

LAWRENCE C. BECKER

**HABILITATION,
HEALTH, AND
AGENCY**

A Framework for
Basic Justice



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Lawrence C. Becker

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Habilitation, Health, and Agency

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Introduction

This book offers a way of reorienting normative theories of distributive justice around conceptions of habilitation, health, and agency. It asks readers for a pause in perennial debates about competing principles of justice in order to consider a constellation of ideas that can reframe the whole theory-building enterprise. If the book achieves its overall aim, it will have described a useful and attractive new conceptual framework for theories of distributive justice generally. It will not have argued for or against any particular normative theory of justice.

The novelty of this conceptual framework—the habilitation framework, as I will call it—lies more in the arrangement and articulation of its parts than in the parts themselves. Those parts (habilitation, basic justice, basic good health, and robustly healthy agency) are reassuringly familiar, taken one by one.

As used here, habilitation is about equipping someone or something with capacities or functional abilities. Basic justice (as opposed to ideal justice) is the most fundamental part of the subject. Basic good health (as opposed to perfect health) is about health fundamentals, but includes psychological as well as physical health. Robustly healthy agency is a strong form of functional competence.

All of this will sound vaguely familiar, but unless it is explicated with some care, the arguments of the book will not be as precise and consistent as they need to be. Such explication begins later in this introduction in “The Plan of the Book and a Short Lexicon for It,” and continues as needed. The philosophical argument that flows from these ordinary concepts is much less familiar than the concepts themselves, but the aim here is to make that argument commonsensical: novel, perhaps, but illuminating rather than contentious.

Such common sense is often welcome in ethics. At least that is so in the large area in which all plausible normative theories converge on similar conclusions about right and wrong, good and bad, justice and injustice—even when they disagree about method and first principles. It would be alarming if the habilitation framework offered novel ideas about murder, promise keeping, contracts, cooperation, self-interest, benevolence, and so on—ideas different from settled transcultural and transhistorical social norms, as well as those that libertarians and communitarians,

individualists and collectivists, liberals and conservatives, utilitarians and social contract theorists all endorse. Novelty should be more welcome, however, if it is confined to the philosophical considerations that ought to ground such agreement between theories—theories that are otherwise very different in their conceptions of ideal justice, and in utopian visions of it.

So in order to bring out the way in which the habilitation framework applies to normative theories of justice generally, this book will be confined to the area in which they diverge least: basic justice, as I will call it. And readers should not expect to find any new distributive principles proposed here. Rather, the book is about background ideas: material from which distributive principles can be developed, criticized, adopted, applied, revised, refined, or rejected no matter what specific theory of justice one is pursuing.

Three Proposals

The argument of the book yields three overarching proposals for philosophical theories of basic justice: (1) that those theories ought to adopt a particular conception of habilitation as a framing device for their inquiries; (2) that they ought to adopt a particular conception of basic good health as the representative good for basic justice; and (3) that they ought to adopt a specific aspect of health—namely, robustly healthy agency—as the target for basic justice. As a whole, the book is essentially an explication of those concepts and conceptions, together with an argument for the three proposals about them.

Those numbered proposals (and the disclaimer about the deliberate absence of distributive principles) will be repeated throughout the book as canonical statements of its aims, even though many of the terms in them or in the air around them will be initially obscure until the explication of them is complete. “Habilitation,” for example, is a particularly challenging case. It is an abbreviation for a complex conception that will have to be developed at considerable length. (It will be given an initial gloss in the short lexicon below, and developed more fully in Chapters 1–2, and 7–8.)

The Absence of Distributive Principles

Notice that these proposals are all about the metric or currency or representative good involved in theories of justice. They are not about any specific list of basic goods, specific ranking of them, or specific distributive principle. In short, they do not give any principled account of how goods ought to be distributed. Nor do they tacitly assume any such principles, or deliberately leave them lurking in the background.

Thus, by extrapolation from Elizabeth Anderson's pithy account of the theoretical necessity for both a metric and a distributive rule in a normative theory of justice (Anderson, 2010, 81–83), the proposals offered here do not constitute such a theory.

As the argument of the book develops, however, it will be natural to wonder whether the proposals in it inadvertently prejudice some choices about normative principles. Such questions will be addressed at various points throughout the text. It is clearly true that the habilitation framework, and the health metric and target projected from it, are likely to make it difficult to justify one or another distributive principle *in a given environment*. But it will turn out that such special difficulties either are attributable to the principles themselves (because they are intrinsically more difficult than others to justify) or are attributable to special features of a given environment.

For example, on the latter point, consider how life on a desolate frontier sparsely populated by nomadic tribes, or in a barely survivable environment (a high-tech colony in Antarctica, or on the moon) might plausibly call for different distributive principles from those best suited for a large-scale, densely populated, affluent, industrialized society. The habilitation framework is sensitive to such environmental variables and thus cannot be expected to impose exactly the same justificatory burdens or benefits on all distributive principles in all environments. What is possible, or even necessary, on a camping trip with a few friends will not always work well when scaled up to a large industrialized society (Cohen, 2009), and if the habilitation framework shifts normative burdens on distributive principles accordingly, that is a good thing.

Antecedents and Analogs

As far as I am aware, no one else has proposed to give habilitation, health, and agency such a central role in theories of distributive justice. Sometimes, one or another of these concepts has played a leading role in a particular normative theory, but that is quite different from giving the three of them leading roles in all theories of justice. And the deliberate omission of distributive principles from this account may make the whole project seem even more peculiar. Is it believable, at this late date, that everyone has so far missed something of central relevance to all theories of justice? Is it worthwhile trying to find something like this rather than getting on with a specific normative enterprise? Such worries may raise eyebrows, if not hackles.

It may help at this point, then, to notice the way in which this book will be analogous to (or even an expanded version of) three familiar preparatory projects that are typically embedded in specific normative theories of distributive justice.

The circumstances of justice. One of these projects is an account of the circumstances of justice—that is, an account of those aspects of the human condition that

give rise to questions of justice in the first place, and for the need to theorize about it in some way that can have practical consequences. (Think of Hume's list: moderate scarcity, limited altruism, and approximate equality of power and vulnerability.) There will be an explicit analog to this in Chapter 2, which will describe the circumstances of habilitation for basic justice.

Basic goods. Another familiar project is getting an account of the goods that are especially salient for any theory of distributive justice. (Think of Rawls's preparatory account of basic goods, or Walzer's account of social goods.) There is an analog to such a project here, in the discussion of eudaimonistic health, the health metric, and the healthy agency target—all in Part Two of the book (Chapters 3–6). But identifying goods that are especially salient is not equivalent to giving such goods normative priority. A normative theory may go on to do that, but the habilitation framework will not. It will simply discuss the way in which health and healthy agency are, from a practical point of view, especially useful as a metric and a target, respectively.

The goals of justice. A third analogous project is an account, in very general terms, of the goals of justice—the ultimate goals we are seeking by adopting principles or constructing theories of justice. Is our aim to minimize the way people interfere with each other, so they can separately pursue their own lives and projects? Is it to maximize the sort of cooperation that allows people to achieve things together that they could never achieve alone? Or is it to create and maintain the best form of life, or the best form of society, independent of the happiness of the individuals in it or its other collective achievements? (Think of the discussions of those questions in Plato's *Republic*.) In the arguments to follow, the focus is mainly on the second of these three questions about the goals of justice: the things we can achieve together that we cannot achieve by ourselves. But the habilitation framework speaks to all three of the questions, as well as some others.

The Plan of the Book and a Short Lexicon for It

Since understanding the book's central aims depends on an initial understanding of some terms that are antiquated (e.g., habilitation) or ambiguous (e.g., health), it will be helpful to address those matters briefly now, along with an equally brief account of the plan of the book.

Habilitation. Some current English dictionaries do not have an entry for “habilitation” at all, and the online *Oxford English Dictionary* now (2011) marks its verb form as obsolete. That is odd, since the term is alive and well in medical contexts and in the ordinary concept of *rehabilitation*. There it continues to mean just what the *OED* says it used to mean in general usage: habilitation is “the action of enabling or endowing [a person or thing] with ability or fitness; capacitation, qualification.” Here I will often refer to it just as the process of equipping a person

or thing with capacities and/or functional abilities, usually as relevant to a given environment.

It is important to keep in mind the diversity of objects that can be habilitated. One can habilitate oneself as well as others, and one's physical and social environment as well as some specific set of people in it. I will make this point repeatedly, but it plays a particularly important role throughout Part Four (Chapters 7–8), where the extent of the parallelism between traits of basic virtue and traits of basic good health is explored at length.

It is equally important to keep in mind three other things. One is that human beings need habilitation and rehabilitation of various forms throughout their whole lifetimes; except intermittently, we are not self-sufficient, nor can we become so. Another is that our need for habilitation is not just equivalent to our need for survival equipment; we need, as well, the equipment to thrive. Without that, we languish, and ultimately put our survival itself at risk. And the third is that much of this habilitation has to be self-provided. We wither, become weak, fail to develop many important abilities, and ultimately fail to thrive if we cannot habilitate ourselves in any important respect, or when everything we need we receive like manna from heaven. These matters will figure in arguments throughout the text, particularly with respect to healthy agency.

Basic justice. As noted earlier, the subject of the book is not the entirety of distributive justice, but rather its most basic part—the area in which plausible theories of justice diverge least, and in fact in large part converge. This part can be described in a number of substantive ways—for instance, by reciting a familiar list of uncontroversial basic goods, rights, or practical possibilities for negotiation among people who hold very different comprehensive theories of justice. Chapter 1 will mention such lists, but there—as well as elsewhere throughout the book—the argument will rely only on the items in such lists that are connected, in a stable way, to a more general, schematic concept of basic justice.

That general concept, addressed in Chapter 1, limits the subject matter of basic justice to those matters of moral concern over which we have some actual control, either through social institutions or individual conduct, and about which we can require things of ourselves and others on grounds we have jointly reasoned out and can practicably enforce.¹ Included in this general concept, by implication at least, are

¹ T. M. Scanlon defines the domain of his inquiry in *What We Owe to Each Other* (1998, 6–7), in a similar way, though he declines to identify it with justice. He says it is concerned with the “domain of morality having to do with our duties to other people, including such things as requirements to aid them, and prohibitions against harming, killing, coercion, and deception.” But he goes on to say that “[i]t is not clear that this domain has a name . . . [other than, perhaps,] ‘the morality of right and wrong.’” He says that the part of morality he has in mind is “broader than justice, which has to do particularly with social institutions. ‘Obligation’ also picks out a narrower field, mainly of requirements arising from specific actions or undertakings.” He thinks the phrase “what we owe to each other” is an apt name for this part of morality and argues throughout his book that this domain “comprises a distinct subject matter, unified by a single manner of reasoning and by a common motivational basis.”

the *types* of social norms that generate the rules of “natural” justice (e.g., that similar cases should be treated similarly) and a short list of vaguely described basic goods.

The argumentative strategy of the book will be to explicate that schematic concept of basic justice and notice the way it points toward the need for an elaborate conception of habilitation. Habilitation, in turn, develops into a way of giving the schematic concept of basic justice a more determinate content—one that organizes and clarifies the points of convergence among philosophical theories. These points are argued in Chapters 2–8.

Framing devices. Using any framing device for philosophical argument does several things. For one, it defines the general area of discussion, operating logically as the definition of the universe of discourse. Then, in doing so, it inevitably defines the edges of the discussion, putting some matters close to those edges (or even beyond them) and making others central. Finally, the frame also helps to define a focus—or perhaps, as in a painting or photograph, a set of focal points to which the eye is drawn in sequence. And if the frame is three-dimensional—a framework—it defines the architectural possibilities as well; the sorts of things that can be built upon it.

The framing devices for distributive justice currently in play include at least these: fair agreement for mutual advantage between fully cooperating members of society; the maximization of aggregate welfare, well-being, or opportunity for well-being (within a given society, or in a global context); the pursuit of an ethical ideal in which reason, will, and desire are harmonized; the improvement of social life and individual well-being in genuine communities characterized by shared values, solidarity, and mutual benevolence; the improvement of individual well-being and chances for a good life through the realization of human capabilities or through the protection of individual rights and liberties; the neutralization or correction of disadvantages that are the product of bad luck. One could go on.

It is useful to notice, however, that these framing devices are offered as a defining condition of a *type* of normative theory of justice—or perhaps even of a specific instance of that type—and the whole thing is then put forward against rivals. Criticism then comes from those rivals, or from inside the specific theory, but is typically aimed at dismantling or improving that theory, or type of theory, as a whole.

By contrast, the framing device proposed here is more abstract: that all philosophical inquiry into matters of basic justice should be framed in terms of the concept of habilitation. This is not an effort to replace any specific type of normative theory but rather to recast the framing devices they all use. It is in that sense a meta-theoretic proposal, criticism of which can be separated from criticism of specific types or instances of normative theory. Arguments on these matters appear throughout the book, but most pointedly in Parts One and Two (especially Chapters 2, 4, and 6).

Eudaimonistic health. The habilitation framework gives a central place to “complete” health, defined so as to include physiological and psychological functioning within an environment, on both the negative (e.g., disease) side of the health ledger and its positive (e.g., well-being) side as well. And the resultant focus on health is a focus on what is necessary for each individual, with a particular set of endowments, to develop and sustain various levels of good health in various environments. See especially Chapter 3.

Robustly good (eudaimonistic) health. The definition of good health will be the key to the health scale, and in a nutshell, the definition of robustly good health that will be adopted here is “reliably competent physiological and psychological functioning in a given environment.” The so-called negative definition of health, in which health is treated as the absence of pathology, while it naturally receives a good deal of attention in philosophy of medicine and bioethics, is inappropriate here, since it does not adequately cover good health and well-being.

The arguments in Chapters 3–4 and 7–8 develop this focus on robustly good eudaimonistic health in terms of its conceptual connections to ethical theory and contemporary health science. One aim (Chapters 7–8) is to show the extent of the convergence between the norms of basic justice and the motivational structure and behavioral dispositions of the sort of agency characteristic of good health. Another aim (Chapters 4–6) is to show that the focus on this sort of health—and in particular the part of it we may call healthy agency—gives us a currency to use in theories of justice that is equal to or superior to other candidates, such as liberties, entitlements, capabilities, opportunities, well-being, luck, or various combinations thereof.

Representative goods. The notion of a representative good is straightforward. Practical problems are often simplified if we can find a single, observable, and scalable item from which it is possible to infer the presence, absence, quantity, or quality of all the items with which we are concerned. That single item can then become an index for the whole bundle of items we must consider. This is especially important in a theory of distributive justice, where we continually face allocation problems under conditions of scarcity. Answering questions of who should get how much of what there is to distribute depends upon solving—or at least working around—the indexing problem.

Chapters 5–6 concern the definition of an operationalizable health scale, running from worst to best. The definition of the health scale is followed by the proposal that focusing on a particular region on the scale—robustly good health—provides us with a plausible upper boundary for what might be required (as a matter of basic justice) with respect to health. More generally, however, the argument is that health can function as a representative good in normative theories of distributive justice, and that at least for basic justice it is superior, in that role, to various standard

alternatives such as wealth and income, subjectively defined welfare or well-being, or preference satisfaction.

Goals and targets. The third proposal of the book is that a particular region of robustly good health—namely, robustly healthy agency—yields an appropriate target for basic distributive justice, even though healthy agency is only one of the goals we have for health, let alone for basic justice itself. It turns out that hitting, or approximating, that target will get us to the other goals as well, with a minimum of wasted effort, since healthy agency is causally connected and approximate to the entire bundle of goals involved. And the healthy agency target is appropriately limited as well, being far from perfect health but even farther from the bottom of the health scale.

The arguments for this proposal are in Chapters 4–6. They are closely entwined, however, with the discussions of agency throughout the book, especially those in Chapters 7–8. They also rely heavily on the landscape of problems framed by the conception of the circumstances of habilitation (Chapter 2), as well as the arguments for eudaimonistic good health as the representative good for justice (Chapter 6).

Rhetorically, these arguments rely on the intriguing relationships between goals and targets—especially in practical circumstances in which outcomes cannot be guaranteed, and thus one must choose strategies rather than outcomes. Consider: even if the archer's only goal is to hit the physical target on the range, the target that the archer will actually choose to aim at will be determined by distance, windage, expected velocity of the arrow, and so forth—and may be quite different from the goal. The archer's actual target will be a virtual one hovering in the vicinity of the actual goal. The argument here is simply that robustly healthy agency covers the other goals well enough that using it as the virtual target will always be sufficient to get to a best approximation to all the goals. The arguments on these matters are found most explicitly in Chapter 6, and throughout Part Four (Chapters 9–10).

Part 1

Habilitation and Basic Justice

Preface to Part One

The two brief chapters in Part One explicate the concepts of basic justice and habilitation (Chapter 1), and the circumstances of habilitation for basic justice (Chapter 2). These preparatory materials are necessary for the arguments of Parts Two, Three, and Four, but they have a supplemental purpose as well. That purpose is to introduce an essential strand of the argument running throughout the rest of the book: namely, that theories of basic justice should be reoriented in a fundamental way—a way that encompasses not only the urgent problems about conflict, cooperation, and coordination under circumstances of scarcity and competing purposes but also encompasses the equally urgent problems about habilitation, health, and the common goals growing out of them.

Typical accounts of basic justice, after all, are implicitly framed by an almost irresistible narrative—human history written as the story of appalling conflict, malice, and resulting injustice, both political and personal. At a political level, this is the story of war and peace, grinding poverty and lavish wealth, slavery and freedom, subjugation and dominance—all of it driven by the struggle for survival in circumstances of scarcity, egoism, fixed loyalties, and the ability of a few to triumph over the many, and to organize their labor. At a personal level, this is the story of fear and greed, hatred and love, cruelty and kindness, selfishness and altruism, and above all, appetites for pleasure and triumph. The emphasis in both stories is on humans who have conflicting primal impulses at war within themselves, and which perpetually threaten to put them at war with each other. The emphasis throughout is on the undeniable, ever present reality of basic injustice.

These chapters emphasize a different aspect of human history. This is a story about the equally undeniable persistence of *basic justice*, along with injustice, and the intimate connection of both to the necessity for human habilitation. It proposes that focusing on the *circumstances of habilitation*—that is, the circumstances

under which such habilitation is both necessary and possible—is an appropriate way to understand the circumstances under which basic justice itself is possible, or not. And it proposes that focusing on the circumstances of habilitation leads to making human health—and in particular its agentic powers—central to constructing normative theories of justice.