

CHAPTER I

*On the concept (and some conceptions)
 of the basic minimum*

Stated in the most general way, and leaving aside the nitty-gritty, that political morality should include a commitment to a *basic minimum* is plausible. Sentiments that point in this direction range from the following, by Ronald Dworkin: “it is important, from an objective point of view, that human lives be successful rather than wasted, and this is equally important, from that objective point of view, for each human life,”¹ to Martha Nussbaum: “moving all citizens above a basic threshold . . . should be taken as a central social goal,”² to Stuart White, who notes that there “is a widespread intuition that in a just society citizens must have access on reasonable terms to the resources necessary to meet their basic needs.”³ These sentiments are popular, and it is easy to see why. When any particular person fails to maintain a minimally decent life, or fails to obtain their basic needs, it is tempting to say that this fact *by itself* provides a moral reason for assistance. Political institutions should be concerned, it would appear, not just with equality, overall well-being, or the plight of the worst-off. They should *also* be concerned to see that people obtain a life that maintains a minimal, basic threshold.

Like all philosophical matters, however, the devil is in the details. How should a basic minimum be understood? What must a person fail to maintain to fail to maintain the basic minimum? What is the relative moral importance of a basic minimum against other social goals? The project of this book is to answer these questions in some detail and to support an underexplored welfarist answer to them. To this end, the first chapter sets the stage. First, I draw some conceptual blueprints – including what, at the most general level, a basic minimum *is*. In §1.1, I offer an account of the *concept* of a basic minimum: what any view must accept to qualify as a view that accepts a basic minimum. Very roughly, I conclude that a view

¹ Dworkin (2000), 5.

² Nussbaum, “Women and Cultural Universals” in Nussbaum (1999), 43.

³ White (2003), 131.

is committed to a basic minimum only insofar as this view is committed to the (at least) weak moral priority of a valuable absolute state of persons. With this conceptual groundwork laid, the second task of this chapter is to critically evaluate particular theories of the basic minimum. As it turns out, this chapter concludes on a down note (at least for those who find a basic minimum plausible). In §§1.2–1.8, I show that five accounts of the basic minimum fail, while a sixth faces a powerful dilemma.

I.1. THE CONCEPT OF A BASIC MINIMUM

So what is a basic minimum? It seems to me that the place to begin is by regimenting the intuitions that began this chapter and that, I hope, the reader will appreciate. As stated by Nussbaum and White, the basic minimum appears to be a particular state of persons that should be a “central social goal,” or that is a demand of a “just society.” Of course, different conceptions of the basic minimum will differ concerning which state forms this central goal. But for now, we might hold that any basic minimum-accepting political theory will conform to:

BM_r: a basic minimum is a state of persons below which political institutions must not allow citizens to fall.

Is *BM_r* adequate to the concept of the basic minimum? Perhaps so. Consider, for instance, a case in which reference to a basic minimum has moral pull:

Famine: Group A and group B live in an extremely stratified society. Group A has very little access to material resources, and has fallen into a disastrous famine, leaving a substantial percentage of its members in conditions of severe starvation and malnutrition. Group B, on the other hand, though not living in the lap of luxury, is in no danger of falling into famine conditions. This society has the opportunity to promote the living standards of either group A or group B (but not both).

In *Famine*, and cases like it, it seems correct to say that political society, individual moral agents, etc., have a moral obligation to alleviate the starvation of group A rather than improving the living standards of group B. Offhand, this seems morally obvious. But why? Of course, one explanation for this might appeal to the fact that this society, on the whole, is *unequal*, or that this particular society fails to do all it can for *the least well-off*. But though these may be important reasons to assist group A rather than group B, an appeal to equality or to the moral priority of the worst-off doesn't seem to say it all. Rather, group A's interests seem to take moral

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priority here because the members of group A are *starving*. Any failure to correct the starvation of group A would seem to be a gross miscarriage of justice. Our considered judgment here seems to conform to BM_I. The avoidance of starvation appears to be the sort of “state of persons” that many will find morally important to establish for all. But more than this: that its members are starving seemed to be sufficient reason, by itself, to require political institutions to address the needs of group A. Hence a basic minimum seems to be the sort of thing that, should anyone fall below it, political institutions have failed.

However, BM_I is inadequate for two reasons. First, BM_I seems to dictate, at a conceptual level, that the basic minimum will have a *very* strong connection to moral obligations of political institutions. In particular, it appears to indicate that the achievement of the basic minimum is a *requirement* of justice; when a citizen, indeed any citizen, fails the basic minimum, political institutions responsible have failed. But though the minimum will be a factor in determining the justice of social institutions (assuming such a minimum exists), the weight of this factor, at least at a conceptual level, is certainly up for grabs. Surely one might accept a basic minimum, but also believe that justice can obtain when some fail to meet this threshold. Achievement of the basic minimum is surely one among many social, political, and moral goals worth promoting. If and when such goals come into conflict, we need not insist that the basic minimum should take priority simply as a matter of *concept*.

Second, it is not clear that the interest in a basic minimum is confined to the political. Non-political morality need not be excluded from making moral use of a basic minimum. For instance, it might be the case that, even in the absence of political institutions, moral agents have reason to see to it that persons maintain some adequate “threshold” or achieve a basic level of “success.” There may be strong moral reason to assist others to achieve a certain level of relief of suffering or maintenance of rational capacities or other valuable states simply because this particular state is morally significant.⁴ In short, it’s hard to see why the avoidance of starvation isn’t just as significant for non-political agents in a position to assist groups A or B. Hence insofar as we’re looking for a conceptual account of the basic minimum, it’s best to avoid statements of the *concept* that apply only to political morality.

So the concept of a basic minimum should be broadened. Two things seem to me to characterize a view that accepts a basic minimum. First, views

⁴ Such views are offered by, among others, Singer (1972) and Herman (1993).

that accept a basic minimum will include an *evaluative* element. To accept a basic minimum, one must hold that some particular *state* of persons, whether a welfare achievement or some level of resources or capabilities (e.g., the avoidance of starvation) is *of value*. However, it is important that this state be of a certain structure. States of persons can be either *relative* or *absolute*. An *absolute* state of persons is *non-comparative* (such as, for instance, “maintaining one’s basic needs,” or “possessing capabilities x , y , and z ”); to determine whether an absolute state holds of a person, one need only look to that person. Relative states are essentially comparative; they are states that cannot hold of a person independently of a comparison between that person and others. Relative states include “being equal,” or “being better-off,” etc. Theories that accept a basic minimum will posit an *absolute*, non-comparative state and declare that this state is of special value. For example, though many views will hold that the state of “maintaining equality with others” is important for any person to achieve, such a state cannot constitute a basic minimum. A state of persons counts only as a basic minimum if that state could be possessed no matter one’s place in the overall distribution, and no matter whether one has been made better- or worse-off over time, and no matter whether anyone else, or everyone else, also maintains that state.

The evaluative element of a basic minimum requires a further word of clarification. Some political theories will refuse to index obligations of justice to a vision of the good life. Such views generally hold that the political domain should remain neutral when it comes to theories of that which is intrinsically good for persons.⁵ However, this form of neutrality need not disqualify a view from believing in a basic minimum, at least as I understand a basic minimum here. In particular, the basic minimum need not be, for instance, of value *because* it is valuable as a feature of the good life. One can believe that the avoidance of starvation is a valuable state of persons, but not as a *per se* feature of the good life. With this in mind, one might identify the basic minimum as some set of resources, capabilities, or primary goods that are not valuable as a matter of the good life, but are of value given that, e.g., every rational person has reason to desire them, or that they are the product of a reasonable overlapping consensus.⁶

The second feature runs as follows. Belief in a basic minimum has a moral, as well as evaluative, dimension. To believe in a basic minimum is to believe not just that a particular property of persons is of value, but

⁵ There is a long and enduring list of liberal neutralists when it comes to the good. Among the *loci classici* are Rawls (1995) and Barry (1992).

⁶ Rawls, “Justice as Fairness: Political not Metaphysical” in Rawls (1999), Nussbaum (2000), 76.

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that this particular property of persons has a certain moral weight. A basic minimum is morally *special*.

One can put the moral dimension of a basic minimum somewhat more precisely as follows. It is common to make reference to the notion of a moral “reason,” i.e., a consideration that counts in favor of a moral requirement to perform some action ϕ . However, moral reasons can be of differing weight or importance. Say that an action ϕ is “morally decisive with respect to” another action ψ if and only if the reason(s) to ϕ is/are stronger than the reason(s) to ψ . Say that ϕ -ing is *overriding* if ϕ -ing is morally decisive with respect to all alternative actions. With this terminology in mind, views that accept a basic minimum will hold that there is not just *pro tanto* reason to promote the achievement of the basic minimum, but rather that this reason has a particular weight or importance: to promote the basic minimum is *morally decisive* with respect to the promotion of other valuable states of persons. In this respect, the basic minimum – whatever it is – is morally special. This priority need not be overwhelming, or even particularly weighty. All that is required is what I call “weak moral priority”:

Weak Moral Priority: For any two valuable states p and q , p is weakly morally prior to q if and only if, if ϕ is the action of promoting a single instance of p , and ψ is the action of promoting a single instance of q , ϕ -ing is morally decisive with respect to ψ -ing.⁷

p is weakly morally prior to q if and only if there is greater reason to promote p for A than there is to promote q for B, i.e., if there is greater reason to promote p than q in a one-to-one comparison. Given this terminology, it seems quite obvious that to be a basic minimum p must maintain *at least* weak moral priority to other valuable states of persons. In this way, we respect the moral “specialness” of the basic minimum. Of course, as specified, the requisite moral specialness is weak. Intuitions such as Nussbaum’s and White’s would point to a basic minimum of greater moral priority. Nevertheless, as a matter of concept, it seems right to say that any basic minimum p must take *at least* weak moral priority to any other valuable state of persons. If q maintains weak moral priority to p , p is no

⁷ I treat the notion of a “single instance” as primitive. In essence, what I mean is the achievement of a particular property for a single person. This is vague, however, given that different conceptions of the basic minimum will identify the locus of “achievement” differently. Some might hold that the achievement of the basic minimum for a person is the achievement of the basic minimum for a person over the course of that person’s life. Others might believe that shorter time-periods are relevant, and hence a person can achieve the basic minimum at one time, but not at others. This, however, is a substantive matter that is rightly left aside in conceptual discussion of the basic minimum. I discuss this issue in the next chapter, §2.5. Thanks to an anonymous reviewer for calling this point to my attention.

basic minimum. This also holds of relative states. One might imagine the promotion of, say, equality, or the interests of the least well-off, tells in favor of ψ -ing rather than ϕ -ing. Though we may insist on the importance of the promotion of such valuable relative states, views that accept a *basic minimum* should insist that it takes at least *weak* priority to their promotion.⁸ If equality, or priority for the least well-off, render ψ -ing morally decisive with respect to ϕ -ing, p is not a basic minimum, at least in the sense I discuss here. For p to be a basic minimum, an increase in equality, say, cannot be enough to morally outweigh p 's promotion.

The weak moral priority of the basic minimum holds that the basic minimum should be, on a one-to-one basis, the most important social goal. However, this leaves open the possibility that the basic minimum might not conform to BmI: one might believe that the basic minimum takes moral priority to other valuable states, but not necessarily absolute or overriding priority. The basic minimum's moral priority – as a matter of concept, anyway – need only be weak.

A further feature of weak moral priority should be flagged. Consider the distinction, made famous by Philip Pettit, between different moral “stances” one might take toward morally relevant goods.⁹ One might believe, for instance, that there is a moral reason to “honor” p , which would hold that there is reason to preserve it, not to harm or destroy it, etc. One might also believe that there is reason to promote p , where this entails a reason to increase the amount of p , to maximize the achievement of p , etc. My account of the priority of the basic minimum is limited to the priority one must grant to the basic minimum when it comes to the stance of promotion only: in a one-to-one comparison, there is stronger reason to promote the basic minimum than there is to promote other states. But this limitation is important. BmI seems to hold that political societies are perfectly justified in stopping at *nothing* to secure the achievement of the basic minimum for all. However, one might believe that pursuit of the basic minimum can be limited by, for instance, a right not to be harmed. One might believe that there are reasons to “honor” some states of persons, reasons that are morally decisive with respect to the reason to promote the achievement

⁸ This might sound a bit awkward: how do we promote only a single instance of, say, equality? If you, say, benefit one person for the sake of equality, doesn't that mean that two people now possess the comparative state of being equal? When it comes to weak moral priority to comparative states, I understand the idea (somewhat roughly) like this: promotion of the basic minimum is morally decisive with respect to benefiting one person *for reasons of the promotion of comparative states*, such as equality, improving the less well-off, etc. Though this language is admittedly awkward, the idea should be clear enough.

⁹ Cf. Pettit (1997).

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of the basic minimum. Hence, though it seems correct to claim that the basic minimum should have weak moral priority, it also seems correct not to rule out views that would restrict the promotion of the basic minimum in the face of moral rights not to be harmed, or reasons to “honor” other states.

As an improvement on BM₁, then, we might consider:

BM₂: *p* is a basic minimum if and only if *p* is a valuable absolute state of persons, which maintains at least weak moral priority to all other valuable states of persons.

BM₂ seems to correct the deficiencies of BM₁. BM₂ accepts that an interest in the basic minimum is not confined to the political. Furthermore, BM₂ allows that the basic minimum might not maintain overriding moral priority in all cases, avoiding a serious problem encountered by BM₁.

Though BM₂ seems to capture the basic conceptual structure of a basic minimum, I think one amendment is in order. BM₂ seems to insist that, for any two people A and B, A’s maintenance of the basic minimum must take weak moral priority to B’s maintenance of any other valuable state *p*. But this might be too strong. We could imagine, for instance, conditions under which it is appropriate *not* to treat someone’s basic minimum as weakly morally prior. For instance, one might imagine a view according to which the achievement of the basic minimum for cold-blooded murderers, or those who display some other form of negative moral responsibility, is less morally important than non-minimum states for others. On such a view, the basic minimum *for cold-blooded murderers* would not maintain weak moral priority. Hence given that such a view is possible (even plausible) it seems sensible to add a qualifier to the conceptual structure of the basic minimum:

BM₃: *p* is a basic minimum if and only if *p* is a valuable absolute state of persons, which – in the general case – maintains at least weak moral priority to all other valuable states of persons.

My use of the term “in the general case” is meant to allow that the basic minimum for some might not maintain moral priority given some particular fact about *them* (being a cold-blooded murderer, for instance). However, for reasons already rehearsed, in the *general* case the basic minimum should take at least weak moral priority to all other states. For the purposes of this book, then, I accept BM₃. The theories I consider, and the theory I offer, are intended to be conceptions of the concept identified therein. (I hereby abstract from the qualifier, which I discuss in more detail in §6.2.)

1.2. CONCEPTIONS

The conceptual structure of the basic minimum is now on the table. The remainder of this chapter will address the plausibility of various accounts of the basic minimum in light of the minimal requirements of BM₃. Though there may be many more, in this chapter I discuss six such theories. First, I discuss the claim that the basic minimum is to be identified as the possession of a certain threshold level of primary goods or resources (§1.3). Second, I discuss the possibility – argued for by Henry Shue – that the basic minimum is the state of human *subsistence* (§1.4). As a third possibility, some have held that the concept of “poverty” (and, perhaps by extension, the concept of failing a basic minimum) should not be understood in abstraction from the various *social* needs of people in a given society or political context (§1.5). Fourth, one might adopt a suggestion, popular in development economics, that the basic minimum is best understood not as the fulfillment of social needs, but rather as the fulfillment of *basic human needs* (§1.6).¹⁰ The fifth possibility has been strenuously defended by Martha Nussbaum. This view holds that the basic minimum should not be understood as the accumulation of primary goods, or the achievement of subsistence *per se*, but rather the maintenance of certain central *capabilities*.

The sixth and final option I consider is the option for which I shall ultimately argue. In contrast to the capabilities approach, a *welfarist* approach to the basic minimum holds that the achievement of the basic minimum is to be understood as *living a good life* to some threshold degree.

The remainder of this chapter discusses these options with a critical eye. I end on a down note. By the end of this chapter, I hope to have shown that there are very serious problems with each approach to the basic minimum. One might take this as evidence that no basic minimum exists. While this possibility may be tempting, I begin construction of a welfarist approach – one that can avoid the dilemma I pose – in Chapter 2.

1.3. GOODS AND RESOURCES

Take *Famine*. One might be tempted to claim that group A fails the basic minimum because group A fails to have sufficient primary goods (including food and purchasing power) from which to draw, resources that are available to group B. Hence, one might claim that the failure of a sufficient threshold of these basic resources provides reason to distribute to

¹⁰ See, for instance, Streeten, et al., eds. (1981).

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group A rather than B. If this thought is plausible, one might claim that the basic minimum should be expressed as a threshold level of such goods. Familiar from Rawls, primary goods include not just income and wealth, but also a range of other valuable resources. Rawls defines them as “things which it is supposed a rational man wants whatever else he wants.”¹¹ Rawls distinguishes five kinds of primary goods, the most recent account of which runs as follows:

- (i) The basic rights and liberties: freedom of thought and liberty of conscience, and the rest. These rights and liberties are essential institutional conditions required for the adequate development and full and informed exercise of the two moral powers.
- (ii) Freedom of movement and free choice of occupation against a background of diverse opportunities, which opportunities allow the pursuit of a variety of ends and give effect to decisions to revise and alter them.
- (iii) Powers and prerogatives of offices and positions of authority and responsibility.
- (iv) Income and wealth, understood as all-purpose means (having an exchange value) generally needed to achieve a wide range of ends whatever they may be.
- (v) The social bases of self-respect, understood as those aspects of basic institutions normally essential if citizens are to have a lively sense of their worth as persons and to be able to advance their ends with self-confidence.¹²

A basic minimum composed of primary goods would presumably require some threshold set of each of these five types of primary good, perhaps weighing some more heavily than others, and perhaps allowing trade-offs among them. This view seems to adequately explain our reaction in *Famine*: because group A fails to possess adequate levels of resources (including income and food), there is stronger moral reason to assist group A rather than group B.¹³

But where is the threshold to be set? Two questions deserve answers. First: is the set of primary goods that constitutes the basic minimum to be understood to apply *universally* or *relatively*? A universal approach holds that a particular set of primary goods constitutes the basic minimum for all individuals within a given society. A relativist approach, by contrast, holds that for any particular person, the minimum threshold of primary

¹¹ Rawls (1971), 92. ¹² Rawls (2001), 58–9.

¹³ I here focus on Rawls’s account rather than alternative “resourcist” or goods accounts offered by, e.g., Philippe van Parijs. Van Parijs claims that the basic minimum should be a “basic income” – specified as the highest possible unconditional income that can be granted to all (see van Parijs (1995), 34–5). However, van Parijs’s view is only nominally a resourcist approach, insofar as he believes that this basic income is only morally resonant insofar as it allows people the “freedom to live as one might like to live” (ibid., 30). Hence, insofar as van Parijs insists on the maintenance of a basic minimum, this basic minimum seems to take the form of a capabilities approach: real freedom, real capabilities, to live as one might like to live. I argue against capabilities approaches in detail below.

goods will vary depending on factors such as that individual's abilities, disabilities, health, natural talents, etc. On this view, the basic minimum for A will be determined by whatever is required for A to maintain some *further* valuable, absolute state. But once we have identified whether a primary goods approach is universal or relative, we still must know what the proper threshold is. This, then, is the second question: if we define the basic minimum universally, what is the threshold of primary goods that counts as the basic minimum? If we define the basic minimum as relative between persons, to what *further* achievement do we index each person's threshold set of primary goods?

Take the first question. Is it plausible to establish some particular threshold of each category of primary goods that, taken jointly, could apply as the basic minimum for all persons? I think the answer is no. Take, for instance, a primary good such as the provision of health care. Presumably one might believe that the provision of health care is one institution that is "normally essential if citizens are to have a lively sense of their own worth as persons and to be able to advance their ends with self-confidence," i.e., one of the social bases of self-respect. But what *level of access* to health care will count as essential for the basic minimum?

If we define the proper threshold universally at, say, level *h*, we are left with the following problem. Some individuals will not require level *h* to, say, "advance their ends with self-confidence." Others will require much more than *h*. Assume now that A is a healthy person, does not require any access to health care to maintain a life that A values to the fullest. Assume that B is extremely sickly, and has some illness that requires provision of health care in excess of *h* to advance his ends or goals. Now assume that providing level *h* for A will require providing *only h* for B. If the universalist primary goods approach is to declare that the basic minimum requires the provision of *h*, it must say that there is stronger moral reason to provide this level of health care access to A than there is to provide additional levels of health care access to B: the basic minimum, of course, is weakly morally prior to other valuable states of persons (including B's provision of additional health care access). But this is surely the wrong answer. A doesn't need *h*, while B requires more than *h*. Given BM₃, a universalist primary goods approach cannot provide a plausible account of the basic minimum.¹⁴

¹⁴ This is a classic objection to resourcist views about the nature of political distribution. It is made most famous by Sen, see (1993), (1980), (2009) 260–2.