

# I

## A WOMAN SEEKING JUSTICE

All over the world people are struggling for lives that are worthy of their human dignity. Leaders of countries often focus on national economic growth alone, but their people, meanwhile, are striving for something different: meaningful lives for themselves. Increased GDP has not always made a difference to the quality of people's lives, and reports of national prosperity are not likely to console those whose existence is marked by inequality and deprivation. Such people need theoretical approaches that can aid their struggles, or at least provoke public debate by drawing attention to them; they do not need approaches that keep these struggles hidden or muffle discussion and criticism. As the late Mahbub ul Haq, the Pakistani economist who inaugurated the Human Development Reports of the United Nations Development Programme, wrote in the first of those reports, in 1990: "The real wealth of a nation is its people. And the purpose of development is to create an enabling environment for people to enjoy long, healthy, and creative lives. This simple but powerful truth is too often forgotten in the pursuit of material and financial wealth." According to Haq, development economics needs a new theoretical approach if it is to respond to people's most urgent problems.

Consider Vasanti, a small woman in her early thirties who lives in Ahmedabad, a large city in the state of Gujarat, in northwestern India. Vasanti's husband was a gambler and an alcoholic. He used the household money to get drunk. When that money was gone, he got a vasectomy to take advantage of the cash incentive that Gujarat's government offered to encourage sterilization. So Vasanti had no children to help her, a huge liability, given the fact that a childless woman is more vulnerable to domestic violence. Eventually, as her husband became more abusive, she left him and returned to her own family.

Poor parents (or siblings, if the parents have died) are often unwilling to take back a child who has been married, especially a female child who took a dowry with her. Accepting the child back into the home means another mouth to feed and a new set of anxieties. In Vasanti's case, a divorce would prove costly because her husband was unwilling to grant one. It was her good fortune, then, that her family was willing to help her. Many women in her position end up on the street, with no alternative but sex work. Vasanti's father, who used to make Singer sewing machine parts, had died, but her brothers were running an auto parts business in what was once his shop. Using one of his old machines, and living in the shop itself, Vasanti earned a small income making eyeholes for the hooks on sari tops. Meanwhile, her brothers gave her a loan to get another machine, one that rolls the edges of the sari. She took the money, but she didn't like being dependent on her siblings—they were married and had children, and their support could end at any time.

Vasanti then discovered the Self-Employed Women's Organization (SEWA), a pathbreaking nongovernmental organization (NGO) in Ahmedabad that works with poor women. Founded by

the internationally acclaimed activist Ela Bhatt, SEWA had by that time helped more than 50,000 members, with programs including microcredit, education, health care, and a labor union. Unlike some other Indian states, Gujarat has followed a growth-oriented agenda without devoting many resources to the needs of its poorest inhabitants. Government programs that might have helped Vasanti—legal aid, health care, credit, education—were not to be found. It was her good luck that one of the best NGOs in India happened to be in her own backyard.

With the help of SEWA, Vasanti got a bank loan of her own and paid back her brothers. (SEWA, which began as a humble credit union, now operates a bank in an impressive office building in downtown Ahmedabad. All the officers and employees of the bank are women, many of them former beneficiaries of SEWA's programs.) By the time I met her, several years later, she had paid back almost all the SEWA loan itself. She was also eligible to enroll in SEWA's educational programs, where she was planning to learn to read and write and to acquire the skills necessary to promote greater social and economic independence and political participation. With the help of her friend Kokila, she was actively involved in combating domestic violence in her community. This friendship would have been very unlikely but for SEWA; Vasanti, though poor, is from the high Brahmin caste, and Kokila is from one of the lower castes. Though still all too evident in society in general, divisions along lines of caste and religion are anathema in the Indian women's movement.

What theoretical approach could direct attention to the most significant features of Vasanti's situation, promote an adequate analysis of it, and make pertinent recommendations for action? Suppose

for a moment that we were interested not in economic or political theory but just in people: what would we notice and consider salient about Vasanti's story?

First we would probably notice how small Vasanti is, and we could initially take this as evidence of poor nutrition in childhood. Poor families are often forced to feed all their children poorly, but we would want to ask about how her brothers fared. Evidence abounds that girls are less well nourished than boys and less often taken to the doctor in childhood when ill. Why? Because girls have fewer employment opportunities than boys and thus seem less important to the well-being of the entire family. The work they do in the home does not bring in money, so it is easy to overlook its economic importance. Moreover, in northern and western India girls move away from the family when they marry, taking a dowry with them. They are thus more expensive than boys, and parents often wonder why they should spend their resources on girls who won't be around to support them in their old age. The mortality of second daughters in northern and western India is notoriously high. So Vasanti's nutritional deficiency is a result not just of poverty but also of gender discrimination.

Unequal laws of property and inheritance contribute to the predicament of India's daughters, and anyone thinking about Vasanti's life must consider the role they have played in her situation. The religion-based systems of personal law that have existed in India since Independence govern property and inheritance as well as family law. All the systems institutionalize large inequalities for women. Until 1986, for example, Christian women inherited only one-fourth of what sons inherited, a custom that surely contributes to defining the worth of a daughter's life as less than that of a son's. Hindu women, too, have suffered inequalities under the Hindu property

code; they attained equal shares in agricultural land only in 2005, seven years after I met Vasanti. Hers is not a land-owning family, but an analysis of her predicament would naturally lead us to notice that closely related inequity.

Thinking about such issues, we would be led to a study of the striking gender imbalance in India's population. Demographers estimate that where similar nutrition and health care are present, women live, on average, slightly longer than men—so we would expect a ratio of something like 102 women to 100 men. Instead, the most recent Indian census shows 92 women to 100 men. These numbers are averages. In the south, where property is transmitted through the maternal line, and where the husband moves into his bride's home rather than taking his bride away, women's basic life expectancy corresponds to the demographers' prediction: the state of Kerala has a sex ratio of 102 women to 100 men. In some northern states, by contrast, the ratio is alarmingly out of kilter: a house-to-house survey in one area of rural Bihar came up with the astounding figure of 75 women to 100 men. It's well known that these imbalances are augmented wherever information about the sex of the fetus is available. Amniocentesis clinics are ubiquitous throughout the nation. Because sex-selective abortion is such a widespread problem in India, it is illegal to seek information about the sex of the fetus, but these laws are rarely enforced.

Vasanti, then, has had a bit of good luck in being alive at all. Her family didn't nourish her very well, but they did better than many poor families. When I met her she seemed to be in reasonable health, and she is fortunate to have a strong constitution, since health care is not easily accessible to the poor in Gujarat. The Indian Constitution makes health a state rather than a federal issue, so there is great variation in the resources available to the poor state by state.

Some Indian states, for example, Kerala, have effective health care systems, but most do not.

Next, we are likely to notice the fact that a woman as intelligent and determined as Vasanti has had few employment options because she never learned to read and write. We can put this down to a failure in the Gujarati education system, since education, like health, is a state matter, and literacy rates vary greatly from state to state. In Kerala, adolescent literacy for both boys and girls is close to 100 percent, whereas nationally 75.3 percent of men are literate compared with only 53.7 percent of women. The factors that produce this discrepancy are related to those that produce the sex gap in basic life expectancy and health: women are thought to have fewer options in employment and politics, so from the family's perspective, it makes more sense to assign domestic labor to girls while sending boys to school. The prophecy is self-fulfilling, since illiteracy debar women from most employment and many political opportunities. Moreover, the fact that a girl will soon leave her birth family and join another family through marriage gives her parents a lesser stake in her future. Kerala has addressed these problems better than Gujarat, though Kerala has a poor record of creating employment opportunities for people once they are educated.

Because education is such a crucial avenue of opportunity, the Indian Constitution was amended in 2002 to give both primary and secondary education the status of an enforceable fundamental right. Recognizing that poor parents often keep children out of school because they need their labor to survive, the Supreme Court of India has ordered all schools to offer children a nutritious mid-day meal that contains at least 350 calories and 18 grams of protein, thus giving poor parents an economic incentive that often outweighs the lost wages from their child's labor during school hours.

Vasanti missed this change, which might have made her both literate and physically bigger.

Meanwhile, at the national level, the Constitution was amended in 1992 to assign women one-third of the seats in local *panchayats*, or village councils. This system, like the midday meal, provides incentives for parents to educate daughters as well as sons, since one day they may well represent the interests of the family in local government. Again, this change came too late for Vasanti, in the sense that it didn't influence her parents' educational choices for the family. Now, however, Vasanti may utilize the adult education programs offered by SEWA to enhance her participation in both politics and employment.

Because Vasanti has had no formal education, she is cut off from a full understanding of her nation's history and its political and economic structure. (She can get news from TV and from her friends, but she is still limited in her ability to access a more comprehensive account or to pursue issues that interest her.) She is also unable to enjoy poetry, novels, or the many works of the imagination that would make her life richer and more fun. She is not, however, cut off from music and dance, and SEWA makes valuable use of these media in educating women like Vasanti.

A key issue in Vasanti's story is domestic violence. That complex story, in turn, involves social and governmental choices in many areas. Her husband's alcoholism clearly fueled his violence. Several Indian states have adopted prohibition laws for this very reason. This hasn't proved to be a very effective remedy: more helpful would have been educational programs about alcohol and drugs and high-quality treatment and therapy, none of which were provided by state government to Gujarat's poor population. By contrast, it was state action rather than inaction that explains her husband's vasectomy:

bribing poor people to have vasectomies is not a great means of population control for many reasons, not the least of which is that it robs women of choice. As for the violence itself, Vasanti received no help from the police, a consequence of weak law enforcement and bad police training. So her bodily integrity and health were constantly at risk, and her dignity was violated.

When we think about domestic violence we have to think about exit options and bargaining power in the marriage. When a woman can leave, she doesn't have to endure being beaten. And when the husband knows she can leave because she has employment opportunities or control over property, she is at least somewhat less likely to be beaten. Important research by Bina Agarwal shows that land-ownership is the single most important factor explaining why some women in a region suffer domestic abuse and others don't. A woman who owns land is less likely to be victimized because she can leave the marriage, and when she leaves she will be taking something of great value with her. Other sources of leverage against an abusive husband are employment, education, movable property, and savings. A compassionate birth family also offers exit options. Vasanti's family was unusual in that they gave her the option to leave her husband with dignity, and even to take up employment. Nonetheless, the difficulty of getting a divorce—the legal system is slow and notoriously corrupt—made it hard for her to stand fully on her own.

The SEWA loan changed that picture. The organization gave Vasanti a source of support not tied to her status as a dependent; the money was hers to use even if she displeased her brothers. This independence enhanced her self-respect and capacity for choice.

The toll that domestic violence takes on physical health is enormous, but its effect on emotional health is equally devastating.

Women in Vasanti's position usually suffer greatly from both fear and the inhibition of anger. They often lack any true pleasure in love and sexual expression. The conditions that made it possible for Vasanti to leave her husband also improved her emotional health, as did her good relationship with her brothers. The SEWA loan opened still more doors to happiness: Vasanti clearly enjoys her friendship with Kokila and the experience of being respected and treated as an equal within a group of women.

During her marriage, Vasanti was cut off from all relationships except the highly unequal one with her abusive husband. She did not have friends, she was unable to work, she did not participate in politics. This is the lot of many women in abusive relationships, but it is particularly common for women whose caste status makes it shameful for them to seek employment outside the home. Upper-caste women like Vasanti are often worse off than lower-caste women, who can circulate freely. Vasanti was even prevented from having children, which would have provided her with a source of love. SEWA made it possible for her to become active in politics and to form a whole group of friends who respect her as an equal. The fact that she came to the SEWA office to tell her story to a stranger was itself a sign of new openness and curiosity. She seemed excited and proud to talk about her life. Nonetheless, the workplace options open to her as a Brahmin woman remain highly circumscribed, and her participation in political life is still limited by her inability to read and write.

Vasanti is active in one area of politics, as she and Kokila work to diminish domestic violence. We might ask, though, whether she knows her rights as a citizen, whether she is a voter, whether she knows anything about how to use the legal system. The *panchayat* system has done a great deal to enhance women's political engage-

ment and knowledge, and India's poor in general have an extremely high level of participation in elections, so she probably has at least some understanding of the political system. In the absence of literacy and formal schooling, however, her ability to inform herself further is limited. Studies of the *panchayats* have shown that illiterate women have a hard time participating in public affairs and gaining respect.

SEWA focuses on a very basic theme that runs through all these issues: the ability of women to control and plan their own lives. SEWA teaches women that they are not merely passive, not objects to be pushed around by others or mere pawns or servants of others: they can make choices, they can plan their futures. This is a heady new idea for women brought up to think of themselves as dependents with no autonomy. In Vasanti's case, choice and independence were, indeed, the main difference between the SEWA loan and the loan from her brothers. The pleasure in this newfound status as a decision-maker seemed to pervade her relationship with Kokila (a chosen friend, and perhaps her first chosen friend) as well as her dealings with the women's group.

What else might we notice? We don't know much about Vasanti's working hours or the structure of her day. Does she have any time for leisure? Can she ever just sit and think, or enjoy something beautiful, or drink tea with her friends? She seems to take pleasure in dressing well. Her sari is a lovely color of bright blue; like most poor women in India, she does not allow poverty to restrict her aesthetic imagination. She can most likely enjoy play and leisure activity to some degree, not because her society has protected leisure time for all citizens, but because she has no children and no responsibilities for in-laws. The flip side of her sad story is that at least she is not stuck with the "double day" of a demanding job plus full respon-

sibility for domestic labor and child and elder care, as are millions of women all over the world. In general, protecting leisure time for workers, especially female workers, is an important issue in creating a decent society.

In thinking about play and fun, I wondered if Vasanti was interested in meeting some nice men and perhaps marrying again, once her divorce was final. One of the most striking aspects of the Indian women's movement has been the virtual absence of Western romantic notions. Women who have endured an unhappy marriage rarely express interest in seeking another spouse. They want to be able to live without a man, and they love the fact that one of SEWA's central ideals is the Gandhian notion of self-sufficiency. The thought is that, just as India could not win self-respect and freedom without achieving self-sufficiency with regard to its colonial master, so women cannot have self-respect and freedom without extricating themselves from dependence on their colonial masters, namely, men. Women view their ability to live without a man as a sign of self-respect. We might wonder whether such women (who are often homophobic and thus unlikely to be involved in lesbian relationships) are deprived of one of life's great pleasures. Do they really choose to live as single women, or are they too emotionally traumatized or exhausted by malnutrition to seek out a partner? When they talk of Western notions of romance and express a preference for solidarity with a group of women, however, we are reminded that one way of life (in this case, as part of a romantic couple, whether opposite or same-sex) is not necessarily best for women everywhere.

Some of us, at least, might want to ask about Vasanti's relationship to the environment around her. Is it polluted? Is it dangerous? Does she have opportunities to think about environmental

issues and to make choices for herself and others in that regard? Many women's movements are ecologically oriented; SEWA is not. Nor does the state in which Vasanti lives do much on such issues. Chances are, then, that Vasanti has no opportunity to be productively involved in environmental thinking, and her health may right now be at risk from environmental degradation (air pollution, poor water, and so on). Often women who lead the most allegedly "natural" lives are those most at risk, since cow dung, used for fuel in many poor countries, is one of the most damaging pollutants when it comes to respiratory health.

These are at least some of the aspects of Vasanti's situation that a concerned onlooker or reader, knowledgeable about her social context, would consider. Most of these issues are recognized as salient by SEWA and those close to Vasanti. Many were important to Vasanti all along. As she learns more about her situation and what produces it, other issues of which she might not have been aware (for example, the role of the *panchayat* system, or children's need for an adequate amount of protein) become important for her as well.

The diverse aspects of Vasanti's situation interact with one another in complex ways, as we can already see, but each one is also a distinct issue that must be addressed in its own right if Vasanti is to live the life she deserves. A decent public policy can influence all aspects of her experience. It makes sense for an approach to "development," which means making things better, to focus on how Vasanti's opportunities and freedoms to choose and act are affected by the variety of policies available for consideration.

Unfortunately, the dominant theoretical approaches in development economics, approaches used all over the world, are not allies of Vasanti's struggle. They do not "read" her situation the way a local activist or a concerned observer might. Nor, indeed, do they read

it in a way that would make sense to Vasanti, or even in a way that respects her as a dignified human being with entitlements equal to those of others. They equate doing well (for a state or a nation) with an increase in GDP per capita. In other words, Gujarat is pursuing the right policies if and only if its economy is growing, and it should be compared with other Indian states simply by looking at GDP per capita.

What does that figure, however glorious, mean to Vasanti? It doesn't reach her life, and it doesn't solve her problems. Somewhere in Gujarat is increased wealth deriving from foreign investment, but she doesn't have it. To her, hearing that GDP per capita has increased nicely is like being told that somewhere in Gujarat there is a beautiful painting, only she can't look at it, or a table set with delicious food, only she can't have any. Increased wealth is a good thing in that it might have allowed the government to adopt policies that would have made a difference to Vasanti. That, however, has not happened, and we should not be surprised. In general, the benefits of increased wealth resulting from foreign investment go in the first instance to elites, and this is not simply because GDP is an average figure, neglecting distribution: as the Sarkozy Commission report shows, profits from foreign investment frequently do not even raise average household income. The benefits of this increased wealth do not reach the poor, unless those local elites are committed to policies of redistribution of wealth; and they particularly do not reach poor women, whose employment opportunities are so much worse than those of men. Nor, as research shows, does economic growth by itself deliver improvements in health and education, in the absence of direct state action. So the things that matter to Vasanti don't figure in the standard approach, whose single focus makes no difference to her life.

The standard approach, then, does not direct our attention to the reasons for Vasanti's inability to enjoy the fruits of her region's general prosperity. Indeed, it positively distracts attention from her problems by suggesting that the right way to improve the quality of life in Gujarat is to shoot for economic growth, and that alone.

In *Hard Times*, Charles Dickens portrayed a classroom in which children were taught the standard approach. Circus girl Sissy Jupe—who has only recently joined the class—is told to imagine that the classroom is a nation, and in that nation there are “fifty millions of money.” Now, says the teacher, “Girl number twenty” (in keeping with the emphasis on aggregation, students have numbers rather than names), “isn't this a prosperous nation, and a'n't you in a thriving state?” Sissy bursts into tears and runs out of the room. She tells her friend Louisa that she could not answer the question, “unless I knew who had got the money and whether any of it was mine. But that had nothing to do with it. It was not in the figures at all.”

What we seem to need is an approach that asks Sissy Jupe's question, an approach that defines achievement in terms of the opportunities open to each person. Such an approach had better begin close to the ground, looking at life stories and the human meaning of policy changes for real people. Developing policies that are truly pertinent to a wide range of human situations means attending to diverse factors that affect the quality of a human life—asking, in each area, “What are people (and what is each person) actually able to do and to be?” Of course any approach to development must employ devices of aggregation, but if aggregation is to deliver pertinent information, we must begin by asking carefully which items ought to be given prominence.

The elements of Vasanti's story have a very close relationship to

the list of Central Capabilities that will be presented shortly. So it may seem that the way I tell Vasanti's story is circular, and that I single out those features only because I already know what's on the list. However, we can't look at a life or listen to a story without having some preliminary hunches about what is significant. That's the paradox of inquiry mentioned in Plato's *Meno*: if you don't have any idea what you're looking for, you won't ever find it. The paradox, however, need not prove disabling. What is important is that the search be not rigid but open to new learning. I have tried to learn a lot before framing the list, and stories like Vasanti's were key aspects of that learning experience (though not part of my justification of the list, as will be seen later). Nor is the list final: if it turns out to lack something that experience shows to be a crucial element of a life worthy of human dignity, it can always be contested and remade. Working with many activists over the years, and noticing what their experienced eyes notice as significant in the lives of women in their own societies, I have tried to educate my judgment accordingly, and continue to do so.

More recently, empirical work by Jonathan Wolff and Avner De-Shalit has confirmed that the capabilities on my list are the ones recognized as most salient in the immigrant communities in which they work (in Israel and Great Britain). Storytelling is never neutral; the narrator always directs attention to some features of the world rather than to others. We should, however, insist on genuine curiosity and theoretical flexibility in the construction of an alternative approach. The Capabilities Approach set out to be an alternative to the GDP approach that would incorporate these important virtues.

The Capabilities Approach has typically been elaborated in the context of international development policy, with a focus on poorer nations that are struggling to improve their quality of life. More re-

cently, richer nations have compiled their own Human Development Reports, and their data have always been important in the Reports of the UN Human Development Reports Office. Still, the approach is sometimes thought of as suited only to poorer countries. All nations, however, contain struggles for lives worthy of human dignity, and all contain struggles for equality and justice. Vasant's story has some features that would be found less often in the United States because it has a higher rate of literacy than does India. Inner-city schools in this country, however, often fail to deliver even functional literacy to their students, and at higher levels of education alarming inequalities in access remain. The experience of domestic violence is probably as common in the United States as it is in India, studies show, and strategies to combat it are still insufficient, despite increased public awareness of the problem and efforts by legal activists. Inequalities in health care and nutrition are ubiquitous in the United States, and this failure is unconscionable, given our nation's great wealth. All nations, then, are developing nations, in that they contain problems of human development and struggles for a fully adequate quality of life and for minimal justice. All are currently failing at the aim of ensuring dignity and opportunity for each person. For all, then, the Capabilities Approach supplies insight.

## 2

### THE CENTRAL CAPABILITIES

The approach we are investigating is sometimes called the *Human Development Approach* and sometimes the *Capability* or *Capabilities Approach*. Occasionally the terms are combined, as in *Journal of Human Development and Capabilities*, the current name of the former *Journal of Human Development*—a title reflecting its new status as the official journal of the HDCA. To some extent these titles are used as mere verbal variants, and many people make no distinction among them. Insofar as there are any significant differences, “Human Development Approach” is associated, historically, with the Human Development Report Office of the United Nations Development Programme and its annual Human Development Reports. These reports use the notion of capabilities as a comparative measure rather than as a basis for normative political theory. Amartya Sen had a major intellectual role in framing them, but they do not incorporate all aspects of his (pragmatic and result-oriented) theory; they simply aim to package comparative information in such a way as to reorient the development and policy debate, rather than to advance a systematic economic or political theory.

“Capability Approach” and “Capabilities Approach” are the key terms in the political/economic program Sen proposes in works

such as *Inequality Reexamined* and *Development as Freedom*, where the project is to commend the capability framework as the best space within which to make comparisons of life quality, and to show why it is superior to utilitarian and quasi-Rawlsian approaches. I typically use the plural, “Capabilities,” in order to emphasize that the most important elements of people’s quality of life are plural and qualitatively distinct: health, bodily integrity, education, and other aspects of individual lives cannot be reduced to a single metric without distortion. Sen, too, emphasizes this idea of plurality and nonreducibility, which is a key element of the approach.

I prefer the term “Capabilities Approach,” at least in many contexts, to the term “Human Development Approach,” because I am concerned with the capabilities of nonhuman animals as well as human beings. The approach provides a fine basis for a theory of justice and entitlement for both nonhuman animals and humans. Sen shares this interest, although he has not made it a central focus of his work.

The Capabilities Approach can be provisionally defined as an approach to comparative quality-of-life assessment and to theorizing about basic social justice. It holds that the key question to ask, when comparing societies and assessing them for their basic decency or justice, is, “What is each person able to do and to be?” In other words, the approach takes *each person as an end*, asking not just about the total or average well-being but about the opportunities available to each person. It is *focused on choice or freedom*, holding that the crucial good societies should be promoting for their people is a set of opportunities, or substantial freedoms, which people then may or may not exercise in action: the choice is theirs. It thus commits itself to respect for people’s powers of self-definition. The approach is resolutely *pluralist about value*: it holds that the capability achieve-

ments that are central for people are different in quality, not just in quantity; that they cannot without distortion be reduced to a single numerical scale; and that a fundamental part of understanding and producing them is understanding the specific nature of each. Finally, the approach is *concerned with entrenched social injustice and inequality*, especially capability failures that are the result of discrimination or marginalization. It ascribes an urgent *task to government and public policy*—namely, to improve the quality of life for all people, as defined by their capabilities.

These are the essential elements of the approach. It has (at least) two versions, in part because it has been used for two different purposes. My own version, which puts the approach to work in constructing a theory of basic social justice, adds other notions in the process (those of *human dignity*, the *threshold*, *political liberalism*). As a theory of fundamental political entitlements, my version of the approach also employs a specific list of the *Central Capabilities*. Compared with many familiar theories of welfare, my approach also subtracts: my capability-based theory of justice refrains from offering a comprehensive assessment of the quality of life in a society, even for comparative purposes, because the role of *political liberalism* in my theory requires me to prescind from offering any comprehensive account of value. Sen's primary concern has been to identify capability as the most pertinent space of comparison for purposes of quality-of-life assessment, thus changing the direction of the development debate. His version of the approach does not propose a definite account of basic justice, although it is a normative theory and does have a clear concern with issues of justice (focusing, for example, on instances of capability failure that result from gender or racial discrimination). In consequence, Sen does not employ a threshold or a specific list of capabilities, although it is clear that he

thinks some capabilities (for example, health and education) have a particular centrality. Nor does he make central theoretical use of the concept of *human dignity*, though he certainly acknowledges its importance. At the same time, Sen does propose that the idea of capabilities can be the basis for a comprehensive quality-of-life assessment in a nation, in that sense departing from the deliberately limited aims of my political liberalism.

These differences will occupy us further in Chapter 4. At this point, however, we may continue to treat the approach as a single, relatively unified approach to a set of questions about both quality of life and basic justice. The story of Vasanti and what is salient in her situation could have been told by either Sen or me, and the same essential features would have been recognized—although Sen would not formalize them as a list or make assessments of minimal social justice, choosing instead to focus on quality-of-life issues. Enough has been said, I hope, to draw attention to the shared contours of the approach and its guiding concepts, as well as to some specific concepts of my own version that will also be defined in this chapter, even though they do not figure centrally in Sen’s theory.

What are *capabilities*? They are the answers to the question, “What is this person able to do and to be?” In other words, they are what Sen calls “substantial freedoms,” a set of (usually interrelated) opportunities to choose and to act. In one standard formulation by Sen, “a person’s ‘capability’ refers to the alternative combinations of functionings that are feasible for her to achieve. Capability is thus a kind of freedom: the substantive freedom to achieve alternative functioning combinations.” In other words, they are not just abilities residing inside a person but also the freedoms or opportunities created by a combination of personal abilities and the political, social, and economic environment. To make the complexity of

capabilities clear, I refer to these “substantial freedoms” as *combined capabilities*. Vasanti’s combined capabilities are the totality of the opportunities she has for choice and action in her specific political, social, and economic situation.

Of course the characteristics of a person (personality traits, intellectual and emotional capacities, states of bodily fitness and health, internalized learning, skills of perception and movement) are highly relevant to his or her “combined capabilities,” but it is useful to distinguish them from combined capabilities, of which they are but a part. I call these states of the person (not fixed, but fluid and dynamic) *internal capabilities*. They are to be distinguished from innate equipment: they are trained or developed traits and abilities, developed, in most cases, in interaction with the social, economic, familial, and political environment. They include such traits as Vasanti’s learned political skill, or her skill in sewing; her newfound self-confidence and her freedom from her earlier fear. One job of a society that wants to promote the most important human capabilities is to support the development of internal capabilities—through education, resources to enhance physical and emotional health, support for family care and love, a system of education, and much more.

Why is it important to distinguish internal capabilities from combined capabilities? The distinction corresponds to two overlapping but distinct tasks of the decent society. A society might do quite well at producing internal capabilities but might cut off the avenues through which people actually have the opportunity to function in accordance with those capabilities. Many societies educate people so that they are capable of free speech on political matters—internally—but then deny them free expression in practice through repression of speech. Many people who are internally free to exercise a

religion do not have the opportunity to do so in the sense of combined capability, because religious free exercise is not protected by the government. Many people who are internally capable of participating in politics are not able to choose to do so in the sense of combined capability: they may be immigrants without legal rights, or they may be excluded from participation in some other manner. It is also possible for a person to live in a political and social environment in which she could realize an internal capability (for example, criticizing the government) but lack the developed ability to think critically or speak publicly.

Because combined capabilities are defined as internal capabilities plus the social/political/economic conditions in which functioning can actually be chosen, it is not possible conceptually to think of a society producing combined capabilities without producing internal capabilities. We could, however, imagine a society that does well in creating contexts for choice in many areas but does not educate its citizens or nourish the development of their powers of mind. Some states in India are like this: open to those who want to participate but terrible at delivering the basic health care and education that would enable them to do so. Here, terminologically, we would say that neither internal nor combined capabilities were present, but that the society had done at least some things right. (And of course in such a society many people do have combined capabilities, just not the poor or the marginalized.) Vasanti's Gujarat has a high rate of political participation, like all Indian states: so it has done well in extending political capabilities to all. (Notice that here we infer the presence of the capability from the actual functioning: it seems hard to do otherwise empirically, but conceptually we ought to remember that a person might be fully capable of voting and yet

choose not to vote.) Gujarat has not done similarly well in promoting related internal capabilities, such as education, adequate information, and confidence, for the poor, women, and religious minorities.

The distinction between internal and combined capabilities is not sharp, since one typically acquires an internal capability by some kind of functioning, and one may lose it in the absence of the opportunity to function. But the distinction is a useful heuristic in diagnosing the achievements and shortcomings of a society.

Internal capabilities are not innate equipment. The idea of innate equipment does, however, play a role in the Human Development Approach. After all, the term “human development” suggests the unfolding of powers that human beings bring into the world. Historically, the approach is influenced by philosophical views that focus on human flourishing or self-realization, from Aristotle to John Stuart Mill in the West and Rabindranath Tagore in India. And the approach in many ways uses the intuitive idea of waste and starvation to indicate what is wrong with a society that thwarts the development of capabilities. Adam Smith wrote that deprivation of education made people “mutilated and deformed in a[n] . . . essential part of the character of human nature.” This captures an important intuitive idea behind the capabilities project. We therefore need a way to talk about these innate powers that are either nurtured or not nurtured, and for that we may use the term *basic capabilities*. We now know that the development of basic capabilities is not hard-wired in the DNA: maternal nutrition and prenatal experience play a role in their unfolding and shaping. In that sense, even after a child is born we are always dealing with very early internal capabilities, already environmentally conditioned, not with a pure poten-

tial. Nonetheless, the category is a useful one, so long as we do not misunderstand it. Basic capabilities are the innate faculties of the person that make later development and training possible.

The concept of basic capabilities must be used with much caution, since we can easily imagine a theory that would hold that people's political and social entitlements should be proportional to their innate intelligence or skill. This approach makes no such claim. Indeed, it insists that the political goal for all human beings in a nation ought to be the same: all should get above a certain threshold level of combined capability, in the sense not of coerced functioning but of substantial freedom to choose and act. That is what it means to treat all people with equal respect. So the attitude toward people's basic capabilities is not a meritocratic one—more innately skilled people get better treatment—but, if anything, the opposite: those who need more help to get above the threshold get more help. In the case of people with cognitive disabilities, the goal should be for them to have the same capabilities as “normal” people, even though some of those opportunities may have to be exercised through a surrogate, and the surrogate may in some cases supply part of the internal capability if the person is unable to develop sufficient choice capability on her own, for example, by voting on that person's behalf even if the person is unable to make a choice. The one limitation is that the person has to be a child of human parents and capable of at least some sort of active striving: thus a person in a permanent vegetative condition or an anencephalic person would not be qualified for equal political entitlements under this theory. But the notion of basic capability is still appropriate in thinking about education: if a child has innate cognitive disabilities, special interventions are justified.

On the other side of capability is *functioning*. A functioning is an

active realization of one or more capabilities. Functionings need not be especially active or, to use the term of one critic, “muscular.” Enjoying good health is a functioning, as is lying peacefully in the grass. Functionings are beings and doings that are the outgrowths or realizations of capabilities.

In contrasting capabilities with functionings, we should bear in mind that capability means opportunity to select. The notion of *freedom to choose* is thus built into the notion of capability. To use an example of Sen’s, a person who is starving and a person who is fasting have the same type of functioning where nutrition is concerned, but they do not have the same capability, because the person who fasts is able not to fast, and the starving person has no choice.

In a sense, capabilities are important because of the way in which they may lead to functionings. If people never functioned at all, in any way, it would seem odd to say that the society was a good one because it had given them lots of capabilities. The capabilities would be pointless and idle if they were never used and people slept all through life. In that limited way, the notion of functioning gives the notion of capability its end-point. But capabilities have value in and of themselves, as spheres of freedom and choice. To promote capabilities is to promote areas of freedom, and this is not the same as making people function in a certain way. Thus the Capabilities Approach departs from a tradition in economics that measures the real value of a set of options by the best use that can be made of them. Options are freedoms, and freedom has intrinsic value.

Some political views deny this: they hold that the right thing for government to do is to make people lead healthy lives, do worthwhile activities, exercise religion, and so on. We deny this: we say that capabilities, not functionings, are the appropriate political goals, because room is thereby left for the exercise of human free-

dom. There is a huge moral difference between a policy that promotes health and one that promotes health capabilities—the latter, not the former, honors the person’s lifestyle choices.

The preference for capabilities is connected to the issue of respect for a plurality of different religious and secular views of life, and thus to the idea of political liberalism (defined in Chapter 4).

Children, of course, are different; requiring certain sorts of functioning of them (as in compulsory education) is defensible as a necessary prelude to adult capability.

Some people who use the Capabilities Approach think that in a few specific areas government is entitled to promote functionings rather than just capabilities. Richard Arneson, for example, has defended paternalistic function-oriented policies in the area of health: government should use its power to make people take up healthy lifestyles. Sen and I do not agree with this position because of the high value we ascribe to choice. There is one exception: government, I hold, should not give people an option to be treated with respect and nonhumiliation. Suppose, for example, that the U.S. government gave every citizen a penny that they could then choose to pay back to “purchase” respectful treatment. But if the person chose to keep the penny, the government would humiliate them. This is unacceptable. Government must treat all people respectfully and should refuse to humiliate them. I make this exception because of the centrality of notions of dignity and respect in generating the entire capabilities list. Similarly, virtually all users of the approach would agree that slavery should be prohibited, even if favored by a majority, and even if by voluntary contract.

Another area of reasonable disagreement involves the right to do things that would appear to destroy some or all capabilities. Should people be permitted to sell their organs? To use hard drugs? To en-

gage in a wide range of risky sports? Typically we make compromises in such areas, and these compromises do not always make sense: thus alcohol, an extremely destructive drug, remains legal while marijuana is for the most part illegal. We regulate most sports for safety, but we do not have an organized public debate about which areas of freedom it makes sense to remove for safety's sake. We can certainly agree that capability-destruction in children is a particularly grave matter and as such should be off-limits. In other cases, reasonable safety regulation seems plausible—unless debate reveals that the removal of an option (boxing without gloves, say) is really an infringement of freedom so grave as to make people's lives incompatible with human dignity. Usually situations are not so grave, and thus in many such cases the approach has little to say, allowing matters to be settled through the political process.

This issue will be further illuminated if we turn to a related and crucial question: Which capabilities are the most important? The approach makes this valuational question central rather than concealing it. This is one of its attractive features. Other approaches always take some sort of stand on questions of value, but often without explicitness or argument. Sen and I hold that it is crucial to face this question head on, and to address it with pertinent normative arguments.

Sen takes a stand on the valuational issue by emphasis, choice of examples, and implication, but he does not attempt anything like a systematic answer, an issue to which we will return in Chapter 4. It is reasonable for him not to attempt a systematic answer, insofar as he is using the idea of capabilities merely to frame comparisons. Insofar as he is using it to construct a theory of democracy and of justice, it is less clear that his avoidance of commitments on substance is wise. Any use of the idea of capabilities for the purposes of

normative law and public policy must ultimately take a stand on substance, saying that some capabilities are important and others less important, some good, and some (even) bad.

Returning to the idea of basic capabilities will help us grasp this point. Human beings come into the world with the equipment for many “doings and beings” (to use a common phrase of Sen’s), and we have to ask ourselves which ones are worth developing into mature capabilities. Adam Smith, thinking of children deprived of education, said that their human powers were “mutilated and deformed.” Imagine, instead, a child whose capacity for cruelty and the humiliation of others is starved and thwarted by familial and social development. We would not describe such a child as “mutilated and deformed,” even if we granted that these capacities have their basis in innate human nature. Again, suppose we were told that a particular child was never taught to be capable of whistling *Yankee Doodle Dandy* while standing on her head. We would not say that this child’s human powers had been “mutilated and deformed” because, even though the capability in question is not—unlike the capacity for cruelty—bad, and even though it is probably grounded in human nature, it is just not very important.

The Capabilities Approach is not a theory of what human nature is, and it does not read norms off from innate human nature. Instead, it is evaluative and ethical from the start: it asks, among the many things that human beings might develop the capacity to do, which ones are the really valuable ones, which are the ones that a minimally just society will endeavor to nurture and support? An account of human nature tells us what resources and possibilities we have and what our difficulties may be. It does not tell us what to value.

Nonhuman animals are less malleable than human animals, and

they may not be able to learn to inhibit a harmful capacity without painful frustration. They are also hard to “read,” since their lives are not ours. Observing their actual capacities and having a good descriptive theory of each species and its form of life will thus rightly play a larger role in creating a normative theory of animal capabilities than it does in the human case. Still, the normative exercise is crucial, difficult though it may be.

How would we begin selecting the capabilities on which we want to focus? Much depends on our purpose. On the one hand, if our intention is simply comparative, all sorts of capabilities suggest interesting comparisons across nations and regions, and there is no reason to prescribe in advance: new problems may suggest new comparisons. On the other hand, if our aim is to establish political principles that can provide the grounding for constitutional law and public policy in a nation aspiring to social justice (or to propose goals for the community of nations), selection is of the utmost importance. We cannot select, however, using only the notion of capabilities. The title “Capabilities Approach” should not be read as suggesting that the approach uses only a single concept and tries to squeeze everything out of it.

At this point I invoke the notion of human dignity and of a life worthy of it—or, when we are considering other animal species, the dignity appropriate to the species in question. Dignity is an intuitive notion that is by no means utterly clear. If it is used in isolation, as if it is completely self-evident, it can be used capriciously and inconsistently. Thus it would be mistaken to use it as if it were an intuitively self-evident and solid foundation for a theory that would then be built upon it. My approach does not do this: dignity is one element of the theory, but all of its notions are seen as interconnected, deriving illumination and clarity from one another. (This

idea of a holistic and nonfoundational type of justification will be elaborated in Chapter 4.) In the case of dignity, the notion of respect is a particularly important relative, and the political principles themselves illuminate what we take human dignity (and its absence) to mean. But the basic idea is that some living conditions deliver to people a life that is worthy of the human dignity that they possess, and others do not. In the latter circumstance, they retain dignity, but it is like a promissory note whose claims have not been met. As Martin Luther King, Jr., said of the promises inherent in national ideals: dignity can be like “a check that has come back marked ‘insufficient funds.’”

Although dignity is a vague idea that needs to be given content by placing it in a network of related notions, it does make a difference. A focus on dignity is quite different, for example, from a focus on satisfaction. Think about debates concerning education for people with severe cognitive disabilities. It certainly seems possible that satisfaction, for many such people, could be produced without educational development. The court cases that opened the public schools to such people used, at crucial junctures, the notion of dignity: we do not treat a child with Down syndrome in a manner commensurate with that child’s dignity if we fail to develop the child’s powers of mind through suitable education. In a wide range of areas, moreover, a focus on dignity will dictate policy choices that protect and support agency, rather than choices that infantilize people and treat them as passive recipients of benefit.

The claims of human dignity can be denied in many ways, but we may reduce them all to two, corresponding to the notions of internal capability and combined capability. Social, political, familial, and economic conditions may prevent people from choosing to function in accordance with a developed internal capability: this

sort of thwarting is comparable to imprisonment. Bad conditions can, however, cut deeper, stunting the development of internal capabilities or warping their development. In both cases, basic human dignity remains: the person is still worthy of equal respect. In the former case, however, dignity has been more deeply violated. Think of the difference between rape and simple robbery. Both damage a person; neither removes the person's equal human dignity. Rape, however, can be said to violate a woman's dignity because it invades her internal life of thought and emotion, changing her relationship to herself.

The notion of dignity is closely related to the idea of active striving. It is thus a close relative of the notion of basic capability, something inherent in the person that exerts a claim that it should be developed. But whereas there is room to argue about whether innate potential differs across people, human dignity, from the start, is equal in all who are agents in the first place (again, excluding those in a permanent vegetative state and those who are anencephalic, thus without agency of any kind). All, that is, deserve equal respect from laws and institutions. If people are considered as citizens, the claims of all citizens are equal. Equality holds a primitive place in the theory at this point, although its role will be confirmed by its fit with the rest of the theory. From the assumption of equal dignity, it does not follow that all the centrally important capabilities are to be equalized. Treating people as equals may not entail equalizing the living conditions of all. The question of what treating people as equals requires must be faced at a later stage, with independent arguments.

In general, then, the Capabilities Approach, in my version, focuses on the protection of areas of freedom so central that their removal makes a life not worthy of human dignity. When a freedom is not

that central, it will be left to the ordinary workings of the political process. Sometimes it is clear that a given capability is central in this way: the world has come to a consensus, for example, on the importance of primary and secondary education. It seems equally clear that the ability to whistle *Yankee Doodle Dandy* while standing on one's head is not of central importance and does not deserve a special level of protection. Many cases may be unclear for a long time: for example, it was not understood for many centuries that a woman's right to refuse her husband intercourse was a crucial right of bodily integrity. What must happen here is that the debate must take place, and each must make arguments attempting to show that a given liberty is implicated in the idea of human dignity. This cannot be done by vague intuitive appeals to the idea of dignity all by itself: it must be done by discussing the relationship of the putative entitlement to other existing entitlements, in a long and detailed process—showing, for example, the relationship of bodily integrity inside the home to women's full equality as citizens and workers, to their emotional and bodily health, and so forth. But there will be many unclear cases. What about the right to plural marriages? The right to homeschooling? Because the approach does not derive value from people's existing preferences (which may be distorted in various ways), the quality of the argument, not the number of supporters, is crucial. But it is evident that the approach will leave many matters as optional, to be settled by the political process.

Considering the various areas of human life in which people move and act, this approach to social justice asks, What does a life worthy of human dignity require? At a bare minimum, an ample threshold level of ten Central Capabilities is required. Given a widely shared understanding of the task of government (namely, that gov-

ernment has the job of making people able to pursue a dignified and minimally flourishing life), it follows that a decent political order must secure to all citizens at least a threshold level of these ten Central Capabilities:

1. *Life*. Being able to live to the end of a human life of normal length; not dying prematurely, or before one's life is so reduced as to be not worth living.
2. *Bodily health*. Being able to have good health, including reproductive health; to be adequately nourished; to have adequate shelter.
3. *Bodily integrity*. Being able to move freely from place to place; to be secure against violent assault, including sexual assault and domestic violence; having opportunities for sexual satisfaction and for choice in matters of reproduction.
4. *Senses, imagination, and thought*. Being able to use the senses, to imagine, think, and reason—and to do these things in a “truly human” way, a way informed and cultivated by an adequate education, including, but by no means limited to, literacy and basic mathematical and scientific training. Being able to use imagination and thought in connection with experiencing and producing works and events of one's own choice, religious, literary, musical, and so forth. Being able to use one's mind in ways protected by guarantees of freedom of expression with respect to both political and artistic speech, and freedom of religious exercise. Being able to have pleasurable experiences and to avoid nonbeneficial pain.
5. *Emotions*. Being able to have attachments to things and people outside ourselves; to love those who love and care for us, to grieve at their absence; in general, to love, to grieve, to experience longing, gratitude, and justified anger. Not having one's emotional develop-

- ment blighted by fear and anxiety. (Supporting this capability means supporting forms of human association that can be shown to be crucial in their development.)
6. *Practical reason*. Being able to form a conception of the good and to engage in critical reflection about the planning of one's life. (This entails protection for the liberty of conscience and religious observance.)
  7. *Affiliation*. (A) Being able to live with and toward others, to recognize and show concern for other human beings, to engage in various forms of social interaction; to be able to imagine the situation of another. (Protecting this capability means protecting institutions that constitute and nourish such forms of affiliation, and also protecting the freedom of assembly and political speech.) (B) Having the social bases of self-respect and nonhumiliation; being able to be treated as a dignified being whose worth is equal to that of others. This entails provisions of nondiscrimination on the basis of race, sex, sexual orientation, ethnicity, caste, religion, national origin.
  8. *Other species*. Being able to live with concern for and in relation to animals, plants, and the world of nature.
  9. *Play*. Being able to laugh, to play, to enjoy recreational activities.
  10. *Control over one's environment*. (A) *Political*. Being able to participate effectively in political choices that govern one's life; having the right of political participation, protections of free speech and association. (B) *Material*. Being able to hold property (both land and movable goods), and having property rights on an equal basis with others; having the right to seek employment on an equal basis with others; having the freedom from unwarranted search and seizure. In work, being able to work as a human being, exercising practical reason and entering into meaningful relationships of mutual recognition with other workers.

Although this list pertains to human life, its general headings provide a reasonable basis for beginning to think more adequately about what we owe to nonhuman animals, a topic to be pursued in the final chapter.

Capabilities belong first and foremost to individual persons, and only derivatively to groups. The approach espouses a principle of *each person as an end*. It stipulates that the goal is to produce capabilities for each and every person, and not to use some people as a means to the capabilities of others or of the whole. This focus on the person makes a huge difference for policy, since many nations have thought of the family, for example, as a homogeneous unit to be supported by policy, rather than examining and promoting the separate capabilities of each of its members. At times group-based policies (for example, affirmative action) may be effective instruments in the creation of individual capabilities, but that is the only way they can be justified. This normative focus on the individual cannot be dislodged by pointing to the obvious fact that people at times identify themselves with larger collectivities, such as the ethnic group, the state, or the nation, and take pride in the achievements of that group. Many poor residents of Gujarat identify with that state's overall development achievements, even though they themselves don't gain much from them. The approach, however, considers each person worthy of equal respect and regard, even if people don't always take that view about themselves. The approach is not based on the satisfaction of existing preferences.

The irreducible heterogeneity of the Central Capabilities is extremely important. A nation cannot satisfy the need for one capability by giving people a large amount of another, or even by giving them some money. All are distinctive, and all need to be secured and protected in distinctive ways. If we consider a constitution that pro-

protects capabilities as essential rights of all citizens, we can see how this works in practice: people have a claim against government if their constitution protects religious freedom and that freedom has been violated—even though they may be comfortable, well-fed, and secure with respect to every other capability that matters.

The basic claim of my account of social justice is this: respect for human dignity requires that citizens be placed above an ample (specified) threshold of capability, in all ten of those areas. (By mentioning citizens, I do not wish to deny that resident aliens, legal and illegal, have a variety of entitlements: I simply begin with the core case.)

The list is a proposal: it may be contested by arguing that one or more of the items is not so central and thus should be left to the ordinary political process rather than being given special protection. Let's suppose someone asks why play and leisure time should be given that sort of protection. I would begin by pointing out that for many women all over the world, "the double day"—working at a job and then coming home to do all the domestic labor, including child care and elder care, is a crushing burden, impeding access to many of the other capabilities on the list: employment opportunities, political participation, physical and emotional health, friendships of many kinds. What play and the free expansion of the imaginative capacities contribute to a human life is not merely instrumental but partly constitutive of a worthwhile human life. That's the sort of case that needs to be made to put something on the list.

Sometimes social conditions make it seem impossible to deliver a threshold amount of all ten capabilities to everyone: two or more of them may be in competition. For example, poor parents in Vasanti's state may feel that they need to keep their children out of school

in order to survive at all, since they need the wages from the child's labor to eke out an existence. In such a case, the economist's natural question is, "How do we make trade-offs?" However, when capabilities have intrinsic value and importance (as do the ten on my list), the situation produced when two of them collide is tragic: any course we select involves doing wrong to someone.

This situation of *tragic choice* is not fully captured in standard cost-benefit analysis: the violation of an entitlement grounded in basic justice is not just a large cost; it is a cost of a distinctive sort, one that in a fully just society no person has to bear.

Sen has argued that such tragic situations show a defect in standard economic approaches, which typically demand a complete ordering over all states of affairs. In tragic cases, he insists, we cannot rank one alternative above the other, and thus any good ordering will remain incomplete. Here there is a nuance of difference between his critique and mine. I would hold that not all tragic situations involve an inability to rank one state of affairs as better than another. We should distinguish between the presence of a tragic dilemma—any choice involves wrongdoing—and the impossibility of a ranking. Sometimes one choice may be clearly better than another in a tragic situation, even though all available choices involve a violation of some sort. (For the tragic hero Eteocles, in Aeschylus' play *Seven against Thebes*, it was a horrible wrong to choose to kill his brother, even though the alternative, which involved the destruction of the entire city, was clearly worse.) Sen is probably right that the demand for a complete ordering is misguided, but he is mistaken if he holds that all tragic dilemmas are cases in which no overall ordering is possible.

When we see a tragic choice—assuming that the threshold level of each capability has been correctly set—we should think, "This is very

bad. People are not being given a life worthy of their human dignity. How might we possibly work toward a future in which the claims of all the capabilities can be fulfilled?" If the whole list has been wisely crafted and the thresholds set at a reasonable level, there usually will be some answer to that question. To return to India, the dilemma faced by poor parents was resolved by the state of Kerala, which pioneered a program of flexible school hours and also offered a nutritious midday meal that more than offset children's lost wages. The program has virtually wiped out illiteracy in the state. Seeing that it was possible for a relatively poor state to solve the problem by ingenuity and effort, the Supreme Court of India has made the midday meal mandatory for all government schools in the nation.

Such tragic choices abound in richer countries as well. In the United States, for example, a poor single mother may frequently be forced to choose between high-quality care for her child and a decent living standard, since some welfare rules require her to accept full-time work even when no care of high quality is available to her. Many women in the United States are forced to forgo employment opportunities in order to care for children or elderly relations; policies of family and medical leave, together with public provision of child and elder care, might address such dilemmas. One tragic choice ubiquitous in the United States is that between leisure time and a decent living standard (together with related health care benefits). It is widely known that Americans work longer hours than people in most other wealthy nations, and it is understood that family relations suffer in consequence, but the full measure of this tragic situation has not yet been taken. The capabilities perspective helps us see what is amiss here.

In other words, when we note a tragic conflict, we do not simply

wring our hands: we ask what the best intervention point is to create a future in which this sort of choice does not confront people. We must also consider how to move people closer to the capability threshold right away, even if we can't immediately get them above it: thus, for example, equalizing access to primary education for all when we are not yet in a position to give everyone access to secondary education.

The Central Capabilities support one another in many ways. Two, however, appear to play a distinctive *architectonic* role: they organize and pervade the others. These two are *affiliation* and *practical reason*. They pervade the others in the sense that when the others are present in a form commensurate with human dignity, they are woven into them. If people are well-nourished but not empowered to exercise practical reason and planning with regard to their health and nutrition, the situation is not fully commensurate with human dignity: they are being taken care of the way we take care of infants. Good policy in the area of each of the capabilities is policy that respects an individual's practical reason; this is just another way of alluding to the centrality of choice in the whole notion of capability as freedom. What is meant by saying that the capability of practical reason organizes all the others is more obvious: the opportunity to plan one's own life is an opportunity to choose and order the functionings corresponding to the various other capabilities.

As for affiliation, the point is similar: it pervades the other capabilities in the sense that when they are made available in a way that respects human dignity, affiliation is part of them—the person is respected as a social being. Making employment options available without considering workplace relationships would not be adequate; nor would forms of health care that neglect, for example, people's needs to protect zones of intimacy by provisions for per-

sonal privacy. Affiliation organizes the capabilities in that deliberation about public policy is a social matter in which relationships of many kinds (familial, friendly, group-based, political) all play a structuring role.

The capabilities on the list are rather abstract: who specifies them further? For the most part, the answer is given by each nation's system of constitutional law, or its basic principles if it lacks a written constitution. There is room for nations to elaborate capabilities differently to some extent, given their different traditions and histories. The world community poses unique problems of specification because there is no overarching government, accountable to the people as a whole, that would supply the specification.

Part of the conception of the capabilities list, as we have already seen, is the idea of a *threshold*. The approach, in my version, is a partial theory of social justice: it does not purport to solve all distributional problems; it just specifies a rather ample social minimum. Delivering these ten capabilities to all citizens is a necessary condition of social justice. Justice may well require more: for example, the approach as developed thus far does not make any commitment about how inequalities above the minimum ought to be handled. Many approaches to social justice hold that an ample threshold is not sufficient. Some demand strict equality; John Rawls insists that inequalities can be justified only where they raise the level of the worst-off. The Capabilities Approach does not claim to have answered these questions, although it might tackle them in the future.

The threshold does, however, require equality in some cases. It is a difficult question how far adequacy of capability requires equality of capability. Such a question can be answered only by detailed thought about each capability, by asking what respect for equal hu-

man dignity requires. I argue, for example, that respect for equal human dignity requires equal voting rights and equal rights to religious freedom, not simply an ample minimum. A system that allotted to women one-half of the votes it allots to men would be manifestly disrespectful, as would a system that gave members of minority religions some freedom but not the same degree of freedom as is given to the majority. (For example, if Christians could celebrate their holy day without penalty because work days are arranged that way, but Jews and Seventh Day Adventists would be fired for refusing to work on a Saturday, that system would raise manifest problems of justice.) All the political entitlements, I argue, are such that inequality of distribution is an insult to the dignity of the unequal. Similarly, if some children in a nation have educational opportunities manifestly unequal to those of other children, even though all get above a minimum, this seems to raise an issue of basic fairness—as Justice Thurgood Marshall famously argued in a case concerning the Texas public schools. Either equality or something near to it may be required for adequacy.

But the same may not be true of entitlements in the area of material conditions. Having decent, ample housing may be enough: it is not clear that human dignity requires that everyone have exactly the same type of housing. To hold that belief might be to fetishize possessions too much. The whole issue needs further investigation.

Setting the threshold precisely is a matter for each nation, and, within certain limits, it is reasonable for nations to do this differently, in keeping with their history and traditions. Some questions will remain very difficult: in such cases, the Capabilities Approach tells us what to consider salient, but it does not dictate a final assignment of weights and a sharp-edged decision. (The contours of an abortion right, for example, are not set by the approach,

although it does tell us what to think about in debating this divisive issue.) Even at the level of threshold-drawing, the ordinary political process of a well-functioning democracy plays, rightly, an ineliminable role.

Another question raised by the idea of a threshold is that of utopianism. At one extreme, we might specify such a high threshold that no nation could meet it under current world conditions. Tragic conflicts would be ubiquitous, and even ingenuity and effort would not be able to resolve them. At the other end of the spectrum is lack of ambition: we might set the threshold so low that it is easy to meet, but less than what human dignity seems to require. The task for the constitution-maker (or, more often, for courts interpreting an abstract constitution and for legislators proposing statutes) is to select a level that is aspirational but not utopian, challenging the nation to be ingenious and to do better.

Many questions remain about how to do this: for example, should the threshold be the same in every nation, despite the fact that nations begin with very different economic resources? To say otherwise would seem to be disrespectful to people who by sheer chance are born in a poorer nation; to say yes, however, would require nations to meet some of their obligations at least partially through redistribution from richer to poorer nations. It might also be too dictatorial, denying nations a right to specify things somewhat differently, given their histories and situations.

The Capabilities Approach has recently been enriched by Jonathan Wolff and Avner De-Shalit's important book *Disadvantage*. In addition to providing support for the list of the ten Central Capabilities, and in addition to developing strong arguments in favor of recognizing irreducibly heterogeneous goods, Wolff and De-Shalit introduce some new concepts that enhance the theoretical appa-

tus of the Capabilities Approach. The first is that of *capability security*. They argue, plausibly, that public policy must not simply give people a capability, but give it to them in such a way that they can count on it for the future. Consider Vasanti: when she had a loan from her brothers, she had a range of health- and employment-related capabilities, but they were not secure, since her brothers could call in the loan at any point, or turn her out of the house. The SEWA loan gave her security: so long as she worked regularly, she could make the payments and even build up some savings.

Working with new immigrant groups in their respective countries (Britain and Israel), Wolff and De-Shalit find that security about the future is of overwhelming importance in these people's ability to use and enjoy all the capabilities on the list. (Notice that a feeling of security is one aspect of the capability of "emotional health," but they are speaking of both emotions and reasonable expectations—capability security is an objective matter and has not been satisfied if government bewitches people into believing they are secure when they are not.) The security perspective means that for each capability we must ask how far it has been protected from the whims of the market or from power politics. One way nations often promote capability security is through a written constitution that cannot be amended except by a laborious supramajoritarian process. But a constitution does not enforce itself, and a constitution contributes to security only in the presence of adequate access to the courts and justified confidence in the behavior of judges.

Thinking about capability security makes us want to think about political procedure and political structure: What form of political organization promotes security? How much power should courts have, and how should their role be organized? How should legislatures be organized, what voting procedures should they adopt, and

how can the power of interest groups and lobbies to disrupt the political process be constrained? What are the roles of administrative agencies and expert knowledge in promoting citizens' capabilities? We shall return to these issues—as yet underexplored in the Capabilities Approach—in the final chapter.

Wolff and De-Shalit introduce two further concepts of great interest: *fertile functioning* and *corrosive disadvantage*. A fertile functioning is one that tends to promote other related capabilities. (At this point they do not distinguish as clearly as they might between functioning and capability, and I fear that alliteration has superseded theoretical clarity.) They argue plausibly that affiliation is a fertile functioning, supporting capability-formation in many areas. (Do they really mean that it is the functioning associated with affiliation, or is it the capability to form affiliations that has the good effect? This is insufficiently clear in their analysis.) Fertile functionings are of many types, and which functionings (or capabilities) are fertile may vary from context to context. In Vasanti's story, we can see that access to credit is a fertile capability, for the loan enabled her to protect her bodily integrity (not returning to her abusive husband), to have employment options, to participate in politics, to have a sense of emotional well-being, to form valuable affiliations, and to enjoy enhanced self-respect. In other contexts, education plays a fertile role, opening up options of many kinds across the board. Landownership can sometimes have a fertile role, protecting a woman from domestic violence, giving her exit options, and generally enhancing her status. Corrosive disadvantage is the flip side of fertile capability: it is a deprivation that has particularly large effects in other areas of life. In Vasanti's story, subjection to domestic violence was a corrosive disadvantage: this absence of protection for her bodily integrity jeopardized her health, emotional well-being,

affiliations, practical reasoning, and no doubt other capabilities as well.

The point of looking for fertile capabilities/functionings and corrosive disadvantages is to identify the best intervention points for public policy. Each capability has importance on its own, and all citizens should be raised above the threshold on all ten capabilities. Some capabilities, however, may justly take priority, and one reason to assign priority would be the fertility of the item in question, or its tendency to remove a corrosive disadvantage. This idea helps us think about tragic choices, for often the best way of preparing a tragedy-free future will be to select an especially fertile functioning and devote our scarce resources to that.

### 3

#### A NECESSARY COUNTER-THEORY

Development economics is not just an academic discipline; it has wide-ranging influence on our world. Reigning theories in the field influence the choices of political leaders and policy-makers, whether directly, through their own appreciation of these theories, or indirectly, through advice they get from their economists and from international agencies such as the IMF and the World Bank. Although the dominant theories in development economics have an especially strong influence on poorer nations, which are particularly dependent on the policies of the World Bank and the IMF, these theories influence lives everywhere. Indeed, the ways of thinking that they embody are used whenever nations plan to improve their quality of life, or maintain that they have done so. A need to confront these dominant models has been felt internationally. In fact France, a very rich nation, launched the influential rethinking of quality-of-life measurement (heavily influenced by the Capabilities Approach) that became known as the Sarkozy Commission, and much of the data used in the commission's analysis comes from the richer nations. When we consider theories of development, then, we are considering what people in every nation are striving for: a decent quality of life.

## The GDP Approach

For many years, the reigning model in development economics measured the progress of a country by looking at economic growth as measured by GDP per capita. This approach had its advantages: GDP is relatively easy to measure, since the monetary value of goods and services makes it possible to compare quantities of different types. Moreover, GDP has attractive transparency: it is difficult for countries to fudge the data to make themselves look better. And economic growth is at least a step in the right direction, so it seems reasonable to look at it as at least one indication of a nation or region's relative achievement. Many development practitioners, moreover, were strongly influenced by the so-called trickle-down theory, so common in the 1980s and 1990s, which suggested that the benefits of economic growth are bound to improve the lot of the poor, even if no direct action is taken in that direction.

That theory has now been shown to be questionable in a number of ways. For example, the comparative studies of Indian states carried out by Jean Drèze and Amartya Sen (a particularly good thing to study, since these states share a set of political institutions but have pursued utterly different policies in matters of growth as well as in health and education) have shown that increased economic growth does not automatically improve quality of life in important areas such as health and education. Other data, for example, the comparison between India and China over the past sixty years, show that increased GDP is not correlated with the emergence and stability of political liberty. India has done dramatically worse than China on GDP, and yet it is an extremely stable democracy, with well-protected fundamental liberties; China is not. Moreover, the data assembled in the Human Development Reports themselves show

that national rankings generated by the Human Development Index (HDI), which factors in education and longevity, are not the same as those generated by average GDP alone: the United States, for example, slips from number 1 in GDP to number 12 in the HDI, and it is even lower on other specific capabilities. In the 1980s, however, these facts were not known, so the GDP theory seemed more plausible then than it ever could now as a way of measuring relative quality of life—even to people who really cared about the condition of the poor and about the quality of health care and education.

Development is a normative concept. It means, or should mean, that things are getting better. So to rank nations in accordance with their GDP per capita suggested that those at the top were doing better by their people, that human lives were going better. Sometimes that implication was made explicit: average GDP was taken to be a measure of the quality of life in a nation. The problems with that way of looking at nations and regions should by now be all too evident, but we can still spell them out.

First, even if we were committed to measuring quality of life in narrowly monetary terms, and committed, as well, to using a single average number rather than to looking at distribution, it is far from clear that GDP per capita is the most interesting notion to consider. As the report of the Sarkozy Commission suggests, average real household income seems more pertinent to people's actual living standard, and increase in GDP is not very well correlated with increase in average household income, particularly in a world of globalization, where profits may be repatriated by foreign investors without contributing to the spending power of a country's citizens. Moreover, as a gross rather than a net measure, GDP does not account for the depreciation of capital goods. At the very least, then, users of GDP should acknowledge that other national measures are also significant and that the household perspective, in particular,

needs to be taken into account. Once we concede that point—as the Sarkozy Commission also argues—there are compelling reasons to go much further, by granting that the value of nonmarket household work must also be factored in, since domestic labor is a substitute for goods and services that would otherwise have to be purchased in the market. But this value is not captured, even in current measures of average household income. Even at the simplest economic level, GDP is increasingly contested, and no easy single replacement is on the horizon.

Second, the GDP approach, and all similar approaches based upon a national average, do not look at distribution and can give high marks to nations that contain enormous inequalities, suggesting that such nations are on the right track. South Africa under apartheid, with its immense inequalities, used to shoot to the top of the list of developing countries: it had plenty of assets, and if we divide the wealth by the number of people in the country, we get a good ratio, since the amount is so large. Obviously enough, that ratio doesn't tell us where the wealth is located, who controls it, and what happens to the people who don't.

The GDP approach fails not only to look at the life quality of the poor but also to ask a question that the South Africa example forcefully suggests: Are there groups within the population, racial, religious, ethnic, or gender groups, that are particularly marginalized and deprived?

Third, the GDP approach aggregates across component parts of lives, suggesting that a single number will tell us all we need to know about quality of life, when in reality it doesn't give us good information. It funnels together aspects of human life that are both distinct and poorly correlated with one another: health, longevity, education, bodily security, political rights and access, environmental quality, employment opportunities, leisure time, and still others. Even if

all citizens of South Africa had the amount of wealth given in the GDP average figure, that number would not tell us how they are doing in these diverse areas. Countries of similar average GDP can differ radically in the quality of their health care systems, the quality of public education, their political rights and liberties. (Thus the GDP model has at times encouraged uncritical China-worship: things must be pretty good there, if economic growth is so robust.) Of course such differences are often augmented by the power discrepancies just mentioned: even if we assume that majorities and minorities have equal wealth and income (which they usually don't), they may have very unequal religious freedom, political access, or security from violence.

By failing to make salient the issue of distribution, the importance of political freedom, the possible subordination of minorities, and the separate aspects of lives that deserve attention, the GDP approach distracts attention from these urgent matters, suggesting that when a nation has improved its average GDP, it is “developing” well.

Even to the extent that GDP is a good proxy for other capabilities, it is at best only a proxy, and it does not tell us what's really important. Since the important things are open to study, it seems to make sense to go directly to them. Specifying ends itself has a policy effect, reminding us forcefully that real human importance is located not in GDP but elsewhere.

### The Utilitarian Approach

One step up from GDP, in terms of adequacy, is another common economic approach that measures quality of life in a nation by looking at either total or average utility, where utility is understood as

the satisfaction of preferences. (This approach has its roots in political philosophy, and its more philosophical version will be considered in Chapter 4.) The utilitarian approach has the merit of caring about people: it measures quality of life according to people's reported feelings about their lives. And it has the great merit that Jeremy Bentham, the founder of utilitarianism, claimed: "Each [is] to count for one, and none for more than one." That is, the satisfaction of person A counts for the same as the satisfaction of person B, even if A is a peasant and B is a king. Each gets one vote. So the theory is potentially quite democratic—even, in the context of established hierarchy, radical. That is exactly what Bentham intended. People who denigrate utilitarianism as cold-hearted or in league with big business often wrongly forget its radical origins and commitments.

Intentions are not everything, however. There are four problems with the utilitarian approach as a measure of quality of life in a nation that make it both less democratic than it seems and a misleading guide to public policy.

First, like the GDP approach, it aggregates across lives. Even though it looks at satisfactions rather than at wealth—and thus doesn't utterly ignore the poor person who might lack wealth altogether (as does the GDP approach)—it has a similar problem. A nation can get a very high average or total utility so long as a lot of people are doing quite well, even if a few people at the bottom of the social ladder are suffering greatly. Indeed, the approach justifies the infliction of a very miserable life on an underclass, so long as this strategy raises the average satisfaction level. Even slavery and torture are ruled out—insofar as they are—only by uncertain empirical arguments claiming that slavery and torture are inefficient.

Second, like the GDP approach again, the utilitarian approach

aggregates across components of lives. The term “satisfaction,” like “pleasure,” the other term often used by utilitarians as an all-purpose metric, suggests singleness and commensurability, where real life suggests diversity and incommensurability. Think about the satisfaction we feel in eating a good meal. How can that be compared to the pleasure or satisfaction we get from helping a friend in need, or raising a child, or listening to a harrowing but profound piece of music? How might we even begin commensurating the pleasure of listening to Mahler’s 10th Symphony with the pleasure of eating an ice-cream cone? The very idea seems ludicrous. We usually don’t make such comparisons: we think that human life contains pleasures, or satisfactions, of many different kinds. If you were asked, “How satisfied are you with your life?”—the sort of question utilitarian social scientists are fond of asking—you would be strongly inclined to say something like, “Well, my health is great, my work is going well, but one of my friends is sick and I’m very worried about that.” Utilitarian social scientists, however, do not permit that sort of normal complex human reply. They frame surveys so that there’s just a single scale, and people have to choose a single number. The fact that so many individuals still answer the question does not show us that they agree with the question-asker’s view that satisfactions are all commensurable on a single scale. If it shows us anything, it’s something we already know: that people are deferential to authority. If a person in authority has framed the questionnaire a certain way, we just have to go along with it, even if it seems pretty crude. After all, those who don’t answer because they object to the way the question is framed don’t get counted in the result.

In short, the utilitarian approach seems to care about people, but it doesn’t care about them all that deeply, and its commitment to a

single metric effaces a great deal about how people seek and find value in their lives. Bentham was not willfully hard-hearted or crass, but he was a man with a limited imagination. As his pupil John Stuart Mill said in his great essay “Bentham,” “In many of the most natural and strongest feelings of human nature he had no sympathy; from many of its graver experiences he was altogether cut off; and the faculty by which one mind understands a mind different from itself . . . was denied him by his deficiency of Imagination.”

Bentham, Mill, and many modern utilitarian economists (for example, Gary Becker) equate utility with some real psychological state, such as pleasure or satisfaction, which can be identified independent of choice and is held to lie behind choice. Another form of utilitarianism conceives of preferences as revealed in choice. There are complex and technical arguments between these two positions in economics that cannot be reconstructed here. One of Sen’s important achievements in economics, however, has been to show that there are insuperable difficulties with the revealed preference approach. In “Internal Consistency of Choice,” he demonstrates that preferences so construed do not even obey basic axioms of rationality, such as transitivity. (If A is preferable to B, and B is preferable to C, transitivity says that A is preferable to C.) For this reason, I confine my critique to what I take to be the stronger version of preference utilitarianism.

It’s possible to imagine the utilitarian approach responding to my first and second criticisms: to the first, by adopting a separate account of a social minimum; to the second, by admitting that utility has plural dimensions. John Stuart Mill made the second correction, proposing qualitative distinctions within utility. In his important article “Plural Utility,” Sen follows Mill’s lead. And Mill made

at least a beginning of responding to the first point, by giving political rights a secure position, apparently outside the utilitarian calculus.

A third objection, however, cuts deeper, requiring us to depart from the utility-based standard altogether. This objection, made famous by Sen and Jon Elster, focuses on the social malleability of preferences and satisfactions. Preferences are not hard-wired: they respond to social conditions. When society has put some things out of reach for some people, they typically learn not to want those things; they form what Elster and Sen call *adaptive preferences*. Sometimes adaptation happens after the person wanted the thing initially: Elster's book *Sour Grapes* takes its title from the fable of the fox who starts calling the grapes sour after he finds that he can't reach them. Sometimes, however, people learn not to want the goods in the first place, because these goods are put off-limits for people of their gender, or race, or class. Women brought up on images of the proper woman as one who does not work outside the home, or who does not get very much schooling, often don't form a desire for such things, and thus they may report satisfaction with their state, even though opportunities that they would have enjoyed using are being denied them. Other marginalized groups also often internalize their second-class status. By defining the social goal in terms of the satisfaction of actual preferences, utilitarian approaches thus often reinforce the status quo, which may be very unjust.

Sen's work on adaptive preferences focuses on these lifelong adaptations. Sen shows that even at the level of physical health, people's expectations and reports of good or bad status reflect social expectations. Comparing health reports of widows and widowers in Bengal, he found that widowers were full of complaints: after all,

they had lost the person who used to wait on them hand and foot. Widows, who were actually doing much worse by an independent medical assessment, had few complaints: after all, society told them that they had no right to continue to exist after their husband's death.

Vasanti's life brings such problems sharply to the fore, since she would never have reported dissatisfaction with illiteracy, or with being cut off from political participation, before the consciousness-raising experience in the SEWA group showed her the importance of these capabilities and encouraged her to think of herself as a person whose worth is equal to that of others. Although she certainly did not adapt to domestic violence, she did adjust to a life that lacked some of the Central Capabilities on the list—until she was led to see their value.

A fourth and final objection is also forceful: the utilitarian approach I have described focuses on satisfaction as a goal. Satisfaction is usually understood as a state or condition of the person that follows activity; it is not itself a form of activity, and it can even be achieved without the associated activity. For example, a person can feel satisfied about a job well done even though she has done nothing, but has been deluded into believing that she has. The philosopher Robert Nozick made this point vividly by imagining an “experience machine”: hooked up to such a device, you would have the illusion that you were loving, working, or eating, and you would have the experiences of satisfaction associated with those activities—but in reality you would be doing nothing at all. Most people, bets Nozick, would not choose the experience machine. They would prefer a life of choice and activity, even knowing in advance that many of the activities would end in frustration. Most of his readers agree.

In short, the utilitarian approach undervalues freedom. Freedom

can be valued as a means to satisfaction, and here there can be agreement between utilitarians and capability theorists, since we, too, emphasize the instrumental importance of freedom. Freedom to choose and to act, however, is an end as well as a means, and it is this aspect that the standard utilitarian position cannot capture.

In the context of lives like Vasanti's, the issue of choice and agency looms large. Women are often treated as passive dependents, creatures to be cared for (or not), rather than as independent human beings deserving respect for their choices. In other words, they are often infantilized. We think that within limits satisfaction is an appropriate goal for infants—although we want them to try to initiate activity quite soon, even if it brings them frustration. Certainly a passive state of satisfaction is not an appropriate goal for adult human beings. There's a great difference between a public policy that aims to take care of people and a public policy that aims to honor choice. Even in the area of nutrition, where we might initially think satisfaction is all we want, we can see that a policy that just doles out food to people rather than giving them choice in matters of nutrition is insufficiently respectful of their freedom. This is a version of the point we made when we said that practical reason pervades all the other goals, making their pursuit worthy of human dignity.

### Resource-Based Approaches

A popular alternative to the utilitarian approach is a group of approaches that urges the equal (or more distributively adequate) allocation of basic resources, understanding wealth and income to be such all-purpose resources. Amartya Sen often criticizes such approaches, focusing on John Rawls's theory of the "primary goods" in *A Theory of Justice*. Given, however, that for Rawls the primary

goods are just one element in a highly complex overall theory, it is perhaps best not to invoke his theory, but to consider a simpler proposal, namely, that a country does better the more resources it has, *so long as it divides them equally (or equally enough) among all citizens*. Let us call this the “resource-based approach.” This approach is an egalitarian version of the GDP approach.

This program has the merit of caring greatly about distribution. However, it, too, encounters formidable objections. First of all, income and wealth are not good proxies for what people are actually able to do and to be. People have differing needs for resources if they are to attain a similar level of functioning, and they also have different abilities to convert resources into functionings. Some of the pertinent differences are physical: a child needs more protein than an adult for healthy physical functioning, and a pregnant or lactating woman needs more nutrients than a nonpregnant woman. A sensible public policy would not give equal nutrition-related resources to all, but would (for example) spend more on the protein needs of children, since the sensible policy goal is not just spreading some money around but giving people the ability to function. Money is just an instrument.

Some of the pertinent differences, moreover, are created by persistent social inequalities, and here the resource-based approach, like the approaches previously considered, proves an ally of the status quo. In order to put women and men in a similar position with respect to educational opportunity in a society that strongly devalues female education, we will have to spend more on female education than on male education. If we want people with physical disabilities to be able to move around in society as well as “normal” people, we will need to spend extra money on them, retrofitting buildings with ramps, buses with lifts, and so forth. The two cases are similar: the

reason the extra expense is required is that society has proceeded unjustly in the past, building the social environment in ways that marginalize certain people. But even if we take a case in which the extra expenditure is not remedial, it may still be justified, though the argument is different: a child born with Down syndrome may prove more expensive to educate than other children, but a society committed to educating all its citizens should not shrink from that expense. The important point for our purposes is that in neither case does the resource-based approach tell us enough about how people are really doing. It could give high marks to a nation that ignores the protests of marginalized or subordinated groups.

Income and wealth are not adequate proxies for ability to function in many areas. They are especially bad proxies, perhaps, for social respect, inclusion, and nonhumiliation. Societies often contain groups that are reasonably wealthy but socially excluded: Jews in eighteenth- and nineteenth-century Europe, gays and lesbians in the twentieth-century United States. Even if we equalized wealth and income completely, we would not be rid of stigma and discrimination.

There are some goods, moreover, that might be completely or largely absent in a society in which wealth and income are both reasonably high and fairly equally distributed. Such a society might still lack religious freedom, or the freedom of speech and association. Or it might have these and yet lack access to a reasonably unpolluted environment. GDP per capita, even equally distributed, is not a good proxy for these other important goods. If we think that all these things are important, we want public policy to focus on each of them, rather than suggesting that they have all been achieved by a focus on income and wealth.

## Capabilities and the Measurement Question

Out of these discontents was born the idea that the real question one must ask is, What are people actually able to do and to be? What real opportunities for activity and choice has society given them? The approach in all its forms—both the comparative theory of quality of life employed by Sen and by development economists under his influence, and the theory of minimal justice that I have developed—insists on the heterogeneity and incommensurability of all the important opportunities or capabilities, the salience of distribution, and the unreliability of preferences as indices of what is really worth pursuing.

Readers of the Human Development Reports of the United Nations Development Programme will notice that they still rank nations using a single metric, the Human Development Index. The HDI is a weighted aggregate of data concerning life expectancy, educational attainment, and GDP per capita. (The weightings are explained in a technical appendix to each of the reports.) We might object, then, that the HDI is guilty of the same oversimplifications of which the other approaches have been accused. This objection, however, misunderstands the role of the HDI. The HDI is strategic. It was inserted into the first report late in the process of formulation, over the objections of some purists, because Mahbub ul Haq, a consummate pragmatist, believed that nations accustomed to seeing a single ranking would accept nothing else, and the reports would have no impact unless they came up with some single ranking. What was important was to make it a different single number, one that heavily weighted items (longevity, education) not typically emphasized in development rankings. Then, having arrested peo-

ple's attention by that different single number, dramatizing the importance of health and education, one could hope that people would go behind the first table and read the disaggregated data laid out in the rest of the report. The disaggregated data are where the action is, but a single number, seen as suggestive rather than final, can direct the mind to certain salient aspects of the data.

Over the years, the reports have kept the HDI and the disaggregated data, but they have also added other suggestive aggregations. The GDI (Gender Development Index) corrects the HDI for gender imbalance, and countries that prided themselves on their high ranking in the HDI (for example, Japan) were shocked to find themselves well down the list in the GDI. The GEM (Gender Empowerment Measure) measures not women's attainments in longevity and education but their access to managerial and political positions. This, too, has proven illuminating, since in many cases there is a significant discrepancy between the GDI and the GEM: thus the GEM, though an aggregate, directs the reader to ponder the separate importance of managerial and political power as elements in women's equality. Other suggestive aggregations have been added. Finally, each report has a theme (technology, human rights, and so on), and essays full of data are written around each theme. Nobody using the reports, then, could get the impression that a single number is all that matters. Single numbers lead the mind to pertinent Central Capabilities.

It is natural to wonder whether, and how, capabilities can be measured. People tend to succumb to what might be called "the fallacy of measurement"; that is, noting that a certain thing (let's say GDP) is easy to measure, they become convinced that this thing is the most pertinent or the most central thing. Of course that does not follow. But the proponent of a new standard of value for public ac-

tion still needs to show that in principle we can find ways to measure that value. Capabilities are plural, but that does not mean that each of them cannot be measured singly. The difficulty is that the notion of capability combines internal preparedness with external opportunity in a complicated way, so that measurement is likely to be no easy task. This question rightly occupies many workers on the approach, and a large literature on the measurement of capabilities is developing. Sometimes we may have to infer capability from patterns of functioning. Suppose, for example, we observed that African-Americans have low voter turnout. We could not directly infer that this absence of functioning was also an absence of capability, since people might just choose not to vote. However, when a pattern of low functioning correlates with social subordination and stigma, we might suspect that some subtle impediments really are interfering with political capability. These might include barriers to voter registration, difficulty accessing polling places, and denigration of these voters at the polling place; they might also include educational inequality, persistent feelings of hopelessness, and other less tangible capability failures. But the complexity of the question does not mean that it is not real and susceptible of study: so the right response to the complexity is to work harder at identifying and measuring the pertinent factors. Similarly, when we want to know whether people have access to play and recreation, we would begin with the obvious, looking at working hours and leisure time. We would soon, however, be led into more complex issues, such as the location, maintenance, and safety of parks and other recreational facilities.

People often think of measurement as involving a numerical scale of some type. In real life, however, we are familiar with other, more qualitative styles of measurement. When the U.S. Supreme Court

asks whether a given law violates the First Amendment's guarantee of freedom of speech, the Court does not use a numerical scale on which various speech regimes are lined up; instead, it consults the text of the Constitution, its own precedents, and other pertinent historical and social materials. Nonetheless, it seems correct to say that the Court has decided whether a given policy puts some citizens beneath an acceptable threshold where the freedom of speech is concerned. Some capabilities, I suggest, need to be measured in this way and not on a quantitative scale at all. If we thought that a numerical scale would have been helpful in cases involving the freedom of speech, or the freedom of religion, we would probably have used one. Instead, the discursive form of analysis that has evolved seems appropriate for at least some questions involving a threshold level of a fundamental entitlement.

### Human Rights Approaches

The Capabilities Approach is closely allied with the international human rights movement. Indeed, my version of the approach is characterized as a species of human rights approach. Sen also emphasizes the close link between capabilities and human rights. The common ground between the Capabilities Approach and human rights approaches lies in the idea that all people have some core entitlements just by virtue of their humanity, and that it is a basic duty of society to respect and support these entitlements. (My approach holds that nonhuman animals also have entitlements; to that extent it is broader than the human rights approach.) There is also a close relationship of content. The capabilities on my list overlap substantially with the human rights recognized in the Universal Declaration and other human rights instruments. In effect they

cover the same terrain as that of the so-called first-generation rights (political and civil rights) and the so-called second-generation rights (economic and social rights). And they play a similar role, providing a basis both for cross-cultural comparisons and for constitutional guarantees. To the extent that the human rights paradigm has been criticized for being insufficiently attentive to issues of gender, race, and so on, the Capabilities Approach, like the best human rights approaches, tries to remedy those defects.

In some important ways the Capabilities Approach supplements the standard human rights approaches, not least by its philosophical explicitness and clarity about the basic notions involved and by the appeal of its specific formulations. For example, the approach grounds rights claims in bare human birth and minimal agency, not in rationality or any other specific property, something that permits it to recognize the equal human rights of people with cognitive disabilities. It articulates more clearly than most standard rights accounts the relationship between human rights and human dignity (Central Capabilities being defined in part in terms of dignity). It articulates clearly the relationship between human entitlements and those of other species (all sentient beings have entitlements grounded in justice, and tragic conflicts should be solved as they are within a single species, by working for a world in which those conflicts will not occur). Finally, it spells out the relationship between human rights and duties. Human rights approaches are not fully integrated theories; the Capabilities Approach tries to be that.

There is a conceptual connection between the idea of the Central Capabilities as fundamental human entitlements and the idea of duties. Even before we can assign the duties to specific people or groups, the existence of an entitlement entails that there are such duties. Domestically, those duties belong in the first instance to the

nation's basic political structure, which is responsible for distributing to all citizens an adequate threshold amount of all entitlements. But poor nations cannot meet all their capability obligations without aid from richer nations. Richer nations consequently have such duties of aid. Other duties to promote human capabilities are assigned to corporations, international agencies and agreements, and, finally, the individual (see Chapter 6).

In my view, there is a conceptual connection between Central Capabilities and government. If a capability really belongs on the list of Central Capabilities, it is because it has an intimate relationship to the very possibility of a life in accordance with human dignity. A standard account of the purposes of government holds that the job of government is, at a minimum, to make it possible for people to live such a life. Other capabilities may be less central to that very possibility, and those may not be the job of government, but government is accountable for the presence of the ten capabilities on my list, if the nation is to be even minimally just. (Of course governments may delegate a portion of this task to private entities, but in the end it is government, meaning the society's basic political structure, that bears the ultimate responsibility for securing capabilities.) When, in the case of the world as a whole, we judge that a single overarching government may not be the best way of solving problems of capability failure, governments still play a major role in securing them: the governments of each nation, in the first place, and, in the second place, the governments of richer nations, which have obligations to assist the poorer nations.

Sen, contrasting human rights with capabilities, remarks that capabilities do not have the conceptual connection to government that human rights clearly do. Sen, however, is speaking of capabilities very generally, not of the Central Capabilities, a concept that he

does not use. In many of his writings he seems willing to assess governments in accordance with their performance in delivering capabilities—for example, health care and education—which are central elements on my list. It would appear that we have no major disagreement on this score—or, to the extent that we do, it is part of a more general disagreement about the role that a list of capabilities might play in framing a theory of justice.

The Capabilities Approach in these ways supplements the standard human rights model. It also, however, offers criticisms of at least some familiar versions of that model. One prominent idea of rights, common in the U.S. political and legal tradition, understands rights to be barriers against interfering state action: if the state just keeps its hands off, rights are taken to have been secured. The Capabilities Approach, by contrast, insists that all entitlements involve an affirmative task for government: it must actively support people's capabilities, not just fail to set up obstacles. In the absence of action, rights are mere words on paper. Vasanti was not beaten by the government of Gujarat; she was beaten by her husband. But a government that does not make and then actively enforce laws against domestic violence, or give women the education and skills they need to get a living wage if they leave an abusive marriage, is accountable for the indignity such a woman endures. Fundamental rights are only words unless and until they are made real by government action. The very idea of “negative liberty,” often heard in this connection, is an incoherent idea: all liberties are positive, meaning liberties *to do* or *to be* something; and all require the inhibition of interference by others. This is a point that must be emphasized particularly in the United States, where people sometimes imagine that government does its job best when it is inactive.

The difference between “negative” rights and true combined ca-

pabilities becomes particularly clear when we consider groups that have long suffered subordination and exclusion. When India was preparing a constitution full of statements about the fundamental rights of citizens, Nehru's law minister B. R. Ambedkar, himself a *dalit* (formerly called "untouchable"), repeatedly pointed out that the assertion of equal rights meant nothing for the excluded unless accompanied by a range of positive state programs to ensure that they could enjoy their rights: prevention of interference by others; economic support so that people would not forgo their rights out of desperation; affirmative action in politics and education. In the absence of such programs, rights are merely words on paper. For similar reasons, the rectification of racism and sexism in America has required not just formally similar treatment but aggressive government action to end unequal opportunity. Our Supreme Court has repeatedly used the language of capabilities when striking down systems of allegedly "separate-but-equal" treatment, holding that black and white children in segregated schools and women denied admission to all-male facilities suffer from capability failure. Courts have repeatedly scrutinized such arrangements by asking what people are really able to do and to be.

One place where ideas of state inaction and "negative liberty" have been especially pernicious is in the state's relationship to the household or family. The classic liberal distinction between the public and the private spheres aids the natural standoffishness that many liberal thinkers have had about state action: even if it's fine in some areas for the state to act to secure people's rights, there is one privileged sphere that it should not touch, that of the home. Women have rightly complained that some traditional human rights models have wrongly neglected abuses that women suffer in the home. The Capabilities Approach corrects this error, insisting

that intervention in the home is justified whenever the rights of its members are violated.

For related reasons, the approach rejects the distinction, common in the human rights movement, between “first-generation rights” (political and civil rights) and “second-generation rights” (economic and social rights). This distinction suggests that political and civil rights do not have economic and social preconditions. The Capabilities Approach insists that they do. All entitlements require affirmative government action, including expenditure, and thus all, to some degree, are economic and social rights.

Sen has argued that the notion of capabilities is broader than the notion of rights, because capabilities can include matters of procedure (whether one is able to engage in a certain sort of process), whereas rights are always matters of substantive opportunity (what one is actually able to have). I think this distinction will not stand up to a scrutiny of the use of rights language in the world’s major constitutional traditions. Fundamental rights are often procedural: for example, the right to “due process of law” and the “equal protection of the laws” in the U.S. Constitution (and similar provisions in most modern constitutions). These are fundamental rights, and they are rights to fair procedure. The notion of capabilities is broader than the notion of (human) rights for a different reason: some capabilities are trivial, and some are even bad. The list of Central Capabilities, evaluated as both good and very significant, corresponds closely to the lists of human rights that are standardly defended.

With these corrections in place, the Capabilities Approach can embrace the language of rights and the main conclusions of the international human rights movement, as well as the content of many international human rights documents. The language of rights re-

mains relevant and important. It emphasizes the idea of a fundamental entitlement grounded in the notion of basic justice. It reminds us that people have justified and urgent claims to certain types of treatment, no matter what the world around them has done about that. Even in pursuit of the greatest total or average GDP, or the greatest total or average utility, we may not violate those claims.

## CONCLUSION

We are living in an era dominated by the profit motive and by anxiety over national economic achievements. Economic growth, however, while a part of wise public policy, is just a part, and a mere instrument at that. It is people who matter ultimately; profits are only instrumental means to human lives. The purpose of global development, like the purpose of a good domestic national policy, is to enable people to live full and creative lives, developing their potential and fashioning a meaningful existence commensurate with their equal human dignity. In other words, the real purpose of development is *human development*; other approaches and measures are at best a proxy for the development of human lives, and most don't reflect human priorities in a rich, accurate, or nuanced way. The widespread use of average GDP as a measure of quality of life persists despite a growing consensus that it is not even a good proxy for human life quality.

Most nations, operating domestically, have understood that respect for people requires a richer and more complicated account of national priorities than that provided by GDP alone. On the whole, they have offered a more adequate account in their constitutions and other founding documents. But the theories that dominate

policy-making in the new global order have yet to attain the respectful complexity embodied in good national constitutions, and these theories, defective as they are, have enormous power. Unfortunately, they greatly influence not just international bodies but also the domestic priorities of nations—and many nations today are pursuing economic growth in ways that shortchange other commitments they have made to their people. The use of incomplete theories is only one part of the story behind this narrowness of focus, but it is a part that can be and is being resourcefully addressed.

A new theoretical paradigm is evolving, one that is the ally of people's demands for a quality of life that their equal human dignity requires. Unlike the dominant approaches, it begins from a commitment to the equal dignity of all human beings, whatever their class, religion, caste, race, or gender, and it is committed to the attainment, for all, of lives that are worthy of that equal dignity. Both a comparative account of the quality of life and a theory of basic social justice, it remedies the major deficiencies of the dominant approaches. It is sensitive to distribution, focusing particularly on the struggles of traditionally excluded or marginalized groups. It is sensitive to the complexity and the qualitative diversity of the goals that people pursue. Rather than trying to squeeze all these diverse goals into a single box, it carefully examines the relationships among them, thinking about how they support and complement one another. It also takes account of the fact that people may need different quantities of resources if they are to come up to the same level of ability to choose and act, particularly if they begin from different social positions.

For all these reasons, the Capabilities Approach is attracting attention all over the world, as an alternative to dominant approaches to development in development economics and public policy. It is

## CONCLUSION

also attracting attention as an approach to basic social justice, within nations and between nations—in some ways agreeing with other philosophical theories of social justice, in some ways departing from them—for example, by giving greater support to the struggles of people with disabilities than a social contract model seems to permit.

Our world needs more critical thinking and more respectful argument. The distressingly common practice of arguing by sound bite urgently needs to be replaced by a mode of public discourse that is itself more respectful of our equal human dignity. The Capabilities Approach is offered as a contribution to national and international debate, not as a dogma that must be swallowed whole. It is laid out to be pondered, digested, compared with other approaches—and then, if it stands the test of argument, to be adopted and put into practice. What this means is that you, the readers of this book, are the authors of the next chapter in this story of human development.

## POSTSCRIPT

This book tells the story of an evolving intellectual and practical movement whose professional association can be joined by anyone who cares about these ideas: the Human Development and Capability Association (HDCA). Launched in 2004 (after three years of preparatory conferences), the association holds an annual meeting, publishes a journal (the *Journal of Human Development and Capabilities*, affiliated with the UNDP but now editorially controlled by the association), and sponsors a wide range of seminars and activities all over the world. Although Amartya Sen and I are its two “founding presidents,” the daily work of the association is largely sustained by its rotating executive committee, by a group of intensely dedicated younger scholars who are known as the “worker bees,” and by its current president, who serves for a two-year term. (After Sen and Nussbaum, presidents have included Frances Stewart of Oxford University and Kaushik Basu of Cornell University, now Chief Economic Advisor to the Government of India.)

The goal of the association is to enable people interested in the approach to transcend some significant separations that exist in the academic world as it is currently configured:

- (a) *Separations between the disciplines.* Economists need to talk more with political scientists, philosophers, sociologists, psychologists, environmental scientists, and others, if the promise inherent in the approach is to be realized.
- (b) *The separation between theory and practice.* Development practitioners and politicians have a lot to offer to those doing intellectual work, and vice versa. Theoretical work should respond to the real world, and the world of public policy and development practice can be illuminated by theoretical approaches.
- (c) *The separation between older and younger.* The academic world badly needs occasions that provide younger workers whose careers are just beginning with access to senior theorists.
- (d) *Separations among regions and nations.* Both senior scholars and especially their younger colleagues need opportunities to meet one another across national and regional lines.

Any reader of this book, whether currently connected to an academic institution or not, can join the association, submit a paper to its annual meeting, and use its website as a way of networking with other people interested in the same issues.