependent on others. Furthermore, although non-domination is not a multidimensional measure of freedom (Pettit 2012: 44-7), I think it is not extremely controversial to describe cases of domination as those in which low levels of capabilities are interrelated but still affect different dimensions of beings and doings.

Because of this multidimensional character, a capabiltarian writer should not accept this result of the normative exercise with regards to who has to internalize the costs of free choices. Accepting the inference from attributive responsibility to substantive responsibility, especially when that would entail letting a central capability of Pedro's fall below a minimum threshold, renders the normative exercise insensitive to the spreading effects of free choices. In turn, this means denying that each capability is, in itself, an important dimension of action or being.

Therefore, a political community that allows, for reasons of fairness, the spread of bad consequences to other important capabilities commits itself to excessively harsh punishments that exceed the dimension in which the choice was made. An individual that works inefficiently might get fired, but that is no reason to deny him welfare or unemployment benefits (Scanlon 1998: 293). The reason is the same. It is likely that the consequences of an imprudent decision involving a human activity can spread to other important capabilities. Low levels of real freedom in the infected capability raise egalitarian obligations because otherwise the political community would authorize punishments that exceed the crime.

Therefore, because of the multidimensional character of capabilities, our egalitarian obligations do not disappear when a free choice results in a capability deficit. In other words, the adoption of a capability metric implies that, when there is a high chance that imprudent choices in one capability can infect other capabilities, there is a real justice concern, regardless of the attributive responsibility of the agent.

#### **4. OVERVALUING REAL FREEDOMS**

This section puts forward a second argument against Luck Capabiltarianism. I will argue that this way of performing the normative exercise implies overvaluing freedom to an extent that it misses important aspects of why capabilities and functionings are valuable.

Some clarifications are in order before proceeding to the main argument. First, as Ian Carter (2014) has shown, capabiltarian theorists have not been clear about the value of real freedoms and it is possible to find different conceptions of what that value is. Each of these

conceptions provides a different answer to the question of why it is important for an individual's wellbeing to have some level of capabilities. Despite this widespread ambiguity, it is a fundamental question for anyone who wants to use capabilities as a metric of advantage because one major reason for using it is that, unlike resources or utility, capabilities represent what is *really* important to an individual's wellbeing (Sen 1992: 26-8; Nussbaum 2006: 69-75).

Simplifying Carter's own distinction, real freedoms can have instrumental, intrinsic, and political value. A specific capability has intrinsic value if it is, in itself, one of the ends of life and should be respected; it has instrumental value if it is dependent on what being or doing that freedom is used for; finally, it has political value if a political community is obligated to respect and guarantee it, despite individual choices and judgments.

Second, this ambiguity is amplified by a typical internal tension between wellbeing and freedom that is caused by capability theorists (Arneson 2010: 107-9). On the one hand, capabilities, and not functionings, should be the aim of distributive justice. On the other hand, the value of capabilities seems to be entirely instrumental: capabilities are valuable because of the being or doing that they allow the individual to achieve. Beyond what procedure would deliver a list of relevant capabilities for social justice purposes, each of those elements constitutes a real freedom to achieve a valuable state of affairs or condition. For example, if a political community did not see any value in the functioning of moving safely from one place to another, then the freedom to do so would have no value.

Tension arises when the capability approach is seduced by paternalistic temptations. Why not, as Claasen (2014) and Carter (2014) posited, force or give strong incentives to individuals to function in the way that the political community has agreed as really valuable? If the functioning of moving safely about is really valuable, why not offer tax breaks to people for getting out of their homes? The simpler way to dispel this tension is by attaching political value to capabilities. Forcing individuals to achieve valuable functionings would not respect the plurality of comprehensive doctrines and human diversity that translates into unequal conversion rates from capabilities to functionings, even under an initial point of real equal opportunities (Nussbaum 2000: 128-32; Sen 2009: 235-8; Robeyns 2009b: 404-5 for some exceptions to this).

This tension, which is constitutive to capability theorists, is completely missed under Luck Capabiltarianism, according to which capabilities have only intrinsic value, i.e. they are important not for the functionings they could realize but for the freedom they represent. Luck Capabiltarianism would claim that an individual's capabilities set express his or her moral identity because it includes, at every moment, the person's free choices. On the contrary, when capabilities are affected by unchosen circumstances or by the actions of others, they no longer express that identity. In this sense, as Carter puts it, even if a person chooses not to function well, "the quality of her life would no longer be seen as zero, since the freedom she has to choose whether or not to function well will itself be of value regardless of what choices she makes" (2014: 89).

For example, let's compare Pedro's situation above to that of William. Starting with the same capabilities as Pedro, William worked hard to develop his talents and, as a result, increased his real freedoms to wellbeing. Of course, William and Pedro's current level of wellbeing is

unequal; while Pedro has low levels of various capabilities and is dependent on the good will of others, William has made wise choices and his current level of capabilities is pretty high.

Luck Capabiltarianism will say that Pedro does not have a valid and just claim to further resources simply because his current capabilities level is low. This is so because his initial capabilities were equal to William's and his choices were not forced by circumstances beyond his control; he has neither been wronged by anyone nor impacted by brute luck. Pedro should be held responsible for his current situation and should renounce to any possible compensation based on reasons of justice. Moreover, if William were to have to subsidize Pedro's imprudent choices by transferring a part of his superior capabilities, the resulting pattern of distribution would be unfair, forcing William to cover the cost of Pedro's choices. Furthermore, that transfer would leave William with fewer real opportunities to develop his true moral identity for reasons beyond his control. This would be true even if William chose not to convert those capabilities into functionings and said capabilities remained untouched. The obligation of a political community ruled under Luck Capabiltarianism is only to guarantee an equal starting position and then allow individual choices alone to determine who "wins" and who "loses" in terms of capabilities.

Some could argue that dispelling this tension is what makes Luck Capabiltarianism an attractive way of completing the normative exercise. This is a mistake. This tension shows that intrinsic value is not the most important thing in the capabiltarian literature. While the capability approach typically separates the source of value of freedoms from the source of value of results, Luck Capabiltarianism reunites them, while omitting the fact that functionings are an important part of what gives capabilities their value. In fact, as I will show next, Luck Capabiltarianism could hardly include or uphold the political and instrumental values of freedoms.

Taking the instrumental value of capabilities into account, we could judge that Donald's position (who has used his real freedoms to achieve a valuable functioning) is better than William's position (who has not used his real freedoms) and that William's position is better than Pedro's because, even if he chooses not to use his capabilities, he still has more chances than Pedro of acquiring a good functioning. Luck Capabiltarianism could not accept this ranking. If everyone had the same real initial opportunities, then everyone would have the same advantages as others or, at least, their compensation claim would never outweigh the claims of the "responsible" subsidizer. Therefore, functionings would not be valuable for Luck Capabiltarianism; rendering it very difficult to know why some capabilities should be included in a list while others should not.

In addition, Luck Capabiltarianism cannot account for the political value of capabilities. The result of its core claims is that individual choices are identified with the individual's own conception of the good life, independently of how those choices affect the individual's future options and choices. One could argue, without sparking too much controversy, that in order to develop a comprehensive doctrine, one needs some experimentation, alternatives, and a variety of options from which to choose. If, on the one hand, individuals' choices progressively reduce their capability set and capability to change their mind and if, on the other hand, there is no obligation to restore them at least to a degree of sufficiency, then, according to Luck Capabiltarian, their conception of good no longer seems to be the expression of their moral identity but that of the circumstances with which they were faced.

## **5. FINAL REMARKS**

In this paper, I have showed that capabilitarian theorists should resist the appeal of Luck Capabiltarianism because it is not a consistent way to perform the normative exercise of distributive justice. This is so for two reasons. First, Luck Capabiltarianism undervalues the multidimensional impact of reckless choices on individual wellbeing and sets the punishment bar too high. It may be reasonable to fire a reckless worker, but it is not reasonable to dismiss all of his claims for distributive justice. Second, Luck Capabiltarianism undermines the fact that capabilities are not just valuable because they represent a space of freedom, but because they are real freedoms to do or be something valuable and because they represent a normative space where individuals can develop and experiment with their own conception of good.

This does not mean there is absolutely no room for judging individual responsibility at all in a normative exercise with capabilities as its informational basis. What I have shown is that the capability metric is a complex theory of wellbeing. This is so because, although it is a conception of equal opportunities, it is also a political conception of wellbeing sustaining that opportunities are, in part, valuable because they allow the individual to attain certain states of being or action that are valuable. Thus, the principles of individual responsibility should find a restricted place when distributing the duties and responsibilities of a political community. A normative exercise performed with capabilities as a metric should balance out demands of fairness and demands of individuals whose level of relevant capabilities is below a certain threshold of sufficiency and who cannot access valuable functionings. Luck Capabiltarianism is not useful for developing this sensitive balance between two normative demands because it claims that the latter demands are not justice claims.

This complex feature of the capability metric is clear in its emphasis on adaptive preferences. This belief adjustment mechanism for decreasing frustration is morally problematic, among other reasons, because the preference in question is formed before a backdrop of unjust and oppressive opportunities. If a very poor person chose to perform a valuable functioning (for example, regularly checking her health condition), that preference would not be regarded as adaptive, regardless of how difficult it would be to satisfy said preference. What makes a preference adaptive is that, because of the oppressive social environment, the person does not select any of the multiple options deemed valuable by the political community. In this sense, the normative exercise involved in the capability metric needs to be complemented not only with a theory of equal opportunities but also a theory of egalitarian outcomes.

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