

# **Social Exclusion and the Theory of Equality: The Priority of Welfare and Fairness in Policy**

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\*This paper will probably be too much political philosophy for a social exclusion policy analyst, and a political philosopher will probably wonder why he should care about the notion of social exclusion. For helpful conversation on how to bridge the two fields, I am especially grateful to Tania Burchardt and Jo Wolff, although I am responsible for any errors.

## **I. Introduction: Social Exclusion is Less than All that is Bad in Society**

I will address three questions in this essay. First, what is social exclusion? Secondly, what is it about social exclusion that is bad? Thirdly, given how we answer the previous two questions, what normative theory best explains what is bad about social exclusion?

A problem with the idea of social exclusion is that there seem to be as many definitions of social exclusion as there are people working on social exclusion. As a term which initially emerged more from social policy makers than from academics, it is difficult to find a single unifying attribute to all of the possible categories of social exclusion. This is not to say that more academic debates are anymore clear cut; anyone trying to define say, justice, or rationality, knows that the debates have gone on for centuries, so social exclusion should be no different.

This is all not to say that social exclusion does not have a systematic intuition behind it. Although there is undoubtedly a temptation to find everything that could be bad in a society and place it under the label of exclusion, I think there is more to the idea than this. However, much of the time, unfortunately, the term social exclusion can act as a mere catch-all for any wrongs in society.

In this essay, I will attempt to provide an explicitly normative approach to the definition of social exclusion. In order to do this, I will attempt to find a normative framework (or normative political theory) that meets the concerns of social policy makers in addressing social exclusion. The need for a normative framework to help define social exclusion comes from the need of policy makers to set priorities for policy in a budget with finite resources. When there are multiple societal “bads”, where not all can be addressed, one must have a normative classification to determine which bads are the most deserving of rectification.

I will proceed as follows. In the next section, I will first examine definitions of social exclusion, and the categories that social exclusion can cover. I will show that the concerns of social exclusion are well captured by the theory of capabilities and functionings as developed by Amartya Sen. However, I will use Sen's framework and not the theory. That is, I will be using functionings as a mere means of classification, not as a theory of the human good or as a metric of equality.

In section III I will then move on to discuss the normative theory of social exclusion. I will introduce the normative theory of social exclusion by discussing a debate between Brian Barry and Julian Le Grand on whether social exclusion is, or should be, based on concerns for welfare or for fairness. This follows from a debate about whether voluntary social exclusion, or social isolation as Barry calls it, should be the concern of social exclusion policy. That is, even though a person has chosen to not be part of society, should policy attempt to override their choices in order to promote that person's welfare? Thus, social exclusion faces the problem of paternalism, raising the question of what justifies social exclusion as a normative concern.

In section IV, after addressing what is normatively bad about social exclusion, I begin to question which extant political theory best explains the concern with social exclusion. I develop an approach to social exclusion in which it is seen as wrong because it violates a larger concern with social equality, seen in the form of opportunities for economic, political and social participation. Opportunities for welfare are considered as important as other opportunities, but the goal is not to *equalize* welfare. The approach will draw on the emerging "relational" approach to equality. As opposed to equalizing any particular good, the concern here is to establish social conditions in which people are treated as equals, regardless of their place in any given social hierarchy (e.g., income, occupational status, social position, etc.). In this theory, the distribution of goods works so as to encourage equal respect among the members of a society, not to equalize any one set of goods. Section V concludes.

## II. Social Exclusion, Capabilities and Functionings

A great deal of effort is expended in saying what social exclusion is not. For instance, social exclusion is not, or not only, a matter of poverty, nor is it the existence of income inequality. It is not, or not only, the existence of racial discrimination and being a member of an ethnic minority. It is not, or not only, unemployment. It is not, or not only, lack of education, access to health, or other social or political activities.

What, then, is social exclusion?

### II. A. Social Exclusion: Groups, Activities, and Location

Much discussion focuses on groups that are socially excluded: the unemployed, the poor, the black community, those exposed to crime, the elderly, etc. But note that it is difficult to say that being a member of any of these, so called, vulnerable groups, is a *sufficient condition* to make one socially excluded. For an easy example, some long-term unemployed are so because they are long-term wealthy. Or, many members of the black community would balk at the idea that they are socially excluded. They may not be “mainstream”; but they certainly have feel included socially. It is just that they are members of a group that is not so-called mainstream. But they are *included* in some group.

Given that social exclusion is usually defined by a combination of factors, it is possible, of course, to be a “member” of a single demographic group only, and to be socially excluded. If you are long term unemployed, that may be the only factor that applies to you. You may subsist by the help of your family, and so not be poor, but you are in fact socially excluded by virtue of your long term unemployment.

Nevertheless, a theme common to most, if not all, definitions of social exclusion is that social exclusion is multidimensional. That is, often, social exclusion will have multiple necessary conditions. So, it is usually the

combination of factors that cause social exclusion. It is for this reason that the SEU refers to a “cycle” of social exclusion (SEU, 2004); it is what used to be called “poverty traps”. Another way of putting the point is that social exclusion will always be defined by some multiplicative effect of a set of variables which represent participation.

For instance, it may be that one is not socially excluded in terms of work skills, but if they are unemployed and unable to travel, they will be socially excluded.

The Social Exclusion Unit recently puts the point thusly:

“Social exclusion is about more than income poverty. It is a short-hand term for what can happen when people or areas face a combination of linked problems, such as unemployment, discrimination, poor skills, low incomes, poor housing, high crime and family breakdown. These problems are linked and mutually reinforcing” (SEU, 2004).<sup>1</sup>

So this is an indication of how the mutually reinforcing nature of social exclusion works.

Note further that they say that social exclusion “can happen when people or areas face a combination of linked problems”. This shows that often social exclusion is often seen as something that happens to groups of people. I feel that this move, while often an understandable short hand, is unfortunate. For it is often that many factors of social exclusion only matter when in combination with other factors. For instance, we include “young people” and “women” are classed as factors that affect social exclusion. But of course, women are more likely to be socially excluded only when there are other mitigating factors.

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<sup>1</sup> For a dynamic approach to the measurement of social exclusion which take into account the interaction of variables to produce social exclusion, see Burchardt, Le Grand, and Piachaud (2002). For discussion of various factors which contribute to social exclusion, see: Hobcraft (2002), on the role of family background; see Lupton and Power (2002) on the role of neighbourhood effects; and see Sparks and Glennerster (2002) on the role of education.

So, my first point is that we must be careful when we refer to “socially excluded groups”, for we must be careful to be sure *which* individuals in those groups are actually socially excluded. This is not to say that a policy meant to address social exclusion should not aim at helping groups of people or areas, but that as a matter of social exclusion it is perhaps better to begin by looking at the activities which are considered important for a society, and then finding which types of individuals are excluded from partaking in those activities. This will also enable us to better connect the theory of social exclusion with the concerns of justice as a theory of equality of opportunity.

Fortunately, the language of capabilities is well suited to those attempting to connect political theory with the concern with social exclusion. For, ultimately, the aspect of social exclusion that transport that can ameliorate has to do with certain functionings, or capabilities to function. Primarily, as the SEU transport report emphasizes, what is perhaps most important are the, quite specific, functionings; these are: and I quote: “getting to work, learning, healthcare, food shopping, and other key activities”.

Now, we may question whether these are the categories that are most worth mentioning in terms of social exclusion, but I think it is a good starting set of guidelines. This is particularly so for reasons I shall discuss below.

Meanwhile, a definition of social exclusion which might be described as the academically canonical definition of social exclusion, which is from the introduction to the book *Understanding Social Exclusion*, a work by LSE’s CASE, (Centre for the Analysis of Social Exclusion) and written by Burchardt, Le Grand and Piachaud. If we assume that there is a set of core activities which constitute participation in society, then an individual is socially excluded in case two conditions are met:

1. the individual is not participating for reasons beyond his/her control,  
and
2. he or she would like to participate” (Burchardt et al., 2002b)

The areas of activity which constitute social exclusion include, according to the same set of authors:

“Consumption: the capacity to purchase goods and services (including income and wealth- SWO).

Production: participation in economically or socially valuable activities

Political engagement: involvement in local or national decision making

Social interaction: integration with family, friends, and community” (Burchardt et al, 2002b: 31)

I will show in the next section that this definition is inadequate in that it is not grounded in a political theory which takes the relation between choice and welfarism seriously.<sup>2</sup> However, for now let us begin to attempt to show the activities which are important for understanding social exclusion. To foreshadow my later point, let me just point out that notice that when social policy makers discuss social exclusion, they refer to particular activities: educational, health, employment, socializing, shopping, etc. Oddly, the academic definition is more expansive, and as I shall show, unacceptably broad, as it could be simply referring to activities people *want* to engage in.

Although this definition does constrain the set of activities somewhat, it does seem to follow that the definition allows activities of “participation” which seem far from the concern of the state or even the community. This will be so particularly with the category of “social interaction”. For instance, suppose a young man (call him Alan) is in a wheelchair, and all of his friends are able to get to the pub, drink themselves into oblivion, and have arguments. Alan is able to travel to work, the surgery, hospital, educational opportunities, and vote and attend local political debates, but not to the pub. Now, Alan wants to apply for funding from the local social exclusion fund in order to have his taxi fares subsidized so that he can engage in a social activity he wants to engage in, but is prevented from engaging in for reasons beyond his control: namely, going to the pub with his mates, drink himself into oblivion, and argue.

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<sup>2</sup> Welfarism refers to any doctrine in political theory in which the object is to equalize, maximize or otherwise distribute quantities of subjective satisfaction in the form of individual welfare. That an individual’s welfare is defined by what makes them happy is also known as subjective hedonism. These positions are discussed below.

I hope I do not betray any idiosyncratic political theory when I say that regardless of one's views of justice, equality, or what is wrong with social exclusion, this case does not seem a great *priority* for state support. However, on the CASE definition, if an individual wanted to engage in this activity, perhaps if he wanted it badly enough, it would count as a form of social exclusion, and hence be deserving of some form of state action.

Now, in defence of the CASE definition, it is perhaps that they assume that there are a set of activities which are valuable for all, but one will not be considered excluded if he does not wish to participate in that activity. However, it is not clear that the direction of defining what counts as exclusion can go the other way: if someone wants to engage in an activity and are unable to do so, then they are excluded by virtue of not having that want satisfied. This then can make the CASE definition of social exclusion a welfarist or preference satisfaction theory, which potentially subjects the theory to problems that I now discuss.

It is because the sources of welfare are so varied and subjective that welfarism encounters so many difficulties in political theory. Although the argument first appeared in Scanlon (1975), Dworkin (2000) elaborates the problem with attempting to equalize welfare as follows. Imagine that a person is hurt in an accident which leaves them unable to use their legs, and the state offers to provide a high-tech wheelchair to help this person. Now imagine that the person replies, "well thanks, but as I am a keen violin player, I would rather have the amount of money for the wheelchair in cash so that I can purchase a Stradivarius violin. This will increase my welfare far more, so I would prefer that". Now, the intuition behind this example is that most people do not feel that the state is responsible for the provision of a Stradivarius in order to increase that person's welfare as a response to their accident. Instead, argues Dworkin, the point is that most feel that we are responsible for providing that person with resources to get on with their life; not to indulge whatever may happen to raise their level of welfare.

I mentioned that the capabilities framework provides an obvious candidate for the measurement of social exclusion. Let me now introduce the capabilities framework.

## *II. B. Social Exclusion, Capability, Functioning, and Welfare*

The framework of capabilities derives from a particular debate in political philosophy, of which I shall provide a potted history now.

In Rawls' theory of justice, perhaps the most important contribution was to provide an opposition to the then-prevailing utilitarianism. Rawls' developed the idea of primary goods to describe a set of all-purpose resources that all rational agents could agree upon as a means of furthering their aims, whatever their own individual aims or conception of the good. Rawls says that regardless of one's conception of the good, any rational agent will want to: develop a sense of justice, advance one's conception of the good; and to specify and revise one's plans. To achieve these all-purpose ends we require the all-purpose means of primary goods: the basic liberties (freedom of thought and conscience); freedom of movement and association; free choice of occupation; diverse opportunities in terms of final ends; offices and positions of responsibility; income and wealth; and the social bases of self-respect.

The Rawlsian framework dominated political philosophy, with few modifications, until Dworkin published his seminal articles on equality in 1981 (reprinted in Dworkin, 2000; all citations henceforth will be to the reprint). The main point of Dworkin's argument is to introduce the idea of responsibility into the theory of justice. This argument is roughly as follows: Rawls says that in terms of the distribution of primary goods, we must prioritize distributing to the worst off in society. However, suppose that society's resources had been evenly distributed, and we are looking at two individuals, Alan and Bjorn. Alan chooses to go into business and make a reasonable living; Bjorn decides to devote his life to his first love, playing tennis. Unfortunately, Bjorn isn't a very good tennis player, and loses his entire set of allocated funds; he is now the

worst off in society and is given priority for distribution of primary goods. Dworkin's main point is the following: why should Alan, who has decided to work in a boring job in order to ensure his material well-being, be forced to subsidize Bjorn's risky, and rather more pleasurable, choice of a career in tennis?

Let us look at another problem: suppose that we thought that the point of equality was to be some kind of equality of welfare. Again let us take Alan and Bjorn. Alan has lived a disciplined life, and has simple tastes as he has learned to live within his means. Bjorn meanwhile develops his taste for champagne and the high life. Needless to say, were we to aim at equalizing welfare, we would have to give far more resources to Bjorn than to Alan, as Bjorn has expensive tastes. However, this seems to offend our intuitions about equality: why should Bjorn's expensive tastes receive more resources from the state than Alan's simpler tastes? Similarly, should Alan receive less of any state resources because he has developed a very sparse, or cheap, set of tastes? The intuitive answer to both of these questions seems to be no.

So Dworkin's contribution can be summarized as follows: first, we are responsible for our choices, both over our vocational choices and our tastes. Further, because we reject the idea of equality of welfare because of the problem of expensive tastes and cheap tastes, the metric of equality should be resources.

And how does this relate to the concerns of social exclusion and policy? First, it relates to what forms of exclusion are most pressing for rectification through policy. A person who squanders their income on gambling does not have the same status as a person who is short of income because they have been made redundant. Secondly, someone who applies for food aid saying they are starving because they will only eat caviar, but they cannot afford it, is hardly in the same position as a person who applies for food aid because they have been made redundant. We return to the role of individual choice and responsibility in defining and prioritising forms of social exclusion below.

Now, there is a great deal more to Dworkin's framework, but let us ask this question: what should we do about the fact that the handicapped just do require more resources to have the same opportunities and/or welfare as the non-handicapped? Dworkin's approach is to imagine that there is a hypothetical insurance market which enables us to identify what an average person would pay to ensure themselves against possible handicaps, and that is the "top up" to the resources that they receive.

Now let us turn to the concern of how handicapped individuals present a problem for the theory of justice. A handicapped individual, Sen argues, does not have the same ability to convert resources into opportunities for well being, and therefore requires more resources. Now, note that the difference between Sen and Dworkin here is that Sen is arguing that we need to be able to not just distribute resources and insure against potential handicaps, but that we should be focussing on quality of life and well-being. For Dworkin, how well people actually get on in their lives is not the concern of a theory of liberal political equality.

Now this is not to say that Sen makes well-being the ultimate aim of evaluations using the capability approach. For him well-being is multi-dimensional, and includes different types of freedom and agency, not just some occurrent mental state. Indeed, the latter form of welfarism, largely prevalent in economics, is what led to Sen's first introduction of the capability approach (Sen, 1980). Furthermore, the capability approach distinguishes between capabilities and functionings to allow for the value of opportunity. Sen uses the following example: say that there are two people in India who are starving. However, one of them is rich and is fasting, and therefore although his level of functioning with regard to nutrition is low, he nevertheless has the capability to have a high level of functioning. Therefore, in order to allow for the room needed for individual choice, what we should be concerned with is people's capability to function.<sup>3</sup>

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<sup>3</sup> For a critique of the distinction between capability and functioning, see Wolff and de Shalit (2005).

Thus, Rawlsian justice and Dworkin's approach to resources were meant to remove the scope of justice and equality from subjective sources of welfare and into the objective ground of primary goods and resources. Sen, in pointing out the "fetishism" of such approaches in neglecting obvious individual differences in "conversion" of resources and primary goods into facets of well-being, reintroduces subjective elements, but not merely subjective states of utility or welfare. That is, by focussing on individuals' differing ability to convert resources or primary goods into objectively valuable functionings, Sen has avoided the twin pitfalls of resources/primary good fetishism on the one hand, and subjective hedonism on the other.

So, what are the capabilities of the capability approach?

According to one report (Robeyns, 2003), up to 39 different capabilities have been identified in different theories.<sup>4</sup> I will use a version recently developed by Wolff and de Shalit in their forthcoming manuscript on the topic of, and with the title, *Disadvantage*. Their list is slightly more developed than that of Sen and Nussbaum, though this makes it no more correct. I use their list partly because it better fits the emphasis in the literature on social exclusion with political participation, as this has been identified as an important and underappreciated aspect of social exclusion.<sup>5</sup>

The list is as follows (I have described the capabilities myself for purposes of brevity):

1. Life: having a life of reasonable length.
2. Bodily health: having good health, with adequate nutrition and shelter.
3. Bodily integrity: being able to move freely, and not to be assaulted or harmed.
4. Sense, imagination and thought: being able to use the senses, to imagine, think and reason.

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<sup>4</sup> Quoted in Wolff and de Shalit.

<sup>5</sup> See Levitas (1998: Chs. 4-5).

5. Emotions: Being able to have attachments to things and people outside ourselves.
6. Practical reason: Being able to form a conception of the good and to engage in critical reflection about the planning of one's life.
7. Affiliation: Being able to live with and towards others.
8. Other species: Being able to live with concern for and in relation to animals, plants, and the world of nature.
9. Play: Being able to laugh, to play, to enjoy recreational activities.
10. Control over one's environment: Being able to participate effectively in political choices that govern one's life.
11. Being able to express one's relations to others: Not being prevented by social or legal means from expressing one's affiliation with others.
12. Obedience to the law: Being sufficiently endowed with respect to basic capabilities such that one does not need to break the law in order to provide for the basic needs for oneself and one's family.
13. Understanding the law: Having an understanding of the rules which govern society, what justifies these rules and why they exist
14. Recognition: Having one's values and identity be seen as legitimate and worthy of respect by others.

Now, having identified a set of capabilities which is reasonably comprehensive, let me conclude this section by asking how we may begin to group the set of capabilities as identified by Wolff and de Shalit fit with the definitions of social exclusion advanced by the CASE discussed above.

Recall our categories: consumption, production, social and political engagement. Now, obviously there is not an isomorphic relationship between the categories of functioning and the categories of social exclusion. Some categories, such as life, bodily health, bodily integrity, and practical reason, are "all purpose" functionings, which enable one to thrive in all of the categories relevant to social exclusion. Others, such as understanding the law, relate only to political participation, and then only marginally.

So some functionings are indirectly related to all categories of social exclusion, while other functionings are barely related to one category of social exclusion. Does this mean that my argument that functioning categories can inform our understanding of how to map social exclusion will not work? Not at all, and this for two reasons that I have mentioned above. First, if some categories of functioning are helpful in engaging in all of those areas where one can be socially excluded, then it is important that such functionings are supported and developed. Second, it may be that although a category of functioning is only loosely related to a category of social exclusion, this does not make that functioning irrelevant. For it may be a necessary, but far from sufficient, functioning that is needed to participate in that category of social inclusion. As stated above, understanding the law is only marginally relevant for most forms of political participation: but it is a necessary condition. If one does not understand the law, one does not know how the policies that one may support will be enacted.

So far, I have argued that the capability approach can operate as a more complex description of what social exclusion is. Further, I have argued that functionings can provide the set of abilities that individuals require in order to achieve social inclusion. How these categories are defined in any given policy context depends on the data available. However, the concern with various types of functioning will be determined by the policy maker's own normative concerns: depending on what values the policy maker holds, or the general social objectives she is charged with pursuing, different categories of functioning and inclusion will be addressed.

### **III. The Normative Theory of Social Exclusion: Choice, Welfare and Fairness**

In this section I will address further how a theory of social exclusion can be grounded in the realm of contemporary political theory. I will use as my starting point a debate between Julian le Grand and Brian Barry.

Let me state now how I shall proceed. First, I will introduce the le Grand-Barry debate, which concerns choice, welfare, fairness, and, ultimately, how these goods are provided. I will show that the emphasis on choice dovetails into two issues: the limits of the importance of responsibility, and the problem of paternalism for a theory of equality of opportunity. Both of these factors help to justify the relational theory of equality, and of this theory's role in explaining our concern with social exclusion.

Brian Barry has made an enormous contribution to the debate on social exclusion in his essay "Social Exclusion, Social Isolation and the Distribution of Income" (2002). The first is to address the question of what is normatively bad about social exclusion. The second is to introduce the importance of choice in the social exclusion debate.

Barry distinguishes between the "fact of exclusion" and "cause for concern" with social exclusion. This is because there are forms of social exclusion which are voluntary, and hence those individuals who voluntarily exclude themselves should not be forced to include themselves. That is, there is a fact here that some person is socially excluded, but because they have chosen to do so, this fact gives us no cause for concern. However, Barry points out that it may be the case that, were those individuals suddenly disposed to want to enter "society" and they lacked the opportunity to do so. This then would be bad, even though chosen, because justice requires that there be the opportunity to engage socially. This is a version of the claim sometimes made that a choice set is not valuable only inasmuch as it contains a choice worthy option: the value of options which are not chosen is itself a valuable element of choice, as it makes a life richer in terms of valuing what is chosen. Obviously this is also what makes having a society with a vast array of opportunity desirable.

So social exclusion, even if voluntary, should be reduced in the sense that there should be opportunities for inclusion, even when that option will not be chosen. But it is difficult to see how opportunities can be created which will not be taken, which will then not also impose an externality on those to whom

the options extend. As an example, take the concern in the social exclusion literature with those who are so-called “geographically isolated”. Suppose that it turns out that these people are socially isolated by choice. However, equality of opportunity demands that they have the opportunity to get to other activities. So perhaps a new bus route is built, which will go unused. There are two forms of externality here that should concern us. First, and most importantly for our purposes here, suppose the geographically isolated do not want a bus in their area. It may cause noise, bring unwanted people to the area, create unwanted pollution and so on.

There are many cases where opportunities can be provided without creating a negative externality for those who are meant to be the beneficiaries of the action. Opportunities for training, health provision and so on can be offered without harming those who do not take advantage of those goods. However, the other externality is that someone has to pay for these wasted opportunities.

Let us turn now to Barry’s justification for why social exclusion is normatively bad.

First, and most obviously, social exclusion can be a symptom of or cause of, social injustice. Social exclusion can lead to, first, exclusion from “unequal educational and educational opportunities” (Barry, 2002: 20). Second, social exclusion can lead to lack of access to political participation. (ibid). So, social exclusion is a cause for concern just because it violates the demand for social justice.

The second reason for social exclusion being normatively bad is that it reduces social solidarity. Now, why is an absence of social solidarity a bad thing? Barry argues, first, that it can be intrinsically bad that social solidarity is lacking. Barry claims that the individuals in groups who are either voluntarily or involuntarily excluded, it “is not good for the characters of those in either group” (ibid, 24). I confess that I do not understand this argument, for this just

seems to claim that the absence of social solidarity is bad for the individuals in those groups, or their “character”.

Nevertheless, there is a second, instrumental reason, why the absence of social solidarity is normatively bad. This is because in the absence of social solidarity, the interests of the excluded are likely to be opposed to the interests of the included, and the included are more likely to be in a majority. Hence, the absence of social solidarity, in the form of a lack of concern for the excluded by the included, leads to a normatively undesirable form of politics.

Now, I have no problem with the first form of justification, viewing social exclusion as an instantiation of a lack of social justice. However, I am unconvinced about the importance of social solidarity. To be more clear, my concern is rather that Barry has simply made the same criticism twice: a lack of proper political participation is just a failure of *justice*, whether it is due to the lack of social solidarity, lack of information, or what have you.

Now let me turn to Le Grand’s criticism of Barry. Le Grand makes the following argument. Barry supposes that if an individual voluntarily excludes, or isolates, him/herself, then this is a matter of choice. Hence, since it is their choice, it must be good for that individual; that is, their choices must promote their welfare. This is known in normative economics as “revealed preference welfarism”.

There are a number of problems with the idea of revealed preference welfarism. First, while the choice is their own, the effects of their actions may not be chosen by others. The simple example here is that of individuals joining gangs which harm those around them. Le Grand argues that this is a welfarist problem; it is bad for those individuals who experience living in an area dominated by gangs. But I wish to resist this form of welfarist justification. It is not that the existence of gangs does not harm those around them; of course it does. However, if we do not find ourselves inclined to welfarist justifications in political theory, as I do not, there is another way to find this bad: it is unfair, or unjust, that simply by virtue of being poor one is

voluntarily submitting themselves to be exposed to crime. On one widely accepted definition of justice, the purpose of justice is to reduce the (positive or negative) effects of unchosen circumstances (Barry, 2002; Dworkin, 2000; Rawls, 1971).<sup>6</sup> Since those in high crime neighbourhoods who are not in gangs do not voluntarily expose themselves to crime, this is unjust.

Second, Le Grand points out that the incidence of welfare and choice is imperfect. There are various forms of so-called individual failure, which result in social exclusion; that is, where an individual chooses to be excluded from society by his own choice, but this choice is bad for that individual, and that individual did not know any better. On welfarist grounds, we may decide that it is best for that individual that he be included in certain activities even if he does not want to. Le Grand follows an argument made by Bill New (1998) for justifying such paternalism.

The categories of individual failure are: failures to calculate probabilities correctly, emotional decision making, weakness of the will (lack of self-control), and the lack of relevant experience or knowledge in making choices. Le Grand offers an interesting argument for why such paternalism is justified in cases of individual failure; or perhaps better put, why overriding individual choice is not paternalism at all. He uses the general line of argument from Parfit (1984) on personal identity over time.

This argument is as follows. Parfit argues that personal identity over time is tenuous. For example, the concerns an individual has at the age of 20 are very different from the concerns an individual has at 60. Indeed, the 60 year old version of the self may not relate to, or identify, the 20 year old version of the self much at all. Indeed, the 60 year old may very likely regret a great

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<sup>6</sup> This doctrine is known as luck egalitarianism, wherein the purpose of egalitarianism is to reduce the effect of bad luck on one's circumstances, but only those aspects of luck which affects them through a lack of choice. What is seen as wrong is that a person should not be harmed through the effect of pure bad luck, nor is one entitled to the gains of pure good luck, where those aspects of luck are not chosen. However, should one choose to, say, gamble at a casino, and then experience bad luck. The distinction is thus made between "brute luck", which refers to features of one's circumstances (e.g., inherited wealth, talents, good socialization) and "option luck", which refer to people's choices (e.g., happening to win a great deal of money by investing in risky stock options).

many of the decisions made by the 20 year old. As such, the 20 year old's decision, Le Grand argues, imposes an externality on the 60 year old. Since an externality can justify state intervention, an intervention is justified in order to impose constraints on what the 20 year old can bring about for the 60 year old.

For example, a 20 year old may have no interest in saving for old age. However, the 60 year old does have an interest in the 20 year old engaging in savings behaviour. Hence, it is justified that the state intervene in a kind of defensive intervention in the interests of the 60 year old, by forcing the 20 year old to save for the future. This prevents the 60 year old from later becoming socially excluded.

Le Grand argues that if such interventions are justified in the interests of welfare, then so might other interventions. I have two arguments against this position.

The first concerns the argument about welfare. Why should the social exclusion that may be caused by a person's earlier self be a concern with welfare? Is it not just as much a concern with fairness, namely, that the behaviour of the 20 year old self imposes an unfair cost on the 60 year old self? This is not to say that welfare is not relevant here, but that it is not perhaps the best justification for state paternalism. For, the concerns of welfare invite various problems about using welfare as a metric of equality (see above). Imagine an analogy to the problem of cheap tastes mentioned above. Suppose that the 20 year old self develops tastes which are extremely inexpensive to satisfy. Should the 60 year old self have less of a claim on resources than someone who has developed expensive tastes? If we are not going to give the prudent 60 year old less resources, because his welfare is increased (or is more easily attainable) because of his earlier 20 year old self's choices, why should we rectify the decisions of a non-prudent 20 year old on grounds of welfare?

Note that this problem of welfarism as a justification for paternalism is an important one for theories of social exclusion. Very often, individuals who are defined as socially excluded have consciously rejected the forms of social and political inclusion that would make them social included. Thus, in order to promote social exclusion, it appears that we must often override individual choice. But is such paternalism justified on grounds of either fairness or welfare? I address this question below.

The second argument concerns fairness. While it may appear to be that the concern with limiting the choices of the 20 year old is just because of the *welfare* of the 60 year old which will be harmed, I believe that if we wish to see the two different versions of the person as separate that it is *unfair* that the earlier self imposes costs on the later self.

In this section I have discussed how social exclusion is normatively bad because it can decrease welfare and can be seen as a violation of an understanding of equality. I have shown that concerns with welfare as justification of policies face one of two problems. First, if equalizing or giving priority to concerns of welfare, we will face the problem that what some people require for welfare will not amount to just demands on communal resources (e.g., the case of expensive tastes, or the person who wants resources just to get drunk in a pub). Second, in Le Grand's attempt to justify paternalistic intervention to reduce social exclusion by preventing an earlier self from causing harm to a later self, that the concern is not the welfare of the later self, but the unfairness of a decision made by an earlier self causing a harm to a much later version of the self.

So I have shown that many different definitions of social exclusion may be seen as attempts to provide some kind of equality or fairness in the provision of capabilities to function. But which theory of equality should we draw on? It is to this concern that I now turn.

#### **IV. Social Justice and Social Exclusion: Which Theory Best Justifies “Cause for Concern”?**

So what theory does justify a concern with social exclusion? I have suggested, as indeed Sen claims, that the capability approach is not a theory of justice or equality, but a theory of a society which has high levels of well-being and quality of life. However, we have seen that theories of social justice are best seen as opposed to welfarist concerns, or with the potential paternalism or perfectionism that justifies so called “objective list” theories of well-being or a person’s good. Many have suggested, Rawls included, that the capability approach is not a neutral conception of a person’s good and hence cannot be a theory, at least not a liberal theory, or justice. If, as I argue, that the capability approach is probably the best way to think about social exclusion, then I face a dilemma. On the one hand, if capability approaches are the best way to conceptualize social exclusion, then social exclusion cannot be justified as a theory of social justice. On the other hand, that social exclusion is best seen as a lack of capability, then attempting to reduce social exclusion by promoting capabilities is a case of implementing a particular conception of the good life, and can be criticized, if we so desire, as being paternalistic and/or perfectionist. Thus, we might say that social exclusion is outside of the purview of a theory of social justice and must be paternalistic and/or perfectionist.<sup>7</sup>

But this conclusion can be resisted. I want to suggest that we may in fact see capabilities as an extension of the index of primary goods. So viewed, a concern with social exclusion can be seen as an implementation of one of three potential theories. Needless to say, the Rawlsian contractarian approach is not the only theory which may justify an approach which concerns itself with the provision of some kind of list of primary goods. Indeed, because I am concerned to expand the list of primary goods, the theories that I suggest

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<sup>7</sup> On problems of paternalism and perfectionism in social policies to reduce social exclusion through transport policy, see Tyler (2004, 2005).

are all Rawlsian in spirit. Also perhaps obvious, they are all close relatives of each other, with varying degrees of emphasis.<sup>8</sup>

The first possibility for justifying a concern with capabilities as a theory of social justice is the theory of equality of opportunity.<sup>9</sup> There are many versions of the theory (Arneson, 1989; Roemer, 1998; Jacobs, 2003), but all share an essentially non-consequentialist justification in that the actual outcomes are not the object of concern, but merely that subjects have equal opportunities to take advantage of various forms of functioning. However, ensuring equality of opportunity meets with the difficulty I mentioned above of the problem of providing opportunities that people do not want. Insisting on opportunities being *equal* also stifles the *growth* of opportunities. As Sugden (2004) has argued, to provide equality of opportunity we are not allowed to let individuals reap the rewards of their experiments in the market which lead to economic growth and promote more opportunities for more people. That is, the effect of insisting on equality of opportunity may in fact seriously reduce the level of opportunity in a society.<sup>10</sup>

A second possibility is closely related to equality of opportunity, and is known as complex equality (Miller, 1999). In this theory, the difference with most theories of equality of opportunity is that the point is not an actual equality in different dimensions, but rough equality among a set of different dimensions (which can be any domain in which the analyst is interested; in our case, the relevant functionings). This theory is interesting in that it does not exist on exact equality as many do, but it does leave open a threshold problem, namely, how much “rough” equality is enough? In the absence of clear

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<sup>8</sup> I do not include “prioritarian” (that policy should always help, or not hurt, the worst off, regardless of levels of inequality) approaches in what follows, but for an obvious reason, which is that the character of the debate about prioritarianism will not fit the framework I propose here. If there are multiple domains or currencies of justice, as I and capability approaches generally assume, then to be a prioritarian within any one domain is still to be committed to a variant of complex equality, and should be addressed within the framework of complex equality.

<sup>9</sup> Indeed, the SEU’s 2004 report sees social exclusion as the problem, but the solution is not “inclusion”, but greater equality of opportunity. That is, the goal of policies to reduce social exclusion is to promote equality of opportunity (2004: 34).

<sup>10</sup> Fluerbaey (2004) also suggests that the provision of opportunities that are desired by no one is to be paternalist: that is, it says to people “you don’t know what’s good for you, and we are going to give you this opportunity whether you want it or not”.

criteria for how much is an acceptable level of inequality, we face the twin dangers of allowing unacceptable levels of inequality, or versions of equality which are excessively demanding. Although these problems need to be addressed, this approach certainly fits with the theme of multidimensional functionings as seen in the concern with social exclusion.

Lastly, we may look to a closely related emerging school of thought in political theory, which has recently been developed in the work of Jonathan Wolff (1998; Wolff and de Shalit, forthcoming) and Elizabeth Anderson (1999), who refer to relational equality and democratic equality, respectively. These approaches are, in essence, a variant of the complex equality view, and attempt to explain (or expand upon) what makes complex equality desirable. In this version of equality, as in complex equality, concerns with distributive justice take second stage to the overall provision of goods such that individuals are treated with respect.

The point of relational egalitarianism is that it eschews the vindictiveness and prying of distributive justice as seen in luck egalitarians. Luck egalitarianism requires what Wolff calls shameful revelations: in order to receive state aid, citizens must admit that they have done their best to find employment and have still failed. As Wolff argues, it seems distinctly unjust, or at the very least unpleasant, to take individuals who are already on the “bottom rung” of society’s ladder, and then make them feel bad for being there.<sup>11</sup>

Further, luck egalitarianism, even if thought desirable, may not be possible. We cannot always determine the difference between natural talent and hard work. Social equality may be the *de facto* best theory of equality that can be implemented.

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<sup>11</sup> Indeed, it seems that the socially excluded are opposed to excessive focus on responsibility. This was found by Richardson and Le Grand (2002) in their study of how the socially excluded responded to academic definitions of social exclusion: when the socially excluded were presented with the theoretical argument that if someone was socially excluded because they chose not to work, or entered a life of crime voluntarily, that this person should not be entitled to government assistance, most respondents found this policy excessively vindictive. Le Grand (2003) contains a relevant discussion of the role of responsibility in formulating social policy.

Interestingly, if unsurprisingly, both Wolff and de Shalit and Anderson have both endorsed the capability approach, not as a theory of quality of life, or social welfare, or indeed gone so far as to say that capabilities should be equalized. Instead, they focus on providing a minimal level of functioning as a way of addressing disadvantage. Wolff and de Shalit go further and argue that we should identify what they call “clusters of disadvantage”, which is very much like the set of mutually reinforcing linked problems that are the concern of analysts of social exclusion. Which clusters of disadvantage or which interlinked problems are the most pressing for social action is an empirical question, but at least we now know what to look for.

## **V. Conclusion: Social Inclusion as Social Equality**

I have argued that the most promising theory of equality which fits the concern of those worried about social exclusion is the complex, relational theory. On this theory, what matters is the relations in a society, or to create a society in which there is equal respect, regardless of whether there is any actual material equality of condition. To create such a society, it is required that there be provision of sufficient capabilities that no one is forced to feel ashamed of their condition. Social inclusion, therefore, is about providing sufficient levels of capabilities.

What is important about this approach is that it does allow a flexibility for policy makers to implement their own priorities in which levels of functioning are the most important for their own concerns. Nevertheless, the theory of relational equality does insist upon a “sufficient” level of functioning, as this is what is minimally required to ensure respect among citizens. To be included, on this view, is to be able to engage in those socially valuable activities which encourage respect between citizens. How to determine the threshold for what counts as “sufficiency” in various domains, and what justifies a concern with

sufficiency versus other types of egalitarian theories, is a task for another occasion.<sup>12</sup>

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<sup>12</sup> The first formulation of "sufficientarian" political theory is in Frankfurt (1987).

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