



## Social Opportunities and Individual Responsibility: The Capability Approach and the Third Way

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### ABSTRACT

*The fashionable widespreading of Sen's ideas coincides with a new mood in the shaping of public policies in affluent societies. In Europe indeed, an "opportunity"-based approach to social security has been implemented through the European Employment Strategy. Public action tends to rely on a procedural concern with individual opportunities or potentialities in the labour market. The underlying ethics is that individuals are then responsible to use these background opportunities in order to lead the kind of life they value most. More broadly, the discourse and practice of the so-called "Third Way" shares with the capability approach an appeal for a procedural and enabling depiction of the role of the State. The paper intends to clarify the relation between procedural and opportunity-based approaches to social justice, among them the capability approach, and these new patterns of public action. Our vision goes in the way of a yet renewed, but deeper action of the welfare state, where social agency is envisaged as the very condition of individual agency. Drawing on the various critics of mainstream equality of opportunity, two opposed approaches to responsibility are identified: on the one hand, responsibility is conceived of as i) a "luck vs. choice" fixed starting point, ii) a backward-looking conception and iii) a highly individualistic framework. On the other hand, responsibility is envisaged as i) an outcome of public policies rather than a starting point, ii) a forward-looking conception, and iii) a combined institutional-individual framework. We situate here Sen's capability approach, as well as critics of the luck egalitarianism path. The Third Way rhetoric is assessed against both these perspectives. The issue eventually boils down to an ethical reflection on the articulation of responsibilities, and to a pragmatic and substantial concern for the content of what providing security should mean in practice.*

## **0. INTRODUCTION**

The fashionable widespreading of Sen's ideas (the translation of his books, the organisation of high level international conferences, the increase in doctoral dissertations dedicated to the CA in various disciplines, etc.) actually coincides with a new mood in the shaping of public policies in affluent societies. In Europe indeed, an "opportunity"-based approach to social security has been implemented via the European Employment Strategy, and is more generally conveyed by the "micro" turn in social policies. Public action tends to rely on a procedural concern with individual opportunities or potentialities in the labour market, which has been presented to the citizens under the heading of "employability". In Great Britain, the language of rights, opportunities and responsibility has tended to become the cornerstone of social and employment policies. In Belgium, the philosophy of the "Active social State" defends individual agency against the former "dependency" pitfalls, etc. Thus, the last twenty years have seen a steady increase in interest in the ideal of equality of opportunity. The objective of "widening opportunities" among disadvantaged groups (at least in the specific areas of education and employment) has featured increasingly in the programs of European political parties of both the centre-left and the centre-right. The rhetoric used and the "egalitarian intuition" behind these policies (see Lake, 2001) claim that it is opportunities that the State should guarantee and promote, rather than direct levels of well-being or the simple materialistic provision of benefits. The underlying ethics is that individuals are then responsible to use these background opportunities in order to lead the kind of life they prefer or value most. More broadly, the discourse and practice of the so-called "Third Way" shares with the CA and many other "opportunity"-oriented views for evaluating social arrangements an appeal for a procedural depiction of the role of the State, qualified by some as "enabling" (Gilbert, 2003). The proximity with the developmental approach of the CA goes without saying. Is then the so-called "Third Way" a practical representation of the capability approach to social policies? The paper intends to clarify the relation between procedural and opportunity-based approaches to social justice, among them the CA, and the procedural and opportunity-based new patterns of public action. Section 1 summarises the main issues raised by the recent transformations of the welfare state and analyses their impact in terms of social justice and articulation between individual and collective responsibility. Section 2 shows how such political developments have been mirrored in the academic sphere by a move from "equality of resources" to "equality of opportunity" theories, that incorporate the liberal values of individual freedom, responsibility and desert at the very centre of the egalitarian ideal. Nevertheless, these conceptions remain highly controversial, and there is no theoretical consensus concerning the range and scope of opportunities to be provided, as well as the best articulation between individual and collective responsibility. The third way rhetoric is pervaded by the same ambivalence, and it is not clear what kind of equality third way policies actually promote. Section 3 claims that the capability approach could be the most promising way out the "resource vs. opportunities" and "individual vs. collective responsibility" dilemmas. At the very least, it provides an analytical and critical framework allowing to clarify the meanings and scope of third way policies and "equality of opportunity" theories, as well as the main challenges associated with the micro turn in the field of social policies and normative political theory.

## **1. RECENT TRENDS OF THE WELFARE STATE**

The issue of justice lies at the very core of the recent changes of the welfare state. As a matter of fact, during the last three decades, the informational basis mobilised in order to define what redistribution is right and fair has considerably evolved under three respects: 1) what is to be redistributed or restored via the public intervention: cash and other kinds of resources, or opportunities and abilities to act? At a theoretical level this has been aptly captured by the “equality of resources” vs. “equality of opportunities” debate; 2) who is in charge of providing help? Is it a matter of individual responsibility (according to the “help yourself” principle) or social responsibility, and how to determine the fair combination between both?; 3) who deserves to be helped and what criteria are to be used in order to determine this? Another issue crosses all these questions: is it possible or desirable to design a uniform intervention to be applied to all welfare beneficiaries, or are all cases to be tackled by local public, private and social actors? The following pages will successively tackle these issues.

### **a) What equality? From resources to opportunities**

The welfare state has been first conceived as a way to compensate for losses of revenue due to unemployment or inactivity, i.e. inability to provide for oneself on the labour market. The mechanisms set up during the so-called golden age of welfare used to obey the following logic. At first, categories of social risks were defined (classically the nine risks – unemployment, disability, professional injuries, etc. - identified in Convention 102 of the International Labour Organisation) in order to delimit the legitimate territory of intervention of the welfare state. The compensation of the costs induced by these social risks was then considered to be a social responsibility, i.e. individuals affected by such events were unconditionally entitled to receive cash benefits. Thus, the delimitation of these risks resulted in a clear-cut distinction between the respective territories of individual and collective responsibility: people whose absence of income was due to the occurrence of a social risk were entitled to social security benefits, while other deprived situations, due to other “non-social” risks, had to apply for alternative compensating schemes. Besides, such definition of social risks narrowly depended on prevailing social norms (e.g. in a patriarchal society, women ought to stay at home in order to look after children or to take care of the household, even though they enjoy capacity to work; this implies that female inactivity, i.e. lack of resources, is not entitled to cash entitlement). Thus, social risks were not determined by biological (physical or mental ability vs. disability) or ethical (the good, deserving vs. the bad, lazy poor) parameters, but featured as a social construction combining biological, ethical, social, etc. parameters in ever evolving formulae.

Until the eighties, the development of the welfare state has been remarkably steady, with the “lack of resources” criterion increasingly prevailing over both issues of the biological inability to work and of the good or bad will of the unemployed and inactive people. An increasing number of jobless people were compensated without taking into account the issues of their biological ability or their ethical desert. Indeed, the territory of social

insurance (i.e. unconditional entitlement to cash benefits) tended to be ever more encompassing whereas social assistance mechanisms (means-tested, discretionary, and to be reimbursed) were mobilised for an ever more residual part of the population. In such a framework, the aim was not to restore working capacity as quickly as possible, but to compensate for the losses of revenue. In other terms, the welfare state focused on equality of resources though with very varying devices and degrees in the way to compensate for the lost incomes (only for the worst-off in the liberal regimes; for everybody but with a view to maintain the inequalities prevailing on the labour market in the conservative regime; for everybody with a genuinely egalitarian ambition in the social-democratic regimes – Esping-Andersen 1990). In this model of social insurance, equalising opportunities was not considered to be a matter of social intervention, indeed public policies were confined to provide the macro conditions whereas the upgrading of individual opportunities or the appropriateness of recipients' behaviours were considered as individual concerns<sup>1</sup>. By contrast, social assistance beneficiaries were compelled into adequate behaviour, i.e. into prompt return to financial autonomy.

In this first age of welfare, there was a strict separation between equality of resources (envisaged as a social responsibility) and equality of opportunities (an individual responsibility). Any intervention of the welfare state in the field of opportunities was confined at the macro level, with expansionist demand-side policies aimed at creating employment opportunities (according to the goal of full employment). Moreover, individual behaviours and their ethical appropriateness were considered to be out of the scope of the welfare state except for social assistance devices, where such intrusion in the private sphere was purposefully conceived of as a tool of social control aiming to enforce compliance with prevailing social norms (esp. with the work ethic). The main way to provide security was provision of cash resources, but beneficiaries still had to strive for opportunities on their own.

From the 80s onwards, the main pitfall of this system was found to be the moral hazard conveyed by unconditional cash benefits (inducing a so-called dependency trap). Neo-liberal policies suggest to eliminate this trap by reducing or suppressing cash benefits, or by introducing much stricter eligibility conditions. The underlying postulate is that if people are not provided with resources, they will better strive for their living, and this will boost the creation of opportunities. The retreat of the State is thus envisaged as the very precondition for promoting individual responsibility.

Third way policies that emerged in the middle of the nineties propose yet another policy orientation: in Giddens' words, the main objective is "investment in human capital wherever possible, rather than direct provision of economic maintenance. In place of the welfare state we should put the social investment state" (1998: 117). In this perspective, the intervention of the State is granted legitimacy only if it is a productive investment, in other terms equalisation of resources is legitimate only if it contributes to create new opportunities in the future. The language of opportunities is not contrasted with that of resources, but is instilled

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<sup>1</sup> With the exception of the social-democratic regime, where active labour market policies were set up already in the 60s (cf. the Rehn-Meidner model).

in it and subordinates it. In other words, the logic of compensation needs to be pervaded (and not substituted as neo-liberal policies would have it) by that of investment. In third way policies, security is achieved via equalisation of opportunities to which income redistribution is called to contribute. In Esping-Andersen's words, the main finality of the new architecture of the welfare state is no more decommodification, but the struggle against social inheritance in order to equalise opportunities for all members of society. Thus the discourse of social investment, especially in human and social capital, is to substitute the 'tax and spend' tendency of the Keynesian welfare state: "A social investment strategy directed at children must be a centrepiece of any policy for social inclusion" (2003: 30).

This paves the way for new conceptions of equality strictly distinguished from neo-liberal and social-democratic views alike. On one side, Giddens claims, neo-liberal meritocracy generates significant inequalities, which badly impact on social cohesion. Moreover, these inequalities are not tackled by social interventions and tend to reproduce themselves, which is in full contradiction with the logic of meritocracy. On the other side, social-democratic redistribution aimed at equalising financial resources inevitably results in dependency traps, i.e. in producing disincentives that discourage the creation of opportunities and deter recipients from behaving responsibly by themselves. In both cases, Giddens says, the outcome is social exclusion either via the unfettered market logic of neo-liberalism, or via the unconditional payments of social-democratic welfare states. By contrast, third way policies define equality as inclusion, and inequality as exclusion. "Inclusion refers in its broadest sense to citizenship, to the civil and political rights and obligations, that all members of a society should have, not just formally, but as a reality of their lives" (Giddens 1998: 102-3). In our present society, access to work and education feature as the most important opportunities to be provided in order to guarantee inclusion to each and every member of society.

By providing opportunities, the social investment state promotes active risk-taking instead of passive benefit-receiving. For that very reason, the British New Labour claims to depart both from the New Right (i.e. Thatcher and Major lines of government) advising deregulation and privatisation as the ways to promote individual responsibility and competition, and from the Old Labour guaranteeing unconditional rights via the welfare state, thus providing powerful disincentives for individual autonomous and responsible behaviour. The rhetoric of the third way constantly plays on this departure from its forerunners (Powell 1999). What distinguishes third way policies from neo-liberal views is that the State keeps a leading role in the pursuit and achievement of equality as inclusion. Conversely they oppose the social-democratic welfare state in that social expenditure is envisaged as a productive investment rather than an unproductive cash compensation. To put it short, third way policies share with neo-liberalism the discourse of opportunities but the channels used to achieve equality of opportunities are opposed: on one way market mechanisms, on the other the social investment state. They agree with social-democrats on the key contribution of the state, but suggest a radical shift in the allocation of social expenditure from resources to opportunities (equalisation of resources is legitimate to the extent that it favours equalisation of opportunities, which implies that the main resources to be equalised are not cash resources, but human and social capital). The concern for present consumption capacity is replaced by that of investment with a view to create new opportunities.

This passage from resources to opportunities also coincides with a significant transformation in the way to organise redistribution of financial resources, in that the traditional welfare mechanisms (social insurances) give way to the so-called fiscal welfare state, in which redistribution takes place via tax credit programmes (supplementing actual incomes instead of compensating income losses), in line with the “making work pay” logic.

The European Union Strategy with its focus on employability, training and active labour market programmes, follows along similar lines. Investment in capital is envisaged as essential if the EU is to become the most competitive knowledge economy. Esping-Andersen and colleagues' report to the Belgian Presidency (2002) emphasise the aim of a child-centred social investment strategy, which coincides with the ambition to adapt individuals and society in order to increase EU competitiveness in the new knowledge economy. The future-oriented focus of the social investment state certainly aims to equalise opportunities on a lifelong term, but this takes place with a view to enhance European competitiveness in a globalised knowledge economy. In Finlayson's words, this amounts to promote an ideal vision of the actor as “a reflexive individual who regards him/herself as a form of capital to be processed, refined and invested, and who does this within the context of an obligation to the community to be productive” (2003: 166, quoted in Lister 2004). The economic metaphors used in third way rhetoric convey a reductionist conception of man as a means towards greater economic productivity.

However, the “equality of opportunities” discourse does not carry with it such a restrictive definition of opportunities envisaged as merely instrumental to economic productivity. In the same way, the managerial version of the state, that is advanced as the preferred mode of third way governance, is not a fatality. As a possible alternative, proponents of the so-called “ensuring state” claim that there is place for exercising public responsibility after empowering the individuals, and that the state has a moral and political responsibility to see that adequate resources and services are provided, whether this responsibility be achieved via audit, regulation or specific funding devices. Hence, the range and the very content of the opportunities to be provided via public intervention are contentious matters, and the present primacy of human capital approaches by no way indicates their absolute superiority. Part 2 will analyse how this issue is tackled in theoretical thinking.

### **b) Who is in charge? From the central technocratic state to situated local actors**

The golden age of welfare relied on a centralised pattern of public action. Categories of social risks were defined by central political bodies with the help of central administrations, and local civil officers were then in charge to implement the directives deployed at central level. The issue of equality of resources was conceived as a mechanical device where human discernment and decision-making played as little part as possible. Rather the contrary, local officers' initiatives were constrained in order to avoid arbitrariness in decision-making. Equity was guaranteed by the central-level design of appropriate measures, the implementation of which had to be as automatic and mechanical as possible. In such a model, no wonder if the main tools of reform were lobbying and pressure put on the central

political and administrative bodies in order to modify the level and duration of benefits. This has been coined the age of neo-corporatism (e.g. Crouch 1994), when trade unions and the political left were uniting their forces in order to impose their view on decision-making processes within parliamentary bodies. In scientific terms, this was also the golden age of so-called “power-resource theories” explaining the diversity between welfare states via the varying ability of trade unions and political leaders of the left to impact on welfare design (e.g. Korpi 1983, Esping-Andersen 1985).

By contrast, third way policies insist on the setting up of local partnerships between public and private actors. This induces a twofold transformation: first the emergence and mobilisation of private and civil society actors in the pursuit of publicly designed targets; second a new balance within the public sector itself between central and local actors, giving the latter more autonomy and decision-making power in their daily action. Under such conditions, the external State imposing its objectives from the outside, gives way to the so-called situated State where the content of public policies is to a larger extent defined in context (Storper and Salais 1997). The local actors' capability to voice their concerns and make them count in the course of public action becomes key in this new pattern of public action (Bohman, 1998). Public policies at the central level do not disappear (as would be the case in strictly neo-liberal policies aiming to clear the field and pave the way for market mechanisms), but are designed in such a way as to support and promote local actors' initiatives. The State's role is then twofold: monitoring the process via diverse forms of re-regulation (Genoud 2004), and empowering local actors, especially civil officers and beneficiaries, in order to let them design and implement the most appropriate intervention. This changing pattern of public action often coincides with the emergence of New Public Management principles, which does not go without raising many problems in terms of capability for voice, especially when the directives elicited by the central level (i.e. performance indicators, benchmarking practices, budget envelopes, etc.) compel local actors into specific modes of intervention, and prevent the design and implementation of tailor-made programmes at a situated level. In such cases, New Public Management guidelines feature as a refinement of the old technocratic logic rather than as a new situated pattern of public action.

The appeal of the social capital approach is also key within the preferred governance mode of third way policies. In this model, social capital is envisaged both as a good in itself and as a prerequisite for economic prosperity. Again, the language of economics and fructification is at the very core of the private-public partnerships recommended by third way policies. Instead of the old “command and control” model, Giddens (1998, 2000) and Esping-Andersen (2003) recommend the setting up of a “welfare mix” associating private and public actors in the pursuit of greater economic prosperity. In such a perspective, the ideal of community-building embodied in social capital approaches is subordinated to economic productivity, much in the same way as human capital is meant to be fructified, i.e. to generate further economic capital. For the same reason, it is most doubtful whether such EU mottos as the “principle of subsidiarity” (Bonvin 2002) or the “open method of coordination” are path-breaking tools leading towards genuinely reflexive policy-making, or if they are just path-dependency instruments adapting technocratic ways of government to the new governance fashion. In other words, does third way appeal to governance really make a

difference vis-à-vis conventional government, or is it simply a subtle way to confirm government in its prerogatives? This issue will be addressed in part 2, via the analysis of the “centralised (Roemer, Vandenbroucke) vs. decentralised (Cohen, Sen) patterns of public action” debate.

### **c) Who are the beneficiaries? From categories to individuals**

The aim of the traditional welfare state was to compensate for income losses resulting from the occurrence of predefined social risks. An actuarial calculus determined the amount to be offered via social insurance mechanisms. Individual characteristics did not intervene in this calculus, and it was the overall cost for society and the wage percentage to be paid in order to cover such expenses that mattered. In other terms, workers had to pay equal shares of their wage, and in exchange they would receive equivalent compensation in case of working incapacity due to the occurrence of a recognised social risk. Therefore, the conventional welfare state was not interested in individual characteristics such as adequate moral behaviour, or biological working capacity. The preoccupation was to redistribute risks and their costs equally on all working members of society. This approach was rooted in the use of categories of social risks. The issue of good or bad will, as well as that of individual responsibility, were subordinated to that of belonging to a recognised risk community. However, this did not apply for social help recipients, for which the provision of cash resources was accompanied by interventions aiming to enforce their compliance with prevailing social norms.

By contrast, third way policies striving to equalise opportunities place individual characteristics at the very centre of public action. While members of risk categories used to receive compensating resources whatever their specific behaviour, beliefs, expectations, wishes etc., individual beneficiaries of “equality of opportunities” policies are required to provide much more data about personal behaviour and beliefs. The threat of unduly intrusion into the private sphere is reinforced in the framework of third way policies. The focus on categories characteristic of the conventional welfare state implied that individual features could be kept out of the grip of welfare agents. With the taking into account of individual characteristics within the course of public action, the ambivalence of social policies is reinforced. In such a model, the way to assess individuals and to determine the appropriate measures for them are key: what informational basis is mobilised for the individuals' assessment? To what extent are individual expectations and wishes respected, or shaped according to publicly designed targets?

The threefold transformation identified in this introductory paragraph deeply impact on the issue of the fair and equitable redistribution. In third way policies, the *distribuendum* rather includes opportunities, or at least a combination of resources and opportunities. With the incorporation of liberal values such as individual responsibility and desert, what is exchanged via the social contract has undergone significant transformations: whereas benefits used to be exchanged against former payments, they are now connected with issues of individual responsibility. As a matter of fact, redistribution of resources is no more

envisaged as an entitlement but as a way to promote individual responsibility in the creation of opportunities. At the same time, new patterns of public action integrating a greater concern for situatedness gain prominence. However, all these transformations are ambivalent, and it is doubtful whether they will promote some kind of enabling State (Gilbert 2003), or if they will be yet another avatar of the technocratic “command and control” mode of government. The variability observed in actual policies show the diversity of available ways in order to cope with the challenges conveyed by this threefold transformation. The same ambivalence is also present in theoretical debates, as the next paragraph will evidence.

## **2. OPPORTUNITIES AND RESPONSIBILITIES**

*“For individual responsibility to matter to us we have to think that what people receive by way of burdens and benefits should be related in some sense to the existence, exercise, or development of the relevant capacities.”  
(Lake 2001: 28)*

As was told in introduction, the evolutions of egalitarian normative political thinking seem to mirror the manifold changes in social policies in contemporary welfare states. New patterns of action have been scrutinised in the previous section, all of which indicate a net tendency to focus on personal responsibilities in counterpart of the social provision of rights. After all this is nothing but an updating, or a recall, of the contractual foundations of our modern States and their institutions. And the balancing of rights with duties is the foundational root of this social contract. No one can deny this. The problem lies in the fairness of the new balance between rights and duties. We have put forward the dangers of an hypertrophy of individual responsibility elsewhere (Bonvin, Farvaque, 2003), and this was one of the main provisos against the current trends analysed in the previous section. How does egalitarian thinking help in analysing this *division of responsibilities* between the State and the citizens? The “social division of responsibility” – a Rawlsian term – seems to be the appropriate framing in order to analyse the place of responsibility in our egalitarian would-be welfare states (Lake 2001). More precisely, the rhetoric used and the “egalitarian intuition” behind third way policies (*ibid.*) claim that it is *opportunities* that the State should guarantee and promote for the individuals, rather than direct levels of well-being or the simple materialistic provision of benefits. The underlying ethics is that individuals are then responsible to use these background opportunities in order to lead the kind of life they prefer or value most.

### **a) The social division of responsibilities**

At the abstract level of normative political thinking, the egalitarian intuition, enshrined in the idea of an articulation between *opportunities* and *responsibilities*, was first put clear by John Rawls. It even founded the commonly accepted normative framework for studying equality and inequalities in Western societies.

Rawls' approach to egalitarian justice focused on a vision of social opportunities delivered and guaranteed by the State as *primary goods* encompassing "rights and liberties, powers and opportunities, income and wealth" (1971: 62). The vision of individual advantage was correlatively seen in terms of possession of these primary goods, and the possibilities they open for all individuals to follow their life plans. To put it differently, the persons are equally free to pursue their own personal ends with the help of these goods pictured by Rawls as all-purpose means<sup>2</sup>. This is straightforward in the following quotation:

"The ... account of primary goods includes what we may call a 'social division of responsibility': society, citizens as a collective body, accepts responsibility for maintaining the equal basic liberties and fair equality of opportunity, and for providing a fair share of the primary goods for all within this framework; while citizens as individuals and associations accept responsibility for revising and adjusting their ends and aspirations in view of the all-purpose means they can expect, given their present and foreseeable situation. This division of responsibility relies on the capacity of persons to assume responsibility for their ends and to moderate the claims they make on their social institutions accordingly" (Rawls, 1993: 189)

Two major problems are raised by this normative construction of responsibilities and opportunities. First, the well-known issue of the *conversion* of these means into genuine *ends* was raised by Sen. Equality in the space of primary goods – or more broadly speaking in the space of *resources* – is *instrumental*, i.e. it neglects the *intrinsic* value of what can be achieved via the use of such goods. The conversion argument says that the importance of these primary goods or resources is derivative on the individual capability to convert them into valued functionings. And these converting capabilities are highly diverse among people, which weakens the supporting argument for a resource-based equality (Sen, 1992: 19, n20). Second, Rawls' assumption of an equally distributed capacity to be responsible for one's ends does not resist the capability test. Rawls' conception implies that all individuals have an equal capacity to launch a rational life plan, and hence an equal responsibility for its success. Through the social division of responsibility, Rawls says, institutions deliver all-purpose primary goods, and then people are responsible for using them cleverly and rationally. This denies the actual constraints people face in the real world, as well as the unequally distributed capacity to think and act rationally (Green, 1985). Our contention is that, *if personal choice is to be seen as a central element of the social division of responsibility, it should not be assumed as a starting point assumption, but as a possible outcome of it*. We will argue more on this later.

As Lake goes on, "Rawls claims of the social division of responsibility argument that it 'relies' on certain capacities we have in respect to our ends. This would suggest that he

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<sup>2</sup> Public cooperation is made possible for no particular conception of the good is imposed. "What Rawls claims ... is that a specifically *political* conception of justice, as opposed to a comprehensive moral doctrine, must provide a basis of interpersonal comparison that meets certain tests of *public* acceptability and justification. Thus, for Rawls, the attraction of primary goods is that they constitute a common political currency. They are open to public view and scrutiny in a way that goods tied to the promotion of intangibles such as happiness or welfare satisfaction cannot be." (Lake, 2003: 74)

believes the injunction that citizens *ought to* take responsibility for their ends implies that they *can* do so” (2003: 78). This discussion raises issues of personal control over ends, desires, wills, etc. Actually Rawls promotes a rather mechanical vision of society, where institutions *control* the delivery of instrumentally valued goods, while persons *control* their use and fructification. That people’s wants and desires are not beyond their control is assumed by Rawls, and even features as foundational for his argument<sup>3</sup>. As such, his conception suffers the same limitations as the rational choice paradigm, when it is used as a foundation for social justice theories.

### **b) Dworkin’s refinement of the social division of responsibility: insurance-based welfare states**

Rawls’ social division of responsibilities has had a crucial impact in the egalitarian thinking. Despite the highly abstract level of such an approach to justice, the idea underlying this social division is widely shared nowadays. One can say that it gave birth to the first brilliant formulation of an ‘egalitarian intuition’ to social justice and the role of the State, which would indeed claim that *distances from the equality ideal are possible and even desirable when personal responsibility is involved*. At the core of this egalitarian intuition lies the idea that individual responsibility can be appropriately tested. The evolution of egalitarian ideas has followed this intuition, and tried to make it more precise. Indeed after Rawls, the articulation of social opportunities and individual responsibility couldn’t be thought of without proposing i) a clear definition of the notions of opportunities and responsibility, and ii) the formalisation of responsibility-sensitive redistributive mechanisms.

The crucial distinction between what lies in our hands and ambition (i.e. our responsibility) and what is beyond our control (i.e. our circumstances), was further refined by Dworkin (1981 a and b). Along with this refinement of the notions of opportunities and responsibility went another vision of what ‘equality of resources’ (instead of the Rawlsian equality of primary goods) should mean. It is Dworkin who “has, in effect, performed for egalitarianism the considerable service of incorporating within the most powerful idea in the arsenal of the anti-egalitarian right: the idea of choice and responsibility” (Cohen 1989: 933). What was used at the time of his writing as a weapon against the deleterious effects of the welfare states (cf. the analysis in terms of moral hazard above) has been mobilised by Dworkin as a defence for egalitarianism and redistributive devices – indeed, a possible path for reforming welfare institutions in the sense of a more responsibility-sensitive philosophy. The slippery

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<sup>3</sup> “That the responsibility of free persons is implicit in the use of primary goods can be seen in the following way. We are assuming that people are able to control and to revise their wants and desires in the light of circumstances and that they are to have responsibility for doing so, provided that the principles of justice are fulfilled, as they are in a well-ordered society. Persons do not take their wants and desires as determined by happenings beyond their control. We are not, so to speak, assailed by them, as we are perhaps by diseases and illness so that wants and desires fail to support claims to the means of satisfaction in the way that disease and illness support claims to medicine and treatment.” (J. Rawls, “A Kantian conception of equality”, R. M. Stewart ed., *Readings in social and political philosophy*, NY, OUP, 1986; 187-195, p. 191, quoted by Lake, op. cit., p. 77)

notion of responsibility is then “co-opted” by the egalitarian framework to justice, which is not unproblematic (Armstrong, 2002: 415).

The Dworkinian resourcism is conceived as an anti-welfarist framework (Dworkin, 1981a), and as a refinement of the Rawlsian approach, accused to be insufficiently ‘ambition-sensitive’ and ‘endowment-insensitive’ (Dworkin, 1981b; Lamont, 2003). Dworkin agrees with Rawls that, if people are provided with equal resources, they should abide by the consequences of their choices with regard to the use of these resources. This implies that variations in preferences and ambitions are matters of personal responsibility. Equal means may legitimately lead to unequal outcomes if these are the result of preferences, choices or ambitions. However, Dworkin wants to bring people’s natural endowment in the picture as well. Such unequal initial endowments should be compensated for, what is missing in Rawls’ *Theory of Justice*<sup>4</sup>. Dworkin’s conception of justice is then one of fair compensation of the consequences of natural endowments (i.e. beyond personal control and responsibility), which impinge on individual possibilities to achieve life plans. Such compensation provides a more appropriate field for the deployment of personal responsibility.

In Dworkin’s perspective, individuals differ in two major respects: their circumstances (what they cannot be held responsible for), and their ambitions (for which they are accountable). Circumstances are composed of *internal resources* and *external resources*: the former typically include all natural (age, sex, etc.) as well as some social features (social background, etc.); the latter are the resources distributed by institutions (money, infrastructures, etc.). Dworkin’s equality of resources aims to equalise the *extended resources* bundles, which are the total amount of these two kinds of resources. Since internal resources are inalienable and not transferable, the issue for the social planner boils down to determine what amount of external resources is necessary in order to compensate for inequalities in internal resources. Dworkin’s approach is exactly about finding a procedure which will result in such an equalisation of extended resources. He proposes to set up a hypothetical insurance market in order to resolve this issue.

Briefly summarised, this insurance scheme assumes that it is possible to distinguish preferences (or ambition) from handicaps (or internal resources). In Dworkin’s hypothetical situation, people know their ambitions but not their internal resources (hence, their possible talent or handicap)<sup>5</sup>; furthermore they are endowed with equal initial money. The insurance scheme consists of giving people the possibility to insure themselves against handicaps. If they turn out to be handicapped, they are then entitled to be compensated. Handicaps are then explicitly considered as (missing) resources to be compensated for by a financial pool constituted by all the insurance premiums paid by individuals. “In this way unchosen luck is transformed into morally inoffensive chosen luck (so far as this is thinkable)” (Arneson, 2002a).

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<sup>4</sup> Rawls’ approach consists of helping the worst-off in terms of primary goods, but not in terms of natural endowments. Handicaps are not addressed *as such* in his framework, which is hence ‘endowment-insensitive’.

<sup>5</sup> This situation appears like a thin veil of ignorance – thinner than in Rawls’ *Theory of Justice* since people know their preferences.

This highly abstract scheme, criticized by economists for proposing an impossible insurance market, nevertheless captures some important traits of the emergence of welfare insurance mechanisms from the end of the 19<sup>th</sup> century onwards. Dworkin's vision of money as the common currency to be used in order to equalise resources is very much in line with the logic of the Keynesian cash welfare state (by contrast with the more extensive range of Rawls' primary goods). In Dworkin's perspective and in the conventional welfare state alike, financial redistribution features as the most efficient tool in order to struggle against social injustice. Furthermore, both conceptions share the same fascination for actuarial methodologies and probability-based insurance techniques (Ewald, 1986).

Along with the former distinction between ambition (or preferences) and circumstances, Dworkin suggests a second essential distinction between *option luck* and *brute luck*. Actually, if a hazard results from a deliberate choice (e.g. if one voluntarily quits her job), it will be coined an option luck which does not entitle to compensation. On the contrary, if the unlucky situation results from the occurrence of a risk that is not a deliberate gamble, then people have a legitimate claim to compensation. Individual responsibility is further clarified and refined with this second "option luck/brute luck" distinction. As Arneson puts it, "Starting from an initial equality of resources, any results that issue from voluntary interactions reiterated over time do not offend against the equality ideal. Let voluntary choice and chosen luck prevail" (Arneson, 2002a). The result is an immediate reduction of collective duties, and hence a different, though still "resourcist", approach to the social division responsibility. To quote Arneson at length:

Another thought that motivates the family of equality-of-resources ideals is that society's obligations by way of providing for its members are limited. A just and egalitarian society is not plausibly held to be obligated to do whatever turns out to be necessary to bring it about that their members attain any given level or share of quality of life. The reason for this is that the quality of life (the degree to which one attains valuable agency and well-being goals) that any individual reaches over the course of her life depends on many choices and actions taken by that very individual, so to a considerable extent, the quality of life one reaches must be up to oneself, not the job of society or some agency acting on behalf of society. Along these lines, the actual course of an individual's life and the degree of fulfilment it reaches also depend on many chance factors for which nobody can reasonably be held accountable. Justice is a practical ideal, not a Don Quixote conception that aims to correct all bad luck of any sort that befalls persons. A reasonable morality understands the social justice obligations of society as limited, not open-ended and unbounded. So if equality of condition is part of social justice, it too must reflect an appropriately limited conception of social responsibility. Equality of resources fills this bill. (Arneson, 2002a)

Thus, Dworkin has performed the formidable challenge to incorporate the idea of responsibility within the egalitarian framework. To this purpose, he suggests a specific distribution of responsibility which sees the individual bear responsibility for option luck and for her preferences on the one hand, and society limit its intervention to brute luck and

people's circumstances (including external and internal resources) on the other hand. Hence, Dworkin does not draw all the consequences of his "choice vs. luck" distinction, choosing instead to focus on the "preferences vs. resources" dichotomy. Such an option was doomed to raise controversial issues.

### **c) Choice, Luck, "Opportunities", and the decentralisation of welfare states**

By contrast with Dworkin, Cohen stresses the fundamental importance of the "choice vs. luck" distinction, on the basis of which he devises yet another conception of egalitarianism, commonly labelled as "*luck egalitarianism*" afterwards. Cohen's proper aim is not to compensate all disadvantages or handicaps, but only involuntary ones, i.e. those that do not reflect a choice (Cohen 1989). The new egalitarian horizon is defined as follows:

"When deciding whether or not justice (as opposed to charity) requires redistribution, the egalitarian asks if someone with a disadvantage could have avoided it or could now overcome it. If he could have avoided it, he has no claim to compensation, from an egalitarian point of view. If he could not have avoided it but could now overcome it, then he can ask that his effort to overcome it be subsidized, but, unless it costs more to overcome it than to compensate for it without overcoming it, he cannot expect society to compensate for his disadvantage." (*ibid.*: 920)

With this philosophy Rawls' and Dworkin's resourcism is abandoned in favour of opportunities that are envisaged as the right *distribuendum*, hence paving the way for an "*equality of opportunity*" approach to justice. By contrast with insurance schemes compensating people *ex post*, the very point of equality of opportunity is to act at "levelling the playing field" (Roemer, 1998, Arneson, 2002b). Rather than a materialist orientation towards the kind of resources to be distributed, it is then a fuzzier "opportunity" orientation which has been elected. Then to the first issue raised at the beginning of this paper, namely "what is to be distributed or restored?", a growing consensus favouring opportunities as the right *distribuendum* in place of resources has emerged. However, there is no theoretical or practical consensus about the meaning and content of such *opportunities* and about the most appropriate way to distribute and assess them. This is why the "equality of opportunity" approach is pervaded by many theoretical controversies, related in particular to the issue of the range and scope of opportunities to be provided, on the one hand, and that of the best articulation between individual and collective responsibility, on the other. Our contention is that the third way rhetoric experiences the same ambivalences. In our view, many of the challenges connected with the micro turn in the field of social policies, as well as those associated with the expansion of the scope for individual responsibility, can be assessed against this on-going theoretical debate.

Our point relates more precisely to the informational bases mobilised in order to assess individuals in the field of social policies. We said earlier that personal characteristics are integrated to a higher extent in the implementation of social policies nowadays. Thus, criteria of eligibility to welfare have integrated issues connected with personal responsibility,

whereas no such information on individual responsibility used to be employed in former times. This, in our eyes, raises the issue of the social construction of opportunities and responsibilities. This “constructivist” perspective clearly puts the emphasis on the informational requirements of evaluation. A huge theoretical debate has taken place among the opportunity-egalitarians as to the best way to isolate factors due to individual responsibility. One of the results of this debate is the refusal to invoke a metaphysics of mind in order to separate out individual responsibility and circumstances (i.e. what does not belong to the sphere of individual responsibility). Nevertheless, if one agrees on a less-than-perfect evaluation of responsibilities, the informational requirements remain outstanding.

Among the authors who have developed the “equality of opportunity” approach to social justice, some adopt a highly *centralised* perspective where a central actor collects every relevant information on people’s preferences and past actions in order to implement its social policy. This is the case in Roemer’s approach, which shares noticeable traits with Dworkin’s in this respect, resulting in a comparable centralised system of evaluation of people’s circumstances and preferences<sup>6</sup>. It results in an original algorithm supposed to guide a responsibility-sensitive social planner in her distributive mission (Roemer 1995, 1998). According to this method, the population is to be divided into circumstance-based types, i.e. types defined by features beyond personal responsibility (e.g. sex, age, skin colour, parents’ educational level, etc). Someone’s position within one type however depends on her personal responsibility, i.e. the intensity of her effort. In Roemer’s view, the level of compensation within the same type ought to be proportional to that intensity. Such a scheme relies on a highly centralised system of reward, requiring the collection of perfect information, something like a God-like system (Fox-Genovese, 1995). The Roemerian scheme displays striking similarities with certain contemporary reforms, for instance in Belgium where the so-called “Active Social State” defended by former Minister Frank Vandenbroucke<sup>7</sup>, aims at enforcing strict sanctions on unemployed people who remain on the dole more than the average of the people belonging to the same type. The responsibility-sensitive planner here compensates the unemployed as long as they do “better” than the other members of the type, and punishes the others. Similar reforms in Switzerland, inspired by New Public Management Principles, also illustrate how fast a concern for individual responsibility may transform itself into a desert/punishment device. In such cases, paradoxically, the appeal to individual responsibility is translated into a powerful tool of social control.

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<sup>6</sup> There’s no room here for presenting the very technical papers on responsibility and compensation developed by authors such as Fleurbaey, Bossert and others. This economic literature proceeds by way of axiomatisation of responsibility, looking for systems of “fair” allocation. Fairness here is meant to follow a twofold requirement: that people who take their responsibilities (i.e., who are ambitious, who make effort, etc.) be rewarded (“principle of reward”), while natural disadvantages experienced by them through no fault of their own be neutralised (“principle of compensation”). It is regrettable that this literature generally begins with caveats, such as: “Of course, the very question of responsibility is difficult to define and difficult philosophical issues may quickly arise.” (Bossert, Fleurbaey, van de Gaer, 1999: 35), in order *not to* define what they mean by responsibility.

<sup>7</sup> Who completed a PhD dissertation in economics on this very idea, under Cohen’s supervision. See Vandenbroucke (2001)

By contrast with the Roemerian highly centralised approach, a bunch of authors are more akin to develop a *decentralised* approach to equality of opportunity. These authors never argue for such a decentralisation however, neither do they explicitly mention the appropriate level of evaluation – whether centralised or decentralised. Our point is to argue that Cohen, Arneson and Sen share a common “constructivist” perspective, which allows to analyse the articulation between individual and collective responsibilities at the local level where social policies are effectively implemented.

These authors put the emphasis on the informational requirements of a just equality of opportunity. This can be connected to the informational tasks delegated to public actors on the ground, who have to evaluate people’s rights, needs, responsibility, deservingness, etc., according to some criteria of eligibility. The articulation between individual and collective responsibility on the one hand, and the construction of information and criteria of public action for local actors on the other hand, are indeed intertwined matters.

The theoretical issue is inherently political, and is closely related to the issue of uncertainty. Compared to a highly centralised approach to the evaluation of opportunities, which would require “God-like expertise” as mentioned earlier, one is here compelled to work with the actually available information. How can one definitely say that you are responsible or not for this? There is no clear-cut and uncontroversial answer to this question. Rather than a metaphysical matter, one can say that it depends on specific conventions embedded in local practices (Farvaque and Raveaud, 2002).

The equality of opportunity approach insists on the fact that disadvantages resulting from a genuine choice should not call for compensation. This statement requires an infinite and, to be sure, unachievable informational process in order to qualify the degree of genuineness of specific choices. If we agree on the “choice vs. luck” starting point, one has to recognize that, as Cohen says, “The amount of genuineness that there is in a choice is a matter of degree, and egalitarian redress is indicated to the *extent* that a disadvantage does not reflect genuine choice. That extent is a function of several things, and there is no aspect of a person’s situation which is wholly due to genuine choice.” (Cohen, op. cit.: 934). One has then to accept the metaphysical impossibility to achieve a perfect accounting of people’s genuineness of choice. As Cohen puts it,

“One of the things that affects how genuine a choice was is the amount of relevant information that the chooser had. But we do not have to ask: Exactly what sort and amount of information must a person have to count as having genuinely chosen his fate? All that we need say, from the point of view of egalitarian justice, is: the more relevant information he had, the less cause for complaint he now has.” (Cohen, *ibid.*)<sup>8</sup>

From a negative perspective, this statement emphasises the necessity of less-than-perfect assessments of the genuine character of individual choice. From a positive and constructivist

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<sup>8</sup> He adds: “It seems to me that this plausible nuancing approach reduces the dependence of political philosophy on the metaphysics of mind.” (*ibid.*)

perspective, the issue is about the procedure through which the evaluator is able to gather information on people (in order to assess their responsibility). This is necessarily a relative perspective, and this is the route taken by Arneson. In order to assess people's responsibility, the evaluator should start, he writes, from assessing the array of options one effectively has. A situation of equality of opportunity occurs when these arrays are comparable in terms of utility prospects. As he puts it,

“For equal opportunity for welfare to obtain among a number of persons, each must face an array of options that is equivalent to every other person's in terms of the prospects for preference satisfaction it offers.” (Arneson, 1989: 177)

Arneson's requirement clearly departs from Roemer's statistical construction of types. What is required here is that the evaluator assessing a limited number of people (and not the whole population) collects information on their actual set of choices and their possible futures. Equality of opportunity obtains when these people have equal arrays of options. Such an approach to social justice, we assume, requires that public evaluators be situated at a local level in order to analyse and assess the concrete opportunities of people. This is a first important informational activity. A second equally important informational activity occurs when assessing people's knowledge about these options, or their ability to seize their opportunities:

“People might face an equivalent array of options, as above, yet differ in their awareness of these options, their ability to choose reasonably among them, and the strength of character that enables a person to persist in carrying out a chosen option” (Arneson, 1989: 178).

Despite their touch on the topic of cognitive and informational procedures, and the few hints (very few indeed!) on the possible public action supportive of individual choice, Arneson's and Cohen's theories remain anchored into an idealistic presumption of equality and a fascination for choice, especially obvious in Arneson's rational choice theory orientation.

#### **d) An enabling view of public action**

By contrast, we contend that opportunity-based approaches should start from the observation of concrete inequalities and try to remedy them, instead of postulating a problematic ideal of equality that is then mobilised to justify concrete inequalities resulting from supposedly free choice. Drawing on the various critics of mainstream equality of opportunity, two opposed approaches to responsibility may be identified: on the one hand, responsibility is mainly conceived of as i) a “luck vs. choice” fixed starting point, ii) a backward-looking conception and iii) a highly individualistic framework. We situate Cohen and Arneson's so-called “luck egalitarianism” in this group. On the other hand, responsibility is envisaged as i) an outcome of public policies rather than a starting point, ii) a forward-looking conception, and iii) a combined institutional-individual framework. We situate here Sen's capability approach, as well as critics of the former luck egalitarianism path (e.g. Fleurbaey, 1995; Anderson, 1999; Wolff, 1998).

The main difference is with regard to the first point, namely that responsibility should *also* be conceived of as an outcome of public policies. Rather than starting from an ideal presumption of knowledge and decision-making abilities, this perspective suggests that people are heterogeneously equipped with regard to such knowledge and abilities. The capability to make good choices is unevenly distributed. In such a framework, responsibility is not something given but features as a goal of public action. Instead of a backward-looking conception of responsibility which tries to separate out what was due to choice or to circumstances, a forward-looking approach is then advocated (see also Goodin, 1998). In this view, the task of welfare institutions is not only to find the relevant information on people in order to decide about their eligibility to cash benefits, but to construct this information with the aim to render people more responsible. In a word, to help them make good choices rather than to classify them with regard to their previous – happy or unhappy – choices. In Bovens' terms,

In the case of passive forms of responsibility, one is called to account after the event and either be held responsible or not. It is a question of who *bears* the responsibility for a given state of affairs. The central question is: 'Why *did* you do it?' In the case of active forms, the emphasis lies much more on action in the present; on the prevention of unwanted situations and events. Above all, it is a question of responsible acting, of taking responsibility, of *behaving* responsibly. The central question here is: 'What *is* to be done?' (Bovens, 1998: 27, italics original).

The point is that only if appropriate resources are on offer the individual is able to behave responsibly. Following Bovens, "The moral acceptability of the passive form will mostly be dependent on the availability of the active form. We will not easily accept the idea of bearing responsibility unless we have at our disposal *the possibilities of behaving responsibly*. We would be asking a lot of someone if we held him responsible in a situation in which he had no choice other than to behave in the way he did" (*ibid.*, emphasis added). In Sen's approach, this is a major point. One cannot be deemed responsible for something if he did not have the actual opportunity to do it.

The argument for social support in expanding people's freedom can, therefore, be seen as an argument *for* individual responsibility, not against it. The linkage between freedom and responsibility works both ways. Without the substantive freedom and capability to do something, a person cannot be responsible for doing it. But actually having the freedom and capability to do something does impose on the person the duty to consider whether to do it or not, and this does involve individual responsibility. In this sense, freedom is both necessary and sufficient for responsibility. (Sen, 1999 : 284; see also Sen, 1985: 197ff.)

The freedom approach advocated by Sen explicitly subordinates the language of responsibility to that of freedom: "Without the substantive freedom and capability to do something, a person cannot be responsible for doing it". In our view, the implications for social policies are straightforward: namely, that they ought to restore the conditions of a

genuine freedom of choice and help people become responsible. Real freedom is the condition for people to function responsibly. The issue is then no more about how the central state does compensate or not the effects of bad luck, it is rather about how the state, at its different levels of intervention, can help the people to be more responsible, in the sense of having more possibilities to make genuine choices. If one recognises that rationality is not only a private matter but that external sources pervasively impact on it, then the informational role of multi-levelled actors is essential in many concrete policy-making situations. One can talk of distributed or shared rationality, and local welfare agencies facilitating the matching between labour supply and demand can be seen as ‘informational agencies’ (White, 1990).

In case of repeated failure, institutions are not there only to sanction, but to empower, i.e. to restore the conditions for responsible behaviour. This is an enabling view of public action where responsibility is an outcome to be reached, sharply in contrast with a controlling or disciplining view in which responsibility features as a necessary prerequisite for public action. This results in a new combined institutional-individual framework, with an enlarged role for institutions that are not confined to *ex post* compensation of people affected by bad luck, or to guaranteeing one’s entitlement to the fruits of his personal efforts and ambitions. Responsibility then is not a strictly individual matter, rather it has to be articulated between social institutions, in particular those acting at the local level against the impact of negative conversion factors, and civil society and market agents.

As a result of such involvement of all those engaged in the process, a valuable alternative is found to the absence of respect for public action beneficiaries conveyed by the luck egalitarian framework. The need for “shameful revelations” (Wolff, 1998) and the absence of respect for those who are generally the worst-off in society appear as practical implications of the luck egalitarian framework. This case is well illustrated in the sociological literature (Astier, 1997 for France; Orienne et al., 2004 for Belgium; Dean 2003, for UK; Levy 2003, for a European appraisal, etc.). Such a dimension is underdeveloped in Sen’s writings, all the same it is in our view central to the design and implementation of capability-friendly policies (Bonvin, Farvaque forthcoming).

#### **4. CONCLUSION**

A prerequisite in order to get out of the “choice vs. luck” dilemma is then to take into account the necessary indeterminacy of assessment tasks: there is no best way in terms of informational basis of judgement, and one of the main strengths of Sen’s capability approach in our view lies precisely in the recognition of the impossibility to impose uniform assessment criteria. Responsibility judgements are inherently situated and ought to involve, on an equal footing, all local actors, civil officers and beneficiaries alike. Indeed, empirical observation shows the extreme difficulty to separate out issues of brute and option luck, of preferences and circumstances, and Sen’s approach suggests a radical shift that takes us out of the free will impasse. What matters in the capability framework is not to determine if the welfare state’s applicants are deserving, but to see how their capacity to behave responsibly

can be restored. Thus, responsibility is not envisaged as a prerequisite, but as a goal to be attained via public action. This requires completing the informational basis of resources with that of opportunities in a way that integrates the whole issue of the conversion factors. Besides, and more significantly, this shift implies embracing a situated approach requiring that the criteria determining the responsible behaviour be determined 1) neither beforehand, but within the course of public action; 2) nor in a top-down procedure, but in a situated way giving all the actors their right share in the process. Sen explicitly insists on the notion of positional objectivity in ethical and epistemological matters (Sen, 1993), which means that the issue of responsibility cannot be settled without taking into due account all concerned people's perspectives. This is the very meaning of Sen's perspectival evaluation. In other terms, responsibility is not a metaphysical issue or a technocratic concern to be tackled by experts or philosophers, but rather a situated problem with a plurality of possible solutions, which can be solved only in a contextualised and situated way. This also implies the adoption of a forward-looking conception, where all people are involved in the task of reconstructing the conditions for responsible behaviour. It equally requires another way of taking into account past events, not as facts to be judged and sanctioned, but as the starting point for a realistic and effective public action aiming to restore the conditions of genuine responsible choice. As a consequence, the role of institutions is not to take responsibility as it is, but to act upon it and to build the conditions of its effectiveness. This is cogent with the developmental approach advanced by Sen, which aptly captures the fact that responsibility is not a natural fact, but a valuable functioning necessitating the permanent combination of public and individual action.

With regard to this benchmark, the Third Way rhetoric misses the point in many respects. Individual responsibility is an important matter, but when exacerbated without the provision of fair and enabling conditions, it may lead to disastrous outcomes for people. Intrusion in the private sphere is also to be assessed against this capability background, and there is increasing evidence that this is an unfair practice, certainly pervaded by the pitfalls of the "choice vs. luck" philosophy. Equality as inclusion is a legitimate project; very often the methods to achieve it are not.

The capability approach focuses on designing an appropriate institutional-individual framework in order to create the conditions for responsible behaviour. This sharply contrasts with most actual public policies where the main concern is for assessing past behaviour in order to determine if benefits are deserved or not. In our view, this approach features as the most promising way out of the "resources vs. opportunities" dilemma, in that it provides a new pattern of public action based on a greater involvement of local actors and on a constant resort to public deliberation. Ready-made technocratic recipes are discarded; instead public policies are to be designed and implemented in situation. Furthermore, the capability approach allows to take as a starting point actual inequalities rather than a very controversial ideal of equality that looks very unpractical. As such, it provides a critical framework in order to better identify the ambiguities of Third Way policies and suggest possible alternatives.

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