

Women and equality: The capabilities approach

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I found myself beautiful as a free human mind.

Mrinal, in Rabindranath Tagore's "Letter from a wife" (1990, p. 102)

It is obvious that the *human* eye gratifies itself in a way different from the crude, non-human eye; the human *ear* different from the crude ear, etc. ...The *sense* caught up in crude practical need has only a *restricted* sense. For the starving man, it is not the human form of food that exists, but only its abstract being as food; it could just as well be there in its crudest form, and it would be impossible to say wherein this feeding activity differs from that of *animals*.

Marx, *Economic and Philosophical Manuscripts* (1844)

Sex and social justice

Human beings have a dignity that deserves respect from laws and social institutions. This idea has many origins in many traditions; by now it is at the core of modern democratic thought and practice all over the world. The idea of human dignity is usually taken to involve an idea of *equal* worth: rich and poor, rural and urban, female and male, all are equally deserving of respect, just in virtue of being human, and this respect should not be abridged on account of a characteristic that is distributed by the whims of fortune. Often, too, this idea of equal worth is connected to ideas of freedom and opportunity: to respect the equal worth of persons is, among other things, to promote their ability to fashion a life in accordance with their own view of what is deepest and most important.

But human dignity is frequently violated on grounds of sex. Many women all over the world find themselves treated unequally with respect to employment, bodily safety and integrity, basic nutrition and health care, education and political voice. In many cases these hardships are caused by their being women, and in many cases laws and institutions construct or perpetuate these inequalities. All over the world, women are resisting inequality and claiming the right to be treated with respect.

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But how should we think about this struggle? What account shall we use of the goals to be sought and the evils to be avoided? We cannot avoid using some normative framework that crosses cultural boundaries when we think of concepts such as women's "quality of life" their "living standard" their "development" and their "basic entitlements". All of these are normative concepts, and require us to defend a particular normative position if we would use them in any fruitful way. In default of an alternative, development economics will supply some less than perfect accounts of norms and goals, such as increased GNP per capita, or preference satisfaction. (These approaches are criticized below.) This article first addresses the worries that arise when we attempt to use any cross-cultural framework in talking about improvements in women's lives. Next, the dominant economic approaches are examined. Finally, there is a defence of the "capabilities approach", an approach to the priorities of development that focuses not on preference satisfaction but on what people are actually able to do and to be. It is argued that this approach is the most fruitful for such purposes, that it has good answers to the problems that plague the other approaches.¹

The need for cross-cultural objectives

Before we can advance further defending a particular account of the objectives of development, we must face a challenge that has recently arisen, both in feminist circles and in discussions of international development policy. The question that must be confronted is whether we should be looking for a set of cross-cultural objectives in the first place, where women's opportunities are concerned. Obviously enough, women are already doing that in many areas. Women in the informal sector, for example, are increasingly organizing on an international level to set goals and priorities.² But this process is controversial, both intellectually and politically. Where do these normative categories come from? — it will be asked. And how can they be justified as appropriate for cultures that have traditionally used different normative categories? The challenge asks us to defend our entire procedure, showing that it is not merely an exercise of colonial power.

Now of course no critical social theory confines itself to the categories of each culture's daily life. If it did, it probably could not perform its special task as theory, which involves the systematization and critical scrutiny of intuitions

¹ More extensive versions of the arguments made here (and more case studies from development work in India) can be found in Nussbaum (forthcoming, chap. 1). For earlier articulations of the author's views on capabilities see Nussbaum (1988, 1990, 1992, 1993, 1995a, 1995b, 1997a, 1997b and 1999, chap. 1, pp. 29-54).

² See WIEGO (1999); the steering committee of WIEGO (Women in Informal Employment: Globalizing and Organizing) includes Ela Bhatt of SEWA, and Martha Chen, who has been a leading participant in discussions of the "capabilities approach" at the World Institute for Development Economics Research, in the "quality of life" project directed by Martha Nussbaum and Amartya Sen (see Chen, 1995).

that in daily life are often unexamined. Theory gives people a set of terms with which to criticize abuses that otherwise might lurk nameless in the background. Terms such as “sexual harassment” and “hostile work environment” are some obvious examples of this point. But even if one defends theory as in general valuable for practice, it may still be problematic to use concepts that originate in one culture to describe and assess realities in another — and all the more problematic if the culture described has been colonized and oppressed by the describer’s culture. For such reasons, attempts by international feminists today to use a universal language of justice, human rights, or human functioning to assess the lives of women in developing countries is bound to encounter charges of Westernizing and colonizing — even when the universal categories are introduced by activists who live and work within the very countries in question. For, it is standardly said, such women are alienated from their culture, and are faddishly aping a Western political agenda.

Sometimes this objection is simply a political stratagem to discredit opponents who are pressing for change. The right reply to such strategies is to insist on the indigenous origins of the demand for change, and to unmask the interested motives of the objector. But sometimes, too, a similar objection is made in good faith by thinkers about culture. Three standard arguments are heard, all of which must be honestly confronted.

First, one hears what is called here the *argument from culture*. Traditional cultures, the argument goes, contain their own norms of what women’s lives should be: frequently norms of female modesty, deference, obedience and self-sacrifice. Feminists should not assume without argument that those are bad norms, incapable of constructing good and flourishing lives for women. By contrast, the norms proposed by feminists seem to this opponent suspiciously “Western”, because they involve an emphasis on choice and opportunity.

An answer to this argument will emerge from the proposal to be made here. It certainly does not preclude any woman’s choice to lead a traditional life, so long as she does so with certain economic and political opportunities firmly in place. But we should begin by emphasizing that the notion of tradition used in the argument is far too simple. Cultures are scenes of debate and contestation. They contain dominant voices, and they also contain the voices of women, which have not always been heard. It would be implausible to suggest that the many groups working to improve the employment conditions of women in the informal sector, for example, are brainwashing women into striving for economic opportunities: clearly, they provide means to ends women already want, and a context of female solidarity within which to pursue those ends. Where they do alter existing preferences, they typically do so by giving women a richer sense of both their own possibilities and their equal worth, in a way that looks more like a self-realization (as Tagore’s heroine vividly states) than like brainwashing. Indeed, what may possibly be “Western” is the arrogant supposition that choice and economic agency are solely Western values! In short, because cultures are scenes of debate, appealing to culture gives us questions rather than answers. It certainly does not show that cross-cultural norms are a bad answer to those questions.

Let us now consider the argument called here the *argument from the good of diversity*. This argument reminds us that our world is rich in part because we do not all agree on a single set of practices and norms. We think the world's different languages have worth and beauty, and that it would be a bad thing, diminishing the expressive resources of human life generally, if any language should cease to exist. So, too, cultural norms have their own distinctive beauty; the world risks becoming impoverished as it becomes more homogeneous.

Here we should distinguish two claims the objector might be making. She might be claiming that diversity is good as such; or she might simply be saying that there are problems with the values of economic efficiency and consumerism that are increasingly dominating our interlocking world. This second claim, of course, does not yet say anything against cross-cultural norms; it just suggests that their content should be critical of some dominant economic norms. So the real challenge to our enterprise lies in the first claim. To meet it we must ask how far cultural diversity really is like linguistic diversity. The trouble with the analogy is that languages do not harm people, whereas cultural practices frequently do. We could think that threatened languages such as Cornish and Breton should be preserved, without thinking the same about domestic violence: it is not worth preserving simply because it is there and very old. In the end, then, the objection doesn't undermine the search for cross-cultural norms, it requires it: for what it invites us to ask is whether the cultural values in question are among the ones worth preserving, and this entails at least a very general cross-cultural framework of assessment — one that will tell us when we are better off letting a practice die out.

Finally, we have the *argument from paternalism*. This argument says that when we use a set of cross-cultural norms as benchmarks for the world's varied societies, we show too little respect for people's freedom as agents (and, in a related way, their role as democratic citizens). People are the best judges of what is good for them, and if we say that their own choices are not good for them we treat them like children. This is an important point, and one that any viable cross-cultural proposal should bear firmly in mind. But it hardly seems incompatible with the endorsement of cross-cultural norms. Indeed, it appears to endorse explicitly at least some cross-cultural norms, such as the political liberties and other opportunities for choice. Thinking about paternalism gives us a strong reason to respect the variety of ways citizens actually choose to lead their lives in a pluralistic society, and therefore to seek a set of cross-cultural norms that protect freedom and choice of the most significant sorts. But this means that we will naturally value religious toleration, associative freedom, and the other major liberties. These liberties are themselves cross-cultural norms, and they are not compatible with the views that many real people and societies hold.

We can make a further claim: many existing value systems are themselves highly paternalistic, particularly toward women. They treat them as unequal under the law, as lacking full civil capacity, as not having the property rights, associative liberties and employment rights of males. If we encounter a system like this, it is in one sense paternalistic to say, sorry, that is unacceptable under the universal norms of equality and liberty that we would like to defend. In that

way, any bill of rights is “paternalistic” vis à vis families, or groups, or practices, or even pieces of legislation, that treat people with insufficient or unequal respect. The Indian Constitution, for example, is in that sense paternalistic when it tells people that it is from now on illegal to use caste or sex as grounds of discrimination. But that is hardly a good argument against fundamental constitutional rights or, more generally, against opposing the attempts of some people to tyrannize others. We dislike paternalism because there is something else that we like, namely liberty of choice in fundamental matters. It is fully consistent to reject some forms of paternalism while supporting those that underwrite these basic values.

Nor does the protection of choice require only a formal defence of basic liberties. The various liberties of choice have material preconditions, in whose absence there is merely a simulacrum of choice. Many women who have in a sense the “choice” to go to school simply cannot do so: the economic circumstances of their lives make this impossible. Women who “can” have economic independence, in the sense that no law prevents them, may be prevented simply by lacking assets, or access to credit. In short, liberty is not just a matter of having rights on paper, it requires being in a material position to exercise those rights. And this requires resources. The State that is going to guarantee people rights effectively is going to have to recognize norms beyond the small menu of basic rights: it will have to take a stand about the redistribution of wealth and income, about employment, land rights, health, education. If we think that these norms are important cross-culturally, we will need to take an international position on pushing toward these goals. That requires yet more universalism and in a sense paternalism; but we could hardly say that the many women who live in abusive or repressive marriages and have no assets and no opportunity to seek employment outside the home are especially free to do as they wish.

The argument from paternalism indicates, then, that we should prefer a cross-cultural normative account that focuses on empowerment and opportunity, leaving people plenty of space to determine their course in life once those opportunities are secured to them. It does not give us any good reason to reject the whole idea of cross-cultural norms, and gives some strong reasons why we should seek such norms, including in our account not only the basic liberties, but also forms of economic empowerment that are crucial in making the liberties truly available to people. And the argument suggests one thing more: that the account we search for should seek empowerment and opportunity for each and every person, respecting each as an end, rather than simply as the agent or supporter of ends of others. Women are too often treated as members of an organic unit, such as the family or the community is supposed to be, and their interests subordinated to the larger goals of that unit, which means, typically, those of its male members. However, the impressive economic growth of a region means nothing to women whose husbands deprive them of control over household income. We need to consider not just the aggregate, whether in a region or in a family; we need to consider the distribution of resources and opportunities *to each person*, thinking of each as worthy of regard in her own right.

The defects of traditional economic approaches

Another way of seeing why cross-cultural norms are badly needed in the international policy arena is to consider what the alternative has typically been. The most prevalent approach to measuring quality of life in a nation used to be simply to ask about GNP per capita. This approach tries to weasel out of making any cross-cultural claims about what has value — although, notice, it does assume the universal value of opulence. What it omits, however, is much more significant. We are not even told about the distribution of wealth and income, and countries with similar aggregate figures can exhibit great distributional variations. Circus girl Sissy Jupe, in Dickens's *Hard Times* (1854), already saw the problem with this absence of normative concern for distribution: she says that the economic approach doesn't tell her "who has got the money and whether any of it is mine". So, too, with women around the world: the fact that one nation or region is in general more prosperous than another is only a part of the story — it doesn't tell us what government has done for women in various social classes, or how they are doing. To know that, we would need to look at their lives; but then we need to specify, beyond distribution of wealth and income itself, what parts of lives we ought to look at — such as life expectancy, infant mortality, educational opportunities, health care, employment opportunities, land rights, political liberties. Seeing what is absent from the GNP account nudges us sharply in the direction of mapping out these and other basic goods in a universal way, so that we can use the list of basic goods to compare quality of life across societies.

A further problem with all resource-based approaches, even those that are sensitive to distribution, is that individuals vary in their ability to convert resources into functionings. Some of these differences are straightforwardly physical. Nutritional needs vary with age, occupation and sex. A pregnant or lactating woman needs more nutrients than a non-pregnant woman. A child needs more protein than an adult. A person whose limbs work well needs few resources to be mobile, whereas a person with paralysed limbs needs many more resources to achieve the same level of mobility. Many such variations can escape our notice if we live in a prosperous nation that can afford to bring all individuals to a high level of physical attainment; in the developing world we must be highly alert to these variations in need. Again, some of the pertinent variations are social, connected with traditional hierarchies. If we wish to bring all citizens of a nation to the same level of educational attainment, we will need to devote more resources to those who encounter obstacles from traditional hierarchy or prejudice: thus women's literacy will prove more expensive than men's literacy in many parts of the world. If we operate only with an index of resources, we will frequently reinforce inequalities that are highly relevant to well-being.

If we turn from resource-based approaches to preference-based approaches, we encounter another set of difficulties.³ Preferences are not exogenous, given independently of economic and social conditions. They are at least in part constructed by those conditions. Women often have no preference for economic independence before they learn about avenues through which women like them might pursue this goal; nor do they think of themselves as citizens with rights that were being ignored, before they learn of their rights and are encouraged to believe in their equal worth. All of these ideas, and the preferences based on them, frequently take shape for women in programmes of education sponsored by women's organizations of various types. Men's preferences, too, are socially shaped and often misshaped. Men frequently have a strong preference that their wives should do all the child care and all the housework — often in addition to working an eight-hour day. Such preferences, too, are not fixed in the nature of things: they are constructed by social traditions of privilege and subordination. Thus a preference-based approach typically will reinforce inequalities: especially those inequalities that are entrenched enough to have crept into people's very desires.

The capabilities approach

A reasonable answer to all these concerns — capable of giving good guidance to government establishing basic constitutional principles and to international agencies assessing the quality of life — is given by a version of the *capabilities approach* — an approach to quality of life assessment pioneered within economics by Amartya Sen,⁴ and by now highly influential through the *Human Development Reports* of the UNDP (see UNDP, 1993, 1994, 1995, 1996, 1997, 1998, 1999).⁵ The version of this approach argued here is in several ways different from Sen's; it is laid out as currently defended.

The central question asked by the capabilities approach is not, "How satisfied is this woman?" or even "How much in the way of resources is she able to command?" It is, instead, "What is she actually able to do and to be?" Taking a stand for political purposes on a working list of functions that would appear to be of central importance in human life, users of this approach ask: "Is the person capable of this, or not?" They ask not only about the person's satisfaction with what she does, but about what she does, and what she is in a position to do (what her opportunities and liberties are). They ask not just about the resources that are present, but about how those do or do not go to work, enabling the woman to function.

³ Nussbaum (forthcoming, chap. 2) gives an extensive account of economic preference-based approaches, arguing that they are defective without reliance on a substantive list of goals such as that provided by the capabilities approach.

⁴ The initial statement is in Sen, 1980 (reprinted in Sen, 1982); see also various essays in Sen (1984, 1985a, 1985b, 1992, 1993 and 1995) and Drèze and Sen (1989 and 1995).

⁵ For related approaches in economics, see Dasgupta (1993), Agarwal (1994), Alkire (1999), Anand and Harris (1994), Stewart (1996), Pattanaik (1998), Desai (1990), Chakraborty (1996). For discussion of the approach, see Aman (1991) and Basu, Pattanaik and Suzumura (1995).

The intuitive idea behind the approach is twofold: first, that there are certain functions that are particularly central in human life, in the sense that their presence or absence is typically understood to be a mark of the presence or absence of human life. Second — and this is what Marx found in Aristotle — that there is something that it is to do these functions in a truly human way, not a merely animal way. We judge, frequently enough, that a life has been so impoverished that it is not worthy of the dignity of the human being, that it is a life in which one goes on living, but more or less like an animal, not being able to develop and exercise one's human powers. In Marx's example, a starving person cannot use food in a fully human way — by which he seems to mean a way infused by practical reasoning and sociability. He or she just grabs at the food in order to survive, and the many social and rational ingredients of human feeding cannot make their appearance. Similarly, the senses of a human being can operate at a merely animal level — if they are not cultivated by appropriate education, by leisure for play and self-expression, by valuable associations with others; and we should add to the list some items that Marx probably would not endorse, such as expressive and associational liberty, and the freedom of worship. The core idea is that of the human being as a dignified free being who shapes his or her own life, rather than being passively shaped or pushed around by the world in the manner of a flock or herd animal.

At one extreme, we may judge that the absence of capability for a central function is so acute that the person is not really a human being at all, or any longer — as in the case of certain very severe forms of mental disability, or senile dementia. But that boundary is of lesser interest (important though it is for medical ethics) than is a higher one, the level at which a person's capability is "truly human", that is, *worthy* of a human being. The idea thus contains a notion of human worth or dignity.

Notice that the approach makes each person a bearer of value, and an end. Marx, like his bourgeois forebears, holds that it is profoundly wrong to subordinate the ends of some individuals to those of others. That is at the core of what exploitation is, to treat a person as a mere object for the use of others. What this approach is after is a society in which individuals are treated as each worthy of regard, and in which each has been put in a position to live really humanly.

It is possible to produce an account of these necessary elements of truly human functioning that commands a broad cross-cultural consensus, a list that can be endorsed for political purposes by people who otherwise have very different views of what a complete good life for a human being would be. The list is supposed to provide a focus for quality of life assessment and for political planning, and it aims to select capabilities that are of central importance, whatever else the person pursues. They therefore have a special claim to be supported for political purposes in a pluralistic society.⁶

⁶ Obviously, this is a broader view of the political than is that of many theorists in the Western liberal tradition, for whom the nation state remains the basic unit. It envisages not only domestic deliberations but also cross-cultural quality of life assessments and other forms of international deliberation and planning.

Central human functional 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 diminished 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 non-necessary 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 development blighted by fear and anxiety. (Supporting this capability means supporting forms of human association that can be shown to be crucial in people's 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 (which entails protection for the liberty of conscience).

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 and to have compassion for that situation; to have the capability for both justice and friendship. (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 non-humiliation; being able to be treated as a dignified being whose worth is equal to that of others. This entails protections against discrimination on the basis of race, sex, sexual orientation, religion, caste, ethnicity, or 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); having the right to seek employment on an equal basis with others; having 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.

* The 1994 International Conference on Population and Development (ICPD) adopted a definition of reproductive health that fits well with the intuitive idea of truly human functioning that guides this list: “Reproductive health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes. Reproductive health therefore implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when and how often to do so” (United Nations, 1995, p. 40, para. 7.2). The definition goes on to say that it also implies information and access to family planning methods of their choice. A brief summary of the ICPD's recommendations, adopted by the Panel on Reproductive Health of the Committee on Population established by the National Research Council specifies three requirements of reproductive health: “1. Every sex act should be free of coercion and infection. 2. Every pregnancy should be intended. 3. Every birth should be healthy” (see Tsui, Wasserheit and Haaga, 1997, p. 14).

The list represents the result of years of cross-cultural discussion,⁷ and comparisons between earlier and later versions will show that the input of other voices has shaped its content in many ways. It remains open-ended and humble; it can always be contested and remade. Nor does it deny that the items on the list are to some extent differently constructed by different societies. Indeed part of the idea of the list is that those items can be more concretely specified in accordance with local beliefs and circumstances. The box below sets out the current version of functional capabilities.

The list of capabilities is, emphatically, a list of separate components. We cannot satisfy the need for one of them by giving people a larger amount of another one. All are of central importance and all are distinct in quality. The irreducible plurality of the list limits the trade-offs that it will be reasonable to make, and thus limits the applicability of quantitative cost-benefit analysis. At the same time, the items on the list are related to one another in many complex ways. One of the most effective ways of promoting women's control over their environment, and their effective right of political participation, is to promote women's literacy. Women who can seek employment outside the home have more resources in protecting their bodily integrity from assaults within it. Such facts give us still more reason not to promote one capability at the expense of the others.

Among the capabilities, two, practical reason and affiliation, stand out as being of special importance, since they both organize and suffuse all the others, making their pursuit truly human. To use one's senses in a way not infused by the characteristically human use of thought and planning is to use them in an incompletely human manner. Tagore's heroine describes herself as "a free human mind" — and this idea of herself infuses all her other functions. At the same time, to reason for oneself without at all considering the circumstances and needs of others is, again, to behave in an incompletely human way.

The basic intuition from which the capability approach begins, in the political arena, is that human abilities exert a moral claim that they be developed. Human beings are creatures such that, provided with the right educational and material support, they can become fully capable of these human functions. That is, they are creatures with certain lower-level capabilities (called here "basic capabilities"⁸) to perform the functions in question. When these capabilities are deprived of the nourishment that would transform them into the high-level capabilities that figure on the list, they are fruitless, cut off, in some way but a shadow of themselves. If a turtle were given a life that afforded a merely animal level of functioning, we would have no indignation, no sense of waste and tragedy. When a human being is given a life that blights powers of human action and expression, that does give us a sense of waste and tragedy — the tragedy expressed, for example, in Tagore's heroine's statement to her hus-

⁷ For some examples of the academic part of these discussions, see Verma (1995), Chen (1995), Nzegwu (1995), Valdes (1995), and Li (1995).

⁸ See the fuller discussion in Nussbaum (forthcoming, chap. 1).

band, when she says, “I am not one to die easily.” In her view, a life without dignity and choice, a life in which she can be no more than an appendage, was a type of death of her humanity.

We begin, then, with a sense of the worth and dignity of basic human powers, thinking of them as claims to a chance for functioning, claims that give rise to correlated social and political duties. And in fact there are three different types of capabilities that play a role in the analysis. First, there are *basic capabilities*: the innate equipment of individuals that is the necessary basis for developing the more advanced capability, and a ground of moral concern. Second, there are *internal capabilities*: that is, states of the person herself that are, so far as the person herself is concerned, sufficient conditions for the exercise of the requisite functions. A woman who has not suffered genital mutilation has the *internal capability* for sexual pleasure; most adult human beings everywhere have the *internal capability* for religious freedom and the freedom of speech. Finally, there are *combined capabilities*, which may be defined as internal capabilities *combined with* suitable external conditions for the exercise of the function. A woman who is not mutilated but who has been widowed as a child and is forbidden to remarry has the internal but not the combined capability for sexual expression — and, in most such cases, for employment, and political participation (see Chen, forthcoming and 1995). Citizens of repressive non-democratic regimes have the internal but not the combined capability to exercise thought and speech in accordance with their conscience. The above list, then, is a list of *combined capabilities*. To realize one of the items on the list entails not only promoting appropriate development of people’s internal powers, but also preparing the environment so that it is favourable for the exercise of practical reason and the other major functions.

Objectives of development: Functioning and capability

We have considered both functioning and capability. How are they related? Getting clear about this is crucial in defining the relation of the “capabilities approach” to our concerns about paternalism and pluralism. For if we were to take functioning itself as the goal of public policy, a liberal pluralist would rightly judge that we were precluding many choices that citizens may make in accordance with their own conceptions of the good. A deeply religious person may prefer not to be well-nourished, but to engage in strenuous fasting. Whether for religious or for other reasons, a person may prefer a celibate life to one containing sexual expression. A person may prefer to work with an intense dedication that precludes recreation and play. Does the declaration of the list mean that these are not fully human or flourishing lives? Does it mean to instruct government to nudge or push people into functioning of the requisite sort, no matter what they prefer?

It is important that the answer to these questions is no. Capability, not functioning, is the appropriate political goal. This is so because of the very

great importance the approach attaches to practical reason, as a good that both suffuses all the other functions, making them fully human, and also figures, itself, as a central function on the list. The person with plenty of food may always choose to fast, but there is a great difference between fasting and starving, and it is this difference that we wish to capture. Again, the person who has normal opportunities for sexual satisfaction can always choose a life of celibacy, and the approach says nothing against this. What it does speak against (for example) is the practice of female genital mutilation, which deprives individuals of the opportunity to choose sexual functioning and, indeed, the opportunity to choose celibacy as well (see Nussbaum, 1999, chaps. 3-4). A person who has opportunities for play can always choose a workaholic life; again, there is a great difference between that chosen life and a life constrained by insufficient maximum-hour protections and/or the “double day” that makes women unable to play in many parts of the world.

Once again, we must stress in this context that the objective is to be understood in terms of *combined capabilities*. To secure a capability to a person it is not sufficient to produce good internal states of readiness to act. It is necessary, as well, to prepare the material and institutional environment so that people are actually able to function. Women burdened by the “double day” may be *internally* incapable of play — if, for example, they have been kept indoors and zealously guarded since infancy, married at age six, and forbidden to engage in the kind of imaginative exploration that male children standardly enjoy. Young girls in rural Rajasthan, for example, have great difficulty *learning* to play in an educational programme run by local activists — because their capacity for play has not been nourished early in childhood. On the other hand, there are also many women in the world who are perfectly capable of play in the internal sense, but unable to play because of the crushing demands of the “double day”. Such a woman does not have the *combined capability* for play in the sense intended by the list. Capability is thus a demanding notion. In its focus on the environment of choice, it is highly attentive to the goal of functioning, and instructs governments to keep it always in view. On the other hand, it does not push people into functioning: once the stage is fully set, the choice is theirs.

Capabilities and the human rights movement

One might construct a view based on the idea of capabilities without giving a large place to the traditional political rights and liberties, which have historically been so central to the international human rights movement. Thus one might imagine a capabilities approach that diverged sharply from the international human rights approach. The version of the capabilities approach presented here, however, by making the idea of human choice and freedom central, entails a strong protection for these traditional rights and liberties. The political liberties have a central importance in making well-being human. A society that aims at well-being while overriding these has delivered to its members an incompletely human level of satisfaction. As Amartya Sen has recently

written, "Political rights are important not only for the fulfilment of needs, they are crucial also for the formulation of needs. And this idea relates, in the end, to the respect that we owe each other as fellow human beings" (Sen, 1994, p. 38).⁹ There are many reasons to think that political liberties have an instrumental role in preventing material disaster (in particular famine¹⁰), and in promoting economic well-being. But their role is not merely instrumental: they are valuable in their own right.

Thus capabilities have a very close relationship to human rights, as understood in contemporary international discussions. In effect they encompass the terrain covered by both the so-called first-generation rights (political and civil liberties) and the so-called second-generation rights (economic and social rights). Further, the list incorporates some sex-specific rights (in the area of bodily integrity, for example) that have been strongly defended by feminists in the human rights movement, and added, with some struggle, to international human rights instruments. The role played by capabilities is also very similar to that played by human rights: they provide the philosophical underpinning for basic constitutional principles. Because the language of rights is well-established, the defender of capabilities needs to show what is added by this new language.¹¹

The idea of human rights is by no means crystal clear. Rights have been understood in many different ways, and difficult theoretical questions are frequently obscured by the use of rights language, which can give the illusion of agreement where there is deep philosophical disagreement. People differ about what the *basis* of a rights claim is: rationality, sentience, and mere life have all had their defenders. They differ, too, about whether rights are prepolitical or artifacts of laws and institutions. (Kant held the latter view, although the dominant human rights tradition has held the former.) They differ about whether rights belong only to individual persons, or also to groups. They differ about whether rights are to be regarded as side-constraints on goal-promoting action (meaning that one may pursue one's other goals only within the constraints imposed by people's rights), or rather as one part of the social goal that is being promoted. (The latter approach permits trade-offs between rights and other goals, whereas the former makes rights sacrosanct.) They differ, again, about the relationship between rights and duties: if A has a right to S, then does this mean that there is always someone who has a duty to provide S, and how shall we decide who that someone is? They differ, finally, about what rights are to be understood as rights *to*. Are human rights primarily rights to be treated in certain ways? Rights to a certain level of achieved well-being? Rights to resources with which one may pursue one's life plan? Rights to certain opportunities and capacities with which one may make choices about one's life plan?

⁹ Compare Rawls (1996, pp. 187-188), who connects freedom and need in a related way.

¹⁰ Sen (1981) argues that free press and open political debate are crucial in preventing food shortage from becoming full-blown famine.

¹¹ The material of this section is further developed in Nussbaum (1997b).

The account of central capabilities has the advantage of taking clear positions on these disputed issues, while stating clearly what the motivating concerns are and what the goal is. Bernard Williams put this point eloquently, commenting on Sen's 1987 Tanner Lectures:

I am not very happy myself with taking rights as the starting point. The notion of a basic human right seems to me obscure enough, and I would rather come at it from the perspective of basic human capabilities. I would prefer capabilities to do the work, and if we are going to have a language or rhetoric of rights, to have it delivered from them, rather than the other way round (Williams, 1987, p. 100).

As Williams says, however, the relationship between the two concepts needs further scrutiny, given the dominance of rights language in the international development world.

In some areas, the best way of thinking about what rights are is to see them as capabilities. The right to political participation, the right to religious free exercise, the right of free speech — these and others are all best thought of as capacities to function. In other words, to secure a right to a citizen in these areas is to put them (both in terms of their internal powers and in terms of their material and institutional environment) in a position of capability to function in that area (Of course there is another sense of "right" that is more like "basic capabilities": people have a right to religious freedom just in virtue of being human, even if the state they live in has not guaranteed them this freedom.) By defining rights in terms of capabilities, we make it clear that a people in country C don't really have the right to political participation just because this language exists on paper: they really have this right only if there are effective measures to make people truly capable of political exercise. Women in many nations have a nominal right of political participation without having this right in the sense of capability: for example, they may be threatened with violence should they leave the home. In short, thinking in terms of capability gives us a benchmark as we think about what it is really to secure a right to someone.

There is another set of rights, largely those in the area of property and economic advantage, which seem analytically different in their relationship to capabilities. Take, for example, the right to shelter and housing. These are rights that can be analysed in a number of distinct ways: in terms of resources, or utility (satisfaction), or capabilities. (Once again, we must distinguish the claim that "A has a right to shelter" — which frequently refers to A's moral claim in virtue of being human — from the statement that "country C gives its citizens the right to shelter". It is the second sentence whose analysis is being discussed here.) Here again, however, it seems valuable to understand these rights in terms of capabilities. If we think of the right to shelter as a right to a certain amount of resources, then we get into the very problem discussed above: giving resources to people does not always bring differently situated people up to the same level of capability to function. The utility-based analysis also encounters a problem: traditionally deprived people may be satisfied with a very low living standard, believing that this is all they have any hope of getting. A capabilities analysis, by contrast, looks at how people are actually enabled to

live. Analysing economic and material rights in terms of capabilities thus enables us to set forth clearly a rationale we have for spending unequal amounts of money on the disadvantaged, or creating special programmes to assist their transition to full capability.

The language of capabilities has one further advantage over the language of rights: it is not strongly linked to one particular cultural and historical tradition, as the language of rights is believed to be. This belief is not very accurate: although the term “rights” is associated with the European Enlightenment, its component ideas have deep roots in many traditions.¹² Where India is concerned, for example, even apart from the recent validation of rights language in Indian legal and constitutional traditions, the salient component ideas have deep roots in far earlier areas of Indian thought — in ideas of religious toleration developed since the edicts of Ashoka in the third century BC, in the thought about Hindu/Muslim relations in the Mogul Empire, and, of course, in many progressive and humanist thinkers of the nineteenth and twentieth centuries, who certainly cannot be described simply as Westernizers, with no respect for their own traditions (see Sen, 1997a).¹³ Tagore portrays the conception of freedom used by the young wife in his story as having ancient origins in Indian traditions, in the quest of Rajput queen Meerabai for joyful self-expression. (Meerabai left her privileged palace life to become an itinerant singer, joyfully pursuing both independence and art.) The idea of herself as “a free human mind” is represented as one that she derives, not from any external infusion, but from a combination of experience and history.

So “rights” are not exclusively Western, in the sense that matters most; they can be endorsed from a variety of perspectives. None the less, the language of capabilities enables us to bypass this troublesome debate. When we speak simply of what people are actually able to do and to be, we do not even give the appearance of privileging a Western idea. Ideas of activity and ability are everywhere, and there is no culture in which people do not ask themselves what they are able to do, what opportunities they have for functioning. Certainly in international discussions of women’s work, ideas of control over the conditions of one’s activity are absolutely central, and nobody would suggest that these ideas are exclusively Western. They arise when women get together to discuss what they want, and what their lives lack.

If we have the language of capabilities, do we also need the language of rights? The language of rights still plays four important roles in public discourse, despite its unsatisfactory features. First, when used in the first way, as in the sentence “A has a right to have the basic political liberties secured to her by her government”, this language reminds us that people have justified and urgent claims to certain types of urgent treatment, no matter what the world around them has done about that. As suggested earlier, this role of rights language lies very close to “basic capabilities”, in the sense that the *justification*

¹² On India and China, see Sen (1997a); see also Taylor (1999).

¹³ On Tagore, see Sen (1997b) and Bardhan (1990). For the language of rights in the Indian independence struggles, see Nehru, 1936, p. 612.

for saying that people have such natural rights usually proceeds by pointing to some capability-like feature of persons (rationality, language) that they actually have at least on a rudimentary level. And without such a justification the appeal to rights is quite mysterious. However, there is no doubt that one might recognize the basic capabilities of people and yet still deny that this entails that they have rights in the sense of justified claims to certain types of treatment. We know that this inference has not been made through a great deal of the world's history. So appealing to rights communicates more than does the bare appeal to basic capabilities, without any further ethical argument of the sort supplied here. Rights language indicates that we do have such an argument and that we draw strong normative conclusions from the fact of the basic capabilities.

Second, even at the next level, when we are talking about rights guaranteed by the State, the language of rights places great emphasis on the importance and the basic role of the corresponding spheres of ability. To say, "Here's a list of things that people ought to be able to do and to be" has only a vague normative resonance. To say, "Here is a list of fundamental rights", is more rhetorically direct. It tells people right away that we are dealing with an especially urgent set of functions, backed up by a sense of the justified claim that all humans have to such things, in virtue of being human.

Third, rights language has value because of the emphasis it places on people's choice and autonomy. The language of capabilities was designed to leave room for choice, and to communicate the idea that there is a big difference between pushing people into functioning in ways you consider valuable and leaving the choice up to them. But there are approaches using an Aristotelian language of functioning and capability that do not emphasize liberty in the way that the approach presented in this article does: Marxist Aristotelianism and some forms of Catholic Thomist Aristotelianism are illiberal in this sense. If we have the language of rights in play as well, it helps us to lay extra emphasis on the important fact that the appropriate political goal is the ability of people to choose to function in certain ways, not simply their actual functionings.

Finally, in the areas where we disagree about the proper analysis of rights talk — where the claims of utility, resources, and capabilities are still being worked out — the language of rights preserves a sense of the terrain of agreement, while we continue to deliberate about the proper type of analysis at the more specific level.

Capabilities as objectives for women's development

Legitimate concerns for diversity, pluralism and personal freedom are not incompatible with the recognition of cross-cultural norms. Indeed, cross-cultural norms are actually required if we are to protect diversity, pluralism, and freedom, treating each human being as an agent and an end. The best way to hold all these concerns together is to formulate the objectives as a set of capa-

bilities for fully human functioning, emphasizing the fact that capabilities protect, and do not close off, spheres of human freedom.

Used to evaluate the lives of women who are struggling for equality in many different countries, developing and developed, the capabilities framework does not look like an alien importation: it squares pretty well with demands women are already making in many global and national political contexts. It might therefore seem superfluous to put these items on a list: why not just let women decide what they will demand in each case? To answer that question, we should point out that the international development debate is already using a normative language. Where the capabilities approach has not caught on — as it has in the *Human Development Reports* of the UNDP — a much less adequate theoretical language still prevails, whether it is the language of preference-satisfaction or the language of economic growth. We need the capabilities approach as a humanly rich alternative to these inadequate theories of human development.

Women all over the world have lacked support for central human functions, and that lack of support is to some extent caused by their being women. But women, unlike rocks and trees, have the potential to become capable of these human functions, given sufficient nutrition, education and other support. That is why their unequal failure in capability is a problem of justice. It is up to all human beings to solve this problem. A cross-cultural conception of human capabilities gives us good guidance as we pursue this difficult task.

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