

Introduction

How should we assess a person's well-being and quality of life? In what sense, as a matter of justice, should a person be judged as equal or unequal in society? These are two distinct questions demanding different levels of inquiry. We can for example, consider a wide range of things to be valuable for a person's well-being – from a life of bare survival to scientific and social achievements to leisure, luxury, emotional maturity and spiritual realization. Yet we might not find all of them to be relevant to judge whether or not the person's standing in society is equal. A theory of justice cannot be tantamount to a theory of well-being. Judgments regarding claims of justice invariably require not only identifying and delineating certain aspects of well-being, but also finding the appropriate normative principles by which to treat people as equals in society. Even though the capability approach, advocated by Amartya Sen and Martha Nussbaum, originated as providing a unique answer to the first question, the question about well-being and the quality of life particularly in the context of poverty and deprivation, it is also now envisaged by extension as a distinct approach to issues of social justice.

I have two main motivations for undertaking this treatise on human capabilities and justice. One is to develop a systematic philosophical study of the capability approach, focusing particularly on those claims and characteristics which can provide justification for it as an approach to social justice. The other is my discomfort with the way some capability theorists and others tend to draw the capability approach exclusively within a liberal paradigm. I try to show that when carefully studied and interpreted, the capability approach offers valuable resources for a critique of the liberal conception of justice.

I shall briefly delve into each of these motivations before turning to the point of how these have inspired and shaped the arguments and structure of the book. In recent years, Sen and Nussbaum's collaborative work on the capability approach has come to play a major role in normative economics, social ethics and political philosophy. It has received a warm reception from many academics as well as a wider support among international agencies and non-governmental organizations. Unfortunately, most of the theoretical discussions so far have been somewhat narrow, concentrating either on the doctrinal differences between Sen and Nussbaum or on the conceptual and policy superiority of their approaches. With a view to building further upon the valuable contributions these discussions have made in situating the capability approach in the ongoing conversations and debates in social sciences and development discourse in particular, the primary aim of the book is to broaden and turn the course of these discussions towards the intellectual structure and philosophical underpinnings of the capability approach. As it is construed, elucidated and critically scrutinized here, the fundamental intent of a capability theorist is to defend the idea that social justice consists in creating the greatest possible condition for the realization of basic capabilities for all. Readers who are familiar with the capability

approach literature would know that the pioneers of the approach themselves do not articulate their objectives exactly along these lines. Nonetheless such an ecumenical formulation captures most of what they intend to achieve. The ideal of realizing basic capabilities for all is a central impetus in the works of Nussbaum and Elizabeth Anderson who explicitly endorse a list of basic capabilities, although Nussbaum advocates a comparatively more elaborate list than Anderson. This is also the guiding principle for Sen who, without committing himself to a definite list of basic capabilities, envisions the approach as a plural and public conception of justice intimately tied to democracy and public reasoning.

Strictly speaking, the ideal of realizing basic capabilities for all citizens so that people would have the required economic, social and political freedoms to lead the type of life they have reason to value need not necessarily be viewed as a social justice claim. It can very well be the consequence of a judgement that certain absolute forms of poverty and capability deprivation are bad and even scandalous, and that no decent society should tolerate them, particularly when it has the material and human resources to overcome them. What then makes it precisely a social justice claim? If it is a social justice claim, how should we respond? The aspiration of realizing basic capabilities for all can be justified to be a justice claim when it flows from the moral judgement that all capability inequalities in life prospects meted out to people by the basic structure of society and for which they are not responsible are *prima facie* unjust. Hence as a response, the focus of the capability approach as a theory of justice is not to level down or even out people's differences in talents, capacities and potentialities, but to design society's economic and political institutions in such a way that adequate material and social resources are available to everyone in order to possess and exercise a set of basic capabilities that go to make up a decent life. At the same time, it is of supreme importance to be aware that social justice is not a canonical profession in a single principle, but an aspiration to realize certain human and institutional conditions embodying a plurality of principles and balancing their demands in a coherent way. This implies that depending on the kind of basic capability at stake, some principles and patterns of distribution more than others become relevant for social justice to obtain in the society in question. For example, when it concerns capabilities such as being adequately nourished (nutrition), being sufficiently educated (basic education) or the ability to avoid common and preventable illness (primary health care), it would be social responsibility rather than merely individual merit and achievement which should be stressed. As a result, realizing these capabilities for all citizens would require a social safety net in the form of unemployment benefits, minimum-wage legislation, primary health insurance, pension provisions, affirmative policies, etc – although there are likely to be disagreements with regard to how tight the safety net should be and what level of social minimum it should guarantee. These institutional expressions of social responsibility and solidarity can be justified only to the extent that they are meant not to replace or undermine agency and personal responsibility but to facilitate them. On the other hand, when it concerns more complex capabilities relating to social positions, jobs, careers, honours, recognition and political participation, other considerations such as efficiency, desert or fair equality of opportunity will come to the fore. In all these, the key point to bear in mind is that the realization of the ideal

of basic capabilities for all will involve a plurality of equally valuable principles and complex institutional structures.

Moreover, the understanding of the term 'basic' embodied in the ideal of 'basic capabilities for all' assumes a special connotation. Sen was indeed perceptive to point out that poverty is relative in terms of resources and absolute in terms of capabilities for the reason that depending on the context different amounts of resources might be required to achieve the same functioning. Yet when we want to spell out the different capabilities that should exert a normative pull, it turns out that what might be deemed as 'basic' – or even analogous concepts such as 'urgent' and 'decent' – is relative to culture, history and the level of a country's economic prosperity and political maturity. The things which may be stated as basic and vital in one place might be considered as nonessential and a luxury in another context. An everyday or a commonsense reading that is likely to be shared by most societies is the idea that basic capabilities are those whose absence would foreclose the exercise and development of many other capabilities. Adequate nutrition and good health, we might say, open the door for education, learning and creativity, just as literacy and appropriate levels of formal and public education facilitate informed social interaction and political participation. Experience has, however, shown that the everyday understanding can be biased, less generous and not up to the mark. One possible way to overcome the potential arbitrariness and inadequacy is to flesh out the content and to come up with a list of basic capabilities that could be endorsed for political purposes – as Nussbaum and Anderson have proposed to do. Such an approach has to face the problems of paternalism and justification but in principle, these incriminations can be somewhat tempered by pointing out that the list is open-ended and that the abstract and vague character of the items on the list permits multiple specifications according to contexts through subsequent legislative, executive and judicial procedures. Another possible choice is to relativize the importance of making a list and appeal more to fair processes of public reasoning and democratic institutions. It is true that a list of basic capabilities can play a pertinent role in informing and counterchecking our intuitions regarding social justice, as it is with the Universal Declaration of Human Rights or the list of fundamental entitlements embodied in a country's constitutions. However, they cannot be a proxy for the larger process of value construction through public debate and discussion. Most societies do have some operative understanding of principles and policies pertaining to justice, implicitly acknowledged as part of the social ethos and interpretative social dialogue or explicitly invoked in public discussion and political justification. Philosophical conceptions of justice do not have to exactly mirror public conceptions, but they cannot be completely remote from them, either.

The second motivation of this treatise is to illustrate how the capability approach breaks with certain forms of liberalism at key points. 'Liberalism' means different things to different people and includes various great philosophers such as Locke, Rousseau, Kant, Mill, Berlin, Rawls, Dworkin and many others. Nonetheless, one prototypical idea that has remained central to the liberal tradition is the moral equality of each individual. Human beings are ends in themselves and must be treated with dignity and respect irrespective of their class, caste, creed and gender. The capability theorists are in strong agreement with this liberal tenet. However, along with the

idea of moral equality, liberalism has also bequeathed an accompanying idea, the idea of freedom as non-interference: individuals are said to be free only when there is no interference from others – the state, the law or fellow citizens. This is central to *laissez-faire* liberalism, but its residue can be found to varying degrees in other camps as well.

The capability theorists disagree with this presupposition. Freedom is not merely the absence of interference, but also the possession of different capabilities to achieve valuable human functionings. A person who is poor, uneducated, unemployed, afflicted by a preventable disease or socially excluded might encounter no interference from the state or fellow citizens, but he or she certainly lacks the required capacities and opportunities to live a life of freedom. This being the stark reality in most of our contemporary capitalist liberal democracies, it is important to emphasize the idea that a society fails to treat some of its members as equals not only when it restricts or interferes with them, but also when it permits them to grow up in poverty and suffer various forms of capability shortfalls and deprivation. Hence, the capability theorists, as it is argued here, are not against interferences *per se*. It is well within the spirit of the capability approach to tolerate certain qualified forms of ‘interferences’ for redistributive purposes and for the provision of public goods so that maximum conditions for basic capabilities can be realized for all citizens. Particularly when these interventions are capabilities-promoting for everyone and are stipulated to take place under the purview of a fair rule of law and in compliance with human rights, they can hardly be considered as interferences in the negative sense of the term.

Coming as they are from different cultural, intellectual and academic backgrounds, Sen and Nussbaum have developed the central intuitions of the capability approach with different emphases and in somewhat different directions. While Sen defines the relevant concepts and indicates the possibility of an alternative paradigm of justice supported by a broad consequentialist ethics, Nussbaum strengthens the theoretical edifice of the capability approach by showing its connection to Aristotle’s ethics and political philosophy and by developing a hybrid theory of capabilities that blends Aristotelian philosophy with certain liberal doctrines. Sen pioneered the idea in welfare economics and political philosophy that people’s well-being and their standing in society should be assessed not merely in terms of resources available to them or the psychological sensations generated by the utilization of those resources, but rather on the basis of ‘functionings’ and ‘capability to valuable human functionings’. The conceptual forerunner to this idea can be traced back to the concept of ‘entitlements’ that emerged in the context of Sen’s study of famines. Contrary to the conventional Malthusian wisdom that attributed famines to the shortage of food supply, Sen’s political economy of famines illustrates a bitter truth: millions of people die during famines not mainly because there is any significant decline of food available in the region, but because they lose their entitlements – abilities and purchasing power to acquire food and to achieve health and nourishment. Therefore, the fight against famines, poverty and other major societal failures can be more effectively won by protecting and promoting people’s entitlements and by recognizing the interconnections of economic and political forces that cause these failures.

Nussbaum must be accredited for having philosophized the capability approach particularly by indicating how Sen's insight revisits some of the key Aristotelian ideas. Aristotle rejects hedonism, and characterizes people who focus only on pleasure, money and wealth as those lacking depth. The good life, according to Aristotle, consists in identifying and organizing one's life in accordance with a set of 'valuable human functions'. Aristotle also proposes an allied political philosophy whose main concern is to design appropriate political principles and institutions which would facilitate the good life of the citizens. The metaphor of 'the thick vague conception' of human flourishing that the earlier Nussbaum deployed in order to derive the universal list of capabilities is indicative of her dissatisfaction with dominant liberal theories and throws much light on her own objective to take the frontiers of political philosophy in the footsteps of Aristotle. Yet Nussbaum is also a critical and judicious reader of Aristotle. Although Aristotle thought that the good life should consist in striving for valuable human functions and excellence, he also entertained the idea that certain categories of people such as the slaves, craftsmen, foreign residents and women did not qualify for a fuller social and political participation. The lack of the idea of equal human dignity is a major deficit in Aristotle's thinking. Nussbaum's hybrid theory of capabilities reconstructs Aristotle filling up this lacuna. Just as much of contemporary liberal apathy towards people's capability failures and deprivation can be exorcized by confronting it with the Aristotelian capabilities-oriented reasoning, a revival of Aristotle's philosophy for contemporary purposes would also have to rework and correct its underlying hierarchical and elitist propensities.

Bearing in mind the two purposes of this project spelled out thus far, the arguments of the book are arranged into seven successive chapters, divided into two parts. The reader, I hope, finds this to be a plausible and defensible interpretation of the capability approach to social justice. In Chapters 1 to 3 in Part I, the basic insights and concepts of the capability approach are introduced in discussion with two other influential theories in contemporary political philosophy: utilitarianism and Rawls's justice as fairness theory. I try to show how the limitations of these theories serve as points of departure for a capabilities-oriented understanding of justice. Attention is also paid to the specific contributions of Sen, Nussbaum and Anderson and to some of the key objections that have come up in the recent philosophical literature. Even though the capability approach has its own unique difficulties and ambivalences to resolve at the level of both theory and practice, the three chapters of Part I argue for the conclusion that a capabilities-based understanding of justice emerges as a persuasive non-utilitarian approach.

Chapters 4 to 7 in Part II examine in depth and in some detail the underlying ethical and political principles as well as the philosophical traditions involved in the capability approach. Having identified the theory of broad consequentialism, the issue of individual responsibility and Nussbaum's hybrid theory of capabilities to be the major philosophical foundations for a capabilities-based theory of social justice, I discuss the problems and issues involved in each of these areas. In the seventh and final chapter, I try to give an overall view of the capability approach, focusing particularly on the way the capability approach can be elevated as a political conception. Here two conclusions are suggested. First, it is argued that the capability approach has the potential to offer a critique of the liberal conception of justice,

since it seeks to embody the ideal of realizing basic capabilities for everyone in positive freedom and public reasoning. Second, it is pointed out that a capabilities-based critique of the liberal conception of justice can be much more radicalized by extending the theoretical framework of the capability approach so as to incorporate the republican notion of freedom as non-domination.