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978-1-107-01711-5 - The Basic Minimum: A Welfarist Approach

Dale Dorsey

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## THE BASIC MINIMUM

A common presupposition in contemporary moral and political philosophy is that individuals should be provided with some basic threshold of goods, capabilities, or well-being. But if there is such a basic minimum, how should this be understood? Dale Dorsey offers an underexplored answer: that the basic minimum should be characterized not as the achievement of a set of capabilities, or as access to some specified bundle of resources, but as the maintenance of a minimal threshold of human welfare. In addition, Dorsey argues that, though political institutions should be committed to the promotion of this minimal threshold, we should reject approaches that seek to cast the basic minimum as a human right. His book will be important for all who are interested in theories of political morality.

DALE DORSEY is Assistant Professor of Philosophy at the University of Kansas.

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*A Welfarist Approach*

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*University of Kansas*



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## *Preface*

This book investigates the foundations of a basic minimum, with an eye toward developing a workable welfarist alternative to the dominant capabilities approach. However, I see the argument of this book at something of a subdisciplinary crossroads. Much of the most important work on the nature of a basic minimum, at least in the last half-century or so, has been conducted by focusing on the justice of political systems. This focus is certainly understandable. However, I hold that new avenues of inquiry can be opened by considering the *moral* fundamentals of alternative theories of the basic minimum, and bringing to bear concepts that generally appear in the normative ethical and metaethical literature: *moral reasons*, *welfare*, *impersonal versus personal value*, and so forth. Some thinkers interested in a basic minimum might find my methodology alienating, lacking engagement with the genuine problems of the world for which a basic minimum is a required normative tool. But I hold that if we articulate a welfarist basic minimum and its precise theory of moral reasons, etc., we find that a view that has been previously thought unworkable becomes comparatively attractive as a theory of political morality. I take this as progress.

However, credit for whatever progress this book makes on the topic of the basic minimum, or on any other topic for that matter, is not mine alone. As with any person who undertakes writing a book in philosophy, I have incurred many debts. I'd like to mention a few now. This book began life as one chapter of my Ph.D. dissertation at the University of California at San Diego. At UCSD, I learned a lot from the faculty and students with whom I interacted. I would especially like to mention David Brink, Jerry Doppelt, Sam Rickless, Nina Brewer-Davis, Matt Brown, Adam Streed, and Mike Tiboris.

I would also like to thank current and former colleagues at the University of Alberta and the University of Kansas. Jennifer Welchman, Phil Corkum, and Adam Morton at the University of Alberta were often helpful sounding boards as I was outlining the earliest version of this book. At the University

of Kansas, Jack Bricke and Derrick Darby challenged me to address a number of important problems. In addition, Ben Eggleston read much of a previous draft of the manuscript, and offered very helpful and challenging comments. His reading led to a substantial revision and reorganization of the project. Nicole Hassoun read the entire manuscript (in one form or another). Her comments led to substantial changes in the first, second, and third chapters. Doug Portmore has been especially helpful at a number of stages, and has read several parts of the book in draft form. In addition, my work has also been improved by the helpful comments of people who are unknown to me. I thank in particular two anonymous reviewers for Cambridge University Press, along with a cavalcade of others who have commented on one or another piece of this book along the way.

Finally, I mention Richard Arneson. The dissertation Dick directed was a distant ancestor of the current book, but for those who know Dick's work, his influence must be obvious on every page. I have learned a lot not just from Dick's teaching, but also from his writing, including his proud embrace of a welfarist tradition in political thinking I seek to extend here. Dick was not only a great advisor, but is a great person, and a great philosopher. I cannot imagine what my life would be like without having the good fortune to study with him. Frankly, I'm glad I don't have to.

Some of the material in this book has appeared elsewhere. The second half of Chapter 1, and a few pages of Chapter 4, appeared in "Toward a Theory of The Basic Minimum" in *Politics, Philosophy, and Economics* 7 (2008), 423–45. §27 draws from "Three Arguments for Perfectionism" in *Noûs* 44 (2010), 59–79. Early sections of Chapter 3 appeared in "Preferences, Welfare, and the Status-Quo Bias" in *Australasian Journal of Philosophy* 88 (2010), 535–54. §4.5.1 appeared in "Headaches, Lives and Value" in *Utilitas* 21 (2009), 36–57. §§2.2–2.4 and §4.4 rework material from "First Steps in an Axiology of Goals" in *International Journal of Wellbeing* 1 (2011), 167–85. I am grateful to the publishers for permission to reprint and rework this material. I should also like to mention the institutional support I received while working on this book. In particular, I was the recipient of a 2009 New Faculty General Research Fund (NFGRF) award at the University of Kansas. I gratefully acknowledge this support from the University of Kansas.

Before I conclude the preface, I would like to acknowledge the influence, not just on this book, but on my life as a whole, of Erin Frykholm. Without her in my life this book would have been the work of a very different, and far less happy, person. I am, and will always be, grateful to her.

## *Introduction*

### O. I. QUESTIONS

In the *First Treatise of Government*, John Locke writes:

God the Lord and Father of all, has given no one of his Children such a Property, in his peculiar Portion of the things of this World, but that he has given his needy Brother a Right to the Surplusage of his Goods; so that it cannot justly be denied him, when his pressing Wants call for it. And therefore no Man could ever have a just power over the Life of another, by Right of property in Land or Possessions; since 'twould always be a Sin in any Man of Estate, to let his Brother perish for want of affording him Relief out of his Plenty. As *Justice* gives every Man a Title to the product of his honest Industry, and the fair Acquisitions of his Ancestors descended to him; so *Charity* gives every Man a Title to so much out of another's Plenty, as will keep him from extream want, where he has no means to subsist otherwise.<sup>1</sup>

Though his account here is certainly underspecified, Locke seems to insist that any person has legitimate “Title” to enough of another person’s goods sufficient for the avoidance of “extream want.” In doing so, Locke appears to gesture at the plausibility of a *basic minimum*: no matter what else is true, no matter what one’s own labor affords, or how resources are otherwise distributed, people, at the very least, have a moral right, or “title,” to resources sufficient to *subsist*.<sup>2</sup>

Though I do not wish to enter into an exegetical discussion of Locke’s great work, *if* Locke commits himself to something like a basic minimum, he is not alone. That individuals must be provided, at the very least, some basic threshold of goods, capabilities, or well-being is a popular view in contemporary moral and political philosophy. But though commitment to a basic threshold is common, and though much ink has been spilled on its policy implications, both global and domestic, two gaps in the literature have appeared. First, the moral fundamentals of a basic minimum have

<sup>1</sup> Locke (1689), para. 42.      <sup>2</sup> See Sreenivasan (1995), 102–4.

rarely – with only a few notable exceptions – been explored in any great depth. By moral fundamentals, I mean to refer to the following general questions: what – in Locke’s language – is the nature of “extream want”? What does it mean to “subsist”? In addition, Locke appears to grant that “charity” gives us a “Title” to whatever we need from another’s “Surplusage” to subsist. But what counts as a surplus? What limits should we place on the demand that all be able to maintain the basic threshold? How important is the achievement of the basic minimum for any particular person? How important is it to promote the avoidance of “extream want” (whatever *that* is) in comparison to the promotion of other, valuable states of persons? These questions are difficult, and will require substantive investigation. A proper answer concerning the nature of “extream want,” or the precise basic minimum threshold, will take (roughly speaking) the first three chapters of this book; a proper answer concerning the moral weight of the basic minimum will take the next two.

There is a second gap I wish to close here. Though it is assuredly natural, most have thought that a welfarist approach to the moral fundamentals of a basic minimum is a non-starter. Indeed, few have been content to defend welfarism on this score. I hope not just to give a welfarist approach a run for its money, but also to propose a basic minimum that is teleological in nature – compatible, even, with *act-utilitarianism*.

In this Introduction, I hope to gesture at the broader argument of the book, and to say a little about the limits of the current project. In particular, I stress the limits: I see this book as fitting in to a larger moral/political/philosophical exercise concerning our moral and social obligations to the worse-off. Insofar as this book is merely a part of this general project, there are many important questions I must leave out here.

## O.2. ANSWERS

The argument of this book is contained within three broad *modules*. The first module is my particular understanding of the basic minimum itself: the basic minimum is the achievement of a sufficient threshold of well-being. My argument for this approach proceeds by process of elimination. In Chapter 1, I argue against its most important competitors: a *subsistence* approach, two *needs*-based approaches, a *primary goods* or *resourcist* approach, and the *capabilities* approach. I hope to show that each of these alternatives, combined with a very weak thesis concerning the moral importance of a basic minimum, fails.

In Chapters 2 and 3, I respond to three important *prima facie* challenges to a welfarist approach to the basic minimum: first, that a welfarist basic minimum must be arbitrary; second, that a welfarist approach is committed to the claim that a welfarist basic minimum implies that people should be forced to live lives that they do not value, or do not conform to their own conceptions of the good; third, that a welfarist approach is committed to a theory of well-being that succumbs to the problem of *adaptive preferences*. I show, in Chapter 2, that a welfarist basic minimum can (a) be plausibly, and non-arbitrarily, formulated and (b) needn't generate moral reasons to force individuals to live lives they don't value. I hold that the basic minimum is constituted by the achievement of a "valued project": the successful achievement of a long-term goal or project one endorses (in the right way, of course). In Chapter 3 I address the problem of adaptive preferences; I argue that this is a problem only for independently implausible theories of an individual's conception of the good, and hence a properly formulated account of a person's true conception of the good can and should avoid problematic forms of adaptation. Thus in avoiding problems that plague its competitors, and in solving its own unique challenges, there is reason to accept my welfarist approach to the basic minimum.

The second module concerns the relative intrinsic *value* of the basic minimum; in particular, how much the basic minimum is worth in comparison to other valuable states, states there is or may be moral reason to promote. To this question I devote Chapter 4. This inquiry is tricky, and requires us to consider, in relative detail, a number of depressing scenarios, i.e., how much the basic minimum is worth for one person in comparison to, say, minor benefits for individuals *below* the minimum, major benefits for individuals *just above* the minimum, and the like. Here I argue that the basic minimum lexically dominates welfare achievements below the basic minimum, and takes a form of weighted priority to welfare achievements above the basic minimum: this view in part relies on some general claims about well-being I make, and defend, in Chapter 2.

The third module broaches the topic of the general moral structure of the basic minimum: should we believe that individuals have a *right* to the basic minimum? Should we be consequentialists, and treat the basic minimum simply as one welfare achievement to be promoted among others? Chapter 5 argues that we should reject the idea that the basic minimum is the target of a human *right*, and instead argues that the moral reason to promote the basic minimum, and the weight of that reason, is derived only from the comparative intrinsic value of its promotion. In other words, we should accept what I call *The Teleological View*: there are no reasons

to promote the basic minimum other than the general reason to promote overall goodness. However, or so I shall argue, this conclusion is not in tension with the robust moral importance of a basic minimum; in fact, given the relative intrinsic value of the basic minimum, we end up with a very strong basic minimum, indeed.

I stress the modularity of the current project. The arguments for each module are (at least most of the time) independent. One could, in principle, accept my particular account of the basic minimum while rejecting my account of the axiology of the basic minimum, or my claim that the morality of the basic minimum should be teleological in character. In addition, one could accept my account of the axiological weight of the basic minimum without accepting my claim that axiological weight determines moral weight. Though these modules are intended to be complementary, and though I hold that my own view works as a cohesive whole, one can accept or reject any particular module without doing substantive damage to the picture I support in the broadest sense. I present my view this way not because I lack confidence in the strength of any particular element, but rather because at least one purpose of this book is to provide skeptics with a reason to take a welfarist approach to the basic minimum more seriously than such an approach is generally taken. Hence it is a sensible strategy, in presenting my approach, not to let the controversial nature of one particular module get in the way of welfarism's broader virtues. Of course, there is a natural limit to such modularity; the independence of some parts of the book from the rest does not entail the complete independence of each part of the book from every other part. However, I have tried to show that a welfarist approach to the basic minimum can be plausibly rendered without accepting the *entirety* of my own view.

### 0.3. LIMITS

In defending himself from Francis Hutcheson's charge that he did not do enough, in a draft of the *Treatise of Human Nature*, to exhort individuals to moral behavior, David Hume famously insisted that there is a distinction in moral philosophical projects akin to the distinction between an *anatomist* and a *painter*.<sup>3</sup> The anatomist, so says Hume, is engaged in a detailed examination of the body, whereas the painter renders the human form beautiful, an object of wonder and delight. In moral theory, the "anatomist" deals only in the philosophical fundamentals: a complete account of our moral nature

<sup>3</sup> Hume (1739), 3.3.6.6.

and obligations. The task of endearing morality to those who might be skeptical of its charms is left to the “painter”; a task to which, incidentally, Hutcheson devoted the latter part of his own philosophical life.<sup>4</sup> Nevertheless, the task of the anatomist, according to Hume, is an essential part of the moral enterprise: an accurate account of the philosophical and psychological fundamentals of morality “may render” the work of the painter “more correct in its precepts, and more persuasive in its exhortations.”

Like Hume, I do not see this book as the work of a “painter.” My task in this book is not to render morality or a commitment to the basic minimum beautiful or endearing; it is not my task to motivate individuals to act in accordance with the moral principles for which I argue. However, there is a similar – vaguely Humean – distinction worth drawing here. Consider the distinction between an anatomist and a *surgeon*. The anatomist describes, in as much detail as possible, the human body and its inner workings. But the anatomist does not put that knowledge into practice, does not use this knowledge to reduce illness, or to increase the well-being of patients. This is the task of the surgeon. The surgeon uses his knowledge of anatomy to make correct incisions and to otherwise correct anatomical malfunctions. Of course, the surgeon and anatomist have a mutually dependent relationship; without the surgeon, the anatomist would be engaged in a project with no implications for human health. But without the anatomist, the surgeon wouldn’t know where to cut.

My project is akin to the anatomist, not simply against the painter, but also against the surgeon. To put this point in a slightly less metaphorical way, this book is a work of *moral theory*. I aim to offer a theory of *moral reasons*, especially those that concern the existence of a basic minimum. I do not intend to engage in a discussion of the way in which the moral reasons for which I argue might best be fulfilled in practice. Given my task as I conceive it, the book I have written does not focus on the particular facts that are present in underdeveloped or poor nations, and does not seek to evaluate particular policies that are at least implicitly intended to achieve a basic social minimum (including, for instance, the United Nations “Millennium Development Goals,” among others). My discussion is therefore abstracted from the conditions “on the ground.” Nevertheless, an inquiry of this nature is important, even necessary. Our social policies should be informed by an inquiry into moral reasons, not the other way around. Without such abstraction, one offers a moral theory that is simply incorrect, and hence cannot be a worthwhile guide to policy.

<sup>4</sup> See, for instance, Hutcheson (1755), 1.

Some will dispute this. Some will hold, instead, that many political questions or questions of social policy are context-sensitive, that we cannot offer a more “general” theory of moral reasons that applies to all contexts, political, interpersonal, or otherwise. Political morality is formulated first and foremost *within* a given social context, and is informed by that social context; different political institutions may very well have different moral reasons depending on their context and moment in history. Thus any attempt to account for a basic minimum cannot simply rely on the idea of “moral reasons” without engaging with the very facts “on the ground” I proudly ignore. Of course, there may be some truth in a view like this. It could be that some obligations of justice cannot be separated from the concept of *institutions* of justice and the political and historical contexts in which they are situated. But how plausible is this view when it comes to the nature of a basic minimum? Not very. First, we should resist the claim that the idea of a basic minimum is grounded in individual political contexts. After all, we have a tendency to make use of the idea of a basic minimum *all the time* in our more general *non*-political moral thinking. Indeed, individual cases I discuss in the book bring this out explicitly (consider, for instance, *Famine*, introduced in Chapter 1; the fact that people are starving, or fall victim to “extrem want,” itself seems to provide sufficient moral reason to assist them whether or not political institutions should do so as well, or whether political institutions exist at all). So it seems to me, first, that there is a more general concept of the basic minimum that operates in a wide variety of moral contexts, political or otherwise. Second, and more importantly, though social *policy* will certainly vary with political context, and though the method by which a basic minimum will be put into practice will vary with political context, it seems entirely wrong to believe that the moral reasons to which any given political society must adhere are somehow relative or contextual in the way this objection would have us believe. If we believe that, say, the promotion of human needs or capabilities is important for some destitute person A, it seems to me wildly implausible to say that it is less important for some other person B, just as destitute, simply because A is in a different political or historical context than B. Third, though some such view may well be the truth, it is not compatible, as far as I can tell, with the guiding idea of a basic minimum. To say that a minimum threshold exists, but only within certain, highly contingent political or social contexts is to deny a guiding intuition that seems central to the implementation of the basic minimum: whatever else is true, the destitute must have their needs met. Of course, this intuition is underspecified and requires rigorous philosophical interpretation. But this

0.3. *Limits*

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interpretation is not dependent on individual facts of social context, but is necessarily abstracted from such facts.<sup>5</sup>

However, I do not claim that a philosophically informed inquiry into social policy is unnecessary or unwarranted. The surgeon has a role to play just as much as the anatomist. In medical practice, getting the anatomy right is step one; but without a surgeon no medical treatment will be possible. In moral philosophy, getting the account of our moral reasons is simply step one. Philosophically informed social policy is no less a necessary step. But (save for a few comments in §5.4 and §6.5) it is a task I leave for further study.

In addition to being “anatomical” rather than “surgeonistic,” my book eschews a number of topics that might be approached with an anatomical gaze, but that are surely essential to any *full* account of our obligations to the disadvantaged. First, my project here is to clarify and argue for one particular account of the structure of a basic minimum and its comparative moral weight. But nowhere in this book will I argue that a basic minimum *should exist*. This book’s audience is intended to be those who believe that a commitment to a basic minimum is plausible. I seek to argue for a palatable approach to the basic minimum, specifically a welfarist approach, and in so doing will assume that the general idea of a basic minimum is plausible overall. It may not be. Indeed, for some who are convinced of a failure of a welfarist approach, my critique of alternative views in Chapter 1 may provide reason to reject the idea of a basic minimum altogether. I do not engage such skepticism here; I take my task to be happily accomplished if my approach is considered the *best* of the basic minimum-favoring views, whether or not we should ultimately favor the existence or moral importance of such a minimum threshold.

Second, I do not wish to engage the interesting and important question of the *breadth* of moral obligations when it comes to the establishment of a basic minimum. Some hold, for instance, that we have moral obligations to provide the basic minimum not just for those within our own society or political context, but rather for all. Call this a “cosmopolitan” view. Others will hold that it is far more important, morally speaking, for ourselves and our political institutions to be directed to the task of promoting the basic minimum for those within our own social or political context. Call this a “non-cosmopolitan” view.

<sup>5</sup> Important to note is that this intuition does not necessarily rule out a *relativist* treatment of the basic minimum, of the sort I discuss in §1.5. It could very well be that the basic minimum, for all individuals, requires meeting some threshold of “social needs” or “social goods,” though I argue strenuously against such a proposal in the next chapter.

My inquiry here does not concern the breadth of our moral obligations; I shall not broach the topic of *whose* achievement of the basic minimum we have reason to promote. Rather, this book is intended to outline the structure of a basic minimum and its moral importance *for those for whom we have a reason to promote the basic minimum*. My task is to show that whether one is a cosmopolitan, non-cosmopolitan, or whatever, one has reason to reject alternative approaches to the basic minimum and its relative moral importance, and to accept the view I defend here. Given this limitation, in speaking of the moral importance of the basic minimum, I will focus on moral agents, political institutions, schemes, or societies. I will not assume, however, that moral agents, political institutions, schemes, or societies must be morally interested only in those within, rather than without, their moral, political, or social borders.

#### O.4. POLITICS AND NEUTRALITY

One further note merits mention. In this book I offer an account of the basic minimum that indexes the obligations of political morality to a theory of the good life. In this way, my view violates the popular doctrine of *political neutrality*; my view implies that political morality is not neutral between competing theories of what makes a human life good versus bad, better rather than worse, etc.<sup>6</sup> I also identify the importance, for justice, of the basic minimum by means of an inquiry into substantive moral reasons (including moral reasons to promote the achievement of well-being). Hence I am committed to resting at least part of political morality on a “substantive ethical conception” of the sort that many neutralists and so-called “political liberals” eschew.

I flag this point here to lay it aside. I think there are decisive reasons against political neutrality about the good, and against refusing to treat moral reasons as an important factor in political justice.<sup>7</sup> But even if there

<sup>6</sup> Different writers will understand political neutrality, and the general concerns of political liberalism, differently. Some hold that political institutions should not be guided in any way by concerns about the goodness of lives (Barry (1992), 161–2). Some hold that political neutrality will allow reference to *some* conceptions of well-being, including “subjectivist” conceptions (see Arneson (1992)). Some political liberals believe that justice should not only be neutral with regard to the good, but also neutral with regard to substantive *ethical* or *moral* views (see Rawls, “Justice as Fairness: Political not Metaphysical” in Rawls (1999)). My own view violates the first and third conceptions of political neutrality, insofar as I believe that justice ought to take seriously substantive moral reasons, and that justice ought to take seriously at least a *roughly* subjectivist theory of the good life. Incidentally, however, I also leave open the possibility of an objective, preference-independent theory of well-being, and hence leave open a view that violates all three neutralist constraints.

<sup>7</sup> See, for instance, Sher (1997), Arneson (1997) and (2003).

are not decisive reasons against political neutrality, a version of political liberalism must take seriously the substantive ethical conception I offer here. I consider my view an *immanent* investigation into a particular substantive moral view: ours. I hope to show that considered judgments support a welfarist account of the basic minimum and its political importance. If this is right, any version of political liberalism – which insists that political reasons are not moral reasons, but are to be culled from an overlapping consensus of reasonable comprehensive doctrines – must accommodate the view I offer. A comprehensive doctrine that accepts the views I advocate here cannot plausibly be claimed to be unreasonable, or to be advocated only by those who “plan to engage in cooperative schemes but are unwilling to honor, or even to propose, except as a necessary public pretense, any general principles or standards for specifying fair terms of cooperation.”<sup>8</sup> My view *is* a substantive ethical conception – one that I hope, by the end of the book, the reader will find reason to reasonably accept.

However, even *if* political neutrality should be accepted, and even *if* my account – drawing as it does on a substantive ethical conception – cannot be viewed as a feature of a reasonable political theory, there remains reason to take seriously my account of the basic minimum. Given that I seek to offer an account of the moral fundamentals of the minimum, any *moral*, as opposed to political, theory can embrace the basic minimum as I define it. Those who would reject the political appeal to the good life or substantive moral reasons are welcome to treat my view as limited to the moral, rather than political, domain.

With this in mind, I now turn my attention to the basic minimum itself. However, before we can assess competing theories of the basic minimum – including the welfarist approach I favor – we must understand, in at least general terms, what, exactly, a basic minimum is supposed to *be*. This topic begins the first chapter.

<sup>8</sup> Rawls (1995), 50.

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