

## CHAPTER IV

### Bread and Stones in Paris<sup>1</sup>

Today, large European world cities like Paris exhibit many increasingly urgent human problems.<sup>2</sup> Some of these problems require renewed ethical and not just economic, political, and sociological reflection.<sup>3</sup> And one such very serious problem is the persistence of extreme child poverty in the midst of unprecedented affluence and its many pernicious effects on children specifically as persons.<sup>4</sup>

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- <sup>1</sup> Earlier and shorter versions of this revised and expanded paper were presented in French at the annual conference of the *Académie catholique de France* in Paris in October 2010, and in English at the *Ecole nationale supérieure* in Paris in November 2010. The French text was published as “Du Pain et des Pierres à Paris: Misère des enfants, éthique philosophique et innovations sociales?” in *Pauvretés et urgences sociales*, ed. J.-R. Armogathe and M. W. Osborne (Paris: Collège des Bernardins, 2011), pp. 33-62. An English version was first published under the title “Persons as Subjects of Suffering” in *Ethical Personalism*, ed. C. M. Gueye (Frankfurt: Ontol Verlag, 2011), pp. 205-240.
  - <sup>2</sup> See, for example, *Manière de voir: L’urbanisation du monde* (Paris: Le Monde Diplomatique, 2010), “L’urbanisation du monde,” in *Atlas de la mondialisation*, ed. P.-F. Durand et al. (Paris: Presses de Sciences Po, 2009), especially pp. 24-26; and Th. Saint-Julien and R. Le Goix, *La métropole parisienne: centralités, inégalités, proximités* (Paris: Belin, 2007), especially pp. 113-137.
  - <sup>3</sup> I write here “renewed” because already for some years thoughtful people in France in particular have been investigating general issues of poverty. See for example the work of P. Bourdieu and his collaborators in their benchmark publication, *La misère du monde* (Paris: Seuil, 1993), especially pp. 1339-1447.
  - <sup>4</sup> In this essay we may generally follow a “standard” contemporary English language philosophical usage of the word “person” as recorded in recent philosophical reference works in English. At least initially then we may understand the English word “person” in David Wiggins’s well-argued sense (see his *Sameness and Identity Renewed* [Cambridge: CUP, 2001], chapter 7) as “any animal that is such by its kind as to have the biological

### §1. Poverty Matters

Exactly what does a society's lack of sufficient political will to eliminate extreme child poverty in such exceedingly wealthy countries and cities as France and Paris tell us, if anything, about the nature of children as persons?

In Paris, utter child destitution persists amidst extraordinary wealth. An early morning walk around the *Gare du Nord*, for example, confronts one directly with many ragged children sleeping under cars between bouts of sniffing glue to appease their hunger before shuffling off for another day of petty theft and prostitution.

Evidently, eminently resourceful Parisian elites lack the political will to institutionalize sufficient resources regularly to feed, clothe, medicate, house, and educate such utterly destitute children, however few, not to mention the so many other French children surviving precariously in the faces of plenty. The fates of the poor children living precariously are uncertain; most however of the destitute children will most probably die prematurely.

This continuing juxtaposition of immense resources and abject child misery has persisted for at least forty years. That is, ever since the appearance in France in the 1970s, after the end of "*les trentes glorieuses*," of both systematic unemployment and exponential growth in personal and institutional wealth, child poverty in Paris has regularly increased.<sup>5</sup>

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capacity to enjoy fully an open-ended list of psychological attributes. The list of attributes is to be filled in by reference to the class of actual persons [see for example below, note 6]" (Q. Cassam, "Persons," *The Oxford Companion to Philosophy*, ed. T. Honderich, 2<sup>nd</sup> ed. Oxford: OUP, 2005], pp. 692-693. In his entry Cassam helpfully discusses some of the pros and cons of this animal attribute theory of the person). A brief representative selection of other contemporary but non-English language understandings of the person may be found in, for example, *Person: Philosophische Texte von der Antike bis zur Gegenwart*, ed. M. Brassler (Stuttgart: Reklam, 1999), especially pp. 104-199.

<sup>5</sup> Cf. X. Emmanuelli and C. Frémontier, *La fracture sociale* (Paris: Presses universitaires de France, 2002), especially pp. 38-47.

Yet, after the financial crisis that began in the United States on September 15, 2008,<sup>6</sup> within no more than weeks, immense resources were found to sustain enormously wealthy Parisian bankers, financiers, captains of industry, and “*la caste des riches*.”<sup>7</sup>

Many would argue that, in the face of persisting child destitution, such priorities on the part of a generally very affluent society are socially unjust and ethically unacceptable.<sup>8</sup> But what resources might still be on hand for helping generate sufficient political will to aid those destitute children in Paris who, if unaided, will continue to die prematurely? Could, surprisingly, some of these resources include philosophical ones?

Sadly, I am not able to offer here anything more than two quite modest philosophical suggestions for further inquiry. Moreover, these two suggestions are restricted to the domain of the metaphysical.

Still, these otherwise “idealistic” notions do not arise from exclusively *a priori* considerations. They arise rather *a posteriori*. They arise, that is, from sustained reflection on several only of the numerous strictly empirical ways in which the many kinds of sufferings of extremely poor children, in France generally and in Paris in particular, would seem to affect the nature of such children precisely as persons.

In this essay the motivation is simple<sup>9</sup> but the intentions are twofold. First, I would hope to contribute in some small way

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<sup>6</sup> September 15, 2008 is the date of the financial collapse of Lehman Brothers in New York City, the date on which most analysts now believe the banking crisis began. This banking crisis then led to a generalized financial crisis throughout the world.

<sup>7</sup> M. Pinçon and M. Pinçon-Charlot, *Les ghettos du Gotha* (Paris: Seuil, 2007).

<sup>8</sup> See two very well informed works, J. Damon, *Éliminer la pauvreté* (Paris: Presses universitaires de France, 2010), pp. 143-200, and, more generally, A. Touraine, *Après la crise* (Paris: Seuil, 2010), pp. 111-142.

<sup>9</sup> Cf. N. Sarthou-Lajus, “*Toute vie est exposée à la précarité et crée des obligations de solidarité à l’égard de personnes que l’on connaît peu or pas du tout*” (*Études*, 154 [Juillet-Août, 2010], p. 6).

to continuing debates about whether and how to institutionalize new, less ineffective social policies in France and elsewhere that might better safeguard the personhood of such suffering children.<sup>10</sup>

I would also hope, secondly, to understand better and thereby perhaps make more probable the actual alleviation of the suffering of such persons one distinguished French historian has notably characterised as “*les exclus hors du système; ceux qui ne sont pas visibles sur les radars de détection sociale; ce qui échappent à nos analyses et statistiques.*”<sup>11</sup>

In what follows I come to my suggestions by respectfully questioning two quite distinguished and critically elaborated accounts of poverty. I try to pay particular attention to their respective understandings of the nature of persons.

I do so in the harsh light of some only of the apparently endless empirical details of extreme child poverty in Paris today?<sup>12</sup> For these details, I believe, often render these otherwise quite cogent general accounts ineffectual. In each case I try to show that further philosophical reflection may still open up innovative paths in the future for helping both to understand and to remedy such persisting child destitution less ineffectually.

## §2. Poor Young People

In his November 15, 2010 Annual Report France’s official “*Défenseur des enfants*” claimed that, of the 8 million persons es-

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<sup>10</sup> Cf. N. Baverez, “*Ce n’est pas la protection sociale qui est remise en cause... mais bien les principes, les institutions et les règles qui la gouvernent en Europe. ... Sous la pression du surendettement public, tous les pays européens sont contraints de restructurer leurs Etats-providence, la France en tête dont la dépense sociale représente 35% du PIB. Le pacte social de l’après-seconde guerre mondial est mort. Il doit être réinventé... il n’est pas de sortie de crise pour la France et l’Europe sans une innovation intense, y compris dans le domaine social*” (*Le Monde*, August 10, 2010).

<sup>11</sup> J.-R. Armogathe. *Personal communication*, September 2010.

<sup>12</sup> See A. Bhalla and P. McCormick, *Poverty Among Immigrant Children in Europe* (London: Palgrave/Macmillan, 2009).

estimated to be living below the poverty threshold in France at that time, 2 million were children living in families with total incomes below 950 euros per month.<sup>13</sup> These numbers however are questionable. For quantifying the numbers of poor children in France today is difficult.

To see why, one needs to recall that poverty continues to have very many importantly different definitions. Moreover, however defined, poverty comes in many different kinds, such as relative and absolute poverty, subjective and objective poverty, transitory and chronic poverty.

Still more, whatever its kind, poverty is measured quite variously. Thus poverty is sometimes measured as the incidence of poverty (that is, the number of poor persons and the rate of poverty), or other times as the intensity of poverty (that is, the sum of the disparities with respect to the threshold of poverty), or on still other occasions as the inequalities among the poor themselves, and so on.

Some of these recurring difficulties with the nature, the kinds, and the measures of poverty are particularly on evidence in the variations in official government accounts of numbers of poor children in France during the period from February 2004 to March 2010.

Thus, in February 2004, the French *Conseil Emploi Revenus et Cohesion Sociale* (CERC) estimated that roughly 1 million children<sup>14</sup> in France were living below the then official French

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<sup>13</sup> *Report annuel du défenseur des enfants* (Paris: La Documentation française, 2010). See *Le Monde*, November 16, 2010.

<sup>14</sup> Note that The United Nations Convention on the Rights of the Child, adopted on November 20, 1989 in the General Assembly Resolution 44/25 and officially in force as of September, 1990, defines children as, generally, all persons from their ages of birth up to their 18<sup>th</sup> birthday but not above. Some current French discussions about juvenile delinquency include proposals to re-define current French legal definitions of those children who are currently understood to be “*mineurs*.” In speaking of “children” here I will be following throughout the understanding of “children” in the United Nations sense above and not in the newly controversial French legal understanding of “*mineur*.”

poverty level of 50% of net national income.<sup>15</sup> This number of poor children represented an estimated 6% of the then French population as a whole.<sup>16</sup>

At that time, the expression “**living below the poverty level**” meant living below the official French norm of 50% of the median household revenue.<sup>17</sup> The poverty at issue here was a so-called “**relative poverty,**” **fixed not with respect to any con-**

<sup>15</sup> ONPES, *Rapport 2009-2010* (Paris: ONPES / La Documentation française, 2010), p. 65. Philosophers and others may sometimes need to remind themselves of several elementary questions concerning the nature of statistical information in the social sciences particularly. Thus about any set of statistics one needs to answer such questions as: “What kinds of statistics are these?” “What is the exact meaning of the terms in which they are labeled?” “What can these terms actually tell us, and what can they not tell us?” “Who gathers these statistics, who publishes them, when and how often are they gathered and published?” “Are they regularly revised and, if so, by whom, how, and how often?” “How should they, normally, be interpreted?” “What are the time periods covered?” “Where relevant, do the statistics take into account seasonal adjustments and inflation?” In short, just how epistemically reliable are the particular statistics at issue? Cf. R. Stutely, *The Economist Guide to Economic Indicators*, 6<sup>th</sup> edition (London: *The Economist* / Polity, 2006), pp. 1-27.

<sup>16</sup> In 2008, however, the French government finally correlated its previous official French measure of the poverty level with the official European Union (EU) measure of 60% of net national income. Accordingly, in April 2008 (ONPES) reported that an estimated 12.1% of the then French population, including children, was now living below the poverty level. But the 2008 report did not specify exactly how many children, excluding other poor persons, were estimated to be living below that poverty level.

<sup>17</sup> The “**poverty level**” of most European Union (EU) countries is mainly calculated according to the median household revenue, a measure according to which one half of the population measured gains more whereas the other half gains less. The “**net national income**” is “**GDP (gross domestic product) plus net property income from abroad (rent; interest; profits and dividends) = GNI (gross national income) minus capital consumption (depreciation) = NNI (net national income. ... NNI is the most comprehensive measure of economic activity, but it is of little practical value due to the problems of accounting for depreciation)**” (p. 29). For definitions, discussions, and criticisms of many general economic indicators see Stutely 2006, *passim*. For understanding economic and social statistics especially in France see S. Dupays, *Déchiffrer les statistiques économiques et sociales* (Paris: Dunot, 2008), pp. 69-86.

sumption norm but as a function of a level of socially tolerable minimum well-being.<sup>18</sup>

In February 2008 also, the French national statistics office, INSEE, reported its estimates on the numbers of poor persons in France.<sup>19</sup> On the basis now of the 60 per cent measure of equivalent median household revenue in each of the then member states of the European Union (EU), INSEE also reported that in 2005 12.1 per cent of the population or 7.13 million persons were estimated as living below the poverty level in 2005.<sup>20</sup> At the same time INSEE specified the numbers of poor children in France as roughly 2 million persons.<sup>21</sup>

Are we then to understand that between 2004 and 2005 the official numbers of poor children in France changed from 1 to 2 million persons by reason solely of a change in the official measure for determining the poverty level? Or did these numbers also change because of an actual rise in the numbers of poor people including poor children? Finding the correct answer remains difficult.

In March 2010 France's official *Observatoire national de la pauvreté et de l'exclusion sociale* (ONPES) corrected its earlier April 2008 estimates. It was able to do thanks to its unusually valuable

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<sup>18</sup> See the interview of E. Lasida and K. Minkieba Lompo with the distinguished French economist, J.-L. Dubois, "La pauvreté: une approche socio-économique," *Transversalités*, n° 111 (Juillet-Septembre, 2009), pp. 35-47, especially p. 38.

<sup>19</sup> Cf. INSEE's presentations of its "Indicateurs des inégalités sociales" and "Fiche thématique 16: Niveau de Vie et Pauvreté" for 2008 in its November 2008 authoritative annual publication, *France: Portrait Social* (Paris: INSEE, 2008), pp.117-122 and pp. 226-227 respectively, with its discussion of its "Indicateurs des inégalités sociales" and "Fiche thématique 16: Niveau de Vie et Pauvreté" for 2009 in the November, 2009 edition (Paris: INSEE, 2009), pp. 143-148 and pp. 268-269.

<sup>20</sup> Cf. ONPES 2008, pp. 26-31.

<sup>21</sup> Between 2002 and 2005 the numbers of the poorest among the already poor, that is, those persons who are presently described in France as living with less than 40 per cent of the median national revenue, increased by 14%. While individuals living alone are clearly affected by such elements, households and especially the non-working children in such households are even more affected.

ten-year longitudinal study, *Bilan de 10 ans d'observation de la pauvreté et de l'exclusion sociale à l'heure de la crise*.<sup>22</sup>

ONPES now reported that already in 2007 poverty in France measured at the rate of 60% of net national income and according to ONPES's 11 central indicators applied to data from 1998 to 2008 affected 13.4% of the then population. Moreover, ONPES specified the different kinds of poverty at issue.<sup>23</sup>

But official government statistics specifically for the actual numbers of poor French children were not provided. ONPES reported, with perhaps exaggerated deference: "*Les indicateurs de mesure de la pauvreté, élaborés avec une méthodologie robuste par les administrations publiques de la statistique, ne permettent pas, à ce stade, de mettre en évidence un impact de la crise économique sur la pauvreté.*"<sup>24</sup>

Even today, in January 2014 as I revise these materials once again in the continuing aftermath of the September 2008 onset of a global housing, banking, financial, and economic crisis, French government estimates – corrected, reliable, and official – of the numbers specifically of children in France living below the adjusted poverty level at very different degrees are still not available.<sup>25</sup>

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<sup>22</sup> ONPES 2010.

<sup>23</sup> ONPES 2010, p. 65.

<sup>24</sup> ONPES 2010, p. 32.

<sup>25</sup> "Numbers," INSEE's next official census originally planned for 2010, will probably be delayed. Note that some relatively exact numbers of poor children may be known but not authorized for public knowledge. In the recent past, for example, at least one official French institution, the *Agence nationale d'accueil des étrangers et migrations* (ANAEM), has refused without explanation standard requests from A. Bhalla and me for authorisation to publish some of their statistical information about the ethnic identities of some poor children in France. This statistical information had enabled us to construct a number of useful tables for our recently published book, Bhalla and McCormick 2009. Lacking official authorisation we were obliged to delete these tables from our final book. Note that in this paper wherever possible I use more recent and corrected figures for those first presented in the 2009 book. A convenient overview of both of the many relevant Internet addresses in France and in the EU and of the most recent statistical information can be found in "Les Chiffres de l'économie 2011," *Alternatives économiques, Hors Série*, n° 86 (4e trimestre 2010).



But the situations of poor people generally and in particular of poor children in France have certainly worsened.<sup>26</sup>

In fact, the exact numbers of even the relatively small numbers of just the extremely poor, or of the destitute street children in Paris today will most probably never be known officially. In fact, these extremely poor street children remain for the most part administratively invisible.

For, despite continuing improvements, INSEE has yet to develop either specific enough categories for their numbers to be properly registered, or sufficient and reliable enough essential data.<sup>27</sup> Consequently, institutionalising government programmes

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<sup>26</sup> Although the numbers of poor persons in France have remained relatively stable over the last seven years, both the material and the immaterial situations of these persons have worsened substantially, especially those of children (ONPES 2010, p. 65). For among the many factors affecting the numbers of poor persons is the unemployment level. And between 2003 and 2005 alone the numbers of those employed at least seven months out of the twelve in the year at issue but not earning enough to keep them above the official poverty level for that year, the numbers of the so-called “working poor,” increased by 21%. **This description is of those persons officially satisfying the European definition of *travailleurs pauvres*.**

<sup>27</sup> Despite recent progress in both the kinds of official statistics gathered and their reliability (see for example an interview with the economist and Director of INSEE, J.-P. Cotis, in *Le Monde*, November 18, 2009, INSEE unlike its UK and USA counterparts does not yet enjoy full political independence (see for example the article of the Assistant Director of *Le Figaro*'s economics section in *Le Figaro*, May 21, 2008). In the past this fact has sometimes negatively influenced both the types of statistics collected as well as the timing of their publication, obstructing the proper understanding of, for example, French unemployment rates. See L. Data, *Le grand truquage: Comment le gouvernement manipule les statistiques* (Paris: La Découverte, 2009), especially “Réduire la pauvreté ... en changeant d'indicateur,” pp. 97-113. Despite its sensationalist title, this book includes serious work. The book's back cover states that the author's name, “L. Data,” is “le pseudonyme d'un collectif de fonctionnaires issus de la statistique et de la recherche publiques, dont les plupart sont tenus à l'obligation de réserve.” Still, on the publication of a French government commissioned two volume report by the Nobel prize laureats, A. Sen and J. Stiglitz, together with J.P. Fitoussi, the president of the influential *Observatoire français des conjonctures* (OFCE), *Le Monde* titled a headline inside its September 15, 2009 edition: “Nicolas Sarkozy s'appuie sur le rapport Stiglitz pour appeler

for addressing efficiently the desperate, indeed mortal, problems of such destitute street children, adequately budgeting, and regularly evaluating such programmes remains virtually impossible.

Some still proclaim that, although some persons including extremely poor children are lacking in “well-being,”<sup>28</sup> a certain stabilization of the numbers of poor people in France over the last years has occurred. They can do so correctly, however, only by restricting their understandings of poverty to mainly monetary terms.

But although often politically quite expedient, such a restriction is demonstrably unsatisfactory. That is why some statisticians working in France at CERC, ONPES, INSEE, and elsewhere in the EU<sup>29</sup> as a whole continue to work at developing less unsatisfactory indicators for measuring poverty.<sup>30</sup>

*à une révolution statistique mondiale*” (President Sarkozy signed the Preface of the Report). Since then, however, nothing further seems to have happened with respect not just to a revolution in world statistics but especially with respect to ensuring greater political independence (and job security for some of its anonymous employees) for INSEE.

- 28 **“Well-being” has become something of a technical word in much contemporary economic, political, legal, sociological, and philosophical writing.** See two recent extended discussions in N. Baylis, P. Huppert, and B. Keverne, *The Science of Well-Being* (Cambridge: Cambridge UP, 2009) and D. Bok, *The Politics of Well-Being: Government Can Learn from the New Research on Well-Being* (Princeton: PUP, 2010). For our purposes here see especially A. Sen, *The Idea of Justice* (London: Allen Lane, 2009), especially “Happiness, Well-Being and Capabilities,” pp. 269-290.
- 29 For example, at the Oxford Poverty and Human Development Institute at Oxford University. See also the detailed report in *The Economist*, July 31, 2010, on the newest metric developed at this Institute. This metric, the “Multidimensional Poverty Index” (MPI), an aggregation of ten separate indicators was adopted by the United Nations Development Programme (UNDP) in its annual report published in October 2010.
- 30 For example, in its April 2008 Annual Report for 2007-2008, ONPES elaborated a new set of eleven “central” indicators for describing objectively poor persons, socially excluded persons, and persons receiving minimum social benefits. ONPES also provided a ten year longitudinal study (1996-2005) of the evolution of these eleven indicators. And in its March 2010 Annual Report for 2009-2010 ONPES used these indicators in its articulation of the ONPES ten-year *Bilan*.

The March 2010 ONPES authoritative ten-year longitudinal study of poverty in France concluded: “*En France comme en Europe, la pauvreté et l’exclusion restent à un niveau inacceptable.*” Such a conclusion from such a source based on such evidence covering the previous ten years is rightly upsetting.

For how can such utter poverty persist among so many children in such an affluent country as France and in such an extraordinarily rich city as Paris? How can such an affluent society remain incapable of generating sufficient political will to put the remedying of such persistent children’s suffering among its highest priorities?<sup>31</sup>

Perhaps several reminders from some contemporary work in English language social and political philosophy may prove suggestive.<sup>32</sup> These considerations will lead to an initial suggestion as to how to characterize more basically just what it is that destitute Paris children clearly lack precisely as persons. In turn, this will help to understand better how to address that lack more efficaciously than at present. For affluent Paris elites clearly lack something basic as persons too.

Consider first several reflections of John Rawls and begin with several background citations.<sup>33</sup>

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<sup>31</sup> Some may ask more angrily: how can reasonable persons even imagine that “enlightened” Paris, after Marie Antoinette, can find no bread for its destitute children? Must these children break their teeth on stones? Note that in 2008, however, the French government finally correlated its previous official French measure of the poverty level with the official European Union (EU) measure of 60% of net national income. Accordingly, in April 2008 the *Observatoire national de la pauvreté et de l’exclusion sociale* (ONPES) reported that an estimated 12.1% of the then French population, including children, was now living below the poverty level. But the 2008 report did not specify exactly how many children, excluding other poor persons, were estimated to be living below that poverty level.

<sup>32</sup> For a useful but very different approach than the one I adopt here see D. Zwarthoed, *Comprendra la pauvreté: John Rawls, Amartya Sen* (Paris: Presses universitaires de France, 2009).

<sup>33</sup> *A Theory of Justice* (Cambridge, MA: Harvard UP, 1971, revised edition 1999). Poverty and its remedies is not a central theme but nonetheless an important one in Rawls’s very influential work.

## §3. Fairness and Poor Children in France

“Since Greek times, in both philosophy and law, the concept of the person has been understood as the concept of someone who can take part in, or who can play a role in, social life, and hence exercise and respect its various rights and duties. Thus, we say that a person is someone who can be a citizen, that is, a fully cooperating member of society over a complete life... Since persons can be full participants in a fair system of social cooperation, we ascribe to them the two moral power connected with the elements in the idea of social cooperation... a capacity for a sense of justice and a capacity for a conception of the good. A sense of justice is the capacity to understand, to apply, and to act from the public conception of justice which characterizes the fair terms of social cooperation. The capacity for a conception of the good is the capacity to form, to revise, and rationally to pursue a conception of one’s rational advantage, or good.”

J. Rawls (1985)<sup>34</sup>

“Our options are physicalism or dualism. Which are we to endorse? The Incarnation points us toward physicalism. For the physicalist, unlike the dualist, can insist that becoming embodied is necessary for becoming human; she can insist that the Incarnation requires the Son to become incarnate. Moreover, and more importantly, the physicalist – but not the dualist – can easily and straightforwardly account for God the Son’s having the body of Jesus and no other.”

T. Merricks (2007)<sup>35</sup>

In trying to articulate his reflections on the nature of justice in a just society, John Rawls (1921-2002) starts with a thought ex-

<sup>34</sup> J. Rawls, “Justice as Fairness: Political not Metaphysical,” in *Collected Papers*, ed. S. Freeman (Cambridge, MA: Harvard UP, 1999), pp. 397-398.

<sup>35</sup> T. Merricks, “Dualism, Physicalism, and the Incarnation,” in *Persons Human and Divine*, ed. P. Van Inwagen and D. W. Zimmerman (Oxford: Clarendon Press, 2007), p. 299.

periment. He invites us to imagine a situation of thoroughgoing impartiality in which persons are called upon to judge fundamental issues with a maximum of fairness.

The situation he asks us to imagine is one in which free and rational persons who, while knowledgeable about the general facts of the natural and social sciences, are nonetheless completely ignorant of every particularity that concerns their interests as individuals.

That is, the persons in such an imaginary situation are incapable of knowing what might specifically be in their own individual interests. When called upon to settle fundamental but controversial matters, they cannot judge but impartially in the sense that they cannot take into account their own individual interests.

Their specific task is to reach agreement about what might be the minimal fundamental principles of justice on the basis of which just institutions and a just society might evolve.<sup>36</sup>

In such a situation Rawls believes that the fundamental principles of justice come out to be two. After reworking their formulations several times, Rawls's final formulation of these two principles is the following.

- (1) "Each person has an equal claim to a fully adequate scheme of equal basic rights and liberties, which scheme is compatible with the same scheme for all; and in this scheme the equal political liberties, and only those liberties; are to be guaranteed their fair value."
- (2) "Social and economic inequalities are to satisfy two conditions: first, they are to be attached to positions and offices open to all under conditions of fair equality of opportunity, and second, they are to be to the greatest benefit of the least advantaged members of society."<sup>37</sup>

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<sup>36</sup> J. Rawls, *A Theory of Justice* (Cambridge, MA: Harvard UP, 1971/revised ed. 1999), pp. 102-160. Throughout, I cite the 1999 edition.

<sup>37</sup> J. Rawls, *Political Liberalism*, 2<sup>nd</sup> ed. (New York: Columbia UP, 1996), pp. 5-6.

Note that Rawls assigns the priority of the first principle, a principle of the strict equality of rights and liberties, over that of the second, a principle of fair only equality of opportunity and hence of permissible inequality. And note further that the first [simple] principle “**applies roughly to the constitutional structures and guarantees of the political and legal systems, and the second [twofold principle] to the operation of the social and economic systems...**”<sup>38</sup> It is the latter condition of the second condition, the much discussed “difference principle,” that concerns especially the poor.<sup>39</sup>

Rawls’s understanding of poverty and its remedies involves two main elements. The first element is a certain version of utilitarianism, which he later repudiated.<sup>40</sup> And the second is a central distinction between different kinds of human goods, which he later retained but only with important modifications.<sup>41</sup>

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<sup>38</sup> See T. Nagel, “Rawls and Liberalism,” in *The Cambridge Companion to Rawls*, ed. S. Freeman (Cambridge: CUP, 2003), pp. 62-85. The citation here is from p. 66.

<sup>39</sup> In fact, there is more than one difference principle. See P. van Parijs, “Difference Principles,” in Freeman 2003, pp. 200-240, especially pp. 202-208 where van Parijs distinguishes no less than different formulations. Still, “the core of the principle is a simple and appealing idea: that social and economic inequalities should be evaluated in terms of how well off they leave the worst off. The idea is simple; it amounts to asking that the minimum of some index of advantage should be maximised. To many; it is also appealing; for the demand that the advantages enjoyed by the least advantaged should be as generous as (sustainably) possible provides a transparent and elegant way of articulating an egalitarian impulse and a concern for efficiency. For it avoids, at the same time, the absurdity of equality at any price and the outrageousness of maximising the aggregate no matter how distributed,” p. 200.

<sup>40</sup> Utilitarianism is more than one doctrine. For, besides the classical (rather different) views of Jeremy Bentham, James Mill, John Stuart Mill, and Henry Sidgwick on maximizing pleasure or happiness or utility, utilitarianism comprises also many contemporary versions, including sophisticated versions of contractualism.

<sup>41</sup> Cf. *Utilitarianism and Beyond*, ed. J. C. C. Smart and B. Williams, 1973, and T. Pogge, *John Rawls: His Life and Theory of Justice* (Oxford: OUP, 2007).

The version of utilitarianism Rawls initially held in his justly renowned 1971 major work, *A Theory of Justice*, had two components. The first was that the sole central element in human happiness, or “well-being” understood as “a person’s good,” is utility. Rawls took the technical word “utility” here mainly as the satisfaction of an individual’s rational preferences, or, more carefully, as the satisfaction of a hierarchy of the rational preferences of an individual.

The second element was that the moral rightness of actions is a function solely of their producing as consequences for happiness and well-being at least as much utility for all persons affected as any feasible alternative would.<sup>42</sup>

“The main idea [in this version of utilitarianism],” Rawls wrote in 1971, “is that a person’s good is determined by what is for him the most rational long-term plan of life given reasonably favourable circumstances. A man is happy when he is more or less successful in the way of carrying out this plan. In a word, the good is the satisfaction of rational desire.”<sup>43</sup>

In the light of many constructive criticisms, however, Rawls reconsidered his earlier views in a new Preface he provided for the much revised 1999 edition of his book. “I do not believe,” he now wrote, “that utilitarianism can provide a satisfactory account of the basic rights and liberties of citizens as free and equal persons...”<sup>44</sup>

Besides a certain version of utilitarianism, Rawls’s earlier views on poverty also included a major distinction between primary goods and natural goods. Primary goods are directly controlled by the basic structure of society that distributes such goods. By contrast, natural goods are not directly controlled in this way, although they are subject to the influences of such basic structures.

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<sup>42</sup> For a thoroughgoing account of this central topic see S. Scheffler, “Rawls and Utilitarianism,” in Freeman 2003, pp. 426-459, especially pp. 448ff.

<sup>43</sup> Rawls 1999.

<sup>44</sup> Rawls 1999, Preface.

Initially, Rawls took primary goods as “things that rational persons want whatever else they want, and what these were and why they were to be explained by the account of goodness...”<sup>45</sup> Thus, primary goods are those that need to be distributed fairly and justly, the goods we might initially consider extremely poor Paris children to be lacking and the goods that, *faute de mieux*, French political elites and their successive governments are obligated to provide.

Again, however, thanks to widespread critical discussion, Rawls recognized that this initial account of what primary goods are conceals a serious ambiguity. What is ambiguous is whether a primary good depends for its proper understanding on “the natural facts of human psychology,” or whether a primary good depends on “a moral conception of the person that embodies a certain ideal.”<sup>46</sup>

In 1999 Rawls believed that his revised version of what he meant by “primary goods” resolved this ambiguity. It did so by more clearly articulating the second of the two interpretations possible and by elaborating the second interpretation further. Thus, “persons are to be viewed as having two moral powers,” he wrote, “...and as having higher-order interests in developing and exercising those powers.”<sup>47</sup>

The first moral power persons have is “the capacity for a sense of justice, [that is] ... the capacity to understand, to apply, and to act from (and not merely in accordance with) the principles of political justice that specify the fair terms of social cooperation.” And the second moral power persons have is “a capacity for a conception of the good, [that is] ... the capacity to have, to revise, and rationally to pursue a conception of the good.”<sup>48</sup>

Significantly, as we will see in a moment, Rawls formulated each of these basic moral powers in terms of what he called “capacities.”

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<sup>45</sup> Cf. Pogge 2007, pp. 73-79.

<sup>46</sup> Rawls 1999, p. xiii.

<sup>47</sup> *Loc. cit.*

<sup>48</sup> Rawls 2001, p. 19.



More generally, Rawls also spelled out what he called “the chief primary goods.” **These are: “rights, liberties, and opportunities, and income and wealth.”** He specified the central primary social good as self-respect.

In particular, he detailed the primary goods at length as:

“(a) basic rights and liberties; freedom of thought and liberty of conscience...; (b) freedom of movement and free choice of occupation against a background of diverse opportunities...; (c) powers and prerogatives of offices and positions of authority and responsibility [in the political and economic institutions of the basic structure]; (d) Income and wealth understood as all-purpose means... generally needed to achieve a wide range of ends whatever they may be; [and] (e) the social basis of self-respect, understood as those aspects of basic institutions normally essential if citizens are to have a lively sense of their worth as persons and to be able to advance their ends with self-confidence.”<sup>49</sup>

Among those enjoying such primary goods in abundance today of course are, among many others in France and elsewhere, Paris elites.

Now, when we return to our present concern with specifying just what extremely poor children lack as persons when some say all too generally that they lack “**well-being,**” Rawls’s account may seem immediately helpful. For we might believe that what these children basically lack are certain primary goods as wants. Thus, remedying such lacks would mainly involve satisfying those wants.

But closer attention to the empirical particulars of their situations show that what extremely poor children basically lack are not some of the primary goods they may want. Rather, these destitute children basically lack certain other primary goods they need even though they may be incapable of wanting them. To see this point, we need to recall briefly the concrete situations of such Paris children.

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<sup>49</sup> Rawls 1993; 2001.

#### §4. Destitute Children in Paris

A vast majority of extremely poor unaccompanied children are concentrated in the Paris region, although many are also dispersed throughout France.<sup>50</sup> They constitute a heterogeneous group of persons from different regions and countries. And their separation from their families is motivated by different reasons.

French government administrations have recognized the following five categories of these children:

- a) *Asylum-seeking Children*, that is, poor children who have fled to France from civil wars or ethnic strife in their countries of origin.
- b) “*Mandated*” (“*mandates*”) *Children*, that is, poor children belonging to families who have assigned them a financial mission to accomplish in France. Often parents force such children from their homes to travel abroad alone, to find money there, and to send back remittances.
- c) *Exploited Children*, that is, poor children who fall prey to drug-traffickers, pimps, and paedophiles. Most such exploited children are forced to act as conduits for transporting drugs and to indulge in other illegal activities in France.
- d) *Runaway Children*, that is, poor children who leave home and go to France because they are abused or maltreated or for other reasons.
- e) *Roaming Delinquent Children* (“*errants*”), that is, poor children who may have indulged in begging and stealing in their home countries before coming to France where they often continue to do the same.<sup>51</sup>

The unaccompanied extremely poor children we are specifically concerned with may fit into all of the above administrative categories, into some, or into none of them. We do well then to

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<sup>50</sup> See ONPES 2010, pp. 76-77.

<sup>51</sup> These categories are taken from A. Bhalla and P. McCormick 2009, p. 118.

refer to these utterly poor children separately. Let us continue to call them here, not improperly, “destitute children.”<sup>52</sup>

One major reason for calling these children “destitute” is that the empirical situations of these extremely poor children fully satisfy the two-volume *Shorter Oxford English Dictionary*’s informative description of how the word “destitution” is currently used.<sup>53</sup> Thus, we may not improperly refer to those extremely poor Paris as “destitute” for this word is commonly used to refer to persons continuing to live in a state of “extreme poverty,” in “great need of food, shelter, etc.,” “without resources,” “left friendless or hopeless.”

Further, such persons’ persisting lack of many fundamental needs for survival such as food, clothing, shelter, medical assistance, and so on results in chronic undernourishment, ill health, progressive physical and mental deterioration, and finally premature death.

And finally these Paris children are also destitute in the original Latin sense of the word. That is, these Paris children are *destitutus* in a sense that still resonates profoundly for many persons today. For most of these destitute Paris children would seem to be “forsaken.”

When taken together, these particulars of the concrete situations of destitute children in Paris appear to show up important gaps in Rawls’s otherwise cogent account. For they call attention to at least two of Rawls’s basic yet problematic assumptions.

One basic assumption is that almost all persons are eminently rational.

Yet as experience demonstrates, most persons who are in a position today to remedy the persistence of destitution among destitute Paris children, for example many educated, experienced, resourceful, powerful, and even well-intentioned

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<sup>52</sup> Table 1.1 is taken from Bhalla and McCormick 2009, p. 5 and gives a typology of some distinguishing features of the interrelated but distinct notions of poverty, deprivation and destitution.

<sup>53</sup> Oxford: OUP, 2007.

members of different Paris elites, often continue to live as if they lack the mature rationality that Rawls's approach presupposes.

Moreover, a second basic assumption is that almost all rational persons enjoy the two central moral capacities of a sense of justice and a comprehensive conception of the good.

Yet, as experience also demonstrates, not just the fact of child destitution but the persistence of this fact over such a long time in such an affluent country and in such a very wealthy city strongly suggests that other circumstances, situations, proclivities, priorities, and choices have obstructed the development of rational powers in many such persons and in their respective circles.

So, however cogent Rawls's carefully considered views may at first seem, whether a justice-as-fairness approach can prove satisfactory enough for elucidating both what destitute Paris children basically lack and why their destitution persists is doubtful. The undue abstraction of the justice as fairness approach as a whole and the assignment of too central an importance to the moral powers of citizens are finally not helpful enough.

Nonetheless, several important points arise from these reminders. And these points focus fresh attention on the nature of persons.

One is the idea we already noted that a primary good depends on "a moral conception of the person that embodies a certain ideal."<sup>54</sup> And another important point is the connected idea we also noted that persons have a moral power, "a capacity for a conception of the good, [that is] ... the capacity to have, to revise, and rationally to pursue a conception of the good' of the good..."<sup>55</sup>

The first idea raises the question of just what Rawls thinks the ideal might be that he says a person embodies. In 1999 he writes that "...in both philosophy and law, the concept of the

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<sup>54</sup> Rawls 1999, p. xiii.

<sup>55</sup> Rawls 2001, p. 19.

person has been understood as the concept of someone who can take part in, or who can play a role in, social life, and hence exercise and respect its various rights and duties.”<sup>56</sup>

Although other candidates might be advanced for playing the role of the ideal that Rawls believes persons embody, I believe that the contexts of his remarks here clearly favour taking this ideal as the potential to be a citizen. For, as Rawls continues immediately to write in the same place, “Thus, we say that a person is someone who can be a citizen, that is, a fully cooperating member of society over a complete life...”<sup>57</sup>

A person then may arguably be said to embody pre-eminent-ly neither a cultural nor a religious ideal but a political one. One central consequence is that the moral moves from the private into the public space where it can become subject to ongoing debate and argument.

The second idea focuses attention on just what is to be taken as underwriting the striking claim that persons are endowed with a double moral power. This claim turns out to derive its main justification from the antecedent claim that persons embody the potential to be citizens.

As Rawls proceeds to argue, “**Since persons can be full participants** in a fair system of social cooperation [that is by virtue of their already embodying the potential to be citizens], we ascribe to them the two moral powers connected with the elements in the idea of social cooperation... a capacity for a sense of justice and a capacity for a conception of the good.”<sup>58</sup>

The sense of justice at issue here, the person’s first moral power, is what Rawls in the same 1985 paper calls “the capacity to understand, to apply, and to act from the public conception of justice which characterizes the fair terms of social cooperation.” And the person’s second moral power, Rawls’s capacity

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<sup>56</sup> J. Rawls, “Justice as Fairness: Political not Metaphysical,” in *Collected Papers*, ed. S. Freeman (Cambridge, MA: Harvard UP, 1999), p. 397.

<sup>57</sup> *Ibid.*

<sup>58</sup> *Ibid.*

for a conception of the good, is “the capacity to form, to revise, and rationally to pursue a conception of one’s rational advantage, or good.”<sup>59</sup>

Similarly then, a person may also be said to embody two basic moral capacities. But part of the central justification for this claim follows from the argument for the antecedent claim.

Since that antecedent claim has among its consequences the shift of a basic ideal of the person from the most often inaccessible domains of private discourse to the much more open domains of public discourse, so too here one consequence is that further inquiry into the nature of a the person’s two basic moral capacities also shifts from the private to the public domain.

In short, reviewing Rawls confronts us with a conception of the person as always embodying a certain public good. This good may perhaps not unfairly be understood in terms of what one philosopher has expressed figuratively and memorably as “the sovereignty of the good,”<sup>60</sup> what I will refer to hereafter as “a sovereign good.”<sup>61</sup>

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<sup>59</sup> J. Rawls, “Justice as Fairness: Political not Metaphysical,” p. 398

<sup>60</sup> This is the title of Iris Murdoch’s philosophical book of many years ago.

<sup>61</sup> This expression is to be understood here as not excluding Rawls’s much earlier theological concerns in his Princeton undergraduate senior thesis submitted to the Department of Religion in December 1942 and now published as *A Brief Inquiry into the Meaning of Sin and Faith*, ed. T. Nagel (Cambridge, MA: Harvard UP, 2009). See Rawls’s discussion of eight features of personal relations on pp. 115-118, J. Cohen’s and T. Nagel’s discussion of these points on pp. 8-9 of their “Introduction,” and R. M. Adams’s related comments in his accompanying essay, “The Theological Ethics of the Young Rawls,” pp. 24-101, especially p. 52. Rawls had originally considered studying to become an Episcopalian (Anglican) priest. However, he entered military service in 1942 just after submitting his senior thesis at the age of 20. And when he returned to Princeton in 1946 to pursue doctoral studies, he decided to study philosophy and not religion. Very much later in his life he speculated that his war experiences probably brought about the loss of his Christian faith, a change he discussed in a short paper he drafted in 1997 and entitled, “On My Religion,” five years before his death in 2002. Not published during his lifetime, his draft paper “On My Religion” is now included in with his posthumously published senior thesis on pp. 261-269.

Now this particular notion of the nature of the person as embodying a public and not just private sovereign good we may take as generating a first suggestion for further critical inquiry about persons.

If some Paris street children are understood however destitute as nonetheless persons necessarily embodying a certain public sovereign good, then the most basic primary social good they may be said clearly to lack is the individual and communal recognition of the public sovereign good they incarnate.

Consequently, if they are to be finally efficacious with respect to social justice,<sup>62</sup> any attempts to remedy such a basic lack must start not just from an inventory of the primary social goods these persons also lack. They must start rather from the realization of what these persons basically lack, namely the effective recognition of the public sovereign good they embody, the public sovereign good they may be said more resonantly to incarnate.

Perhaps we may put this first suggestion informally as a proposition. Doing so might make such a rough suggestion more amenable to constructive revision and perhaps even reformulation for an eventual consideration as a recommendation. Thus,

(P1) What destitute Paris children basically lack as persons is not so much primary social goods but efficacious recognition of their necessarily incarnating as persons of a public sovereign good.

Consider now an alternative view and, again, begin with several background citations. This approach will help us come to a second and final suggestion for further critical inquiry.

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<sup>62</sup> Note that talk of “social justice” is always ambiguous and sometimes equivocal. See the helpful reflections of F. Gonthier in the *Avant Propos* to the dossier, “Justice sociale et action publique: des principes à leur mise en œuvre,” *Problèmes politiques et sociaux*, n<sup>os</sup> 949-950 (Juin-Juillet 2008), p. 5-13. This dossier includes a very great number of extracts from some of the most important contemporary work on different conceptions of social justice, including that of both John Rawls and Amartya Sen.

## §5. Capabilities and Extremely Poor Children

“In arguing that the pursuit of a theory of justice has something to do with the kind of creatures we human beings are, it is not at all my contention that debates between theories of justice can be plausibly settled by going back to features of human nature, rather to note the fact that a number of different theories of justice share some common presumptions about what it is like to be a human being. We could have been creatures incapable of sympathy, unmoved by the pain and humiliation of others, uncaring of freedom, and – no less significant – unable to reason, argue, disagree and concur. The strong presence of these features in human lives does not tell us a great deal about which particular theory of justice should be chosen; but it does indicate that the general pursuit of justice might be hard to eradicate in human society, even though we can go about that pursuit in different ways.”

A. Sen (2009)<sup>63</sup>

“...[persons] are animals in the sense that we are wholly constituted by animals, and yet we are ontologically unique in virtue of having first-person perspectives. A being with a first-person perspective constituted by a human body – a human person – is ontologically distinct from any animal, human or nonhuman. [This view,] the Constitution View is compatible with a robust theism, without entailing it.”

L. R. Baker (2007)<sup>64</sup>

The Nobel Prize economist Amartya Sen’s capability approach to poverty defines poverty as a failure of some members of society

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<sup>63</sup> *The Idea of Justice* (London: Allen Lane, 2009), pp. 414-415.

<sup>64</sup> “Persons and the Natural Order,” in P. Van Inwagen and D. W. Zimmerman, 2007, p. 275).



to enjoy a certain minimum not so much of either natural or of primary goods but of capabilities.<sup>65</sup> Like John Rawls's justice as fairness approach to poverty, Sen's capability approach develops from a critique of certain versions of utilitarianism. And it includes a criticism of the notion of primary social goods.<sup>66</sup>

Sen challenges several of the central behavioural assumptions behind the classic utilitarian methodologies that turn on the maximization of utilities.<sup>67</sup> His criticisms focus on utilitarianism's neglect to address seriously enough factors that constrain a person's "freedom of choice."

Freedom of choice Sen takes as comprising two elements. The first has to do with a person's freedom to take decisions autonomously, that is, the freedom to take decisions by oneself

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<sup>65</sup> See A. Sen, *Development as Freedom* (New York: Knopf, 1999), pp. 20 and 87-110. Among these capabilities are such matters as, for example, being free from starvation, being adequately sheltered, being free to visit friends and so on. "The role of income and wealth – important as it is along with other influences – has to be integrated" Sen writes, "into a broader and fuller picture of success and deprivation" (p. 20).

<sup>66</sup> I rely here mainly on A. Sen *Inequality Reexamined* (New York: The Russell Sage Foundation, 1992), Sen 1999 noted above, *The Argumentative Indian* (London: Allen Lane, 2006), and Sen 2009 also noted above. For recent interpretative essays see *Amartya Sen*, ed. C. Morris (Cambridge: CUP, 2009). See also S. Freeman's excellent discussion in his review of Sen 2009, "A New Theory of Justice," *The New York Review of Books*, October 14, 2010.

<sup>67</sup> His basic objections are well-summarized as follows. "First, the behavioural assumptions relating to the choice of a maximal element in a given set of alternatives may be inappropriate. An individual may not seek to maximize personal well-being [,] and individual choice may be motivated by broader objectives (e.g. other people's well-being) and other objectives (including obligations and commitments to others). Second, personal well-being may not be independent of freedom of the range and adequacy of choices available. If autonomy and freedom of choice affect personal well-being, then the possibility of choice and the number of alternatives in a set (intrinsic valuation of the freedom to choose) as well as, perhaps, the range (or diversity) and the quality (or adequacy) of these alternatives also affect personal well-being" (P. Vizard, *Poverty and Human Rights* [London: Oxford: OUP, 2006], p. 110). In short, there are two different kinds of basic constraints on freedom of choice for persons.

independently of interference by others or by institutions. Sen calls this element “the process aspect of freedom.”

The second element has to do with whether or not a person enjoys sufficient occasions for taking such autonomous decisions, given the nature of those occasions and their relations to the person’s goals and objectives. Sen calls this element “the opportunity aspect of freedom.”<sup>68</sup>

For each of the two aspects of freedom of choice, there is a typical kind of constraint on that freedom.

In the case of process freedom, the constraint is what Sen calls “**chooser dependence,**” that is, the constraint on the exercises of one’s freedom deriving from the kinds of institutions to which one is subject. And in the case of opportunity freedom the constraint is what he calls “menu dependence,” that is, the constraint on the exercises of one’s freedom deriving from the limited kinds of occasions actually available.<sup>69</sup>

When we take freedom, then, as an essential part of a person’s well-being, it follows that persons may lack well-being as a function of the constraints on their process freedom as chooser dependence and as a function of the constraints on their opportunity freedom as menu dependence.<sup>70</sup>

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<sup>68</sup> P. Vizard 2006, pp. 67-68.

<sup>69</sup> “Whereas the process aspect of freedom,” Vizard summarizes, “reflects the intrinsic value of a person’s procedural or formal freedom to choose and attributes value to direct personal control over mechanisms of decision-making and to the ability of a person to choose for themselves (the act of choice), the opportunity aspect reflects the intrinsic value of the *substantive* or *real opportunities* to achieve valuable combinations of human functionings, rather than the numbers of options; or the mechanisms of control” (pp. 70-71).

<sup>70</sup> With respect to further senses of freedom, Sen also distinguishes “freedom from want” that entitles individuals to enjoy income and material goods from “freedom to act” or an individual’s choice set that enhances his or her capability. The entitlement to income and commodities is a necessary but not a sufficient condition to enlarge one’s choice set. Individual abilities to convert goods into capabilities will differ a great deal depending on one’s natural and social environment, gender, age, health, and access to health care, education, housing, employment, and other resources.

Besides his critiques of utilitarian behaviourist methodologies, Sen also wants to rearticulate the basic concept of primary social goods.<sup>71</sup> Sen's main problem with the Rawlsian idea is not its insensitivity to certain inequalities. The problem is its situation of equality in what Sen calls "the wrong space."<sup>72</sup> The proper domain is not resources, as Rawls had maintained, but "capabilities."

For Sen, inequality arises mainly not from an unfair and unjust distribution of resources, opportunities, and so on. Rather, inequality arises mainly from the capabilities persons possess or do not possess to use resources, opportunities, and so on once they are distributed to them fairly and justly.

But what then does Sen mean by his key term, "capabilities?"<sup>73</sup>

Sen's uses the expression "capability" mainly to denote a person's opportunity to achieve valuable combinations of human "functionings."<sup>74</sup> And he calls a person's "capability set" the alternative combinations of functionings that are within a

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<sup>71</sup> Unlike Rawls, however, Sen's understanding of the basic concept of primary goods incorporates a constructive criticism of the Nobel prize economist Kenneth Arrow's earlier claim that his own welfare-based index could better satisfy citizens' needs than Rawls's index of primary social goods. Arrow had argued that his welfare approach was more sensitive to certain inequalities that continue to affect citizens' capacities not just occasionally but across their entire lives. Rawls accepted the need to articulate his index of primary goods across the entire lives of citizens. Nonetheless, he rejected Arrow's welfare approach. And so did Sen. Later on, however, Sen himself followed Arrow's initiative in criticizing Rawls's understanding of his own index of primary goods.

<sup>72</sup> Sen 1992, pp. 138-41.

<sup>73</sup> Sen's most recent summary exposition of his views on capabilities and capacities is to be found in his "Capabilities and Resources," Sen 2009, pp. 253-268.

<sup>74</sup> "The term 'functioning'", Vizard writes, "refers to aspects of the states of being and doing that a person achieves ranging from elementary personal states (such as achieving adequate nutrition or being literate) to complex personal states and activities (such as participation in the community and appearing without shame)" (Vizard 2006, p. 68).

person's reach (and which are therefore feasible) and over which a person has freedom of effective choice (regardless of what he or she actually decides to choose).<sup>75</sup>

To elucidate, Sen distinguishes between “capabilities” and “capacities.”

The capacities of an agent, that is, as one philosopher comments, “their abilities... which they can deploy in actual circumstances ... are not to be identified with their individual capacities or with their aggregate power... Capabilities are to capacities... as effective demand is to demand: it is the specific capabilities of agents and agencies in specific situations, rather than their abstract capacities or their aggregate power, that are relevant to determining which obligations of justice they can hold and discharge – and which they will be unable to discharge.”<sup>76</sup>

In other words, the capabilities of persons are their potential capacities plus their effective capacities.

To elucidate further his particular uses of the “capabilities,” Sen distinguishes also between persons’ capacities, say their ability to realize “valuable functionings,” and persons’ entitlements, say their “command over commodities.”<sup>77</sup>

Thus, the relation between someone’s control over certain resources and his or her capacity to convert those resources into things of value depends on certain general constraints. Among these constraints are such matters as environment, gender, body-type, age, health, and so on. Accordingly, “people who differ with respect to disease, disability, nutritional needs, or gender, will convert the same package of primary social goods into different sets of capabilities; they will remain unequal in ways that matter to justice.”<sup>78</sup>

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<sup>75</sup> Sen 1999, p. 18.

<sup>76</sup> O. O’Neill, “Agents of Justice,” in *Global Justice*, ed. T. Pogge (Malden, MA: Blackwell, 2001), pp. 188-203; her emphases.

<sup>77</sup> Vizard 2006, pp. 108-109.

<sup>78</sup> Sen 1992, p. 256. “For example, a person may have the capacity to work as an agricultural labourer or an ability to organize family resources to

But we now need to recognize that the possibility of simply extending the capability approach developed on the basis of adult poverty to child poverty generally and specifically to the poverty of destitute children is not evident. For such salient features of destitute children's poverty as we have noted constitute qualitatively different kinds of poverty than the poverty of adults.

Is the case then of destitute children different enough from that of poor adults to make the capability approach less applicable? Without trying to argue the case here, perhaps we may reply: "Probably."

Moreover, most children including destitute ones are not mature enough to judge for themselves what is good or bad for them. Nor can most children say what sort of life they value most; that is, they lack certain crucial capabilities. Still, a child's capability potential will remain latent unless it is deliberately actualised through physical and mental development in a healthy environment.

Could Sen's approach, then, unlike Rawls's, be applied if not generally then with some modifications to the situations of destitute children? "Probably not."

### §6. Resourceful Elites and Destitute Children

We need to see why Sen's approach can probably not be applied to the situations of destitute children.

When we then ask just how the quite basic lack that destitute children suffer from non-recognition of the sovereign good they incarnate as persons might be remedied, perhaps we may

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last from harvest to harvest; a development agency may have the capacity to distribute resources to the needy in a given area. However, when a social and economic structure provides no work for agricultural labourers or no resources for a given family to subsist on or for an agency to distribute, these capacities lie barren." That is, although lying "barren," the abstract capacities for action and for being remain, but the concrete capabilities are not there (O'Neill 2001, pp. 188-203; her emphasis).

at first believe that such a remedying would require institution-izing specific social programmes to enhance what Sen might take to be the basic capabilities of such children.

Yet the most general operating assumption in the capability approach is seriously questionable. For the major difficulty in applying the capability approach to understanding and remedying the situation of destitute children is Sen's assumption of a very high level of rationality in the exercises of personal freedom. This is the rationality of a personal freedom as both rational freedom from the constraints of "chooser dependence," and rational freedom from the constraints of "menu dependence."

But assuming this level of rationality as both a capacity and a capability to be presupposed in sufficient numbers of even dedicated high civil servants, socially aware politicians, and other elites and then eventually to be fostered in effective programmes for durably assisting destitute children is just wildly idealistic.

However, in his comprehensive collection, *Rationality and Freedom*, Sen carefully formulates his crucial notion of rationality in broader terms than the narrow ones usually underlying traditional economic discussions.<sup>79</sup>

Thus, instead of taking rationality as either nothing more than consistency in choice or as "the capacity to choose efficient means to what are presumed to be selfish ends,"<sup>80</sup> Sen construes rationality as "the discipline of subjecting one's choices – of actions as well as of objectives, values and priorities – to reasoned scrutiny."<sup>81</sup>

This broader construal puts Sen in a strong position to criticize both traditional utilitarian approaches that still overly influence most government social planning and much of the con-

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<sup>79</sup> Cambridge, MA: Belknap Press, 2002.

<sup>80</sup> A. Ryan, "The Way to Reason," *The New York Review of Books*, December 4, 2003.

<sup>81</sup> Sen 2002, p. 4.

tinuing vogue in economic analysis for rational choice theory.<sup>82</sup> In turn, this critical stance is central to realizing his own broader aims.

For, as one of Sen's most astute readers has remarked, "Sen's guiding principle is that we have to think about human beings in ways that do justice to the complexity of their values and beliefs. If they in fact guide their conduct by high principle, a passion for justice or freedom, simple compassion for the badly off, or whatever else, there is nothing to be said for theories that represent 'rationality' as the single-minded pursuit of self-interest defined in the narrowest possible terms."<sup>83</sup>

But, granted that Sen's larger view of rationality is a substantial improvement on many overly constricted, traditional construals of rationality in economic analyses, that admittedly broad view still remains far too idealistic for our concerns with better understanding what destitute children basically lack and how such a basic lack is to be remedied.

For how could destitute children regularly subject the quite minimal choices they actually have to "reasoned scrutiny?" (Sniffing glue under parked cars?)<sup>84</sup> And how could even experienced politicians regularly subject their quite extraordinary choices to "reasoned scrutiny?" (**12,000 euros for imported cigars?**)<sup>85</sup>

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<sup>82</sup> See for example M. Allingham, *Choice Theory* (Oxford: OUP, 2002).

<sup>83</sup> Ryan 2003, p. 44.

<sup>84</sup> The peculiar and especially debilitating species of poverty (given their age) has mired destitute children all too often in situations where few if any are able to learn to reason about anything whatsoever (P. Krugman, "Poverty is Poison," *The New York Times*, February 23, 2008). In fact, many of those children enjoy virtually no freedom of choice at all. Whatever freedom they may properly be considered to have is much more a freedom to receive something from others than a freedom from constraints on doing something for themselves. And an essential part of the specific kinds of poverty such destitute children suffer from is an impoverished rationality.

<sup>85</sup> In a Minister in the former French President Sarkozy's government was pilloried in the French press for having charged his ministry for 12,000 euros worth of imported cigars, apparently for official functions only.

Much more pertinent for our specific concerns here than “process freedom” and “opportunity freedom” and “rationality” is trying to understand better two basic issues.

The first basic issue is understanding how individuals and societies in affluent countries are to assume their social, political, and moral responsibilities in better assisting destitute children to incorporate fully their rights and dignity as children and persons.

And the second is understanding just how such individuals and societies are to respond to the specific moral as well as ethical demands of social justice in properly integrating such children into their societies.

Thus, elucidating the persisting ill-being of destitute children and the eventual remedies for such an unacceptable situation is better fostered by analysing not what these destitute children lack in terms of personal freedoms to choose but in what resourceful elites may offer them as persons in terms of dignity, justice, and the common good.

And just here we may come to a second and final suggestion here for further critical inquiry. This second suggestion arises from a consideration of Sen’s work specifically on rationality. The second suggestion pertains, however, not to understanding better the peculiar nature of the basic lack destitute children continue to suffer, but to arriving more readily at marshalling sufficient political will for taking appropriate and sustained institutional measures for remedying the these children’s persisting situation.

Sen underlines as we saw that “the specific capabilities of agents and agencies in specific situations... [are what] are relevant to determining which obligations of justice they can hold and discharge – and which they will be unable to discharge.” At least one important question arises here with respect to our society’s elites. What exactly are those specific capabilities that determine what obligations of justice these elites can hold and discharge?

Such specific capabilities cannot reduce to what Sen calls “the discipline of subjecting one’s choices – of actions as well



as of objectives, values and priorities – to reasoned scrutiny.”<sup>86</sup> For almost all government social policy choices including explicit objectives, values, and priorities are regularly subjected to such reasoned scrutiny. And that is the case even when reason and rationality are taken more broadly in Sen’s enlightened senses.

And yet what official government agencies themselves have called “unacceptable” is still continuing, namely the unremedied persistent suffering of destitute Paris children.

In short, reviewing Sen reminds us of a still widely prevailing conception of persons in terms mainly of reason and rationality that is largely restricted to the rational arbitration of means only rather than being essentially open to the reasonable reconstruction of ends as well. This idea leads to a realization of a strong distinction holding between exclusively instrumental conceptions of reason and more than exclusively instrumental ones.

We may take this distinction as generating a second suggestion for further critical inquiry. If remedying the most basic lack of destitute Paris children, the lack of society’s effectively recognizing such persons as incarnating the sovereignty of the good, is taken as entailing mere rational arbitration among suggested policy means to provide primary social goods, then such remedies must fall short.

For they cannot include the more fundamental need to reconstrue the actual purposes, aims, and objective of current French social policy as a whole. “*Ce n’est pas la protection sociale qui est remise en cause,*” as one French economist has recently observed, “...*mais bien les principes, les institutions et les règles qui la gouvernent...*”<sup>87</sup> And among these principles must certainly figure the intrinsic value of persons.<sup>88</sup>

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<sup>86</sup> Sen 2002, p. 4.

<sup>87</sup> N. Baverez, *Le Monde*, August 10, 2010.

<sup>88</sup> “Intrinsic value” is a complex concept which I cannot discuss in detail here. Very generally however when I speak of the intrinsic value of a person here I am referring to the value a person has in and of himself or herself. See

But on Sen's own accounting, it is not evident that grasping the intrinsic value of the sovereign good of such persons as the destitute children we are mainly considering here is exclusively a matter of rational apprehension alone. For, as Sen writes, "[w]e could have been creatures incapable of sympathy, unmoved by the pain and humiliation of others, uncaring of freedom, and – no less significant – unable to reason, argue, disagree and concur."<sup>89</sup>

This reminder of the human capacity for "sympathy" has as its background Sen's abiding interest in Adam Smith and the eighteenth-century Scottish Enlightenment's repeated appeals to a so-called "moral sense."<sup>90</sup> For, despite his pronounced advocating of what appears to be an unmitigated intellectual rationalism, Sen carefully leaves room for the various species and roles of "sympathy" in understanding human affairs.

This move is part of Sen's motivation in promoting a looser conceptualisation of rationality in economic reasoning generally. As Sen continues in the same place, "[t]he strong presence of these features in human lives does not tell us a great deal about which particular theory of justice should be chosen; but it does indicate that the general pursuit of justice might be hard to eradicate in human society, even though we can go about that pursuit in different ways."<sup>91</sup>

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M. J. Zimmerman, *The Nature of Intrinsic Value* (Lanham, Maryland: Rowman and Littlefield, 2001), especially pp. 75-130. My own view draws more substantially not on these largely analytic reflections only but especially on elements of the phenomenological traditions to be seen at work in, for example, R. M. Chisholm, *Brentano and Intrinsic Value* (Cambridge: CUP, 1986), pp. 47-67, R. M. Chisholm, *Ethics and Intrinsic Values* (Heidelberg: Universitaetsverlag Winter, 2001), pp. 25-35, and C. Porebski, *Polish Value Theory* (Cracow: Jagiellonian UP, 1996), pp. 61-73, 129-134.

<sup>89</sup> Sen 2009, p. 414.

<sup>90</sup> For example in Sen 2009, pp. 188-190. See also E. Rothschild, *Economic Sentiments: Adam Smith, Condorcet, and the Enlightenment* (Cambridge, MA: Harvard UP, 2001), pp. 52-71, and, more generally, M. Biziou, *Shaftesbury: Le sens moral* (Paris: Presses universitaires de France, 2005), pp. 76-110.

<sup>91</sup> Sen 2009, pp. 414-415.

With these remarks as required contexts, then, perhaps once again to facilitate further critical discussion we may put our final suggestion here informally as a second proposition. Thus,

- (P2) What may help remedy the basic situations of destitute Paris children as persons is not so much further reflection on the rationalisation of actual French social policy, but reasonable and not just rational re-articulation of the most basic objectives of the French social model overall including the promotion of the nature of persons as intrinsically valuable.

With this second of our two propositions in mind, perhaps we may now conclude.

### Envoi

“Is there anyone among you who, if your child asks for bread, will give a stone?”

The Gospel of Matthew 7.9

Some reflective persons need to ask whether it is morally acceptable for successive French governments to allow such immense, persistent, yet avoidable suffering of destitute Paris children to persist in the midst of such enormous affluence.

And they may also need to ask whether it is ethically permissible for so many resourceful, knowledgeable, powerful, and immensely privileged French elites to continue to leave such a vastness of child suffering substantially unalleviated.

Admittedly, the suggestions here are not practical. I have been able to suggest for further critical discussion no more than two informal propositions.

The first is that what destitute Paris children basically lack is not so much primary social goods but efficacious recognition of their necessarily incarnating as persons a sovereign good.

And the second suggestion is that what may help remedy the basic situations of destitute Paris children is not so much more social reflection on the rationalisation of French social policy, but reasonable and not just rational re-articulation of the most basic objectives of the French social model overall including the promotion of the nature of persons as intrinsically valuable.

In short, some fundamental philosophical reminders require on the part of individual persons and groups of persons a reconsideration of just why the destitution of poor children in such affluent countries as France persists.

Further, it seems eminently appropriate to try to renew some moral, epistemological, and especially metaphysical approaches to such a phenomenon. For the emergence of such approaches implies the emergence also of certain transformations of personal attitudes. And as such they involve as well the responsibility of the philosophical community itself.

Yet even after further critical reflection perhaps these suggestions today will turn out to be finally no more than stones. For, as some have sadly learned long ago, philosophy bakes no bread.<sup>92</sup>

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<sup>92</sup> In saying that “**philosophy bakes no bread**” I do not mean to suggest either that philosophy consists of no substantial knowledge or that philosophical inquiry makes no progress. Rather, my suggestion is that in the matter of alleviating severe and increasing problems of malnutrition and hunger among the destitute not just in Paris but in the world at large, philosophy apparently can contribute little of substance. See G. Gutting, *What Philosophers Know* (Cambridge: CUP, 2009), especially pp. 224-242, and P. McCormick, *When Famine Returns: Ethics, Identity, and the Deep Pathos of Things* (Heidelberg: Universitätsverlag Winter, 2003), especially pp. 145-152.