REASONING ABOUT DEVELOPMENT:
ESSAYS ON AMARTYA SEN'S CAPABILITY APPROACH

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ESSAYS OVER AMARTYA SEN'S CAPABILITY APPROACH

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Introduction: How Should We Think about Poverty and Development?

Most of the world is enjoying the best standard of living, the greatest wealth, and the greatest freedom to live valuable and meaningful lives of any time in human history. But at the same time vast numbers of people are living lives of stark deprivation which are made even more appalling by the contrast. Indeed, it is the perspicuous contrast between the quality of life open to some people but not others that both defines and condemns poverty in the contemporary world: poverty is an unnecessary state of deprivation that can and should be remedied. In the poor world the general term for the removal of entrenched deprivation is 'development'.

Moreover, remediable deprivation exists not only in faraway places with small economies, armed conflicts, or government repression, but also within the rich world, with its homeless, jobless, sick, and socially excluded or stigmatised. Deprivation can co-exist with great opulence. For instance, even in a relatively wealthy country with an effective welfare state, where urgent and straightforward human physiological needs are largely met, there may be a great deal of absolutely real 'relative poverty', such as deprivation in the "social bases of self-respect" (cf Rawls 1999). The rich world too seems to be in need of development.

We are continually confronted with images of poverty and its dramatic consequences for human lives on our television screens and newspapers, and also with public debate about how to understand it and what to do about it. But poverty is so pervasive that it seems to escape human comprehension let alone solution. There are vast numbers of people affected in many different contexts. Their poverty is apparent in many different ways, from poor health to disabilities to lack of opportunities or aspirations. The causes of poverty are likewise numerous and include the interaction of physiological, environmental, economic, social, and political factors.

> The basic concern is with our capability to lead the kinds of lives we have reason to value. (Sen 1999a, 285)

Over the last 30 years the Indian philosopher-economist Amartya Sen has developed a distinctive normative approach to evaluating well-being in terms of individuals' freedom to achieve the kind of lives they

have reason to value, and development as the expansion of that freedom. This freedom is analysed in terms of an individual's 'capability' to achieve combinations of such intrinsically valuable 'beings and doings' ('functionings') as being sufficiently nourished and freely expressing one's political views.

Development in this perspective is understood in liberationist terms: of removing unfreedoms – 'the domination of circumstances and chance over individuals'- and of respecting and supporting individual agency and societal self-determination to decide on and pursue the flourishing life. Hence the title of Sen's most influential book, *Development as Freedom* (Sen 1999a). Those who argue for the moral priority of increasing or redistributing wealth justify this because wealth is generally useful for the freedom to live a flourishing life. Sen argues that we should focus directly on achieving that goal rather than 'fetishising' one of the means to its achievement. Others argue that happiness is the true measure and goal of objective well-being. Sen argues that while happiness is obviously important it is not obvious that it is the only aspect of life we have reason to value.

Sen's capability approach has been enormously influential, and has been taken up and developed by academics in many disciplines, as well as NGO, governmental, and inter-governmental institutions concerned with development and well-being (such as the United Nations Development Programme). It may be helpful to analyse the diffusion of Sen's ideas in terms of the distinction between *persuasion* and *recruitment* coined by Albert Hirschman (Hirschman 1992, 34). While persuasion concerns the direct influence of new ideas and arguments on those already working on a certain area, recruitment is concerned with the indirect influence those ideas have by exciting the interest of outsiders to come into the field. Perhaps because Sen has been seen as excessively free with the standard theoretical structures for understanding poverty and development it may be noted that Sen has struggled to *persuade* many theorists, particularly in economics, to take up his approach.[1] But he has been very successful in *recruiting* across

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[1] Sen's contributions across several different fields of economics were recognised by the award of a Nobel Prize in 1998. Yet the direct influence of Sen's capability approach itself on mainstream economics has not been as great as one might expect. In many development economics textbooks, for example, his earlier work on poverty indexes and famines is given significant attention but capabilities are mentioned superficially, dismissively or not at all. (E.g. "For Sen, poverty is not low well-being but the inability to pursue well-being because of the lack of economic means" (Nafziger 2006, 178).) Its influence on orthodox welfare economics has been perhaps even

inter-disciplinary boundaries, spawning a complex and sprawling literature across academic disciplines as varied as ethics, sociology, and even design and ICT. Martha Nussbaum, for example, then best known as a classicist and Aristotelian philosopher, was drawn to Sen's capability approach by its non-utilitarian, non-Rawlsian features (Nussbaum 1988) and collaborated with Sen at the World Institute of Development Economics Research (WIDER) in Helsinki from 1987 to 1989.

Indeed, the attraction of Sen's capability approach is not unrelated to the fact that readers from many different backgrounds can see in it, or project onto it, their own interests and concerns. This recruitment effect can of course lead to fruitful inter-disciplinary research very much in the spirit of Sen's work. But it can also generate some confusion (and frustration) as researchers from quite different backgrounds bring quite different beliefs about what the capability approach *really is* - a theory of justice, an account of agency, a non-Welfarist welfare economics, a theory of sustainable development, and so on - and therefore how it should be analysed and developed (cf Robeyns 2005, 193–4). Freedom is thus at the heart of its appeal, but also its difficulties in developing as a convincing coherent account.

Coherence and consistency are central virtues of analytical moral philosophy, and so it is not surprising that the capability approach has received a great deal of critical attention from philosophers. For example, some have claimed that it is illiberal because it is not neutral about the nature of the flourishing life (e.g. Sugden 2006); that it is under-theorised (e.g. Pogge 2002); that it is excessively individualist (e.g. Gore 1997); that its focus on freedom is ambiguous (e.g. Nussbaum 2003) or incoherent (e.g. Cohen 1993; Dowding 2006); that its philosophical-economic understanding of agency is too abstract and rationalistic (e.g. Giri 2000; Gasper 2002). Part of my thesis is concerned with outlining my own understanding of the philosophical character of Sen's capability approach, often to the effect of showing that such criticisms are misplaced if not mistaken. But one particular issue in the philosophical approach to Sen's writing on the capability approach bears mentioning earlier because it relates to the approach I have taken in this thesis.

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slighter. While Sen's work on social choice has been very influential, only a few welfare economists have followed up his reformist agenda for a non-welfarist Welfare Economics (for example Marc Fleurbaey, Erik Schokkaert, and Wiebke Kuklys).

Reading Sen as a Philosopher

Philosophers have shown interest in Sen's practical philosophy right from the beginning, but they have not always read him as charitably as they might.[2] The *Oxford Companion to Philosophy* defines the principle of charity in interpretation as holding "that (other things being equal) one's interpretation of another speaker's words should minimize the ascription of false beliefs to that speaker" (Mackie 2005). It seems to me that quite a number of Sen's critics in academic philosophy have not tried hard enough to set their own views temporarily aside and to understand Sen's work as far as possible in its own terms. They have moved too quickly to identify his differences with their own views and expectations as errors. Consequently some of the problems they identify with Sen's account are the products of misinterpretation rather than *bone fide* problems for its credibility (cf Robeyns 2000). This can result in the premature dismissal of Sen's substantive claims (e.g. Roemer 1998; Pogge 2002; Dowding 2006; Sugden 2006) or excessively drastic reconstructions (such as by Nussbaum, who rejects much of Sen's framework as too vague, worrying, or unworkable).[3]

I think that this unfortunate lapse may be partly explained (though not justified) by Sen's somewhat unorthodox style of doing philosophy, which may in turn be related to his background in economics and its rather more pragmatic orientation to theoretical work.[4] Three aspects of this unorthodox style seem to me particularly relevant to reading Sen as a philosopher.

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[2] Exceptions to this, and somewhat responsible for the high profile Sen's capability approach has had in academic philosophy from the outset, include Bernard Williams, a leading British moral philosopher, who provided comments on Sen's second *Tanner Lecture* on the capability approach (Williams 1989); Hilary Putnam who has written extensively on Sen's 'Smithian economics' (Putnam 2002; e.g. Putnam 2008); and John Rawls, who taught a course on Social Justice at Harvard University with Amartya Sen (and Kenneth Arrow) in 1968-9, and adapted his concept of primary goods somewhat in the light of Sen's "forceful" critique (Williams 1989, 168 fn. 8; Rawls 2005, 178–187 particularly 179 fn. 6). This influence can also be attributed to Sen's early interest in philosophical topics even at the start of his economics career (e.g. Sen 1966; Sen 1967) and the close links he developed with leading Anglo-Saxon philosophers (including, apart from those named above, Isaiah Berlin, Ronald Dworkin, Derek Parfit, Thomas Scanlon, and Robert Nozick).

[3] I discuss two such critiques, by Thomas Pogge and Nussbaum, in some detail in chapter 2.

[4] This small-p pragmatism is also apparent in Sen's underlying concern with better-worse relations rather than right-wrong dichotomies in his approach to rationality, ethics, and political philosophy.

First, Sen often bypasses traditional philosophical distinctions and coins his own in order to focus on specific aspects relevant to what he wants to say, which is often something different than the standard vocabulary is most useful for. For example, freedom is a complex and ambiguous idea but one influential distinction in the philosophical literature (popularised particularly by Isaiah Berlin) is between the concepts of positive and negative freedom. Yet Sen largely bypasses that terminology and opts instead for a distinction between the "aspects" of opportunity and process in freedom (Sen 2002a, 585–7) which is more apt for the social choice perspective he wants to bring.[5] Though it has something in common with Berlin's distinction it brings a different way of looking at freedom.

The philosophical reader has to be aware of the unconventionality of Sen's terminology in order to avoid attributing positions to him that he does not hold.[6] I believe such a misreading accounts, among others, for G.A. Cohen's accusation that Sen distorts the proper meaning of freedom as individual control in talking of such things as "freedom from malaria" (Cohen 1993; Cohen 1994; cf Kaufman 2006); and Martha Nussbaum's rejection of Sen's freedom talk because of her construal of it as negative liberty and her association of that with neo-liberalism (Nussbaum 2003, 44–7), a point I discuss further in chapter 2.

The second aspect of Sen's unorthodox style is the limited and pragmatic use he often makes of the terminology he coins. It often seems intended to further a particular argumentative point by labelling a relevant distinction, rather than to identify viable operative concepts suitable for systematic theoretical analysis in the manner the analytical philosopher is trained to expect. Failing to recognise this aspect of Sen's style can lead to confusion or frustration in the philosophical reader and to the perception of Sen's work as unphilosophical and in need of reconstruction (or outright rejection).

Consider Sen on commitments, a 'concept' that has been taken up by academic philosophers and has even had a special issue of *Economics*

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[5] Opportunity freedom is about access to valuable states (i.e. capability), while process freedom is concerned at the systemic level with properties like fairness and at personal level with properties like non-interference (Sen 2002b, 624).

[6] And this is not only the case for philosophical terminology. For instance, Sen's carefully worded endorsement of "maximisation" in his account of rationality has sometimes been misunderstood (e.g. Anderson 2001; Sen 2001, 57–58). Economists often conflate "utility optimisation" with "maximising behaviour" but Sen distinguishes the two. While optimisation requires choosing the best option, maximisation "only requires choosing an alternative that is not judged to be worse than any other" (e.g. Sen 1997a, 746).

and Philosophy devoted to it (21(1), 2005). This is the closest Sen came to defining it in his famous *Rational Fools* paper:

> Commitment is, of course, closely connected with one's morals. But moral this question is in a very broad sense, covering a variety of influences from religious to political, from the ill-understood to the well-argued (Sen 1977, 329).

As a positive definition of a philosophical concept this is distinctly unsatisfactory. It is vague and ambiguous in exactly the way many philosophical critics of Sen accuse him of being. Yet if one looks instead at how Sen uses the term 'commitment' to draw a perspicuous contrast to assumptions of egoism in economic theory it is as precise, clear, and effective as one could wish a philosophical argument to be.

> If the knowledge of torture of others makes you sick, it is a case of sympathy; if it does not make you feel personally worse off, but you think it is wrong and you are ready to do something to stop it, it is a case of commitment. I do not wish to claim that the words chosen have any very great merit, but the *distinction* is, I think, important.....
> *The characteristic of commitment with which I am most concerned here is the fact that it drives a wedge between personal choice and personal welfare*, and much of traditional economic theory relies on the identity of the two. (Sen 1977, 326, 329 emphases added)

It seems to me that philosophical readers are sometimes distracted from considering what Sen is very clearly saying because they are overly concerned with what exactly his terms mean. In this case a distinction that pretty effectively demolishes a foundational tenet of orthodox utility theory may be misread as proposing a unitary concept of commitment. Without ever attempting to clarify the nature of commitment as a concept, rather than a class of exceptions to (extended) egoism, Sen goes on to show that his distinction does real work, by opening a space for a broader understanding of rational choice that better fits how humans actually behave as well as better recognising human agency (e.g. Sen 2005, 10–12).

The third aspect of Sen's style that needs to be stressed is the philosophically unorthodox way that the 'concepts' he identifies relate to each other. Many of these are negative rather than positive. That is, like 'commitment', they are meant to show the *insufficiency* of a particular theoretical perspective rather than the sufficiency of a new operative concept. Yet even Sen's positive conceptual apparatus seems

intended not to show the right way of looking at the matter, but a better one for certain purposes. Thus even central terms like 'functionings' and 'capability' may fairly be called philosophically obtuse: vaguely defined and ambiguously related (for example, it's not at all clear which literacy is). They lack the robustness and suitability for operational analysis that philosophers are used to. For example Sen begins his *Dewey Lectures on Well-being, Agency and Freedom* thus,

> The main aim of these lectures is to explore a moral approach that sees persons from two different perspectives: well-being and agency. Both the "well-being aspect" and the "agency aspect" of persons have their own relevance in the assessment of states and actions. Each aspect also yields a corresponding notion of freedom. (Sen 1985a, 169)

The relationship between well-being and agency has been a particular source of puzzlement and strained reading by academic philosophers. Nussbaum for example finds Sen's distinction "puzzling" and "obscure" and concludes that it is a "vestige of utilitarianism inside Sen's nonutilitarian project" that should be dropped (Nussbaum 2011a Appendix B). Other philosophers have interpreted well-being and agency as distinct operational concepts which are related in a ladder-like way: first one achieves well-being, then one can have agency.

These 'problems' seem to follow from reading Sen as proposing a kind of theory – unitary, pure, coherent – that he is not. The aspects of well-being and agency he identifies are, as he calls them, *aspects* rather than concepts proper. Thus unlike 'proper' philosophical concepts they can overlap with each other in what Nussbaum finds a "puzzling" way. They relate to ways of looking at a case, of which kinds of information it is appropriate to consider in taking up a particular perspective, not a claim about which concepts are correct. As Sen explains,

> Although the agency aspect and the well-being aspect both are important, they are important for quite different reasons. In one perspective, a person is seen as a doer and a judge, whereas in the other the same person is seen as a beneficiary whose interests and advantages have to be considered. There is no way of reducing this plural-information base into a monist one without losing something of importance. (Sen 1985a, 208).

As an example, consider Mohandas Gandhi's famous 1932 'fast unto death' against untouchability in general and the British government's

plan for separate electoral constituencies for untouchables in particular. This can be seen in terms of well-being freedom (choosing not to be well-nourished); well-being achievement (being poorly nourished); agency freedom (e.g. choosing to prioritise a moral concern – promoting a more inclusive and egalitarian form of Hinduism - over his own well-being); agency achievement (among others, a short term rapprochement with his political rival, B. R. Ambedkar, who claimed to represent the interests of India's untouchables) (cf Lelyveld 2011, chap. 9). Each of the aspects Sen identifies would seem to have some *prima facie* claim to significance in an evaluation of Gandhi's fast.

Sen often talks about the underlying complexity and ambiguity of the ideas – like agency, freedom or well-being – that he is grappling with, and he identifies "aspects" and "perspectives" which are helpfully informative for different purposes. He really doesn't seem to be trying to identify what *the* correct account of e.g. freedom is, but rather to be identifying better (or criticising unsatisfactory) ways of understanding it. Indeed, the centrality of perspective has itself been an enduring subject for explicit methodological reflection by Sen (e.g. Sen 1980; Sen 1983a; Sen 1983b; Sen 1993a), and is an inescapable feature of *The Idea of Justice* (in the form of his interest in Adam Smith's device of the impartial spectator).

As I mentioned, Sen's distinctive style of doing philosophy may have much to do with his training and experience as an economist. Though I won't attempt to develop that analysis systematically, it seems to me that Sen's 'perspectival' approach is especially reminiscent of how the empirical social scientist characteristically works. One tries out different ways of viewing the complex social world in a way analogous to how an astronomer may experiment with different polarising filters on a telescope.[7] One filter, for example, may make a certain class of stars more prominent and thus make it easier to focus on and examine them. (One may of course replace physical 'filters' with theoretical constructs for observation, such as statistical models.)

This is an interactional approach to observation in that the observer interacts with the world through experimenting with different points of view by which to look at it, assessing these in terms of how helpfully informative they are – what they add - for the observational purpose at hand. Among other things this approach is comfortable with retaining

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[7] This analogy was suggested to me by Kevin Hoover, in a presentation about the history and methodology of econometrics.

multiple points of view as differently informative, and toggling between them as circumstances require, while also being capable of identifying and rejecting many (classes of) points of view as generally inadequately informative. It is worth noting that this interactional feature of social science research does not mean that the theories of observation employed determine findings in themselves. The task of observation here does not consist of the straightforward application of the single best general theory of observation, but rather with exercising one's expert judgement about which theoretical resources to employ, and how, in order to best understand this particular issue. (I take up this issue of judgement in chapter 3.)

As I have tried to show with my examples (and will demonstrate further in chapter 2), philosophers have not always recognised or appreciated these distinctive features of Sen's style, with sometimes unfortunate results for their reading of him. That is not to say that critical philosophical analysis of Sen's implicit operative concepts, of freedom for example, isn't legitimate and important, and potentially useful for understanding Sen's claims and whether and how they work. (In later chapters I myself pursue a more systematic understanding of Sen's device of the 'impartial spectator', the problem of 'adaptive preferences', and the 'exercise' of social choice.) Nor that the theoretical development of Sen's distinctions into operational concepts cannot take on a life of its own and produce a significant and insightful literature (as the concept of 'commitment' has been developed within theoretical accounts of rationality), even if it no longer bears a relationship with the concerns of its supposed originator. But it seems to me that the automatic application of such analysis has in practise sometimes missed Sen's actual concerns in favour of subsuming Sen's terminology into the author's own theoretical tradition.

In this dissertation I have therefore tried to explore Sen's work as far as possible in its own terms. One of my aims was that my reading should allow room for the breadth of Sen's work, by paying him the courtesy of assuming an essential continuity across his very extensive publications - which include an unusual number of disciplines and topics, from Indian economic development to rational choice and personal identity - as relevant to a fuller understanding of his capability approach.[8] Of course this remains a philosophical thesis, focused on the

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[8] Sen himself frequently asserts such a continuity. For example, in his popular synthesis of the capability approach, *Development as Freedom* (1999), he explicitly

examination and elaboration of Sen's ideas (indeed, only chapter 5 is directly concerned with human development as conventionally understood). But it is founded on a charitable reading of Sen's ideas and arguments in light of his expressed concerns, rather on holding them to account for their failings on a narrow analytical score-card. I do not mean to dismiss such criticisms, or the theoretical traditions from which they arise, since they may be both legitimate and in certain contexts quite significant.[9] But I want to focus on a more positive analysis of Sen's capability approach that tries to analyse how far it can succeed in terms of what it intends to do and with the resources it has available.

Outline of the Dissertation

Chapter 1 provides an overview of Sen's capability approach in terms of its theoretical development, structure, and applications, and also outlines its theoretical development by various philosophers.

Chapter 2 addresses philosophical criticism of the 'operationalisability' of Sen's work on the capability approach and argues that much of it is misplaced. The arguments of two such critics - Thomas Pogge and Martha Nussbaum – are examined in detail

Chapter 3 complements the negative analysis of chapter 2 – what Sen's capability approach is not – with a positive analysis of Sen's methodology of evaluation in terms of the account of judgement developed by Samuel Fleischacker. When properly understood Sen's distinctive vices, as identified by orthodox philosophical critics, can be understood as distinctive virtues. They are constitutive of how Sen's capability approach is supposed to work, as a contribution to the evaluation of advantage rather than as a theory of justice.

Chapter 4 considers the challenge that 'adaptive preferences' pose for the capability approach. The problem of adaption is of 'valuational neglect', that people develop values reactively rather than autonomously. It is a challenge because evaluating a person's capability requires determining two distinct aspects: their effective freedom to live (i) the life they have reason to value (ii). I show that Adam Smith's device

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collates, in an accessible way, the central arguments and claims of many of his publications in apparently disparate disciplines.
[9] In debates with luck-egalitarians or theorists of fair compensation in welfare-economics, for example, the lack of a normative account of individual responsibility in the capability approach becomes significant (cf Robeyns 2005, 192).

of the impartial spectator can provide a theoretical resource for understanding, identifying, and remediating adaptive preferences.

Chapter 5 analyses the transformational implications of development policy for personal identity and shows that the capability approach, properly understood, respects individual agency in a way that conventional approaches to development do not. Development can be understood as transformational *and* in the interests of those concerned only if people are treated as autonomous agents whose own valuation of the life they have reason to value is central to the evaluation of advantage and development. This understanding addresses standard arguments against the paternalism supposedly embedded in the idea of development, and links this response to the capability approach's democratic understanding of policy and society.

Chapter 6 analyses the role of democracy and philosophy in determining which capabilities are important as a matter of social justice (though, of course, justice is not the only perspective for which the capability approach is relevant). I respond to the challenge of the political philosophy gap in Sen's work by outlining and defending his pragmatic but optimistic 'idea of democracy'.

Chapter 1: An Outline of Sen's Capability Approach[10]

The capability approach is concerned with evaluating how well off people are in terms of their capability to achieve the kind of lives they have reason to value. A person's capability to live a good life is defined in terms of the value of the combinations of 'beings and doings' - like being in good health and having loving relationships with others - to which they have real access. This focus distinguishes it from more established approaches to evaluating social welfare, such as utilitarianism or resourcism, which focus exclusively on subjective well-being or the availability of means for a good life, respectively.

The capability approach was first articulated by Amartya Sen in the 1980's, and remains most closely associated with him. It has been employed extensively in the context of human development, for example by the United Nations Development Programme, as a broader and deeper alternative to narrowly economic metrics like growth in GDP per capita. Here 'poverty' is understood as deprivation in the capability to live a good life, and 'development' is understood as capability expansion.

Within academic philosophy the novel focus of the capability approach has attracted a large number of scholars. It is seen to be relevant for the normative evaluation of social arrangements beyond the development context, for example for analysing gender inequality (e.g. Robeyns 2003). It is also seen as providing foundations for normative theorising, such as a capability theory of justice that would include an explicit 'metric' (which capabilities are valuable) and 'rule' (how they are to be distributed). Martha Nussbaum has provided the most influential version of such a capability theory of justice, deriving from the requirements of human dignity a list of central capabilities to be incorporated into national constitutions and guaranteed to all up to a certain threshold (Nussbaum 2000; Nussbaum 2011a).

This chapter outlines the development, structure, application, and philosophical context of Sen's capability approach. Section I explains its evolution in relation to other ethical approaches (utilitarianism and resourcism). Section II gives an account of its basic structure and introduces the key aspects of evaluation and valuation. Section III discusses some practical implications and applications. Section IV

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[10] This chapter is adapted from my Internet Encyclopedia of Philosophy article, *Sen's Capability Approach* (Wells 2012).

provides an introduction to the academic philosophical literature on Sen's account by outlining various philosophical efforts to theorise the capability approach, including but not limited to that of Nussbaum.

I. THEORETICAL DEVELOPMENT

Amartya Sen had an extensive background in development economics, social choice theory (for which he received the 1998 Nobel Prize in Economics), and philosophy before developing the capability approach during the 1980s. This background is pertinent to understanding and assessing Sen's capability approach because of the complementarity between Sen's contributions to these different fields. Indeed Sen's most influential and comprehensive account of the capability approach - *Development as freedom* (Sen 1999) – explicitly draws on and synthesizes many of these particular, and often quite technical, contributions.

Sen first introduced the concept of capability in his Tanner Lectures on *Equality of What?* (Sen 1979) and went on to elaborate it in subsequent publications during the 1980s and 1990s.[11] Sen notes that his approach has strong conceptual connections with Aristotle's understanding of human flourishing;[12] and also with the work of Adam Smith and Karl Marx, who, each in their own way, also discussed the importance of functionings and capability for human well-being. For example, Sen often cites Smith's analysis of relative poverty in *The Wealth of Nations,* in terms of how a country's wealth and different cultural norms affected which material goods were understood to be a 'necessity';[13] and Marx's foundational concern with "replacing the

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[11] Significant publications include a technical presentation in *Commodities and Capabilities* (Sen 1985b); his second Tanner lectures; *On the Standard of Living* (Sen 1985c); his Dewey lectures, *Well-Being, Agency and Freedom* (Sen 1985a); *Inequality Reexamined* (Sen 1992), and his 'popular' synthesis, *Development as Freedom* (Sen 1999a). Succinct overviews are *Development as Capability Expansion* (Sen 1989a) and *Capability and Well-being*, in a volume co-edited with Martha Nussbaum (Sen 1993b). The capability approach also plays a major role in *The Idea of Justice* (Sen 2009a)

[12] Although Sen is careful to distinguish shared themes and concerns with Aristotle's approach from the differences, such as Aristotle's commitment to a rather specific view of the good life (Sen 1993b, 46–48). Aristotle's accounts of flourishing and political economy were the original basis of Nussbaum's dignity-based alternative capability theory (see particularly Nussbaum 1988).

[13] "By necessaries I understand not only the commodities which are indispensably necessary for the support of life, but whatever the custom of the country renders it indecent for creditable people, even of the lowest order, to be without. A linen shirt, for example, is, strictly speaking, not a necessary of life. The Greeks and Romans lived, I suppose, very comfortably though they had no linen. But in the present times, through the greater part of Europe, a creditable day-labourer would be ashamed to

domination of circumstances and chance over individuals by the domination of individuals over chance and circumstances".[14]

Sen characteristically begins accounts of the capability approach by recapitulating the roles and limitations of alternative philosophical accounts, particularly utilitarianism and resourcism. Sen argues that whatever their particular strengths none of these provide an account of well-being that is suitable as a general concept: they are all focused on the wrong particular things (whether utility, liberty, commodities, or 'primary goods') and they are too narrowly focused (they exclude too many important aspects from evaluation).

a. Sen's Critique of Utilitarianism

Economics has a branch explicitly concerned with the evaluation of social welfare ('welfare economics'). Sen's systematic criticism of the form of utilitarianism behind welfare economics identifies and rejects each of its three pillars: act consequentialism, welfarism, and sum-ranking (Sen 1979a).[15]

i. Act-consequentialism

According to act consequentialism, actions should be assessed only in terms of the goodness or badness of their consequences. This excludes any consideration of the morality of the *process* by which consequences

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appear in public without a linen shirt, the want of which would be supposed to denote that disgraceful degree of poverty which, it is presumed, nobody can well fall into without extreme bad conduct. Custom, in the same manner, has rendered leather shoes a necessary of life in England. The poorest creditable person of either sex would be ashamed to appear in public without them. In Scotland, custom has rendered them a necessary of life to the lowest order of men; but not to the same order of women, who may, without any discredit, walk about barefooted. In France they are necessaries neither to men nor to women, the lowest rank of both sexes appearing there publicly, without any discredit, sometimes in wooden shoes, and sometimes barefooted. Under necessaries, therefore, I comprehend not only those things which nature, but those things which the established rules of decency have rendered necessary to the lowest rank of people." (Smith 1776, V.2.148)

[14] Karl Marx and Friedrich Engels, *The German Ideology* (1846), quoted in (Sen 1989a, 44).

[15] See for further discussion of these issues (Sen 1979b; Sen and Williams 1982, pt. introduction; Sen 1985a; Sen 1999a, 62). Although Sen sometimes distinguishes these elements differently from their presentation here and gives them different labels depending on the focus of his exposition, the essence of this critique remains the same. Siddiq Osmani provides an excellent analysis of how "The Sen system of social evaluation" can be understood as a critical response to these features of standard utilitarianism (Osmani 2009).

are brought about, for example whether it respects principles of fairness or individual liberty. Sen argues instead for a 'comprehensive consequentialism' which integrates the moral significance of both consequences and principles (Sen 2000a). For example it matters not only *whether* people have an equal capability to live a long life, but *how* that equality is achieved. For largely biological reasons, women generally live longer than men even under the same conditions. If the only thing that mattered was achieving equality in the capability to live a long life this fact suggests that health care provision should be biased in favour of men. However, Sen argues, trying to achieve equality in this way would override important moral claims of fairness which should be included in a comprehensive evaluation (Sen 2002c; Sen 2006a).

ii. Welfarism

Welfarism (a term coined by Sen) is the view that goodness should be assessed *only* in terms of subjective utility, whether that is interpreted in terms of happiness or desire satisfaction.[16] Sen argues that welfarism exhibits both "valuational neglect" and "physical condition neglect" (Sen 1985b, 21). First, although welfarism is centrally concerned with how people *feel* about their lives, it is only concerned with psychological states (desires), not with people's reflective valuations (whether they would still endorse them if they thought about it and were aware of the possibility of alternatives (Sen 1985b, chap. 3–4)). Second, because it is concerned only with feelings it neglects information about physical health, though this would seem obviously relevant to assessing well-being.

Not only does subjective welfare not reliably track people's actual interests or even their urgent needs, it is also vulnerable to systematic distortions that Sen calls 'adaptive preferences'. As Sen puts it,

> Our mental reactions to what we actually get and what we can sensibly expect to get may frequently involve compromises with a harsh reality. The destitute thrown into beggary, the vulnerable landless labourer precariously surviving at the edge of subsistence, the overworked domestic servant working round the clock, the

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[16] The common interpretation of utility in terms of revealed preferences is considered a non-starter by Sen, not only because it makes a "heroic simplification" in assuming that such a binary relation reflects a person's well-being, but also because, pace John Harsanyi, it doesn't accommodate inter-personal comparisons of well-being (Sen 1985b, 18–9).

subdued and subjugated housewife reconciled to her role and her fate, all tend to come to terms with their respective predicaments. The deprivations are suppressed and muffled in the scale of utilities (reflected by desire-fulfilment and happiness) by the necessity of endurance in uneventful survival. (Sen 1985b, 21–22)

People can become so normalized to their conditions of material deprivation and social injustice that they may claim to be entirely satisfied with their lot. For example, following the Bengali famine of 1943 a health survey found that among widowers nearly half assessed their health as "indifferent" (a synonym for "not at all good") while no widows did (Sen 1985b, 82–3). It is important to note the influence that adaptive preferences can have on people's physical condition. For example, the *perception* of reality that follows from deeply entrenched norms about what men and women deserve is an important aspect of the *reality* of intra-family distribution of resources in many countries.[17]

iii. Sum Ranking

Sum-ranking focuses on maximizing the total amount of welfare in a society without regard for how it is distributed, although this is generally felt to be important by the individuals concerned. Sen argues, following non-utilitarian philosophers such as Bernard Williams and John Rawls, that evaluating social welfare by aggregating over individuals in this way, "does not take seriously the distinction between persons" (Rawls 1999, 24). But Sen also points out that individuals differ in their ability to convert resources such as income into welfare. For example a disabled person may need expensive medical and transport equipment to achieve the same level of welfare. A society that tried to maximize the total amount of welfare would distribute resources so that the marginal increase in welfare from giving an extra dollar to any person would be the same. Thus, in the all too likely event that people do not all have the same ability to transform resources into welfare, the straightforward sum-ranking approach will have profoundly inegalitarian consequences in the distribution of *both* resources *and* welfare (Sen 1979c, 215). Resources would be distributed away from the sick and disabled to people who are more efficient at converting them into utility.

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[17] I discuss the phenomenon of adaptive preferences and its challenge for the capability approach in chapter 4.

b Sen's Critique of Resourcism

Resourcism is the view that the relevant metric of distributive justice or inequality assessment is resources, and is characterised by a strong commitment to neutrality about what constitutes the good life (i.e. with what those resources may be used for). It therefore assesses how well people are doing in terms of their possession of the general purpose resources necessary for the construction of any particular good life.

Sen's criticism of John Rawls' influential account of the fair distribution of primary goods stands in for a criticism of resourcist approaches in general.[18] Sen's central argument is that resources should not be the exclusive focus of concern for a fairness-based theory of justice, even if, like Rawls's primary goods, they are deliberately chosen for their general usefulness to a good life. The reason is that this focus excludes consideration of the variability in individuals' actual abilities to convert resources into valuable outcomes. In other words, two people with the same vision of the good life and the same bundle of resources may not be equally able to achieve that life, and so resourcists' neutrality about the use to which resources are put is not as fair as they believe it is (Sen 1990a, 118–9).

More specifically, Sen disputes Rawls' argument that the principles of justice should be worked out first for the 'normal' case, in terms of a social contract conceived as a rational scheme for mutually advantageous cooperation between people equally able to contribute to society, and only later extended to 'hard' cases, such as of severe disability. Sen notes that such cases are far from abnormal (accounting for up to 10% of the global population (Sen 2009a, 258)) and argues that excluding the severely disabled at the beginning risks building a structure that excludes them permanently.[19] The general problem is that such accounts 'fetishize' resources as the embodiment of advantage, rather than focusing on the relationship between resources and people.[20]

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[18] Sen considers that his critique applies generally to resourcist approaches, including for example that of Ronald Dworkin (see e.g. Sen 1990a, 115)

[19] "Human diversity is no secondary complication (to be ignored, or to be introduced 'later on'; it is a fundamental aspect of our interest in equality." (Sen 1992, xi)

[20] Sen often quotes Aristotle's *Nicomachean Ethics* (book I section 5) on this point: "Wealth is evidently not the good we are seeking; for it is merely useful and for the sake of something else." Nevertheless Sen acknowledges that although the distribution of resources should not be the direct concern in evaluating how well people are doing, it is very relevant to considerations of procedural fairness (Sen 1989a, 52).

II. CORE CONCEPTS AND STRUCTURE
a. Functionings and Capability

Sen argues that the evaluation of advantage should consider what people are actually able to be and do. The commodities or wealth people have (resources) or their mental reactions (utility) are an inappropriate focus because they provide only limited or indirect information about how well a life is going. Sen illustrates his point with the example of a standard bicycle (Sen 1985b, 10). This has the characteristics of 'transportation' but whether it will actually provide transportation will depend on the characteristics of those who try to use it: it might be considered a generally useful tool for most people to extend their mobility, but it obviously will not do that for a person without legs. Even if that person, by some quirk, finds the bicycle delightful, we should nevertheless be able to note within our evaluative system that she still lacks transportation. Nor does this positive mental reaction show that the same person would not appreciate transportation if it were really available to her.

The capability approach focuses directly on the quality of life that individuals are actually able to achieve. This quality of life is analyzed in terms of the core concepts of 'functionings' and 'capability' (Sen 1993b, 31).

Functionings are states of 'being and doing' - such as being well-nourished, having shelter, and so on – and should be distinguished from the commodities employed to achieve them (as 'bicycling' is distinguishable from 'possessing a bike').

Capability refers to the set of functionings combinations that a person has effective access to. In evaluating advantage, the *value* of a person's capability is her effective freedom to choose between different functioning combinations – between different kinds of life - that *she has reason to value.* (In later work, Sen refers to 'capabilities' in the plural (or even 'freedoms') instead of a single capability set, and this is also common in the wider capability literature. This allows analysis to focus on sets of functionings related to particular aspects of life, for example the 'capabilities' of literacy, health, or political freedom.)

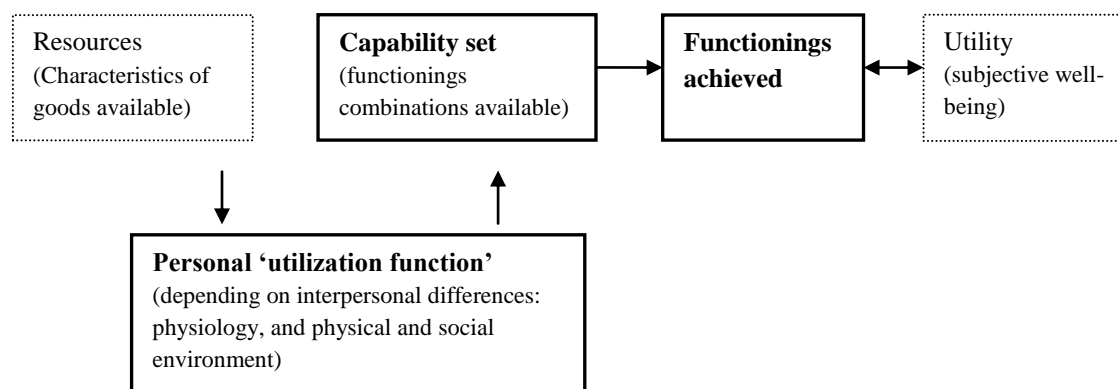**Figure 1. Outline of the core relationships in the capability approach**

Figure 1 outlines the core relationships of the capability approach and how they relate to the main alternative approaches focused on resources and utility. *Resources* (such as a bicycle) are considered as an input, but their value depends upon individuals' ability to convert them into valuable functionings (such as bicycling), which depends for example on their personal physiology (such as health), social norms, and physical environment (such as road quality). An individual's *capability set* is the set of functioning combinations that an individual has real access to. *Achieved functionings* are those they actually select. For example, an individual's capability set may include access to different functionings relating to mobility, such as walking, bicycling, taking a public bus, and so on, while the functioning they actually select to get to work on a particular day may be the public bus. *Utility* is considered both as an output and as a functioning. Utility is an output because what people choose to do and be naturally affects their subjective well-being (for example, bicycling to work on a sunny day may be rather more enjoyable than on a rainy day). However Sen also considers subjective well-being – feeling happy – as a valuable functioning in its own right and so incorporates it directly into the capability framework.[21]

Sen argues that the correct space for evaluating advantage is an individual's capability to live a life they have reason to value, and not, for example, their resource wealth or subjective well-being. But merely

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[21] Note though that some capability scholars argue for an objective definition of capabilities that excludes happiness. For example, in considering capabilities as a metric of justice, Elizabeth Anderson argues that only an objective metric can deal with adaptive preferences, be publicly transparent, and fit the basic requirement of justice as posing second personal normative claims (Anderson 2010, 84–6). This is an example of how employing the concept of capabilities in theorising about *justice* may be seen to impose restrictions on its informational basis.

identifying this space does not say much about how we should go about evaluating advantage. I think it is helpful here to draw out an implicit distinction in Sen's writing between the operations of *valuation* and *evaluation*. Valuation concerns the assignment of value to certain objects; evaluation concerns the assessment of whether such objects are achieved.

b. Valuation: Which Functionings/Capabilities Matter?

In order to begin to *evaluate* how people are performing in terms of capability, we first need to determine which functionings matter for the good life and how much, or at least specify a procedure for determining this. I call this logically prior operation *valuation*. One way of addressing the problem is to specify a list of the constituents of the flourishing human life on philosophical grounds (Nussbaum makes minimal access to this the basis for her capability theory of justice). Sen rejects this approach because he argues that it denies the relevance of the values people may come to have and the role of democracy (Sen 2004a). Philosophers and social scientists may provide helpful ideas and arguments such as the concept of capability itself - but the legitimate source of decisions about the nature of the life one has 'reason to value' must be the people concerned. In particular, when using capability approach for public policy purposes (for example, as the basis for justifying a policy intervention and the criteria for evaluating its success), methodological decisions about which functionings to focus on and their weighting must be open to public scrutiny by those concerned (Sen 1999a, 78–79). This is because these decisions are the basis for a social choice about how that society should be changed, and it is illegitimate to make such social choices without a process that can include the views of those concerned. Sen therefore proposes a social choice exercise approach to valuation, involving both public reasoning and democratic procedures of decision-making. (I return to this in chapters 5 and 6.)

One reason that social scientists and philosophers are so keen to specify a list is that it can be used to objectively score how well people (or societies) are doing: by ranking all the different constituents of the flourishing life with respect to each other it would permit

straightforward measurement of individual advantage.[22] Sen's social choice exercise is unlikely to produce collective agreement on a complete ranking of different functionings, if only because of what Rawls called "the burdens of judgment" (Rawls 2005 II.§2). But Sen argues that substantial action-guiding agreement is possible (Sen 1999a, 253–4). Firstly different valuational perspectives may 'intersect' to reach partial agreements about some issues, though by way of different arguments. Secondly such agreements may be extended by introducing 'ranges' of weights rather than cardinal numbers. For example, if there are four conflicting views about the relative weight to be attached to literacy vis-à-vis health, of $\frac{1}{2}$, $\frac{1}{3}$, $\frac{1}{4}$ and $\frac{1}{5}$, that contains an implicit agreement that the relative weight on education should not exceed $\frac{1}{2}$, nor fall below $\frac{1}{5}$, so having one unit of literacy and two of health would obviously be better than having two units of literacy and one of health (Sen 1992, 46–49).

Sen does suggest that in many cases a sub-set of crucially important capabilities associated with basic needs may be relatively easily identified and agreed upon as urgent moral and political priorities. These 'basic capabilities', such as education, health, nutrition, and shelter up to minimally adequate levels, do not exhaust the resources of the capability approach, only the easy agreement on what counts as being "scandalously deprived" (Sen 1993b, 40–42). They may be particularly helpful in assessing the extent and nature of poverty in developing countries. However, taking a basic capability route has implications for how the exercise of evaluating individuals' capability can proceed, since any evaluative exercise based on it can only determine how well people's lives are going in terms of that very limited selection of dimensions.

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[22] Although complete ranking (an index) is not necessary. For example, Nussbaum's list, which is a proposal for the constitutional principles of a just society rather than for evaluating advantage, identifies 10 centrally important capabilities but doesn't weight them with respect to each other. Nevertheless one can use such a list to tell how well someone is doing (or how well a society is doing at meeting its social justice obligations) in terms of their cumulative shortfall from the minimum threshold. "My central project is to work out the grou[n]ding for basic political principles to which all nations should be held by their citizens; but an ancillary and related project is to map out the space within which comparisons of quality of life across nations can most revealingly be made (Nussbaum 2000, 116)."

c. Evaluation: What Capability do People Have?

Evaluating capability is a second order exercise concerned with mapping the set of valuable functionings people have real access to. Since it takes the value of functionings as given, its conclusions will reflect the normative choices made in the valuation stage, and will be limited by those choices in its focus and precision.

Assessing capability is more informationally demanding than other accounts of advantage since it not only takes a much broader view of what well-being achievement consists in but also tries to assess the freedom people actually have to access high quality options. This is not a purely procedural matter of adding up the *number* of options available, since evaluation requires making judgements about their *significance* to actual people's lives. For example, the option to purchase a 10th brand of washing powder has a rather different significance than the option to vote in democratic elections (cf Williams 1989, 98; Sen 1989b, 108–9). Nor is evaluation limited to choices. For example Sen argues that the eradication of malaria from an area enhances the capability of individuals living there even though it doesn't increase the number of choices those individuals have (since they don't have the 'option' to live in a malarial area anymore) (Sen 1993b, 43–4). Because the value of a capability set represents a person's effective freedom to live a valuable life in terms of the *value* of the functionings available to that individual, when the available functionings are improved, so is the person's effective freedom.

The capability approach in principle allows a very wide range of dimensions of advantage to be positively evaluated ('what capabilities does this person have?'). This allows an open diagnostic approach to what is going well or badly in people's lives that can be used to reveal unexpected shortfalls or successes in different dimensions, without aggregating them all together into one number. The informational focus can be tightened depending on the purpose of the evaluation exercise and relevant valuational and informational constraints. For example, if the approach is limited to considering 'basic capabilities' then the assessment is limited to a narrower range of dimensions and attempts to assess deprivation - the shortfall from the minimal thresholds of those capabilities - which will exclude evaluation of how well the lives of those above the threshold are going.

d. Determinants of Capability

As well as being concerned with how well people's lives are going, the capability approach can be used to examine the underlying determinants of the relationship between people and commodities, and thus play a role in explaining poverty and advantage. These determinants include (Sen 1999a, 70–1):

Individual physiology, such as the variations associated with illnesses, disability, age, and gender. In order to achieve the same functionings, people may have particular needs for non-standard commodities (such as prosthetics for a physical disability), or they may need more of the standard commodities (such as additional food in the case of intestinal parasites). (Note that some of these disadvantages, such as blindness, may not be fully 'correctable' even with tailored assistance.)

Local environment diversities, such as climate, epidemiology, and pollution. These can impose particular costs such as heating or clothing requirements.

Variations in social conditions, such as the provision of public services like education and security, and the nature of community relationships, such as across class or ethnic divisions.

Differences in relational perspectives, such as the conventions and customs that determine the commodity requirements of expected standards of behaviour and consumption. As a result, relative income poverty in a rich community may translate into absolute poverty in the space of capability. For example, local requirements for 'the ability to appear in public without shame' may vary widely.

Distribution within the family, such as the distributional rules within a household that determine the allocation of food and health-care between children and adults, males and females.

The diagnosis of capability failures, or significant interpersonal variations in capability, directs attention to the causal pathways responsible. Note that many of these interpersonal variations will also influence individuals' abilities to access resources to begin with. For

example disabled people often have more expensive requirements to achieve the same capabilities, such as mobility, while at the same time they also have greater difficulty earning income in the first place (Kuklys 2005). The scope for uncovering such interactive effects is important to the capability approach's appeal. Judging people's advantage in terms of capability is justified not only because how well people's lives are going should be of direct moral concern (right object), but also because doing so generates insightful perspectives (better methodology). In the following section I briefly outline some of these.

III. IMPLICATIONS FOR PRACTICE

Sen's capability approach has numerous implications for practise, in areas as diverse as thinking about social justice or the empirical measurement of poverty. This brief overview considers several of these: treating individuals as agents; the incorporation of consequentialist analysis; the global-local character of capabilities; disaggregated evaluation; the capacity for perspicuous contrasts; and the improvement of statistics.

Sen argues that expanding freedom, or capability, is both "the primary end" and "the principal means" of development (Sen 1999a, xii). Freedom is central to development because the effective freedom to live a life one has reason to value is intrinsically valuable and thus the best evaluative dimension of progress. But agency freedom is also the most effective *means* for development since it not only directly enhances well-being, but also enhances people's ability to help themselves and to improve their world (Sen 1999a, 18).

One implication of this is that the reasoned evaluations of the individuals concerned should be central to judgements of social welfare and policy action. Other accounts tend to treat deprived individuals as "patients" with given characteristics who are to be the passive recipients of rather technocratic development schemes. In contrast, Sen argues for recovering a classical sense of the "agent", as "someone who acts and brings about change, and whose achievements can be judged in terms of her own values and objectives" (Sen 1999a, 19).

Considering individuals as agents also focuses attention on the importance of issues like incentives and real-world behavioural norms for the social realisation of well-intentioned interventions. It can, for example, reveal the need for planning to address the unintended but quite foreseeable consequences of policy interventions. This, Sen

believes, is an aspect often missed by moral theorists, especially those working in what Sen calls the "transcendental institutionalist" approach to theorising about justice (such as Rawls), who often make unrealistic assumptions, such as of full compliance.[23]

Sen's capability approach combines a concern with identifying intrinsically valuable functionings with consequentialism about their realisation. This relates directly to his long-standing claim that the "engineering" approach to normative analysis (found particularly in economics) "of emphasizing and pursuing logistic issues of interdependence and interconnections" can complement the analysis of moral philosophical arguments about the intrinsic importance of various considerations (Sen 2007, 78). If one has an interest in actually bringing about a world in which more of the things you consider valuable are realised, then one needs to pay systematic attention to the contingent empirical causal relations that are relevant to its realisation.

Such consequentialist analysis is not only concerned with identifying trade-offs. Sen claims that some capabilities are instrumentally interconnected in positive ways, and that some unfreedoms and injustices are particularly interconnected in negative ways. This consequentialist analysis can indicate particular priorities for public action. For example, increased and widely shared educational advancement (part of "social opportunity") can increase economic productivity; contribute to a more equal distribution of aggregate national income; enhance the conversion of commodities into other valuable functionings by individuals; and support people's intelligent decision-making about the kind of life they want to live (i.e. practical reason) (Sen 1989a, 55).

This interconnectedness implies that it is not only directly desirable but also often most effective for development to strive to enhance multiple capabilities simultaneously. Thus, the five fundamental capabilities Sen chose to focus on in Development as Freedom - the rather opaquely named *political freedoms, economic facilities, social*

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[23] This is not only an issue for moral philosophers. George DeMartino notes that economists advising policy makers routinely employ the "maxi-max" principle in selecting and justifying particular policies or projects: out of the set of possible policies choose the one with the best possible potential outcome (DeMartino 2011, 144–153). The fact that such policies may also have the greatest risks of failing and causing significant harm to those who are supposed to benefit is neglected in the selection process and not communicated to those whose lives are at stake. Since the possibility of failure is hardly considered, there is also typically little attention paid to ongoing monitoring of policies to spot problems early, or preparation of contingency plans.

opportunities, *transparency guarantees*, and *protective security* - were particularly chosen for their empirically supported positive instrumental linkages to each other and to other valuable freedoms (Sen 1999a, 10).

One of the advantages of the concept of a capability like being well-nourished or literacy is its definition can abstract from particular circumstances even though its realization depends on specific local requirements. Thus, the same fundamental capability to be well-nourished can be compared for different people in different parts of the world, even though for each of them it may require different amounts and kinds of food depending on one's age, state of health, dietary restrictions, and so on. This gives the capability approach a 'global-local' character, applicable across political, economic, and cultural borders. For example, Sen points out that being relatively income poor in a wealthy society can entail *absolute poverty* in some important capabilities, because they may require more resources to achieve (Sen 1983c). For example, the capability for employment may require more years of education in a more affluent society.

The global-local character of capabilities can also be used to focus on how their requirements are affected by social norms, thus placing those social norms in the spotlight. Many capabilities have underlying requirements that vary strongly with social circumstances (although others, such as for adequate nourishment, may vary less). For instance, the ability to appear in public without shame is a capability that people around the world generally value (and have reason to value), but its resource requirements vary significantly according to cultural norms from society to society and for different groups within each society (with respect to gender, class, and ethnicity). Presently in Saudi Arabia for example, women must have the company of a close male relative to appear in public, and require a chauffeur and private car to move between private spaces (since they are not permitted to use public transport or drive a car themselves).

Strictly speaking the capability approach leaves open whether such 'expensive' capabilities, if considered important enough to be guaranteed by society as a matter of justice, should be met by making more resources available to those who need them (subsidized cars and chauffeurs), or by revising the relevant social norms. The capability approach only identifies such capability failures and diagnoses their causes. However, if there is general agreement (arrived at through an exercise of social choice, as Sen suggests) that such capabilities should

be equally guaranteed for all, there is a clear basis for identifying the inequitable demands of such social norms as the direct cause of relative deprivation and thus for criticising them as inconsistent with the spirit of such a guarantee.

The capability approach takes a multi-dimensional 'disaggregated' view of advantage (Sen 1999a, 76–8). Often it may seem that people are generally well-off, yet a closer analysis reveals that this 'all-things-considered' judgement conceals surprising shortfalls in particular capabilities, such as the sporting icon who can't read. Capability analysis rejects the presumption that unusual achievement in some dimensions necessarily compensates for shortfalls in others. From a justice perspective, the capability approach's relevance here is to argue that if people are falling short on a particular capability that has been collectively agreed to be a significant one, then justice would require addressing the shortfall itself if at all possible, rather than offering compensation in some other form, such as increased income.

Capability evaluation is informationally demanding and its precision is limited by the degree of agreement about which functionings are valuable. However, Sen has shown that even where only elementary evaluation of quite basic capabilities is possible (for example life-expectancy or literacy levels), this can still provide much more, and more relevant, action-guiding information than the standard alternatives, such as GDP statistics.[24] For example, Sen's own empirical research with Sunil Sengupta involved weighing the children in two Indian villages. Their results showed that the richer village had almost identical female under-nourishment levels as the poorer one (the additional food seemed to have been almost entirely distributed to the male children) (Sen and Sengupta 1983; Sen 1985b, chap. Appendix B). This deprivation amidst relative plenty would have been missed in a resource based survey, which generally cannot examine the distribution of food consumption within a household.[25]

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[24] In addition, it is worth noting that the standard alternatives have their own measurement problems. For example, although the concept of GDP is straightforward enough, measuring it accurately is very demanding, especially in poorer countries. Ghana's GDP was recently revised upwards overnight by some 60% following a review of the underlying methodology (Jerven 2013, 26–8).

[25] This exercise only looked at the achievement of a single functioning (nourishment) rather than a fuller evaluation of capability sets. In the practical application of the capability approach to evaluation, there is a necessary trade-off between "relevance and usability" (Sen 1985c, 27). Sen argues that, given the real-world constraints on data, one should be pragmatic about how to employ the foundational idea of capability in measurement. The important thing is that metrics determined by "usability"

In particular, by making *perspicuous contrasts* between successes and failures the capability approach can direct political and public attention to neglected dimensions of human well-being. For example, countries with similar levels of wealth can have dramatically different levels of aggregate achievement - and inequality - on such non-controversially important dimensions as longevity and literacy. And, *vice versa*, countries with very small economies can sometimes score as highly on these dimensions as much richer ones (as figure 2 shows with respect to South Africa and The Philippines). This demonstrates both the limitations of relying exclusively on economic metrics for evaluating development, and the fact that national wealth does not pose a rigid constraint on such achievements (i.e. that GNP is not destiny). Such contrasts are easily politicised in the form of the pointed question, *Why can't we do as well as them?*

Figure 2. Perspicuous contrasts: The Philippines does more with less
(Data from the 2010 UNDP Human Development Report[26])

	Philippines	South Africa
Gross National Income per capita[27]	$ 4,002	$9,812
Life expectancy (years)	72.3	52
Mean years of schooling	8.7	8.2

Part of the capability approach's achievement has been in promoting the systematic collection and use of much more data on functionings and capabilities so that more nuanced evaluation becomes possible. The new Multidimensional Poverty Index (MPI) is a good example of this.[28]

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considerations should not be mistaken for what is ultimately of "relevance" (Sen 1999a, 81–5).

[26] Since 1990 the United Nations Human Development Programme has issued annual reports based on the Human Development Index [HDI] developed by Mahbub ul Haq with Amartya Sen to compete directly with the crude but popular GDP per capita figures. (The HDI is discussed further in chapter 2.)

[27] At purchasing power parity, i.e. official exchange rates adjusted to allow for the differences in the cost of goods and services between countries.

[28] The MPI was developed by researchers at the Oxford Poverty and Human Development Initiative (OPHI) and is included in the United Nations Development Programme's Human Development Reports from 2010 onwards. For an overview of its methodology and applications see Alkire and Santos (2010a; 2010b).

The MPI is based on newly available data sets from household surveys and is designed to give a more nuanced picture of the nature and intensity of poverty at the individual level by looking at combinations of particular deprivations within the accepted standard three dimensions of education, health, and the standard of living.

By looking directly at important functionings at the individual level, the MPI provides a quite different picture of international and regional poverty than income poverty ('headcounts' below an income poverty line of, for example, $1.25 per day). More people are MPI poor (1.7 billion) than income poor at the $1.25 level (1.3 billion); moreover some countries with high income poverty have relatively low MPI poverty (for example Tanzania), and *vice versa* (e.g. Ethiopia and Pakistan). This is because the conversion of income into the functionings and key services covered by the MPI depends on various contingent variables - such as the quality, accessibility, and price of such goods as clean water - which vary between countries especially in relation to their approach to the public provisioning of goods. The MPI also provides a more nuanced view of the geographical and social distribution, depth, intensity, and character of poverty. Different countries and regions are revealed to have different characteristic patterns of deprivations, which call for particular policy responses. The MPI also allows the success of policy interventions to be directly and fairly immediately assessed.[29]

IV. THEORETICAL DEVELOPMENT WITHIN ACADEMIC PHILOSOPHY

Sen's capability approach has attracted a great deal of engagement from academic philosophers, and a number of those sympathetic to Sen's foundational concern with the moral significance of the capability space have introduced theoretical elaborations of his account.[30] Although Nussbaum's capability theory of justice is the best known of these (and will therefore be the subject of much critical engagement in this thesis), in this section I also want to indicate the wider range of such work,

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[29] It should be noted, however, that the MPI is limited by the available data, collected for other purposes, which preclude consideration of other relevant dimensions such as work, safety and empowerment. Additionally, because the MPI is designed to focus on severe deprivation, and therefore employs quite concrete indicators of deprivation, such as, literally, whether a household has a non-concrete floor, it necessarily has a 'low ceiling' and is rather less applicable for discriminating the existence, depth, intensity and nature of poverty in middle and high income countries.

[30] Although the underspecification of Sen's original account seems to be not only quite deliberate on Sen's part, but also integral to what he is trying to accomplish, and therefore not necessarily a problem to be overcome (as I argue in chapter 3).

which, in contrast to Nussbaum's, is generally concerned with complementing rather than displacing Sen's account.[31] Some theoretical accounts are primarily concerned with operationalising the evaluative dimension of the capability approach: the assessment of quality of life, well-being and human development (Robeyns; Alkire). Others focus on developing a capability based 'theory of justice' in the spirit of its concerns (Anderson; Alexander; Nussbaum).

a. Evaluation
i. Ingrid Robeyns: Generating Lists for Quality of Life Research in the Social Sciences

In a methodology paper, *Selecting Capabilities for Quality of Life Measurement* (Robeyns 2005), Ingrid Robeyns argues against a "strong critique" of Sen's capability approach: that it fails to specify which capabilities are intrinsically valuable and this makes it useless for normative evaluation (a critique most closely associated with Nussbaum (e.g. Nussbaum 2003)). Attempting to develop a single all-purpose list of capabilities would be incompatible with Sen's concern to advance a general approach to evaluation rather than a theory of either welfare or rights (and his concern that, particularly where public action is concerned, those concerned be involved as agents in determining the relevant selection of valuable capabilities). Exactly because of its "intrinsic underspecification", Sen's framework can be (and has been) applied in many different forms, academic disciplines, levels, and scales, and for different purposes (cf Robeyns 2006).

However, Robeyns does endorse a "weak critique": "that we do need some systematic methodological reasoning on how .... selection could be done" (Robeyns 2005, 195). An important reason for this is that any evaluation of advantage in terms of capability has to be based on methodological choices: the selection of some capabilities rather than others, how to specify these, and how to weight them in the overall evaluation. There is a risk of "selection biases" in how this is done, either reflecting mistakes (such as due to an insufficient grounding in the appropriate academic literature) or preconceptions relating to researchers' social positioning or worldview (for example, Eurocentric or

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[31] Sen's notes the "constitutive plurality" of the capability approach, that it "does not lead to one particular theory of valuation (but defines instead a class of such theories within a general motivational structure) (Sen 1985c, 27)."

androcentric preconceptions). To address this, Robeyns proposes a standardised procedural methodology to the selection of capabilities for quality of life measurement. Robeyns' five criteria are (Robeyns 2005, 205–6):

(1) *Explicit formulation* (All proposed list elements should be explicit, so they can be discussed and debated);

(2) *Methodological justification* (The method of generating the list should be made explicit so it can be scrutinized);

(3) *Sensitivity to context* (The level of abstraction of the list should be appropriate to its purposes, whether for philosophical, legal, political, or social discussion);

(4) *Different levels of generality* (If the list is intended for empirical application or public policy then it should be drawn up in two distinct stages, first an ideal stage and then a pragmatic one that reflects perhaps temporary feasibility constraints on information and resources);

(5) *Exhaustion and non-reduction* (The list should include all important elements and those elements should not be reducible to others (though they may overlap)).

Robeyns argues that her criteria provide a "check and balance" that minimise the problem of selection biases and thus support the epistemic, academic, and political legitimacy of empirical evaluations of capability. She has used this methodology to select suitable dimensions for conceptualising and assessing gender inequality in Western societies in terms of capabilities, which she then applied in a survey of the findings of existing empirical studies (Robeyns 2003).

ii. Sabina Alkire: A Participatory Approach to Evaluating Capability Expansion

In her book, *Valuing Freedoms* (Alkire 2005), Sabina Alkire develops a philosophically grounded framework for the participatory valuation and evaluation of development projects in terms of capability enhancement which incorporates the "principle of subsidiarity" that "the most local agent(s) capable of making a choice should make it" (143). This framework allows her to go beyond standard cost-benefit analyses of development projects in financial terms to investigate which capabilities

that the people concerned have reason to value are enhanced and by how much.

Alkire's approach has 2 stages of evaluation. First, a theoretical one-off stage in which 'philosophers' employ practical reason to reflexively identify the basic domains or categories of value. Second, a local participatory phase in which members of a social group deliberate, with the aid of a facilitator, about what their needs are and what, and how, they would like to do about them (with the basic categories employed as prompts to ensure that all main dimensions of value are discussed).

For the first, philosophical, stage Alkire proposes an adaptation of the practical reasoning approach of John Finnis to identify the basic dimensions of human well-being by asking iteratively, 'why do I/others do what we do?' until one comes to recognize the basic reasons for which no further reasoned justification can be given. This method is intended to yield substantive and objective descriptions of the fundamental, non-hierarchically ordered, dimensions of human flourishing, while allowing the content and relative importance of these dimensions to be specified in a participatory process according to a particular group's historical, cultural, and personal values. The intrinsically important dimensions identified by this method are: *Life; Knowledge; Play; Aesthetic experience; Sociability; Practical reasonableness; Religion.*

One of the advantages Alkire claims for her approach is its ability to elicit what the people whose lives are the subject of development projects really consider valuable, which may sometimes surprise external planners and observers. Her use of the participatory approach for assessing NGO fieldwork in Pakistan showed for example that even the very poor can and do reasonably value other things than material well-being, such as religion and social participation. Alkire's approach thus goes some way to realizing Sen's foundational concern for respecting agency in the practice of development.

b. Justice
i. Elizabeth Anderson: Justice as Equal Capability of Democratic Citizenship

In an influential paper, *What is the Point of Equality?* (Anderson 1999) Elizabeth Anderson argues against the dominant luck egalitarian approach to egalitarianism in which the focus is on the redistribution of

resources with regard to moral desert. She argues that egalitarian justice is fundamentally political, about ending social oppression and constructing a community in which people relate to each other as equals (Anderson 1999, 288–9). She combines this fundamental concern with "the better way to understand freedom" proposed by Sen (316), to generate a partial theory of justice focused on equal capability of democratic citizenship.

> Negatively, people are entitled to whatever capabilities are necessary to enable them to avoid or escape entanglement in oppressive social relationships. Positively, they are entitled to whatever capabilities are necessary for functioning as an equal citizen in a democratic state. (Anderson 1999, 317)

Although Anderson's primary concern is for equality in the particular dimension of democratic citizenship, she notes that this has extensive egalitarian implications for how society as a whole should be organised. That is because other capabilities - such as relating to health, education, personal autonomy and self-respect, and economic fairness - are required as supporting conditions to realize truly equal citizenship. For example, the economy would have to be re-engineered so that unskilled work is no longer often rewarded with low-status and low income, and infrastructure re-designed to fit the needs of the disabled (rather than assuming the perspective of the able-bodied as 'normal') (Anderson 1999, 334). However, Anderson points out that there is a cut-off built into her egalitarian theory since it does not seek comprehensive equality in the capability space but is focused on the political dimension. The political relevance of additional functionings is finite and satiable. *Adequate* education and food are required, for example, but democratic equality doesn't require PhDs or gourmet cuisine (Anderson 1999, 329).

ii. John Alexander: Capability as Freedom from Domination

In his book, *Capabilities and Social Justice* (Alexander 2008), John Alexander has proposed a capability theory based on a republican understanding of the importance of freedom as non-domination. He argues that the capability approach's concern with people's 'real freedom' sets it outside and against the standard liberal egalitarian theory of justice framework which understands freedom as the absence of constraints. But he argues that the capability approach should go

further to elaborate this commitment to real freedom in Republican terms. In this perspective it is not only important that one be able to achieve certain functionings, such as mobility, but whether one's achievement of these are conditional on the favour or goodwill of other people or are independently guaranteed by one's own rights and powers.

Capability is standardly understood as mapping one's range of choices over valuable functionings regardless of their *content*. For example the ability of a physically disabled but socially well-connected person to travel outside whenever she wants by arranging the help of friends, family and voluntary organizations. In addition the republican perspective requires that her capability for mobility should be independent of *context*. This might take the form of a guaranteed legal right to government assistance on demand, or by the provision of her own specially adapted self-drive vehicle. Otherwise she may be said to still be deprived since her capability is not robust with respect to the whims of others.[32]

Alexander also suggests that domination should be integrated into capability evaluation because domination is often a significant *cause* of capability deprivation.[33] It is no coincidence that the people who are most capability deprived are often the poorest and weakest in society, and as a result also vulnerable to yet further deprivation. This emphasis on freedom from domination also gives a strong normative orientation to the capability approach's evaluation of the causes of capability failure: some causes are simply unacceptable, such as social norms restricting women's freedom of movement and employment, and should be removed rather than mitigated.

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[32] Philip Pettit (Pettit 2001) has also suggested a republican interpretation of Sen's capability approach. This example is taken from Sen's response to Pettit in which Sen accepted that the republican discrimination between types of freedom could be helpful in capability evaluation, but that employing it did not require constitutionally emending the capability approach in republican freedom terms (Sen 2001, 52–56). Sen noted further that "We live in a world in which being completely independent of the help and goodwill of others may be particularly difficult to achieve, and sometimes may not even be the most important thing to achieve (56)."

[33] Although domination is not the only cause of social oppression, which can often be the result of institutions and norms rather than the conscious and intentional behaviour of individual agents, as pointed out by Sharon Krause (Krause 2013).

iii. Martha Nussbaum: A Multi-Dimensional Capability Theory of Justice

Martha Nussbaum has contributed the most influential and systematically developed capability theory of justice.[34] Nussbaum aims to provide a partial theory of justice based on *dignity*, a *list of fundamental capabilities*, and a *threshold*. Her account is motivated by a concept of dignity which she originally linked to flourishing in the Aristotelian sense but now claims is the suitable object of a Rawlsian overlapping consensus.[35] She argues that human dignity requires the securing to all of 10 central capabilities up to a minimal threshold[36]:

1. *Life*
2. *Bodily Health*
3. *Bodily Integrity*
4. *Senses, Imagination, and Thought*
5. *Emotions*
6. *Practical Reason*
7. *Affiliation [social relationships]*
8. *[Relations to] Other Species*
9. *Play*
10. *Control Over One's Environment*

Nussbaum's account is a *partial* rather than a complete theory of just distribution because it is compatible with different accounts of distribution about the threshold (Nussbaum 2000, 12). The threshold is a sufficientarian principle of justice that specifies the minimum levels of functioning in each dimension that a just society should guarantee to all citizens access.

Universal access to the items on her list is required by human dignity, Nussbaum argues, but this does not mean that a life lacking in

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[34] Key texts in the development of Nussbaum's capability theory include her development of an Aristotelian approach (Nussbaum 1988; Nussbaum 1993) and her move over the 1990s to a Rawlsian style partial theory of justice based on an overlapping consensus (Nussbaum 2000; Nussbaum 2003; Nussbaum 2011a).

[35] "By 'overlapping consensus' I mean what John Rawls means: that people may sign on to this conception as the freestanding moral core of a political conception, without accepting any particular metaphysical view of the world, any particular comprehensive ethical or religious view, or even any particular view of the person or of human nature". (Nussbaum 2000, 76)

[36] For the full specifications, which have changed slightly over time, see *Creating Capabilities* (Nussbaum 2011a, 33–4).

any of these, whether from external deprivation or individual choice, is a less than human life. Nevertheless, the difference between choice and deprivation is significant. If someone lacks access to any of these capabilities, for example to be well-nourished (part of "bodily health"), that reflects a failure by society to respect her human dignity. If someone chooses not to take up her opportunity to be well-nourished, for example to adopt an ascetic life-style or fast for religious reasons at the expense of her bodily health, respecting that choice is also an aspect of respecting her dignity.

Nussbaum suggests that her list, together with the precise location of the threshold, should be democratically debated and incorporated into national constitutional guarantees, international human rights legislation and international development policy. In keeping with its commitment to political liberalism, the components of Nussbaum's list have what may be called a 'thick-vague' character, in that while she makes a universal claim for their substantive importance to any human life, their definition is vague enough to allow their specification in multiple ways that reflect the values, histories, and special circumstances of particular political societies.[37] Nevertheless, because each capability is equally centrally important a shortfall in any area is significant in itself, and thus the scope for governments to make trade-offs between them, for example on the basis of quantitative cost-benefit analysis, is limited.

Nussbaum's account is particularly significant because its similarities to Sen's work has led to a general perception (outside specialised readers) that she and Sen are working on the same project, when in fact there are important differences. In addition, because Nussbaum has developed her capability theory in a deliberately philosophical way, demanding conceptual coherence and completeness, many readers have concluded that she has taken the crude beginnings of Sen's capability approach and made it properly philosophical.[38] This,

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[37] For example, Nussbaum suggests that freedom of speech (part of the capability for *affiliation*) can be specified differently in law in the USA and Germany, because of their different histories, without endangering the fundamental capability (Nussbaum 2004, 198). However, as White and Deneulin have noted, Nussbaum imposes quite strict and ambitious limits about the permissible range of specifications, for example by entirely rejecting gender-differentiation (White and Deneulin 2009, 255).

[38] Aside from disagreeing that the straightforward application of the methodology of analytical moral philosophy is the best way to do justice to Sen's work and ideas, I am also far from convinced that the substance of Nussbaum's arguments is in keeping with its form (cf Claassen and Düwell 2012). For example, the supposedly core concept of dignity is invoked repeatedly in Nussbaum's writings, but never explicitly theorised

as I argue in the following chapters (2 and 3), is to miss the distinct and substantial, if less orthodox, philosophical contributions of Sen's own version.

In this respect it is important to note the very significant differences between Nussbaum's project and Sen's.[39] Nussbaum is concerned to produce a philosophically coherent (partial) theory of justice; Sen is concerned with producing a general framework for evaluating the quality of lives people can lead that can incorporate the very diverse concerns and dimensions that may be applicable. Their foundations are different: Nussbaum's theory is based on the concept of 'dignity' and she often criticises Sen's emphasis on 'freedom' (e.g. Nussbaum 2003, 44–46). Nussbaum pays less attention to feasibility considerations, instrumental linkages, or the independent significance of well-being, being somewhat wary of "Utilitarian associations" (Nussbaum 2000, 11–15). Despite the sufficientarian threshold, her approach is also somewhat utopian in seeking full implementation since what she considers minimal justice is specified so demandingly that no country yet meets it (though she has suggested that Finland may be close). Sen's capability approach in its normative, 'developmental' aspect, is mainly concerned with identifying and promoting practical comparative improvements. It is a mistake to think that Nussbaum's theory can do the job of Sen's capability approach better – it tries to do quite a different job.

V. Conclusion

This chapter has discussed the development, structure and applications of Sen's capability approach, and outlined its take up by academic philosophers. As Ingrid Robeyns, a former doctoral student of Sen, relates, Sen sees the capability approach as operating at three distinct levels (Robeyns 2000, 3). In order of importance these are:

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or connected with the capability requirements of justice. Indeed, if we were to take it seriously as doing real work in her account, then the character of her theory would seem to be what Rawls terms a 'comprehensive doctrine', based on a metaphysical conception of the good, rather than a political conception of the right, and thus in tension with her current presentation of it as suitable for an "overlapping consensus" (Crocker 2009, 188-92).

[39] For an extended critical comparison see Des Gasper (Gasper 1997) and David Crocker (Crocker 2009).

1. As a framework of thought;
2. As a critique on other approaches to welfare evaluation;
3. As a formula to make interpersonal comparisons of welfare.

It is as a framework of thought that the capability approach makes its greatest contribution, and this will be the main focus of the remainder of this dissertation. How we see the world matters for how we can think about changing it for the better. Sen's claim that in making judgements of individual advantage and social welfare, "The basic concern is with our capability to lead the kinds of lives we have reason to value" (Sen 1999a, 285) is an invitation to understand well-being and development in a new and better way.

The following two chapters elaborate on Sen's methodology of evaluation, on what kind of "framework" his capability approach provides. The second half of the thesis considers what this framework can achieve by examining and addressing three challenges to the capability approach with respect to adaptation (4), development ethics (5), and social justice (6).

Chapter 2: Two Critiques of Sen

One of the distinctive features and, I think, strengths of Sen's practical philosophy in general is his commitment to a particular mode of incomplete, open, and situated evaluation – namely 'judgement'. Yet many readers of Sen's work (including both critics and admirers) appear to understand this constitutive feature as a problem to be overcome. They express great concern about the *operationalisability* of the capability approach: that it is not in an appropriate form to be put into application, either in theory or policy practice (e.g. Sugden 1993, 1553; Rawls 2003a, 13 fn. 3). Operationalisation is an unfortunately ugly term usually reserved for policy oriented discussions, and it is certainly true that some development economists remain profoundly sceptical of the capability approach because they either do not see what the real world referents of concepts like capabilities and functionings are, or do not see their relevance (e.g. T. N. Srinivasan 1994; Dasgupta 2005). However, in an analogous sense, concerns about 'operationalization' are also a central theme of the philosophical literature about Sen's capability approach: many critics say that it is too under-theorised to be put into philosophical practice, while many sympathisers say it is too under-specified (which comes to the same thing).

What I call the 'operationalist approach' has a dominant position in the philosophical literature about the capability approach. It can be characterised in terms of two features: theoretical reading and theoretical reconstruction. The first, and most essential, is considering a philosophical account in terms of a conventional theory. Of course, 'theory' can have various meanings, but the most relevant one here is "a system of rules, procedures, and assumptions used to produce a result" (World English Dictionary). The capability approach as Sen presents it is manifestly unable to produce such results - definitive conclusions - either at the theoretical level (which capabilities matter?; what would a capability theory of justice look like?) or at the practical level (how to treat particular cases).

Some operationalists discard the capability approach immediately on establishing this (e.g. Roemer 1998, 191–3).[40] Others will continue to engage with it by reconstructing it into a theoretical form that they can

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[40] As John Roemer puts it, "One feels that Sen often tries to make a virtue of necessity when he writes that certain hard questions have no right answers. The alternative, in science, is to admit that there are answers, but we do not have them yet." (Roemer 1998, 193)

properly assess. So, in the second phase Sen's account is reconstructed to be more theory-like. The reconstructions are claimed to be improvements on the original because they have a more orthodox 'philosophical' form, with clearly defined concepts whose operations are defined by a theoretical structure. These reconstructions are then developed (by proponents, such as Martha Nussbaum[41]) or contested (by critics, such as Thomas Pogge) in standard analytical philosophy ways: testing and elaborating their theoretical coherence, implications, and relationship to other theories.

My concern is that this approach is driven by a prior and unexamined commitment to a particular understanding of operationalization, as asking what Sen's capability approach can contribute to the kinds of debates that moral and political philosophers are already familiar with.[42] Of course operationalisation is not in itself an illegitimate way to approach Sen's work. Its concerns and methods reflect a strong and important tradition in analytical moral philosophy, and its aim to try to understand what the capability approach is saying in familiar terms is certainly legitimate. It can also be productive. Negatively, it can show how and at what points Sen's capability approach deviates from orthodox methodology. It can show how conventional readings of its core concepts have been tried and what problems were found. It can point out lacunas in what the capability approach addresses – aspects which fall outside what Sen's account can do. Positively, it can develop particular insights from Sen's work in a more orthodox way (as I showed in section IV of the previous chapter).

Yet I believe that the operationalization approach applied is sometimes applied in an uncharitable way, producing distorted readings of primary texts and ungrounded claims that are distracting rather than

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[41] "[T]he reader who looks for a fully formulated account of social justice generally, and gender justice in particular, in Sen's work will not find one; she will need to extrapolate one from the suggestive materials Sen provides (Nussbaum 2003, 34)."

[42] For example, as Ingrid Robeyns notes, "the literature on the capability approach does not have a normative account of the distinction between personal and collective responsibility, which is a core aspect of many theories of justice and social and public policies. The absence of such an account of responsibility also limits the comparability of the capability approach with theories of fair compensation in welfare economics or responsibility-sensitive accounts of justice in political philosophy." (Robeyns 2005, 192) Yet while the luck egalitarian approach may presently be dominant in egalitarian theorising about justice it is not at all obvious why not contributing to its conversation should be seen as a problem. As Elizabeth Anderson has argued quite forcefully, a focus on what she calls "cosmic injustice" is hardly a requirement for egalitarian ethics and can in fact be criticised as mistaken (Anderson 2010).

helpful.[43] The result is that the philosophical conversation about Sen's work does not always focus as well as it could on identifying his particular contributions and the fair assessment, in its own terms, of the capability approach's qualities, potential, and scope for improvement. For example it has generated a debate between perfectionist and liberal interpreters of Sen's capability approach that misreads Sen in significant ways.

On the one hand, perfectionists such as Martha Nussbaum and Séverine Deneulin have argued that in statements such as "The basic concern is with our capability to lead the kinds of lives we have reason to value (Sen 1999a, 285)," Sen is clearly referring to a positive vision of the human good which must be more completely specified to be useful (see for example (Nussbaum 1988; Nussbaum 1993; Deneulin 2002; Arneson 2010)).[44] Such writers question what guidance the capability approach can give without an explicit description of what kind of life "we have *reason* to value" (or at least a 'roadmap' of how to determine it).

On the other hand, many political liberals from John Rawls to Robert Sugden have complained that Sen's emphasis on access to lives we have reason to value implies a commitment to some 'objective' index for evaluating advantage whatever those concerned might actually value (Sugden 2006; Dowding 2006; Rawls 2005, 182–186; Dworkin 2002, 301–2).[45] In terms of Rawlsian political liberalism, Sen's capability approach is taken to imply the political endorsement of a particular conception of the good whatever dissenting individuals believe, which fails the

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[43] This is of course a general problem of intellectual life. Adam Smith's actual writings for example have long been reduced to a few decontextualised anecdotes (butchers and bakers, and the invisible hand) and distorted further by reading these only as contributions to contemporary economic theory (cf Sen 2010a; Wells 2013 § 1; and, for a case study, Schumacher 2012). Nor is it as uncommon as one might expect for this to happen to writers in their own lifetimes, for example to Ronald Coase, whose work was transformed, by others, into the theorem named after him (Yalcintas 2009).

[44] It is true that Nussbaum now presents her account somewhat vehemently as political rather than (Aristotelian) perfectionist, and has discussed the distinction at length (Nussbaum 2003, 50; Nussbaum 2011a; Nussbaum 2011b, 6 fn 9). But I am not alone in considering that the addition of Rawlsian devices like the 'overlapping consensus' has not altered the substance of her account or its problems with justification (Claassen and Düwell 2012). Deneulin defines perfectionism as "a moral theory that regards certain activities, such as knowledge, health or artistic creation as good, independent of any subjectivity" (Deneulin 2002, 498–9). I think this still describes how Nussbaum justifies her list.

[45] As John Roemer puts his challenge to Sen, "Who are you, Justice Commissar, to say the Bengali beggar's capability is less rich than the Princeton professor's?" (Roemer 1998, 193)

requirement that "the public conception of justice is to be political, not metaphysical" (Rawls 1985, 223).[46]

On the face of it this appears to present a material dilemma for Sen's capability approach: either the capability approach is politically liberal or it is perfectionist. If it is politically liberal, it must respect individuals' sovereignty to decide for themselves what the good life consists in, so it should stop trying to evaluate advantage and instead support a procedural approach of removing unfreedoms and providing general purpose freedoms. If it is perfectionist, then it should specify and justify its theory of value. From the perspective of analytic moral philosophy, Sen's refusal to go along with this vision of a stark choice can be seen as weakness and ambiguity, rather than positively as responsibility and flexibility.[47] Although Sen has repeatedly declared his lack of interest in building a coherent or complete theory of justice (most recently in Sen 2009a), successfully dispelling such challenges would seem to require something more: a worked out account of what it is that Sen is trying to do, if not to provide a standard theoretical account, and an analysis of its philosophical status.

The following chapter is concerned with providing such a positive account of Sen's system of evaluation as judgement, which I analyse with the help of the account of judgement developed by Samuel Fleischacker in *A Third Concept of Liberty* (1999). This chapter's purpose however is more negative, in the nature of brush-clearing. I will show how the operationalization approach can systematically distort Sen's concerns, and even, sometimes, what he says. I will do so by engaging in a close reading of critiques of Sen's 'under-theorisation' by two influential scholars. The first is by the Rawlsian justice theorist, Thomas Pogge, who criticises the capability approach from outside (Section I). The second is by Martha Nussbaum who, as a well-known exponent of the capability approach, can be seen as an internal critic (Section II).

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[46] Of course, there is something of a contradiction in these critiques, since the perfectionists see the account as underspecified and relying too much on a presumption of individual agency, while the liberals accuse it of being overspecified in a way that prevents individuals from exercising autonomy in choosing the good life.

[47] Nussbaum, for example, has repeatedly challenged Sen to say whether he is a "comprehensive" or "political" liberal (Nussbaum 2011a).

I. POGGE'S CRITIQUE

Thomas Pogge is a political philosopher working within the Rawlsian tradition who has long been engaged in research and activism in support of global justice for the poor. He is a noted and vehement critic of the capability approach (which he sees as having been developed jointly by Sen and Nussbaum).[48] Pogge notes that the increasing influence of the capability approach has come at the expense of its main alternatives, Rawlsian resourcism and utilitarianism, and sets out to show why the choice of the capability approach cannot be justified. It is interesting to see how he sets up the framework for his critical assessment, in terms of satisfying a requirement for a "public criterion of justice".

> Instead of asking which approach is superior, we should ask which approach can deliver the most plausible public criterion of social justice...Neither Sen nor Nussbaum has so far shown that the capability approach can produce a public criterion of social justice that would be a viable competitor to the more prominent resourcist views. (Pogge 2010, 18)

Later the meaning of this becomes clear. Pogge means that any competitor to Rawls' account must have the same institutional focus and theoretical scope and ambition as Rawls' *Theory of Justice.*

> We are seeking a public criterion of social justice that tells us how an institutional order ought to be designed, and also how existing institutional schemes fall short and how they should be reformed. For this purpose we need not merely a partial ordinal ranking, but a complete interval ranking. We need to know what positive or negative resource compensation each participant should be entitled to on the basis of his or her specific natural endowments. As an institutional order is fully specific, so is the public criterion of justice underlying it. Of course, Sen may reasonably believe that there is a plurality of permissible public criteria of social justice exemplifying the capability approach. But, for all Sen has published on this topic, he has done little toward ruling out any candidates within the vast space of conceivable capability views. So far, what he has mainly proposed is a new language. (Pogge 2010, 51)

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[48] Pogge wrote a lengthy critique *Can the Capability Approach be Justified* (Pogge 2002), and recently republished it in a slightly adapted and shortened version (Pogge 2010).

Pogge thus appears to be concerned with the capability approach only at the level of theoretical competition with Rawlsian theory. His understanding of the capability approach appears to derive from toggling between a theoretical interpretation of Sen's writing and more explicitly theoretical material by Anderson and Nussbaum (to try to fill in Sen's theoretical gaps). This theory-driven perspective leads Pogge to read and assess the capability approach literature in terms of an instruction manual for designing a perfectly just institutional scheme, a test which it of course fails: the extent to which the capability approach provides a "new language" is the extent to which it fails to provide a good - i.e. complete and rigorous - theory. As Sen points out in his reply, Pogge's terms of assessment and conclusions are driven not only by a concern with theoretical qualities but by a particular idea of what a theory of social justice should look like, which the capability approach was not designed to meet.

> Pogge assumes that the transcendental approach to justice is the only way of having "a public criterion of social justice," and thus focuses on "how an institutional order ought to be designed? (p.51). This confined interest only in "the perfectly just," rather than in public criteria for enhancing justice in the world in which we live, takes Pogge to the conclusion that what is needed is "not merely a partial ordinal ranking, but a complete interval ranking." (Sen 2010b, 250)

Pogge's theoretical focus does bring up some interesting points. For example he points out that the capability approach says nothing about the organisation of the economy in which it would operate, either in terms of considering the problem of scarcity of resources for capability enhancement (Pogge 2010, 52), or the fair division of the burdens of economic cooperation (Pogge 2010, 44). In the first part of the critique he also argues for a high degree of theoretical convergence between the resourcist and capability approaches.[49] He argues that *of course* any good resourcist should take into account factors like climate, that affect people's ability to convert resources into functionings, as part of the calculation of how much resources "broadly conceived" people actually have.[50] As a result, Pogge is able to quickly dismiss the political

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[49] For an account of how a Rawls-Sen convergence might look from the other direction, see Robeyns (Robeyns 2009).

[50] Pogge is so successful in this that Ilse Oosterlaken argues that he is actually "a capability theorist in disguise" (Oosterlaken 2012).

liberalism critique (discussed above) as misconceived. Pace Rawls: "a capability view can be formulated quite generally so that it focuses on capabilities that (like Rawls' social primary goods) are important to all human pursuits or nearly all" (Pogge 2010, 19–20).

Nevertheless, Pogge's theory-driven (and at times frankly hostile) reading of the capability approach also leads to some striking distortions. Pogge argues that the real distinction between the capability and resourcist approaches, and the reason we should opt for the resourcist approach, is that resourcists are committed to specifying an individual's fair share in terms of "some conception of the *standard* needs and endowments of human beings" rather than, as capability theorists do, "the *specific* needs and endowments of each particular person" (Pogge 2010, 23–4, original emphases). Here, Pogge's theoretical framing does serious harm to his reading of the capability approach literature. It leads him to characterise the capability approach as primarily concerned with the *identification* and *compensation* of "naturally disfavored" individuals (e.g. Pogge 2010, 51). Neither of these is correct, but both seem to follow from Pogge's concern with analysing the capability approach within the same theoretical framework as (Rawlsian) resourcism.

First, Pogge characterises the capability approach as a search for victims, for people who have such severe physical or mental impairments that a standard helping of resources is insufficient for them to achieve a minimally decent quality of life. For example, women (Pogge 2010, 24). In doing so, Pogge appears to forget all he has already discussed and accepted about how the physical and social environment matters for translating resources into functionings (Oosterlaken 2012). Sen, by contrast, argues consistently that the capability approach is concerned with what people can do with what they have, which is quite a different evaluative space.

Capability evaluation does not, pace Pogge, stigmatise certain people as "naturally disfavored" by grading them in terms of the deficiencies of their endowments.[51] If it is used for comparing individuals it is in terms of their capability, their access to lives they have reason to value, rather than particular determinants of that. In terms of normative evaluation, what the capability approach says is that if we take literacy, for example,

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[51] Curiously, Pogge also criticises the capability approach for failing to make this stigmatising grading system sufficiently comprehensive to be workable (Pogge 2010, 51).

as equally important for all, then illiteracy becomes a morally significant problem. But the causes of illiteracy - whether a child's dyslexia (natural endowment) or indifference (a moral failing?) or teacher absenteeism ('resources') – are discriminated in empirical rather than normative terms i.e. that they operate differently and would need addressing in different ways. The capability approach lacks the nuanced moral structure - Pogge seems to presume some form of luck egalitarian welfare theory - to be able to make the invidious distinctions it is accused of.

The mis-reading follows from Pogge's retention of the Rawlsian starting point of human beings "*standard* endowments" and reconstruction of the capability approach as concerned with reducing the deviation from that moralised benchmark, which he terms "vertical inequality" (Pogge 2010, 44–48). In other words, personal heterogeneity is merely an add-on to a theory of justice (and, according to Pogge, an unnecessary one). Yet it seems unlikely that this is what Sen had in mind, since he has directly criticised the standard endowments assumption of the Rawlsian social contract approach on numerous occasions.[52]

Second, Pogge repeatedly invokes a compensation principle which implies seeing capability as an aggregate index on which everyone would be scored and ranked, with additional *resources* provided in compensation to those falling below some threshold. Pogge then moves on to accuse the capability approach of promoting an ethic of competitive victimhood, in which individuals strive to show that they are the most helpless and pathetic and therefore most deserving of compensation (Pogge 2010, 46). Pogge goes so far as to mock the foolishness of taxing the "able-bodied" to provide compensation to someone such as Stephen Hawking, who though severely disabled seems to lead a rather more successful life than most.

However, Pogge's compensation principle is based on his theoretical reconstruction of the capability approach as concerned with aggregate vertical inequality. In fact, multi-dimensionality is a constitutive feature

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[52] "Investigations of equality—theoretical as well as practical—that proceed with the assumption of antecedent uniformity (including the presumption that 'all men are created equal') …. miss out on a major aspect of the problem. Human diversity is no secondary complication (to be ignored, or to be introduced 'later on'); it is a fundamental aspect of our interest in equality." (Sen 1992, xi)

of the capability approach and appears everywhere in Sen's work.[53] The capability approach is all about disaggregated analysis, of looking to see what kinds of valuable functionings people do and do not have access to. Thus the millionaire who cannot read in a literate society is lacking something that he has reason to value, even if 'all things considered' his life is a successful one that many would like to lead. The capability approach does not identify the millionaire as a victim, but as someone who is missing out on a dimension of the flourishing life. Because the missing functioning is remediable it can be directly targeted (though whether or not the millionaire should pay for his own reading lessons or a personal assistant to do his reading for him is, as Pogge would be right to point out, not addressed by Sen's capability approach).

In any case, the capability approach is not a proposal for giving the disabled an envelope of cash to bring their aggregate 'capability-welfare' over a threshold. And when one considers the Hawking case from the capability approach it is clear that it is the remediable aspects of his disability that have been targeted (he has a number of full-time professional carers, not to mention his famous voice synthesiser and wheel-chair) which allow him access, if not to specific functionings like walking or talking, at least to the fundamental capabilities of mobility and communication.

Pogge's institutionalist-theory perspective also leads to quite peculiar specific claims. Perhaps most egregiously, Pogge claimed that the Human Development Index (HDI),[54] which combines statistics representing GNP per capita, longevity, and adult literacy to provide an international ranking of countries' development,

> provides an incentive to concentrate resources on the healthier individuals in such groups, whose life expectancy can be greatly extended by ensuring only that they have the most basic nutrition, sanitation, and medical care. The HDI thus encourages policy makers to withhold scarce resources from those who have special needs that make their life expectancy more expensive to extend. (Pogge 2002, 213)[55]

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[53] "To insist that there should be only one homogeneous magnitude that we value is to reduce drastically the range of our evaluative reasoning." (Sen 1999a, 77. See also 93-4)

[54] The HDI was developed for the United Nations Development Programme by Mahbub ul Haq in collaboration with Amartya Sen. Since 1990 it has been published in the annual United Nations Human Development Reports, which are closely associated with Sen's capability approach to human development.

[55] Pogge did not repeat his critique of the HDI in the 2010 version of his paper. Several of his specific technical concerns with the statistical construction of the index seem to

It seems that Pogge interprets the HDI as the capability approach in action, and considers that it will lead ranking-focused governments to preferentially transfer resources to 'capability wizards' who are more efficient at transforming resources into longevity. Pogge here makes rather grand assumptions about both the power and role of the HDI. Do governments actually have an "incentive" to do what Pogge suggests? Pogge provides no evidence that they do. Is Pogge correct that this how the HDI is intended to be used? Not according to those who have worked on it, who consider it to be a tool for evaluation rather than prescription. As Jeni Klugman (the director of the Human Development Report Office) and co-authors put it,

> an index of capabilities is conceptually different from a social welfare function. The key difference is that a social welfare function is designed to be maximized, and thus the trade-offs along that social welfare function can be interpreted as values. But a capabilities index is meant to give a measure of the extent to which people in different countries have access to substantively different lives. Obviously, we care about the expansion of these capabilities and believe that expansion is welcome. But this is very different from claiming that the maximization of capabilities should be the only objective of social action..... In this sense, the capabilities approach contrasts with traditional theories of social justice, such as utilitarianism, which postulate an overarching objective as the end result of human action. The capabilities approach is a *partial* theory of well-being that does not purport to establish a complete description of all the components of a good life.... (Klugman, Rodríguez, and Choi 2011, 29–30 original emphases)

The HDI was conceived as an aid to evaluation that makes available more (though still quite basic and limited) information about well-being in many countries than previous international comparisons, which typically focussed narrowly on per capita average income (Sen 2004a, 79). Sen himself has written about this purpose and the limitations of the HDI in many places and in more or less technical depth. So Pogge's charge is really rather puzzling. Sen notes, for example, that since the HDI was specifically created to compete for public attention with income per capita rankings - such as published in the World Bank's *World Development Reports* - it is not surprising that it is a crude and imperfect measure of quality of life (Sen 1999a, 103 fn. 41). The

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have been at least somewhat addressed in the 2010 revamp of the index (Klugman, Rodríguez, and Choi 2011).

appropriate question is, is it a *better* measure than what came before it? Sen also points out that the simplistic aggregative index is published as only one part of an annual Human Development Report which includes much wider ranging empirical and qualitative analysis (ibid).

Given the very wide availability of such information about the HDI's evaluative orientation, it seems to me that Pogge's critique best makes sense as following from, rather than informing, his institutional-theoretical approach. On Pogges's reading the HDI is a social welfare function that should be maximised because it is a metric, and, in the kind of institutionalist theoretical framework that Pogge takes for granted, metrics are targets for an institutional scheme to fulfil. They must therefore be precisely focussed on what the correct theory of justice considers relevant, and their implications well mapped, or they will have disastrous consequences.

I have so far said a great deal about how I think Pogge has misread the capability approach. However, it is worth noting that Pogge does in fact pick out features of the capability approach that I think are central to its proper understanding (Pogge 2010, 50-1). He just doesn't think they are important, because they don't qualify as material for a competing theory to resourcism. Pogge suggests that the capability approach can play two roles with respect to a proper (resourcist) theory of justice: *evidentiary* (which he associates most particularly with Sen's work) and *heuristic* (Nussbaum's list). The evidentiary role concerns the identification of capability shortfalls and their causal tracing to identify mistakes in how fair resource bundles were calculated or sources of injustice in need of removal. The related heuristic role is that it can help us think through what the content of a theory of justice should be concerned to achieve:

> It can help us think of all the personal and public goods and supports that human beings need to flourish fully, from the school curriculum to the organization of workplaces and organs of democratic decision-making….not as the metric within a public criterion of social justice, but as a useful guide in the development of such a criterion (Pogge 2010, 50).

I will return to these positive features in the following chapter. For now let us turn to an internal critic of Sen's account.

II. Nussbaum's Critique

As I noted above, a number of philosophers attracted ('recruited') to Sen's capability approach, particularly by its forceful rejection of utilitarian and resourcist approaches to the 'equality of what' question, nevertheless consider Sen's account too *underspecified* to make a real contribution. Firstly, its positive account is not worked out sufficiently for the demands of normative theorising, translating moral intuitions into definitive propositions with clear implications. Secondly, as the saying goes, 'It takes a theory to beat a theory'. In order to make headway in the academic philosophical competition against more established highly theorised accounts, or even to be taken seriously as a competitor, the capability approach needs to meet certain standards of theoretical consistency, coherence, and so forth.

Nussbaum, has taken up this challenge full-heartedly, and her (partial) capability theory of justice attempts to operationalise Sen's capability approach in exactly this way. Here, for example is how she put the challenge in her first foray into the capability approach.

> Getting the list of functionings that are constitutive of good living is a matter of asking ourselves what is most important, what is an essential part of any life that is going to be rich enough to count as truly human....Sen needs to be more radical than he has been so far in his criticism of utilitarian accounts of well-being, by introducing an objective normative account of human functioning and describing a procedure of objective evaluation by which functionings can be assessed for their contribution to the good human life. (Nussbaum 1988, 175–6)

For Nussbaum, critical evaluation is not enough to support a theory of justice that will provide the necessary rigorous structure to provide the compelling arguments and direction to get things done. Which capabilities are most significant and should be political goals?

> [T]here is no way to take the capabilities approach forward, making it really productive for political thought about basic social justice, without facing this question and giving it the best answer one can. (Nussbaum 2003, 50)

Nussbaum's critical engagement with Sen's capability approach is motivated both by a demand that it produce definitive conclusions about principles, and a demand for justification: the idea that if the

capability approach is evaluating something important, it should be possible to identify and justify that independently of the evaluation process. The particular theoretical moves Nussbaum makes align closely with her theoretical background in Aristotelian philosophy and the philosophy of (constitutional) law. The *metric* and *rule* of her capability theory of justice are universal access to at least minimal levels of the 10 central capabilities she identifies with the requirements of human dignity, while its *implementation* takes a legal institutional (constitutional) form.[56]

Nussbaum's capability theory of justice has received quite intense criticism. Some have questioned the epistemological basis of her approach, suggesting that her list remains too Aristotelian (Clark 2002); and that Nussbaum's claims about the universality of the list items being supported by "years of cross-cultural discussion" are actually quite thin (Stewart 2001; Okin 2003). Others have argued that her legal-moral-philosophical orientation is elitist and over-optimistic about what constitutions and governments are like and are capable of (Menon 2002); is over-specified and paternalistic, eclipsing cultural values (Deveaux 2002); yet still misses out important capabilities (Robeyns 2005, 207), and is inappropriate for many uses, such as quality of life measurement (Robeyns 2005) or development fieldwork (Alkire 2005, 35–45).

Some of these criticisms are important, but much of their motivation, and the emotional vehemence with which they are given, relate to a perception that Nussbaum is *imposing* a definitive capability theory on everyone.[57] This may be due to Nussbaum's full-hearted and self-confident promotion of her theory – she clearly believes that it is both substantively correct and the best way to take the capability approach forward. However, she has also emphasised that she is not trying to impose a definitive capability theory on everyone. In nearly every exposition of her account she makes a clear and explicit distinction between the dimensions of *justification* (why her theory is

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[56] See the earlier discussion, in chapter 1:IV.

[57] Hence, "What is deeply puzzling is Nussbaum's calm assumption that she has arrived at the list of good things no good person could possibly *not* want for everyone" (Menon 2002, 157 original emphases).

best) and *implementation* (its more humble meta-status as an object for democratic deliberation and decision by those concerned).[58]

> I insist on separating issues of justification and implementation. I believe that we can justify this list as a good basis for political principles all round the world. But this does not mean that we thereby license intervention with the affairs of a state that does not recognize them. It is a basis for persuasion.... (Nussbaum 2004, 198)

I think that the core issue is not the strength of Nussbaum's theoretical contributions, which as Pogge correctly points out are heuristically helpful in thinking about what the flourishing human life might require.[59] Rather, the problem is the status of her theory (or any other) as a candidate to be *the* correct theory of capability, rather than being more or less helpful in certain contexts and for certain purposes. Nussbaum's approach presumes that without theoretical specification the capability approach cannot be operationalised, and therefore she is led to claim that "Sen cannot avoid committing himself to a core list of fundamental capabilities [such as this one]" (Nussbaum 2001, 46). Her 2003 paper on *Capabilities as Fundamental Entitlements* provides a particularly clear illustration of this which is worth a close reading.[60] The abstract reads in full,

> Amartya Sen has made a major contribution to the theory of social justice, and of gender justice, by arguing that capabilities are the relevant space of comparison when justice-related issues are considered. This article supports Sen's idea, arguing that capabilities

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[58] In *Women and Human Development* she addresses this issue at some length (Nussbaum 2000, 101–5). However, it remains fair to say that Nussbaum's vision of how implementation would proceed is rather lightly sketched.

[59] An additional contribution, from her first publication on the capability approach (Nussbaum 1988), is an interesting distinction between three different aspects of capability as 'basic' (naturally endowed), 'intrinsic' (capacities attained in the life of an individual) and 'combined' (when external circumstances make their exercise possible) that would seem generally helpful for capability analysis.

[60] In her recently published textbook on the capability approach, *Creating Capabilities* (Nussbaum 2011a), Nussbaum takes a more conciliatory line with respect to Sen's account. She presents the capability approach as having a complementary division of labour between the comparative assessment of quality of life (which she considers Sen's principal concern) and social-justice theorising (her own concern). However, I do not believe this represents a real shift in Nussbaum's views since the 2003 paper, because she goes on to criticise Sen's approach in the same way (often verbatim). I have nevertheless used the older work for this exercise because this recent book seems to have been written quite quickly and did not seem a suitable candidate for close exegesis.

supply guidance superior to that of utility and resources (the view's familiar opponents), but also to that of the social contract tradition and at least some accounts of human rights. But I argue that capabilities can help us to construct a normative conception of social justice, with critical potential for gender issues, only if we specify a definite set of capabilities as the most important ones to protect. Sen's "perspective of freedom" is too vague. Some freedoms limit others; some freedoms are important, some trivial, some good, and some positively bad. Before the approach can offer a valuable normative gender perspective, we must make commitments about substance. (Nussbaum 2003, 33)

In the remainder of this section I will follow up two of the criticisms of Sen that Nussbaum raises in this paper, one major and one minor. The first (major) issue concerns her characterisation of the role of theory in thinking about social justice; the second (minor) issue is a specific mis-reading of Sen's understanding of freedom that I include to illustrate my point that the same distorting effects of theory-driven interpretations we saw with Pogge can afflict even readers highly sympathetic to Sen's concerns.

First, Nussbaum argues that in order to criticise aspects of the world and social arrangements as unjust, we first need to have a worked out normative theory.

[I]f the issue of social justice is important, then the content of a conception of justice is important. Social justice has always been a profoundly normative concept, and its role is typically critical: *we work out an account of what is just, and we then use it to find reality deficient in various ways.* Sen's whole career has been devoted to developing norms of justice in exactly this way, and holding them up against reality to produce valuable criticisms. It seems to me that his commitment to normative thinking about justice requires the endorsement of some definite content. One cannot say, "I'm for justice, but any conception of justice anyone comes up with is all right with me." Moreover, Sen, of course, does not say that. He is a radical thinker, who has taken a definite stand on many matters, including matters of sex equality. He has never been afraid to be definite when misogyny is afoot, or to supply a quite definite account of why many societies are defective. (Nussbaum 2003, 47, emphases added)

This claim seems both logically and descriptively inadequate. It is logically inadequate because it asserts that without having a fully specified account of justice one cannot criticise injustice, and yet

accepts that Sen has apparently been going around doing just that for some time. It is descriptively inadequate in its assertion that "Sen's whole career has been devoted to developing norms of justice in exactly this way". In fact Sen has rejected this kind of 'theory first' requirement for thinking about justice explicitly and in many places[61] (a point I will not elaborate on further here as it is the focus of the following chapter). It seems to me that because Nussbaum already has this idea that we need a substantive theory of justice to perceive injustice - strikingly similar to Pogge's perspective - she is led to reconstruct Sen's project in those terms, however strange the fit with what Sen actually says.

A second and more specific misreading is in Nussbaum's critique of Sen's freedom terminology. Early in the paper, Nussbaum criticises the limited "neo-liberal" concept of rights based on the key idea of "negative liberty" understood in terms of the absence of state interference in an individual's life (Nussbaum 2003, 38–9). She argues that the capability approach offers a superior understanding of rights "by focusing from the start on what people are actually able to do and to be" (39). So it is distinctly puzzling that a few pages later (44-6) she engages in a blistering critique of Sen's use of the language of freedom (particularly in his *Development as Freedom*) to describe what the capability approach is about.

> Sen speaks throughout the work of "the perspective of freedom" and uses language, again and again, suggesting that freedom is a general all-purpose social good, and that capabilities are to be seen as instances of this more general good of human freedom. Such a view is not incompatible with ranking some freedoms ahead of others for political purposes, of course. But it does seem to go in a problematic direction. (Nussbaum 2003, 44)

I find this reading very strange, since Sen's use of the word 'freedom' in *Development as Freedom* doesn't seem to me to change the *meaning* of the capability approach in any significant way (see also

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[61] For example in *Development as Freedom* (Sen 1999a, 254). Although of course, Sen's most systematic elaboration of his position has come relatively recently (Sen 2006b; Sen 2009a): "[A] theory of justice that can serve as the basis of practical reasoning must include ways of judging how to reduce injustice and advance justice, rather than aiming only at the characterization of perfectly just societies – an exercise that is such a dominant feature of many theories of justice in political philosophy today . . . The assumption that this comparative exercise cannot be undertaken without identifying, first, the demands of perfect justice, can be shown to be entirely incorrect." (Sen 2009a, ix)

Qizilbash 2005, 52–7). A person's freedom (capability) is understood, as before, in terms of their ability to "lead the kind of lives they have reason to value" (Sen 1999a, 10). Further, rather than speaking of freedom as "a general all purpose social good", Sen repeatedly calls attention to the unconventional multi-dimensional character of freedom as he is employing it, and refers the reader to his more explicit technical treatments of different aspects of this elsewhere (e.g. Sen 1999a, 290–292).

It appears that Nussbaum is particularly sensitive to the word 'freedom' because of its connotations with particular ideologies (like 'neo-liberalism') or ethical theories (like libertarianism) of which she strongly disapproves.[62] Thus, as she chooses to define what Sen means by freedom: "any particular freedom involves the idea of constraint: for person P is only free to do action A if other people are constrained from interfering with A (Nussbaum 2003, 44)." Nussbaum goes on to suggest that Sen's use of the word freedom creates new problems for the capability approach: how to identify and treat i) the limits of freedoms ("the freedom of businesses to pollute the environment [vs.] the freedom of citizens to enjoy an unpolluted environment"); ii) which freedoms are politically central (and which are not, like, "the freedom of rich people to make large campaign contributions"); and iii) which freedoms may be invidious (such as the "male freedom" to rape one's wife or sexually harass one's female co-workers) (Nussbaum 2003, 44–5).

Now I think it should be fairly obvious that it is not the word 'freedom' that generates these 'problems' (which would apply equally, if at all, to the word 'capability').[63] Rather, this critique seems to be driven by Nussbaum's focus on the requirements of operationalization. Like Pogge she worries that an underspecified capability theory of justice would be open to abuse or useless:

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[62] Compare also with Nussbaum's dismissal of Sen's distinction between the well-being and agency aspects of evaluation because of its unfortunate "Utilitarian associations" (Nussbaum 2000, 14)

[63] Indeed, Nussbaum's anthropological justification of her own list in terms of the requirements of a truly human life has a similar problem, since she would like to exclude certain all too human functionings like cruelty and aggression (Claassen and Düwell 2012, sec. 2). "Not all actual human abilities exert a moral claim, only the ones that have been evaluated from an ethical viewpoint. (The capacity for cruelty, for example, does not figure on the list.)" (Nussbaum 2000, 83). That is, Nussbaum's own approach requires a second ethical evaluation stage to filter the results of the anthropological stage that generates candidates for morally significant functionings.

Either a society has a conception of basic justice or it does not. If it has one, we have to know what its content is, and what opportunities and liberties it takes to be fundamental entitlements of all citizens. One cannot have a conception of social justice that says, simply, "All citizens are entitled to freedom understood as capability." Besides being wrong and misleading in the ways I have already argued, such a blanket endorsement of freedom/capability as goal would be hopelessly vague. It would be impossible to say whether the society in question was just or unjust. (Nussbaum 2003, 46–7)

To sum up, Nussbaum assumes a certain model for normative theorising about justice which emphasises the requirements for what I have called philosophical operationalization. The task of philosophers is to develop theories which specify the requirements of justice sufficiently to allow proper philosophical scrutiny and comparison with other competing theories in order to determine which is the best theory of justice. Only then is the theory to be applied to cases to say whether or not they are just and, if not, what justice requires to be done. This, as we saw above, is the same project, with the same rules, that Pogge is engaged in. But it certainly is not Sen's project.

What Sen is concerned with, and why he rejects the architectonic role for theory promoted by Pogge and Nussbaum, is the subject for the next chapter. I will argue there that Sen's concern with coming to judgements of individual advantage and social welfare, rather than developing a capability based theory of justice, means that he relates to theory in quite a different way. For him theories are better or worse *resources* for grasping different aspects of complex and opaque ideas like poverty and well-being. Since many different theoretical frames and lists may be helpfully informative in different cases and for different purposes (to examine the character of extreme poverty in developing countries for example (Alkire and Santos 2010a), as opposed to gender inequality in Western countries (Robeyns 2003)), this makes him both a committed pluralist about theory selection and pragmatic in his use of theory. Justice theorists, in contrast, are seeking the best all-round theory of justice. This brings at least two features that don't apply to Sen's project.

First, the structural requirements of a full theory (in terms of coherence, consistency, and perhaps feasibility) leads justice theorists to 'bite bullets' by making decisions about which moral intuitions to focus on and which to exclude. For example, in her capability theory of justice

Elizabeth Anderson focuses on equality in the space of democratic equality, and excludes "subjective" functionings from consideration in order to meet the requirements for a theory of justice comparable with that of Rawls (Anderson 2010, 84-6). Yet there is something odd about being required to see someone who is desperately unhappy as doing fine, merely because one's theory rules out the consideration of such information. It's a little like wearing spectacles that only allow you to see the colour blue. As Sen notes, "A state of affairs is informationally rich. There is no particular reason to insist on an impoverished account of a state of affairs in evaluating it (Sen 2000a, 491)."

Of course, the restrictions imposed by conventional theorising about justice do present such a "particular reason" for deliberately narrowing one's vision. But Sen argues that one doesn't have to accept the need for such theorising in the first place. Because Sen is unburdened by the constraints that come with conventional theorising about justice, he doesn't have to make definitive *a priori* decisions about excluding certain kinds of information (not even that capability should be the only dimension of evaluation) but can maintain an enviable openness about the scope of evaluation.

Second, justice theorists are generally looking for the best answer to the question of social justice, whereas Sen is only looking for helpful viewing points. Justice theorists tend to think in terms of a contest between whole theories, and to evaluate them in terms of their ability to survive challenges to their coherence and how well they deal with difficult cases. This focus on theoretical virtues can come at the expense of substantive relevance (for example in debating such narrow issues of principle as are involved in the esoteric examples of plovers' eggs and surfer bums). In contrast, since Sen is not engaged in building or choosing the best single theory of justice, he can and does make pragmatic use of a wide range of theoretical resources, from libertarian accounts of the value of liberty to Marx's idea of false consciousness, without having to make a commitment to the whole theory from which they come.[64]

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[64] Sen's theoretical pragmatism is apparent across his work, for example in his shockingly unorthodox but rather commonsensical combining of consequentialist and deontological concerns under 'comprehensive consequentialism' as a contribution to the 1970s meta-ethical debate between philosophers, and between philosophers and economists (Thompson 2010).

III. Conclusion

This chapter has identified a particular orientation to operationalization popular in mainstream analytical philosophy and in the literature on the capability approach. I have argued that although this approach has its merits, if used without care it can lead to a systematically distorted representation of Sen's project and thus misdirected assessments and critiques. I illustrated this problem by closely examining two critiques of Sen's project, from the work of influential and well-regarded moral philosophers noted for their engagement with Sen's capability approach. I showed that in the texts examined not only did Pogge and Nussbaum tend to interpret Sen's work in terms they were familiar with, but on occasion (presumably without realising they were doing so) they also appeared to do some violence to Sen's own words in order to squeeze the capability approach into the theoretical framework they expected. While the cases I looked at were particularly striking, this phenomenon is disappointingly widespread in the philosophical literature about the capability approach.

Key to the operationalist approach is the theoretical reconstruction of Sen's supposedly obscure position into a philosophically orthodox form. In the following chapter I will myself be attempting something of this sort – while remaining acutely conscious of the difficulties in doing so. After clearing the ground here and showing indirectly what the capability approach is not, by showing how theory-driven interpretations fall short, I will now turn to providing a positive account of what I think is central to Sen's methodology in the capability approach and in other parts of his work: judgement.

Chapter 3: Judgement in Sen's Capability Approach

> Rather than simple social facts waiting to be discovered, poverty and development are complex and ill-structured issues, which cannot be fully captured by the cognitive tools of a single discipline nor subjected to standard methods. (St. Clair 2007, 148)

The previous chapter was concerned to demonstrate the flaws in one popular approach to understanding Sen's capability approach, in terms of 'operationalisation'. The aim of this chapter is to provide a positive account of what it is that Sen does aim at: a distinctive style of critical evaluation that I comprehend under the term 'judgement' in order to place it within the existing philosophical literature. Specifically, I argue that Sen's approach to evaluation can be helpfully understood in terms of the analysis of judgement developed by Samuel Fleischacker in *A Third Concept of Liberty*, "a complex skill that draws on what we do in aesthetic interpretation, in sorting through empirical evidence, in making decisions in the common law, and in evaluating our ends for cogency and value" (1999, 8).

This concept of judgement explains and justifies the apparent oddities in Sen's account that were the focus of the operationalist critics just discussed, but it does so, I will argue, in a manner much more in line with Sen's stated aims, practice, and methodological reflections. Recall that Sen not only refuses to provide a systematic normative theory, or even merely a list, specifying what the capability approach is concerned with. He quite definitively rejects the goal of constructing the best capability theory or list as unnecessary, illegitimate, and counter-productive (Sen 2004a). And yet Sen frequently makes definitive statements about deprivation and injustice – for example, criticising discrimination against women (e.g. Sen 1990d) or India's failure to provide literacy and nutrition to its children (Sen 2008b) - which would appear to have substantive normative commitments behind them.

If one understands the centrality of judgement in Sen's evaluative project, one can see how these aspects are both consistent and philosophically respectable. A judge is not concerned with choosing the best overall theory, but with the best understanding of how to treat particular cases in terms of the various theoretical resources at her disposal. Judgements themselves have the key features of being explicit in their reasoning and defeasible in their conclusions, and so are quite different from subjective matters of opinion. I will argue that this is how

Sen's methodology of evaluation proceeds. Appreciating the centrality of judgement in Sen's capability approach (and, indeed, his practical philosophy in general) should focus attention on the requirements, capacities, and character of such a judge. Sen has suggested that Adam Smith's impartial spectator provides a model for such a judge, most extensively in *The Idea of Justice*, but he has only lightly sketched out its role. Examining and elaborating on Sen's use of the impartial spectator, thus far relatively neglected in the literature on Sen's work, thus seems an important focus for better understanding the potentials and limitations of Sen's methodology of evaluation, and I take up that task in the following chapter.

The argument of this chapter proceeds by bringing together Sen's writings on different areas which bear on this issue and taken together reveal an underlying consistency. In the following section I outline in more detail Sen's 'puzzling' use of the capability approach. Section II examines Sen's explicit methodological reflections on evaluation. Sections III and IV are brief case studies of how Sen's distinctive approach to evaluation plays out in two other spaces not directly connected to the capability approach, how to think about justice (III) and the entitlement approach to food security (IV). Section V introduces Fleischacker's schema of ethical judgement and uses it to organise this material and also to show the philosophical legitimacy and strength of Sen's approach to evaluation. Section VI considers the implications of this way of seeing Sen's account of the capability approach.

I. SEN'S PUZZLING AMBIVALENCE

In *Development as Freedom* Amartya Sen presents a parable (Sen 1999a, 54–55). Annapurna has a choice between three different unemployed labourers who would like the job of cleaning up her garden. Dinu is the poorest, Bishanno is the most unhappy, and Rogini has a chronic ailment that her wages would allow her to cure. Who would be the right person to employ?

A purely resource-egalitarian, utilitarian, or capability theory of justice would each focus on a different feature as the most ethically salient and would straightforwardly indicate the corresponding person as most deserving of the job. However, Sen doesn't use the parable to argue that a capability theory provides the right answer to the

question.[65] Rather, he uses it to demonstrate how the prior choice of a theoretical perspective determines in advance which information about the case is considered, and which is not.

In the constructive part of the chapter, Sen goes on to argue that none of the main ethical accounts engages with a particular aspect of human lives - "the *freedom* to achieve actual livings that one can have reason to value" (Sen 1999a, 73 original emphases) - that would seem to have prima facie significance. This aspect is of course the particular concern of the capability approach "at the foundational level", but it is not its only concern in practice (Sen 1999a, 81). Sen is keen to stress that he is not simply providing another closed theoretical account that would evaluate cases on the basis of a narrow class of information.[66]

> The capability perspective is inescapably pluralist. First, there are different functionings, some more important than others. Second, there is the issue of what weight to attach to substantive freedom (the capability set) vis-a-vis the actual achievement (the chosen functioning vector). Finally, since it is not claimed that the capability perspective exhausts all relevant concerns for evaluative purposes (we might, for example, attach importance to rules and procedures and not just to freedoms and outcomes), there is the underlying issue of how much weight should be placed on the capabilities, compared with any other relevant consideration. (Sen 1999a, 76–7)

Sen's capability approach is not just about content, but also method. It is an approach to evaluation that is not only multi-dimensional (the capacious capability space) but also multi-principled.[67] This makes the application of Sen's capability approach particularly challenging, and, it appears, quite deliberately so. As Sen explains, there is no "magic formula" or "royal road" by which this weighting may be determined

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[65] Though for some reason many readers think that he does. Pogge for example claims that "Sen invites us to conclude that Annapurna should give the job to Rogini", and then goes on to argue, based on further rather puzzling exegesis, that in any case the argument of the parable is inconclusive "because it falls in the domain of what Sen calls personal ethics rather than political philosophy" (Pogge 2002, 36). In *The Idea of Justice* Sen returns repeatedly to a similar parable with respect to the question of who should receive a flute, for similar purposes (Sen 2009a).

[66] On this point, recall Robeyns' identification of a hierarchy of goals for Sen "1. As a framework of thought; 2. As a critique on other approaches to welfare evaluation; 3. As a formula to make interpersonal comparisons of welfare" (Robeyns 2000, 3).

[67] Hence, unlike its alternatives the capability approach "can take note of, inter alia, utilitarianism's interest in human well-being, libertarianism's involvement with processes of choice and the freedom to act and Rawlsian theory's focus on individual liberty and on the resources needed for substantive freedoms (Sen 1999a, 86)."

technocratically without explicit public debate and deliberation "since the issue of weighting is one of valuation and judgment, and not one of some impersonal technology" (Sen 1999a, 79). So, unlike its competitors, Sen's capability approach does not dictate which of the three unemployed people you should give the job to. Rather it gives you more things to worry about since it suggests that decisions such as these should be explicitly justified on the basis of how *appropriately* all the information in a case is considered, rather than on the basis of analysing what follows directly from an *a priori* choice of the right (perfectly internally coherent) theoretical account of justice. As we will see, this focus on open and objective evaluation is a general feature of Sen's methodology of evaluation.

II. Sen's Methodological Reflections about Evaluation
a. Open Evaluation

Recall that Sen's criticism of alternative approaches to evaluating advantage (such as utilitarianism or resourcism) was not only directed at their content - that they were focused on the wrong things. That problem is addressed by Sen's promotion of the capability space as a better focus for evaluation. However Sen also argued that these approaches were methodologically flawed because they were unnecessarily narrow in their informational basis. They confused a good answer to the question, 'Is this person well off in welfarist/resourcist terms?' with a good answer to the question, 'Is this person well off?'. That issue is addressed by Sen's methodology of evaluation.

Sen has published several papers analysing the informational basis for the application of moral principles (see e.g. Sen 1979d; Sen 1985a, pt. I). As he puts it,

> Informational analysis can be used to bring out the content, scope, and limitations of different moral principles. Each moral principle needs some types of information for its use, and -- no less importantly -- "rules out" direct use of other types of information. In their latter role, moral principles impose "informational constraints," demanding that certain types of information should not be allowed to influence the moral judgments we make. (Sen 1985a, 169–170)

Sen has shown the significance of apparently reasonable *a priori* restrictions on what kinds or dimensions of information to consider in

an evaluation which committing to a particular theoretical approach in advance usually entails. For example, 'narrow consequentialists' rule out the elements of process, agents, and motivations in assessing the final outcome, while 'narrow deontologists' rule out everything but principles. To employ a phrase coined by Marcel Boumans and Mary Morgan in the context of economic methodology (Boumans and Morgan 2001, 12–4), rather than a *ceteris paribus* clause stating that a claim will hold 'other things being equal', an exclusion principle operates more as a *ceteris neglectis* clause. It can be understood as a specific form of *ceteris paribus* asserting that 'other things are negligible'.[68]

A good illustration of this can be found in Sen's systematic and extended critique of what he has termed 'welfarism' in terms of the narrowness of its informational base. Restricting evaluation only to utility information means that one cannot distinguish between sources of utility, for example between the cases of redistributive taxation and sadistic torture if the utility numbers come out the same (Sen 1979a, 472–474). Sen's famous paper, *The Impossibility of a Paretian Liberal* (Sen 1970a), can be seen as an elegant demonstration of this limitation of welfarism. He demonstrated there that even weak Paretianism based on utility dominance (the mildest version of welfarism) is incompatible with minimal liberty: that individuals be free to make certain decisions in a private domain, such as what they should read. This "shows how a variation of non-utility description can precipitate different moral judgments even when the utility description is unaltered....contrary to the essence of welfarism (Sen 1979a, 482)." Protecting the moral principle of individual liberty - or other principles that are not instrumentally related to welfarism, such as non-exploitation - requires going outside the welfarist framework.

From this 'informational perspective', the question raised by utilitarianism "is not whether well-being is an intrinsically important variable for moral analysis, but whether it is uniquely so (Sen 1985a, 186)." In other words, moral theories must justify their exclusions as well as their inclusions. Sen's concern is that while such informational restrictions allow theoretical consistency and elegance, and arguably make answering questions easier (because one always gives the same

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[68] Hence one of Sen's concerns about a canonical list of valuable capabilities: "To decide that some capability will not figure in the list of relevant capabilities at all amounts to putting a zero weight on that capability for every exercise, no matter what the exercise is concerned with, and no matter what the social conditions are. This could be very dogmatic....." (Sen 2004a, 79)

kind of answer, no matter what the question), such a closed approach fails in its responsibility to address the actual complexity that real world cases present. This follows from the axiomatic approach itself which seeks to reduce all problems to comprehension by an *a priori* account: a particular theoretical account is endorsed in advance, and this places artificial restrictions on the dimensions of information which are deemed relevant and how they may be treated. As a result, Sen points out, approaches which attempt to provide a consistent systematic rule-based framework for dealing with all problems that may come up can easily be shown to produce absurd or awful evaluations of plausible examples.[69]

If the subject of an evaluation exercise is an issue of broad scope and complexity, of how well people's lives are going, for example, then numerous aspects will be of *prima facie* relevance. Reasoned evaluation requires maintaining openness to that informational richness for as long as possible and justifying one's choices of perspectives (informational inclusions and exclusions) with respect to the demands of the case and the purposes of the evaluative exercise. The evaluation of a complex or ambiguous concept – like well-being or inequality - must respect its underlying complexity rather than impose an artificial completeness and precision that is inappropriate. Thus,

> [I]f an underlying idea has an essential ambiguity, a precise formulation of that idea must try to capture that ambiguity rather than attempt to lose it. Even when precisely capturing an ambiguity proves to be a difficult exercise, that is not an argument for forgetting the complex nature of the concept and seeking a spuriously narrow exactness. In social investigation and measurement, it is undoubtedly more important to be vaguely right than to be precisely wrong. (Sen 1989a, 45)

As Robert Sugden summarises Sen's view, "The concept of a good life is objective but fuzzy; there is no single, clearly correct view about the relative values of different functionings" (Sugden 1993, 1961). Because it is "fuzzy" we need a lot of informational resources available since no single perspective can adequately grasp all the various aspects

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[69] Apart from straightforward examples such as exclusively welfarist accounts of well-being that see sick people as well if they seem happy with their condition, or the compatibility of libertarian justice with famines, Sen shows that even more nuanced less tendentious systems of closed evaluation, such as the bargaining framework of Rawlsian social contract theory, are problematic (e.g. Sen 2002d).

that seem involved. And we have to accept that this is not an intermediate stage, on the way to finding the right theoretical perspective under which it all snaps into sharp focus. The pluralism is constitutive and not an embarrassment (Sen 1999a, 77).

This does not at all imply a rejection of theory, including highly abstract 'ideal' theory. It has two important roles. Firstly, formal deductive reasoning can be useful in extending and improving our common-sense intuitions, and thus improves our understanding of issues relevant to practical decision-making (Sen 2012a, 106). As Sen put it in his Nobel lecture on social choice,

> Informal insights, important as they are, cannot replace the formal investigations that are needed to examine the congruity and cogency of combinations of values and of apparently plausible demands. (Sen 1999b, 353)

Sen defends the highly abstract theorising of social choice (to which he has made many contributions of his own) in part because of the impossibility results it tends to generate. These show analytically that certain common sense or commonly held moral intuitions cannot be realised at the same time (such as Pareto optimality and minimal liberty (Sen 1970a)).[70] Sen has also shown analytically that rationality does not require a complete ordering (Sen 1993c), and that the comparative evaluation of states in terms of justice does not require any reference to an ideally just state of affairs (Sen 2006b).

Secondly, theories provide us with interpretative concepts. They identify certain features as important, justify that focus, and develop its implications. Within ethics for example, libertarianism provides a forceful argument for taking a certain class of individual property rights seriously; utilitarianism for the significance of each individual's subjective mental states; and so on. Such theories enrich our conceptual repertoire by telling us more about certain aspects of the world, why they matter, and how they work. A pluralist account like Sen's can make use of this theoretical work (as a free rider) by using the accounts as

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[70] As Sen explains this 'negative' use of theory, "We often think, if only implicitly, of the plausibility of principles in a number of specific cases . . . But once the principles are formulated in unconstrained terms, covering *inter alia* a great many cases other than those that motivated our interest in those principles, we can run into difficulties that were not foreseen earlier, when we signed up, as it were, on a dotted line. We then have to decide what has to give and why." (Sen 2009a, 107)

observational vantage points to toggle between, as working objects that can be more or less useful in improving our understanding of the issue on which they are brought to bear.

The fact that various theories may plausibly be relevant does not mean that all are equally relevant to the assessment of a particular case. On the contrary, it raises the significance of the purposes and perspective for which and from which a particular evaluative assessment is done. The evaluator must take seriously – and take responsibility for - the choice of techniques underlying an assessment and not merely their application. It should not be an embarassment to the social scientist to admit this and make the justification of her choice of techniques explicit so that their suitability can be debated. In this line, Sen argues against technocratic approaches to assigning weights to different capabilities that avoid "messy" democratic procedures in favour of some ready-made weights, for example as "revealed" by market exchange value (Sen 1999a, 76–81). Such approaches constitute undeclared value judgements by social scientists, and to the extent that they fail to make their valuational perspectives explicit, impede rather than support public scrutiny and deliberation. As I will now turn to showing, for Sen the objectivity of social science depends on its commitment to evaluation rather than valuation.

b. The Objectivity of Social Science

"Poverty, like beauty, lies in the eye of the beholder." Does it really? (Sen 1980, 366)

Sen has been called the "conscience of economics" by Robert Solow and lauded by Hilary Putnam and Vivian Walsh for his revival of the classical economists' concern with ethics (Putnam 2002; Walsh 2008). Sen certainly does believe in a two way relationship between ethics and economics, since much applied ethical analysis depends on an understanding of the social logistics that economics specialises in, while economic policy-making is in turn dependent on the identification and justification of values that is the specialism of ethics (Sen 2007). But his view of the relationship is nuanced, and he vigorously maintains the importance of maintaining a distinction between facts and values.[71]

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[71] A distinction is, of course, rather different than the metaphysical dichotomy that entered economics with logical positivism (claiming its origins in Hume's is-ought distinction) which Putnam has argued to be untenable (Putnam 2002).

Specifically, Sen has written in defence of the objectivity of the social sciences in terms of the independence of the exercise of *evaluation* (in which norms and values may be relevant) from that of valuation itself (e.g. the claims that poverty is just inequality) (e.g. Sen 1980; Sen 1983a; Sen 2004b). While evaluation concerns the assessment of the extent to which valuable objects are achieved, valuation concerns the determination of which objects are to be considered valuable (cf the earlier discussion in chapter 1:II). Sen argues that what social scientists like economists should do is evaluation not valuation, and that it is an abrogation of professional responsibility to elide the two. While "facts are endless, and to decide what to look at in empirical economics, we need to have a sense of what is important and valuable" nevertheless, "once our ethics lead us to the kind of questions that we ought to ask, we must then seek, in the case of mainly empirical questions, as factually sound answers as possible" (Sen 2003a, 327–8).

Sen's criticism of the popular view that poverty is a value judgement is illustrative here. This view was espoused for example by Mollie Orshansky, who developed the official government poverty thresholds still used in America to identify and count the poor.

> For deciding who is poor, prayers are more relevant than calculation because poverty, like beauty, lies in the eye of the beholder. Poverty is a value judgment. (Orshansky 1969, 37)

Sen criticises this view as "an amalgam of taking a prescriptive view of description (of poverty, in this case), and - additionally - a subjectivist view of prescription (Sen 1980, 366)." That is, the definition of "poverty" is a value judgement, and value judgements are matters of opinion. Sen characterises such an exercise as "primarily a subjective one, unleashing one's morals on the statistics of deprivation" (Sen 1979e, 285; Sen 1980, 366). What Sen is concerned with here is the direct perception of a case under the terms prescribed by a particular valuational perspective without going through the intermediate process of trying to grasp it in its own terms, to describe it as it is. A value judgement is thereby substituted for an evaluational judgement.

Instead Sen argues for seeing the assessment of poverty – and other ambiguous and partially opaque concepts like well-being or inequality - not as a value judgement or other subjective exercise but as "an exercise of *description* assessing the predicament of people in terms of the prevailing standards of necessities" (Sen 1979e, 287 emphases added).

The task is to make a second order professional judgement about the extent to which various first order standards or values are in fact met. Those standards are social ones and therefore reflect social value judgements, but this doesn't mean that describing how the state of various members of society measures up on these standards is itself a value judgement in the sense of signing up to those standards (Sen 1992, 107–9). Rather, it is an empirical, factual exercise. Social scientists, even philosophical ones, are not supposed to decide, of themselves, what is and is not valuable, nor even how much. That is not where their expertise or authority lies. What they are supposed to be experts in is the methodology of evaluation.

This section has discussed Sen's explicit commitments to open and objective evaluation and the role they play in his social scientific methodology of evaluation. The concern is not with how the world should be (as in mainstream justice theorising) but with understanding how the world in fact is. Values, ideals, and ethical theories, play a derivative role in this as standards relative to which how the world is doing may be evaluated. Choices about which standards to employ and how are matters of judgement by the observer, which must be explicitly stated and justified rather than asserted as a matter of personal opinion. In the following two sections I show how Sen's concern with the methodology of evaluation drives his contributions in two areas not directly related to the capability approach: his critique of the "transcendental institutionalist" approach to thinking about justice, and his entitlement approach to food security.

III. Sen's Critique of Transcendental Institutionalism

> There is a strong case....for replacing what I have been calling transcendental institutionalism – that underlies most of the mainstream approaches to justice in contemporary political philosophy, including John Rawls's theory of justice as fairness – by focusing questions of justice, first, on assessments of social realizations, that is, on what actually happens (rather than merely on the appraisal of institutions and arrangements); and second, on comparative issues of enhancement of justice (rather than trying to identify perfectly just arrangements). (Sen 2009a, 410)

Sen is extremely sceptical of what he calls the "transcendental institutionalist" approach to justice which "looks for an ideal blueprint

of social arrangements that cannot be transcended" (Sen 2008b).[72] This term brings together two distinct concerns that Sen has about the dominant contemporary approach to theorising about justice. First its 'transcendental' nature which consists of a style of 'ideal theorising' concerned with identifying the completely ideal conditions of a perfect end-state (which cannot be transcended). Second, its focus on institutional arrangements, on identifying, albeit in different ways, the perfectly just *order* of a society, without much regard for the overall *nature* of that resulting society or the nature of actual, imperfect human beings. Although these two features are distinct, Sen argues that they are generally found together in the approach to political philosophy exemplified by Thomas Hobbes, John Locke, Jean-Jacques Rousseau, and Immanuel Kant. It is this same approach, he argues, that has been predominant in twentieth century moral and political philosophy, most prominently in the work of Rawls. It has come to the point that ideal theorising about institutions is taken for granted as the necessary starting point for discussions of justice (as in the operationalist critiques of Pogge and Nussbaum).

Sen argues instead for a 'comparative' approach to justice which relates to his work on social choice theory and his understanding of its traditional concerns. He relates this to a tradition of realisation-focused comparative thinking about justice he finds in the work of the Marquis de Condorcet, Adam Smith, Jeremy Bentham, Thomas Jefferson, Mary Wollstonecraft, John Stuart Mill, and Karl Marx (though they had quite different interpretations of the basis of justice comparisons) (Sen 2009a, xvi). The idea is to focus pragmatically on identifying the agreements that exist across ethical and political perspectives, particularly about what all agree are significant injustices that should be removed. Sen argues that partial orderings based on dominance or the intersection of different individual orderings or valuational principles can, even without debate, rule out many 'extreme' choices, such as the institution of slavery.[73]

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[72] Sen has elaborated on this critique in a series of recent publications (see for example Sen 2006b; Sen 2008a; Sen 2009a).

[73] There are many ways of deriving such partial orderings, for example interpersonal preference rankings or different ethical theories – we don't have to decide on a particular ethical theory or social choice theory account before the analysis if we find a considerable intersection of their rankings with respect to a particular issue. Sen also draws on Rawls' concept of public reason as a way of extending such partial orderings through the consideration of generally acceptable (public) reasons. I elaborate on Sen's social choice approach to social justice in chapter 6.

The emphasis is on making things better (amelioration) rather than perfect. In terms of institutions, society can come to partial agreements based on the overlapping of conclusions supported by different reasoning. Certain institutions can be generally agreed to be gravely unjust, such as slavery or the legal status of women in marriage in nineteenth century England, without agreeing on what a perfectly just society would be like. The banning of slavery and the expansion of women's legal rights clearly addressed urgent injustices and made society more just (a comparative improvement). But they were not collectively motivated by, and arguably got no closer to, a shared vision of an ideally just society (Sen 2009a, ix–x). Such comparative improvements are of course further revisable in the light of changed empirical or ethical understandings and political feasibilities.[74]

For the purposes of this section I will not attempt to adjudicate the extensive and wide-ranging contemporary debate about the place of 'ideal theory' in political philosophy (Robeyns 2008; Valentini 2012), which Sen's high profile intervention has particularly prompted.[75] This should not be taken to imply neutrality, since I do find Sen's position very persuasive. I will make one small intervention, which I haven't seen elsewhere, to show that the implications of Lipsey and Lancaster's *General Theory of Second Best* provide further support for Sen's case, and also emphasise the role of judgement.

Sen's criticism of transcendental institutionalism is methodological.[76] Here I consider three distinct problems he raises. First, there is the idea that thinking about justice requires identifying a complete ordering of every state before any decision about what is the best or right thing to do can be justified. (This was Pogge's claim in setting up his critique of Sen, discussed in the previous chapter.) Sen has spent decades showing

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[74] There is much in common here with the cautious boldness recommended by J. S. Mill, for example in his *Considerations on Representative Government* (Mill 1861) in which he argues both against committing to radical 'progress' and being satisfied with the injustices of the status quo. See for example Sen's qualified defence of the World Bank and IMF in his review of William Easterly's *White man's burden* (Sen 2006c) or the article on development that he co-wrote with the president of the World Bank (Sen and Wolfensohn 1999).

[75] Sen is not the only such critic, of course (see, among others, Wolff 1998; Mills 2005; Farrelly 2007). It is also worth noting that the points he raises are quite specific to the 'transcendental institutionalist' version of ideal theorising and thus somewhat orthogonal to that ongoing debate.

[76] As John Davis notes, "Sen does not begin [*The Idea of Justice*] with the question 'what theory of justice?' – a substantive sort of concern – but rather begins with the question, 'what kind of a theory?' – a methodological sort of concern." (Davis 2012, 169)

that a complete ordering is not required for rational choice between alternatives and may in fact be counter-productive. To give a common example of Sen's, Buridan's ass was supposedly so focussed on deciding which of two haystacks was the *best*, that it neglected the possibility of making a *good* decision and starved itself by failing to choose at all (Sen 2000a, 487). With respect to more immediate issues, such as gender equality, we do not need to know what a society with true equality between men and women would look like in order to criticise many existing institutions and practices (such as in the division of labour in care and household work) as grossly and unnecessarily unfair (Sen 2012b, 175).

In fact, the pursuit of a complete ranking can distract us from the considerable scope that may already exist for making some reasoned judgements with the information and resources we do have, about identifying and addressing pressing problems. Sen identifies two ways of doing so: the principle of maximisation and the partial-intersection approach. Maximisation, as distinct from optimisation (the pursuit of the first-best option), merely says that one should always choose an option that is not known to be worse than any other. The partial intersection approach concerns finding points or ranges of agreement between different rankings of states of affairs, such as between the different rankings that different theories of justice produce. This can allow us to judge various states of affairs – such as slavery - as definitively unjust without first deciding which theory of justice is correct.

A second problem with the transcendental institutionalist approach is that it can distract us into a very abstract theoretical world of puzzle-solving at the expense of paying due attention to the important features of real world issues. The goal of generating a complete ordering may well require a narrow theoretical framework that achieves its goal by idealising away (abstracting from) significant aspects of a situation, such as inequality (utilitarianism) or disability (Rawls' social contract). Sen argues that while such theoretical constructs may achieve their goals of achieving internal consistency and providing precise answers about what justice requires, this is often achieved by deliberately impoverishing the scope of the analysis (see e.g. Sen 1999a, chap. 3).

Thirdly, the specification of first-best institutional arrangements lacks real world relevance since it simply presumes the ideal conditions that it requires. It does not provide a clear goal or even a road map

towards its achievement in a second-best world. Sen argues that the transcendental perspective is neither necessary nor sufficient to help us answer questions about comparative justice – what should we do in this world to make it less unjust – that he takes to be the important ones (Sen 2006b). As Sen puts it,

> A transcendental approach cannot, on its own, address questions about advancing justice and compare alternative proposals for having a more just society, short of proposing a radical jump to a perfectly just world. Indeed, the answers that a transcendental approach to justice gives—or can give—are quite distinct and distant from the type of concerns that engage people in discussions on justice and injustice in the world, for example, iniquities of hunger, illiteracy, torture, arbitrary incarceration, or medical exclusion as particular social features that need remedying. The focus of these engagements tends to be on the ways and means of advancing justice—or reducing injustice—in the world by remedying these inequities, rather than on looking only for the simultaneous fulfilment of the entire cluster of perfectly just societal arrangements demanded by a particular transcendental theory. (Sen 2006b, 218)

Some have argued that Sen's argument for the redundancy of theories of perfect institutional arrangements goes too far. For example, Ingrid Robeyns argues that such theorising is necessary, though not sufficient, for identifying and ameliorating injustice, exactly because it provides a picture of what it is one is seeking to achieve (Robeyns 2008; Robeyns 2012). Indeed, it seems obvious that having the blueprint for the design of the perfectly just society in one's hand must be not only helpful but essential for building such a society, and also for identifying how our present society's arrangements differ from what perfect justice requires.[77] Yet, if one switches metaphors, it is equally obvious that knowing what one's destination looks like (in terms of its institutional arrangements, as in Thomas More's island of Utopia) does not in itself provide any information about how to get there.[78] I think this shows the limitations of arguing through metaphor.

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[77] This seems to have been Rawls' own understanding of the role of the kind of ideal theory he was advancing: "The reason for beginning with ideal theory is that it provides, I believe, the only basis for the systematic grasp of […] more pressing problems" (Rawls 1999, 8).

[78] The Latin components of the word 'Utopia' suggest that it can be read both as 'good place' and 'no place'. Certainly More's actions as Lord Chancellor of England did not

Here an analytical result from economics about the place of ideal theory seems relevant. In their paper on *The General Theory of Second Best*, Lipsey and Lancaster demonstrated that the standard approach of attempting piecemeal welfare economics improvements was wrong. This approach consisted of trying to come closer to the optimum conditions required for the attainment of a Paretian optimum in any particular area of policy. For example, whenever one comes across a trade-barrier or monopoly that one can remove, one should do so. It was based on the assumption that the closer arrangements in the real world resembled the conditions specified in the theory, the closer the performance of the economy would get to optimal efficiency.

It turns out, however, that once one departs in any irremediable respect from the conditions assumed by the ideal theory, then one is in a non-ideal situation.[79] In this situation one must seek a second-best (rather than the first-best) set of arrangements. Unfortunately, in identifying what those arrangements would be the first-best rules are irrelevant. First, they can provide no positive guidance for solving the complicated multi-dimensional problem of identifying a second-best set-up (a rather more difficult problem than that for which they were designed). Second, the only thing one can know for sure is that acting as if they did provide guidance – trying wherever possible to imitate the conditions required for the first-best optimum - would generally be unsuccessful.[80] Lipsey concludes that,

> Practical policy advice requires more parochial objective functions than community welfare; must rely on formal and appreciative [verbal] theory, empirical evidence, and large doses of *judgment*; and should concentrate on making piecemeal improvements in context-specific situations. (Lipsey 2007, 349 emphases added)

This result would seem applicable to the kind of transcendental institutionalist theory Sen criticises. The blueprints for an ideal society's

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suggest that he saw the arrangements he identified as Utopian, such as freedom of religion, as providing direct instructions.

[79] "The general theorem for the second best optimums states that if there is introduced into a general equilibrium system a constraint which prevents the attainment of one of the Paretian conditions, the other Paretian conditions, although still attainable, are, in general, no longer desirable. In other words, given that one of the Paretian optimum conditions cannot be fulfilled, then an optimum situation can be achieved only by departing from all the other Paretian conditions." (Lipsey and Lancaster 1956, 11)

[80] For example "the adoption of a free trade policy by one country, in a multi-country tariff ridden world, may actually lower the real income of that country and of the world" (Lipsey and Lancaster 1956, 14).

institutions are not going to be relevant if one doesn't have all the materials one needs to build it. For example, the entitlement theory expounded by Robert Nozick in *Anarchy, State, and Utopia* (1974) is often interpreted as recommending realising libertarian arrangements for justice in acquisition and transfer. However, as Nozick notes, it is an historical account. Thus, it requires the specification and enactment of a principle of rectification to fix all historical violations of justice in acquisition and justice in transfer (Nozick 1974, 150-3).[81] Unless this requirement for rectification is met (and it seems utterly implausible that it can be), there is no basis for assuming that institutionalising the requirements of justice in transfer in the present (for example by protecting existing property holdings from redistributive taxation) will bring us any closer to true libertarian justice. A similar point might be made of Rawls' assumption of standard endowments. As long as there is substantial heterogeneity in people's ability to convert resources into valuable functionings, giving people equal resources cannot be presumed to enhance fairness in the sense of giving everyone an equal opportunity to live a life according to their conception of the good. Two people with the *same* conception of the good life might well have quite different real opportunities to advance it (Sen 1990a).

This is not to say that the ethical *reasoning* behind the selection of those institutional arrangements will not remain pertinent (cf Swift 2008). For example, an ideally just society would presumably be one in which racist and sexist discrimination was not permitted i.e. it would be characterised by an institutional rule of 'no discrimination on the basis of race or gender'. Yet there such discrimination appears endemic in all existing societies. Therefore, the same ideal of enhancing substantive equality may justify a deviation from ideal institutional arrangements (the 'no discrimination' rule) such as some form of 'affirmative action' policy or programme.[82] Whether or not an affirmative action policy is justified, and if so of what kind, is, however, highly contingent on the character of that situation and is a decision that requires judgement

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[81] Nozick's famous Wilt Chamberlin example obscures this condition, since it introduces a year zero.

[82] This is a contemporary debate, for example in America where affirmative action programmes are often challenged on the grounds that they violate laws against racial discrimination. Chief Justice Roberts, in ruling unconstitutional a school board's use of racial classification in assigning students to schools, concluded, "The way to stop discrimination on the basis of race is to stop discriminating on the basis of race" (Roberts 2007, 41). This case is also discussed by Nussbaum in her analysis of constitutional law and the capability approach, and her critique of "lofty formalism" (Nussbaum 2009a)

rather than the direct application of a rule identified by a priori reasoning.

This section has explored Sen's methodological argument against the relevance of transcendental institutionalist theories of justice for thinking about how we might make this world more just. The interpretation I have given of this critique is that one cannot escape the need for contextual and multi-dimensional evaluative exercises and that these require judgement rather than the direct application of the 'correct' theory. The next section considers a somewhat more practical example of Sen's methodology of evaluation, his entitlement approach to food security.
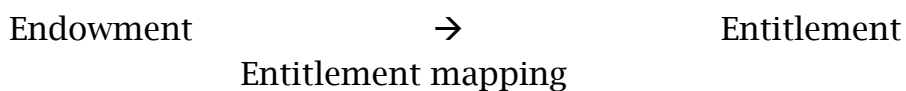
IV THE ENTITLEMENT APPROACH

Sen's entitlement approach provides a contrastive example to the very abstract critique of transcendental institutionalism just considered. It prefigures the capability approach, and can be seen as a simplified version of it in which certain features of Sen's evaluational methodology may be highlighted. It concerns a single capability (having enough to eat) and limits itself to considering legal entitlements for this. Nonetheless the combination of Sen's disaggregated evaluative methodology with loose organising concepts developed to suit it has dramatically changed how we understand and seek to prevent famines.

Sen has severely criticised what he terms the Food Availability Decline (FAD) *approach* as mistaken and dangerous (Sen 1981; 1982). It is mistaken because many historical famines have in fact been caused or exacerbated by factors other than declines in the quantity of locally available food (such as a collapse in trade entitlement in an exchange economy). It is dangerous because adherence to the FAD understanding of famines has led to egregious mistakes in the identification and policy responses to famines (and pre-famine conditions), particularly with regard to the impact of famines on different groups within the same population.

For example, Sen's analysis suggests that the Bengali famine of 1943, which killed perhaps 3 million people, was principally caused by a collapse in rural food purchasing power (particularly to agricultural labourers) due to wartime inflation and British policies, including a wartime information blackout and general disinterestedness in circumstances outside cities (Sen 1981, 441–447; Sen 1982, 52–85). It was thus a 'boom famine', caused not principally by supply side shocks

(FAD) but by demand side forces: the uneven expansionary economic forces which left out certain occupational groups and thus induced a collapse in their ability to buy sufficient food.

However Sen does not argue against the FAD *hypothesis* - that famines can be caused by FAD - only against the claim that FAD is a necessary, rather than merely a sufficient cause of famine. The FAD causal hypothesis is instead subsumed within Sen's own much broader entitlement approach as something that might affect individuals' "entitlement" to food through various mechanisms. This entitlement approach, Sen suggests, is the best way to understand all famines. People have *endowment sets* consisting of their legally owned resources, and final *entitlement sets* consisting of the resources they can legally obtain using their endowment set, while the *entitlement mapping* is the relationship between the two sets (and includes for example, production, exchange and transfer components) (Osmani 1995, 254–5). This provides us with the apparently absurdly simple diagram:

Endowment $\rightarrow$ Entitlement
Entitlement mapping

In his excellent analysis of Sen's work on the entitlement approach (Osmani 1995), Siddiq Osmani explains the significance of what might look like a definitional sleight of hand (or to Pogge merely "a new language"). Sen's entitlement approach "purports to advance no causal hypothesis, only an *organizing framework* within which various causal influences can be systematically explored" (Osmani 1995, 264 emphases added). By redefining famines as mass entitlement failures (for which FAD may be a causal factor), Sen places individuals at the centre of the analysis (Osmani 1995, 269). Starvation, as Sen forcefully points out, "is the characteristic of some people not *having* enough food to eat. It is not the characteristic of their *being* not enough food to eat…Starvation statements are about the *relationship* of persons to the commodity (Sen 1982, 1 original emphases)." One can see the continuity with the capability approach here, in Sen's focus on the *relationship* between individuals, commodities, and valuable achievements.

The entitlement approach proceeds by asking, 'do *individuals* here have sufficient entitlement to food?' (and not 'how much food is there in the area?'). If an entitlement failure is diagnosed among some people, then an explanation of its determinants is sought across the various

interconnected causal mechanisms affecting their endowment and entitlement mapping, which might for example include rural food price inflation (which particularly affects groups such as landless labourers, as in Bengal in 1943) or a decline in food production (such as caused by a drought) (Sen 1982). The diagnosis of an entitlement failure thus motivates, and its particular nature directs, a search for causes affecting the endowment sets and entitlement mappings of different (particularly socio-economically distinguished) individuals (Osmani 1995, 269). The disaggregated nature of this analysis and the flexible conceptual framework of the entitlement approach allows an open-minded search into the causal mechanisms relevant to any particular case which can often turn up unexpected relationships (as Sen illustrated with his analysis of four very different historical famines (Sen 1982)), while at the same time discriminating the asymmetric impact of such forces on differently situated individuals (Osmani 1995, 269).[83]

The entitlement approach focuses on the methodology of evaluation. Just as with the capability approach, it begins from a critique of the standard way of understanding famines, as a sudden shortage of food. That approach neglected the crucial aspect of whether actual individuals were able to get sufficient food. Thus Sen introduced this relationship as the core of his framework for understanding famines. Yet the simple organising framework he proposed is an open one which permits, and requires, the consideration of many disparate causal factors. In particular, although the framework itself is quite simple, the scope of the empirical analysis it requires is much broader than its mono-causal predecessor, in which one simply counted up the total amount of food and divided by the number of people.[84] The entitlement approach

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[83] Note that just as the capability approach is often mistaken for a theory, or confused with a particular capability theory, Sen's entitlement approach is still frequently confused with being an entitlement *hypothesis* (e.g. as claiming that famines are always caused by falls in relative purchasing power), and thus being a direct competitor with FAD hypotheses. Particular entitlement *hypotheses* can be opposed to FAD ones and tested against the empirical evidence without prejudice to the assessment of Sen's entitlement *approach* (see for an example Lin and Yang 2000). Likewise, the comparative assessment of capability and non-capability *theories* need not have any implications for the capability *approach* itself. Regarding policy, Sen himself has endorsed greater use of transfer payments (e.g. employment programmes) to shore up entitlement sets and prevent famine (which parallels his endorsement of a shortlist of basic capabilities for general development purposes) but nevertheless maintains that the wider evaluative framework always remains relevant to the analysis of a particular situation.

[84] Though Sen is careful to note the limitations of his analytical framework: real-world entitlements may be 'fuzzier'; extra-legal command of food (i.e. outside the entitlement framework) may be significant; people may consume less than their legal entitlement;

requires a much more disaggregated empirical analysis that goes beyond counting. For if the central question is the relation between individuals and food (rather than populations and food), then the different abilities of differently situated individuals to get access to food must be discriminated and given specific attention.

How we see the world matters. "A misconceived theory can kill, and the Malthusian perspective of food-to-population ratio has much blood on its hands." (Sen 1999a, 209) The persistent misunderstanding of famine long into the modern world led to millions of easily avoidable deaths. While FAD treats famines as natural phenomena, Sen's entitlement approach allows them to be seen in broader terms, as a failure of a society's political-economy arrangements to provide security of entitlement to all. That characterisation supports political action, engaging people as agents in demanding government interventions rather than as passive victims.[85] The entitlement approach, like the previous example and the preceding analysis of Sen's methodology, demonstrates the centrality of evaluation to his work. In the following sections I will turn to analysing Sen's concern with gaining an adequate understanding of the world in philosophical terms.

V. FLEISCHACKER: REFLECTIVE AND DETERMINATE JUDGEMENT

So far I have explored Sen's methodology of evaluation without attempting a philosophical analysis. It is time to provide one. Sen's foundational commitment to evaluation can best be understood, I will argue, in terms of *judgement*. I am using the term judgement in quite a specific sense, following Samuel Fleischacker's (1999) conceptual analysis of ethical judgement. I will first discuss Fleischacker's account and then in the following section the implications of this way of seeing Sen's account of the capability approach.

Fleischacker argues for distinguishing judgement from other intellectual skills such as "perceptiveness" or "analytical rigour". It is particularly significant in making decisions under uncertainty, where the uncertainty concerns "what *canons of success* it is appropriate to use"

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the high mortality associated with famines is principally caused by epidemics, which must be analysed separately (for example as due to refugee movements and breakdowns in sanitation as well as starvation-weakened immune systems) (Sen 1981, 437–439). For a critical analysis of the contribution of Sen's entitlement approach see Des Gasper (Gasper 1993).

[85] Sen argues the relative ease with which an adequately informed and motivated government can prevent famines (which rarely affect more than 5% of the population), explains why they are absent in democracies (Sen 1999c, 7–9; Sen 1999a, 160–188).

(Fleischacker 1999, 16 original emphases). That is, where we have to work out, as part of the exercise of making sense of something, what the criteria for such an understanding should be. This fits well, I believe, with what I have been claiming about Sen's concerns in evaluation.

Fleischacker derives his account of how judgement works principally from his reading of Kant's analysis of aesthetic judgement in his *Critique of Judgement,* complemented with his reading of Adam Smith. He characterises judgement as a dynamic two phase process that toggles between two interdependent but incommensurable phases in search of the best way to understand an issue before you. *Reflective judgement* is the search for the right general concept for grasping a case (which in ethics, for example, might include various conceptions of freedom). *Determinate judgement* is the application of a general concept to a particular case, to see it as one kind of thing rather than another (as liberty or autonomy, for example). The relationship between the two is described by Kant in terms of "the free play of the imagination and the understanding". [86] More specifically,

> Judgment in general is the capacity to think the particular as contained under the general. If the general (the rule, the principle, the law) is given, then the judgment that subsumes the particular is determining....If, however, only the particular is given, for which the general must be found, then the judgement is merely reflective.

Determining judgements are conclusions about how something should be understood, as one thing rather than another. That is, they consist of the application of one particular concept, rule, or principle to the object under consideration. Determining judgement is particularly dominant (that is, at the expense of reflective judgement) in disciplines in which fundamental concepts are not usually reflected upon. For example, much of the natural sciences, most of the time, are characterised to a high degree by determining judgement in which the central problem is the application of a standard theoretical account to new particular cases (data) (Fleischacker 1999, 28). Nevertheless even in such disciplines the dominance of determinate judgement is not categorical but rather a matter of degree. There is always at least the possibility of reflective judgement remaining in the background, and the routine application of the standard theoretical framework can always be

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[86] This quote, and the following, are from Kant's *Critique of Judgement*, translated and quoted by Fleischacker (pp 23 and 12, respectively)

challenged for not being properly 'responsible' or adequate to the nature of the particular case (as Sen achieved with his entitlement approach to food security, for example).

In contrast, reflective judgement is concerned with the imaginative exercise of trying to consider what kind of concept would be adequate for understanding a particular case that eludes our immediate understanding. Reflective judgement thus requires exploring whether and how various concepts, principles and rules might adequately organise our particular intuitions about the case at hand. There is a high degree of playfulness in this exercise, as different perspectives are tried out, discussed, reworked, and discarded in an indefinitely extended process.

Nevertheless, reflective judgement can be distinguished both from merely "musing" over particulars or generalities without coming to conclusions (involving feelings but not cognitive content) and abstract theorising (in which general conclusions are deduced from other generalities) (Fleischacker 1999, 8-9). It is a mode of thought particularly dominant in disciplines where "conclusions depend in significant part on grasping the features of complex and unreproducible particular cases", such as aesthetics, literature, and the social sciences (Fleischacker 1999, 9).

Reflective and determinate judgement are different sides of the same coin: where the former is engaged with considering the appropriate concepts, categories, and rules of interpretation, the latter is concerned with their application (Fleischacker 1999, 13–14). In the absence of reflective judgement, all one would be able to do is apply the same concept to everything. In the absence of determinate judgement one lost in a sea of concepts unable to come to any conclusions about what one is looking at.

Two further features of Fleischacker's account are also relevant. The conclusion of an exercise of judgement, of deciding how a particular case should be understood, remains defeasible rather than definitive. It can be re-opened and its basis reconsidered, for example in the light of new information. Another feature of judgement is its inter-subjectivity. Unlike the expression of an idiosyncratic opinion, judgement is an exercise of impartial reasoning – for example, about which aspects of a case to treat as salient and how to weight them in order to best understand it - and that reasoning should in principle be justifiable to others. Other interested parties are able to, and implicitly invited to,

consider your reasoning for themselves. While there is no requirement that others agree with your conclusion, even where they have the same information as you, there is an implicit requirement that they at least consider the way you came to your conclusions to be reasonable. The legal judge whose judgements are founded on racial bias is quickly identified and condemned. Although judgement is carried out as a private mental exercise, its goal of coming to the best conclusion carries the implication that others would also, perhaps after suitable discussion, either see your point or persuade you better.

It is worth noting the parallels and contrasts of this account of judgement with the account of "judicious spectatorship" developed by Martha Nussbaum (Nussbaum 1995; Nussbaum 2009a). Nussbaum's account elaborates an aspect of practical reason she calls "analogical reasoning" as a model for legal case analysis. The judicious spectator is recommended to attend to individuals' particular circumstances as one would read a novel. This has many superficial similarities with Fleischacker's account (even including references to Adam Smith's impartial spectator). Nevertheless it differs significantly both in form and orientation.

First Nussbaum focuses on the direct "perception" aspect of practical reason at the expense of the development and choice over abstract concepts and rules (Fleischacker 1999, 33).[87] She wants us to train our mental vision in certain ways (literature is particularly important) so that we attend empathetically to the story of people's lives that a legal case represents. This emphasis on direct perception comes at the expense of the fuller exercise of reflective judgement, of considering the relevance of various alternative and more abstract conceptual resources from which objections and corrections to a misguided immediate perception of a case can be raised.

For example, in her use of the narrative method to motivate her capability theory of justice Nussbaum frequently recounts the heart-wrenching story of Vasanti, an illiterate impoverished Indian woman rescued by a women's charity (Nussbaum 2000, 15–24). But she has been criticised for over-interpreting the voice of her interviewees in order to make them fit into her argument. Susan Okin, for example, has argued that, rather than being in a dialogue with these women, "Almost

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[87] Thus, "The CA, I hold, needs judges who reason in a certain way, with a certain quality of mind: Aristotle, describing the virtues of such a judge, called it 'perception,' contrasting it with a mere deference to rules". (Nussbaum 2009a, 341)

everything Nussbaum says about the two women, their lives, and even their thoughts, perceptions, and emotions is filtered through her, and much of is prefaced by phrases like "it seems" or "suppose" (Okin 2003, 295)."

Second, and relatedly, Nussbaum's use of this technique is rather one sided. In any particular case she only directs the judicious spectator to consider the real situation of whichever party appears to be the 'underdog'.[88] Thus, wherever Nussbaum employs her technique of judicious spectatorship on legal cases, she always tells only one (nuanced and persuasive) story of the person she has identified as the victim of injustice. One wonders whether this is because the power of narrative would allow the 'wrong side' to make persuasive arguments too. In contrast, in his examples Fleischacker presents the strongest arguments of both sides, to show how tricky it is to say which legal concept a case should best be understood under, and thus determine the judge's decision (e.g. Fleischacker 1999, 8–13).

The point of judgement, as Fleischacker presents it, is to try to make the best decision about how to treat a case by considering which among various competing framings of it best make sense of it. This is a difficult and challenging task. Nussbaum, however, seems to think that deciding who is right is actually quite straightforward. The problem is in persuading the people who do the judging of the right ethical account. But then Nussbaum's account seems limited to the promotion of her favoured ethical theory. She is interested in criticising certain kinds of prejudices (against underdogs), but her method does not provide critical distance from other kinds of prejudices one might have (including presumptions in favour of the underdog).[89] She does not endorse the kind of experimental approach at the heart of Fleischacker's account, of trying to put one's presumptions aside and look at a case in various other ways. Thus, while Nussbaum's 'perception' model may be a powerful tool for advocacy, it is simply inappropriate as a model of impartial judgement.

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[88] A point noted by others, such as Mary Sigler, who notes in her review of *Poetic Justice* that, "In Nussbaum's examples …. it almost seems that in order to decide whose story is the relevant one, we must first determine who the sympathetic protagonist is." (Sigler 1997, 623)

[89] As Nussbaum describes her approach in a recent interview, "I've always focused on the underdog, and I don't like any form of beating up on the less powerful person….I think the unity among the different issues I tackle is that I'm concerned with some relatively powerless group that's getting stigmatized or beaten up on by other people." (Nussbaum 2009b)

VI. Implications: The Role of the Moral Observer in the Capability Approach

> The [capability] approach (sometimes Sen calls it a" perspective") does not pretend to yield a "decision method" that could be programmed on a computer. What it does do is invite us to think about what functionings form part of our and other cultures' notions of a good life and to investigate just how much freedom to achieve various of those functionings various groups of people in different situations actually have. (Putnam 2002, 60)

By the 'sleight of hand' of defining advantage in terms of capability, Sen provides a general organising framework within which the relevance of various ethical and practical concerns can be systematically explored. That exploration is a sophisticated exercise in evaluation that I think falls within Fleischacker's model of judgement. It certainly does not fall within the model proposed by some critics of Sen (such as Pogge and Nussbaum, discussed in the previous chapter). In that 'operationalist' exercise there is a search for the best concept of justice, but this is understood as an exercise of analytical rigour, of theorising ("drawing general conclusions from other generalities" as Fleischacker puts it (Fleischacker 1999, 8)). There is also determinate judgement, since once the right theory of justice has been identified its concepts, rules, and principles are to be applied to all the cases one comes across. There is little here of the sense of uncertainty that characterises the full exercise of judgement according to Fleischacker, and that is so apparent in Sen's embrace of ambiguity and pluralism without "embarrassment" (Sen 1999a, 77). As Sen's analysis of the informational bases of moral judgements showed, the *a priori* exclusions of that approach mean that one will always get the same kind of answer to every case (so one will achieve consistency), but whether those answers are reasonable is somewhat doubtful. To paraphrase Sen, the result is of unleashing one's morals on the world, rather than facing up to the challenge of properly understanding the nature of the case in question.

Sen's approach to evaluation takes that challenge seriously. That is why he retains ambiguity both within the capability approach (concerning which capabilities are valuable, and the relation between functionings and capability) and without (such as the relevance of procedural aspects like fairness and liberty). Making definitive decisions

about such matters would limit the conceptual resources available to the evaluation of complex and opaque ideas like poverty and well-being. Avoiding such difficult decisions is seen as evasive by some of Sen's critics, but it actually seems a requirement for the kind of critical evaluation with which Sen considers himself concerned. (Indeed, from Sen's perspective it is those demanding complete theories who are evading the requirements of the discipline of evaluation.)

Of course, any application of the capability approach, whether for inter-personal comparison of advantage in some dimensions or evaluating the nature of poverty in a rich country, will seek a determinate judgement, and will therefore employ specific concepts and related criteria. However, the flexibility of the underlying framework means that this selection is the responsibility of the researcher rather than the theory itself. As Sen puts it,

> [A]ny description involves discrimination and selection, and the real question is the relevance of the selection process to the objectives of description. (Sen 1980, 361)

Thus, those using Sen's capability approach are supposed to engage in judgement in the full sense (both reflective and determinate aspects).

Yet a substantial criticism can be made of Sen's emphasis on evaluation, and thus on the judgement of researchers and policymakers who take up his approach. By excluding the rule of theory, this central role for judgement seems to introduce the rule of judges. This, I think, underlies Robert Sugden's concerns about the moral observer who seems omnipresent in Sen's work but whose role and accountability isn't properly explained.

> Sen addresses his fundamental question ['how a person's interests may be judged and his or her personal "state" assessed'] from many angles, and takes account of many different aspects of well-being. However, one feature that remains constant is the viewpoint from which the question is posed – the viewpoint of a moral observer, making 'judgements', 'assessments' or 'evaluations' of a person's state from outside. (Sugden 2006, 36)

The problem of depending on judges for capability evaluation is that the methodological decisions they make about how to see cases can be extremely important (for example with respect to shaping public policies, and which people they are directed towards), yet, without an

independent systematised methodology, it doesn't seem possible to hold them accountable. One must trust that they are experts and that they are honest. Adherence to the kind of methodological guidelines proposed by Robeyns (Robeyns 2005) for formulating and justifying research selections, may play a significant role in warranting this trust.[90] Nevertheless, it remains the case that the quality of such justifications can only be checked by other experts who thoroughly understand the subject area (and not only the capability approach).

Even when the methodology is explicit, the ordinary reader can have little understanding of the significance of particular decisions and their sensibleness. For example, in 2007 UNICEF published a report card on child well-being in rich countries (UNICEF 2007). Its attempt at comprehensive multi-dimensional evaluation (incorporating 40 different indicators relevant to children's well-being and rights) is very much in line with the spirit and methodology of the capability approach However, the report was not only controversial in the positive sense that it made uncomfortable reading for the citizens and governments of the countries placed lower down the list. Its methodology immediately became the object of controversy because of criticism by those who didn't like its results (particularly in the Anglo-Saxon countries that came last). Why were certain things (like children not having to share a bedroom) included? Why was relative income poverty weighted so highly? And so on. The general challenge was that many of the criteria on which the assessment was based were really matters of opinion rather than facts about well-being.

The problem is that the more sophisticated the evaluation, the more judgement is required and acknowledged in the methodological choices made, and the harder it then is for the general public to understand and scrutinise the underlying reasoning. There is thus an opacity in the evaluation of capability, despite the intuitive accessibility of the basic concept. Indeed, the controversy over the UNICEF report stands in contrast to the public success of 'vulgar' figures like GDP per capita rankings, which are perceived as being more objective because they are not subject to the whims of researchers to define in a way that suits their political agenda.

This may be the reason that Sen has emphasised, but not fully explained, various features of the capability approach that increase the accountability and diminish the authority of these moral observers. He

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[90] Robeyns' guidelines were discussed in chapter 1: IV.

argues, for example, that the methodology behind 'social evaluations' should be open to public scrutiny (Sen 1999a, 78–81). He argues for using existing social standards as the criteria for evaluation (though he allows evaluators a choice over which social standards to use) (Sen 1979e, 285-6). And he argues for the foundational importance of what the people concerned have reason to value (Sen 2008a, 231-2). In the second half of this thesis these 'democratic' aspects of the capability approach will be considered as I raise and address three distinct challenges for the capability approach.

VII. CONCLUSION

The distinction between Sen's approach and those he criticises is not only substantive (i.e. that their concepts are inadequate), but also methodological. In particular, to Sen, many seem *over-determined* with regard to their subject matter. They ignore relevant information that doesn't have a place in their theory (as with utilitarians' exclusive focus on utility, or development economists' economic metrics). They are too quick to see a case one way and fail to even consider alternative perspectives. They fail to acknowledge that the person doing the evaluation is responsible for the choice of perspectives and not merely for successfully applying the right theory.

The openness and yet objectivity of Sen's capability approach – its ability to consider the heterogeneity of individuals' capability sets and to be pluralist even in its principles of assessment – is essential to its attractiveness as a flexible framework for evaluating advantage. But that very openness is also seen by many as a problem that needs to be overcome. In this chapter I have tried to show that Sen's particular methodology of evaluation is a constitutive feature of his approach and has under-appreciated credibility and strengths.

Up to this point I have primarily been concerned with explicating and justifying a distinct interpretation of Sen's capability approach as a "framework of thought", and its place in the contemporary moral and political philosophy literature. In the second half of this thesis I will be concerned with what the capability approach can do. Each of the following chapters considers the application of the capability approach to a specific issue at a different level: practical reason (4), development (5), and social justice (6). Each chapter is organised around a challenge and contribution framework. I start by considering a significant challenge that can be made against the capability approach (respectively,

'adaptive preferences', paternalist development, and a political philosophy gap). I then show that the capability approach (sometimes suitably extended but in line with Sen's concerns and methods) can meet each of these challenges, and that this exercise also identifies and clarifies several of its specific contributions and limitations.

Chapter 4. Sen's Adaptive Preferences and Adam Smith's Impartial Spectator

> Who are you, Justice Commissar, to say the Bengali beggar's capability is less rich than the Princeton professor's? (Roemer 1998, 193)

In building his case for evaluating advantage in terms of what people are able to be and to do (i.e. their capability), a central argument given by Sen against welfarist alternatives is the problem of 'adaptive preferences'. He claims that subjective well-being alone is a poor guide to real advantage, and thus a poor basis for interpersonal comparisons of advantage, because many deprived people have had to come to terms with their material and social deprivation in order to survive. Their wants and aspirations, or their sense of well-being (happiness), cannot be relied upon to track their authentic interests or even their physical well-being since they may be a product of their circumstances. Sick people may believe they are in good health; oppressed people may express contentment about their treatment; and so on. As Sen puts it,

> The deprived people tend to come to terms with their deprivation because of the sheer necessity of survival, and they may, as a result, lack the courage to demand any radical change, and may even adjust their desires and expectations to what they unambitiously see as feasible. It is thus important to take note of the fact that in the scale of utilities, the deprivation of the persistently deprived may look muffled and muted, but also to favour the creation of conditions in which people have real opportunities of judging the kind of lives they would like to lead. (Sen 1999a, 63)

This chapter is concerned with the problem of adaptive preferences. First, what exactly are they? There are several definitions in the capability literature (notably those by Jon Elster and Martha Nussbaum), and Sen's own use of the term does not identify a single mechanism but rather a family of problems relating to deformations of practical reasoning under conditions of material deprivation and social oppression.

Second, what is the problem of adaptive preferences? It has been argued, most notably by David Clark, that even very deprived people do generally have aspirations for a better life. Therefore, he argues, adaptive preferences are not a practical problem, but at most a merely

theoretical issue (Clark 2009; Clark 2012). I argue that this dismissal is premature. Adaptation presents a significant practical problem, not only to people's lives but also to the credibility of the capability approach to evaluation.

Third, how can the capability approach address the issue of adaptation? Following Sen's own extensive use of Adam Smith's concept of the impartial spectator as "a device for reasoned self-scrutiny" (Sen 2012a, 104), I propose framing the problem of adaptation in terms of preferences that would not survive its 'transpositional' scrutiny. This makes two practical contributions. First, the impartial spectator provides a model for judicious, respectful but engaged scrutiny of suspected adaptation, which can come to reasonable judgements of some cases, though not all. Second, with respect to remediation, it suggests how "to favour the creation of conditions in which people have real opportunities of judging the kind of lives they would like to lead". The impartial spectator framework conceptualises this in terms of supporting the capability of individuals to become spectators on their own lives, by giving them access to alternative epistemic positions from which they can scrutinise their own values, desires and aspirations.

In the following section I outline Sen's account of adaptive preferences. Section II discusses the challenge posed by adaptation. Section III presents Adam Smith's impartial spectator. Sections IV and V outline the practical contributions of this theoretical perspective.

I. WHAT ARE ADAPTIVE PREFERENCES?

A minimalist definition of 'adaptive preferences' is that they are psychological states formed in reaction to personal circumstances. There are at least three fuller accounts of adaptive preferences discussed in the capability approach literature, and these are often elided.[91] Although this chapter is concerned with Sen's account, I will first outline the others, by Elster and Nussbaum, because each identifies the problem and its solution in a different way.

Elster's account of adaptive preferences in *Sour Grapes* (Elster 1982) is the most precise, and therefore the most frequently referred to in the capability literature despite the fact that it is designed for a quite specific purpose unrelated to human development or the evaluation of

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[91] In the subjective well-being ('happiness') literature in applied psychology there is still another definition of 'hedonic adaptation'. For a comparison of the subjective well-being and capability concepts see Teschl and Comim (Teschl and Comim 2005).

capability. Elster developed the concept as part of an attack on welfarist-utilitarianism as the foundation for a theory of justice: "why should individual want satisfaction be the criterion of justice and social choice when individual wants themselves may be shaped by a process that preempts the choice?" (Elster 1982, 219).

In order to make this critique work as an attack on the coherence of utilitarianism, Elster defined adaptive preferences somewhat narrowly and distinguished them from the effects of learning and experience, wishful thinking, etc.[92] What he identifies is a particular "sour grapes" phenomenon in which someone begins by wanting something, then realises that reaching it (the grapes) is impossible. The result is a cognitive dissonance which is resolved by a non-cognitive (i.e. non-conscious) re-evaluation of the situation and re-adjustment of her preferences so that she genuinely believes that she no longer wants it. To give a real world example, someone whose application to a prestigious university is rejected may come to disvalue attending it and genuinely prefer not to. The reason these preferences are problematic, from the utilitarian perspective, is that they are entirely a causal product of the feasible option set and are thus produced 'behind one's back'. If the situation changes (the university accepts her after all) the agent's desire quickly reverts to what it had been before.

Elster's concept of adaptive preferences is thus specific to a particular purely procedural account of preference formation which bypasses an agent's autonomy. Preferences are adaptive when they are induced in a particular unconscious way by changes in the feasible set of options, whatever those preferences might be about. Elster acknowledges that determining whether particular preferences are autonomously formed is implausible, but notes that one can sometimes prove that they aren't the product of adaptive preference formation. If one has the option to do or not do something, then one's preference one way or the other cannot be determined by one's opportunity set. Perhaps counter-intuitively, if one has an unfeasible preference (i.e. for something which lies outside one's opportunity set) then it also couldn't have been formed by this type of adaptation.

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[92] "[A]daptive preference formation has five distinctive features that enable us to locate it on the map of the mind. It differs from learning in that it is reversible; from precommitment in that it is an effect and not a cause of a restricted feasible set; from manipulation in that it is endogenous; from character planning in that it is causal; and from wishful thinking in that it concerns the evaluation rather than the perception of the situation." (Elster 1982, 226)

Nussbaum defines adaptive preferences as a combination of substantive mistakes and procedural wrongs (Nussbaum 2000, ch 2; Nussbaum 2001). They are preferences counter to her anthropologically derived list of central capabilities that have been formed in a non-autonomous way "deformed by ignorance, malice, injustice, and blind habit" (Nussbaum 2000, 114). With respect to justice, Nussbaum argues that preferences counter to her list should be ignored for the purposes of social choice.

> A habituated preference not to have any one of the items on the list (political liberties, literacy, equal political rights, or whatever) will not count in the social choice function, and an equally habituated preference to have such things will count. (Nussbaum 2000, 149)[93]

With respect to remediation, Nussbaum argues that the solution is for a society to provide the capabilities on her list (leaving individuals free to take them up or not). This is because Nussbaum considers that adaptive preferences respond to learning and experience in the way suggested by Mill in *On Liberty* (1859). People's desires for the core aspects of human flourishing have a unidirectional quality in that once people have tried them they tend not to want to go back, or at least appreciate the value of making this choice generally available to others even if they themselves prefer not to make use of it (Nussbaum 2000, 153).

Sen's own notion of adaptive preferences concerns the internalisation of the circumstances of poverty and oppression in the inner life of those concerned. The mental attitudes of such people may misrepresent their objective wellbeing ("physical condition neglect") and also not reflect "the mental activity of valuing one kind of life rather than another" ("valuation neglect") (Sen 1985b, chap. 3). As a result, their 'utility', whether construed as happiness or desire satisfaction, does not track what they have reason to value.

Sen's use of the term 'adaptive preferences' differs significantly from that of Elster or Nussbaum (Qizilbash 2006; Qizilbash 2009). While Elster limited his account to a single unconscious mechanism, Sen suggests that adaptation can involve diverse mechanisms – from hedonic adaptation, to informational deficiencies, to psychological

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[93] Nussbaum argues that this doesn't make her account "totalitarian" because of the various protections for pluralism and individual choice incorporated in her list (Nussbaum 2000, 105).

temperament, to moral beliefs about justice and fairness – some of which seem conscious. For example he notes that,

> Deprived groups may be *habituated* to inequality, may be *unaware* of possibilities of social change, may be *hopeless* about upliftment of objective circumstances of misery, may be *resigned* to fate, and may well be *willing to accept* the legitimacy of the established order. (Sen 1990b, 127 emphases added)

As a result Sen's use of the concept of adaptation is both narrower and broader than Elster's analysis: Sen's examples are narrower and more specific ("landless labourer"; "subjugated housewife") but its scope is broader, incorporating, for example, ideological constructs accepted by the oppressed ("objective illusions").

Thus, like Nussbaum, Sen does not define adaptive preferences in terms of any particular mechanism. But, unlike Nussbaum, he does not define them by reference to a 'correct' substantive account of beings and doings that people should universally value. Rather, the issue for Sen seems to be the abnegation of agency involved in renouncing aspirations for a better life in order to survive, and, at the extreme, a denial of self. Thus, Sen notes that

> It has often been observed that if a typical Indian rural woman was asked about her personal "welfare", she would find the question unintelligible and if she was able to reply, she might answer the question in terms of her reading of the welfare of her family. (Sen 1990b, 126)

Adaptation thus strikes at the faculty for reasoning and self-scrutiny, a faculty which Sen calls the "fourth aspect of the self" (Sen 2002e, 36) and considers constitutive to his conception of the person (Sen 2002e, 46; Sen 1999d, 24).

Elster's procedural account of adaptive preferences was driven by a critique of utilitarian theories of justice for taking account "only of wants as they are *given*" and to argue for the need for a "backward-looking...analysis of the *genesis* of wants" (Elster 1982, 237 original emphases). Nussbaum's objective account was driven by a concern that preferences against the availability of the items on her list should not be counted in the social choice exercise. Sen's concerns overlap with Elster's and Nussbaum's, but he seems particularly focused on the deprivation of agency implied by adaptation, in which a person's

capability to reflect on and scrutinise her values is restricted by mechanisms which themselves reflect her circumstances of material and social deprivation.

Yet, it has been argued that adaptive preferences are not a practical problem. Or that if they are then they are not one the capability approach is capable of identifying and dealing with. I therefore turn now to discussing these critiques of the concept of adaptation.

II. Two problems of adaptive preferences

The development economist David Clark has argued that there is little evidence that adaptation is ubiquitous or significantly harmful (Clark 2009; Clark 2012). He is particularly critical of the paucity of systematic empirical evidence to back up Sen's or Nussbaum's claims about adaptation (Clark 2009, 29). He notes that his own fieldwork experience suggests that,

> while the poor and disadvantage[d] often report high levels of happiness and life satisfaction (implying adaptation in terms of subjective well-being), they are still capable of imagining, articulating and demanding a substantially better or 'good' form of life. (Clark 2009, 26)

In particular, Clark argues that the ability of many materially deprived people to access and use information about alternative lifestyles is much higher than appreciated. For example, in one survey he reports, 90% of respondents living without access to medical facilities nonetheless said they were "necessary for a person to 'get by'" (Clark 2009, 32).[94]

In addition to his scepticism about the real world significance of adaptation as a problem, Clark identifies a particular concern that its logic produces a "retreat into social theory and high philosophy", instead of what he calls "empirical philosophy" - listening to the voices of the poor who are the real experts about poverty (Clark 2009, 28-9). In other words, the concept of adaptive preferences opens the door to paternalism, to theoretical 'experts' determining in arbitrary ways what

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[94] Though, as Clark admits, this was not what the survey was designed for and its results also revealed some evidence of Elster-type adaptive preferences. Apart from the other 10% of people without medical facilities who thought they weren't necessary, two-thirds of people who lived in shacks thought shacks were sufficient to get by, while only 25% of those who lived in houses or flats thought so (Clark and Qizilbash 2008, 536).

counts as an authentic aspiration. As Clark puts it, rather strongly,

> The million-dollar question is why are so many development ethicists, capability theorists and proponents of human need so obsessed with the adaptation problem? In some cases at least, part of the answer is that the adaptation argument can be used either consciously or subconsciously to justify and privilege elitist conceptions of well-being and development. (Clark 2009, 34–5)

The issues Clark raises present an important challenge to the concept of adaptive preferences. The argument about paternalism in particular has been echoed by philosophers, most systematically by the philosopher-economist Robert Sugden (Sugden 2006). Sugden raises the under-examined role and possible paternalism of "the moral observer" in Sen's account of evaluation: "The idea that 'we', as ethical theorists, can claim to know better than some particular individual what is good for her seems to open the door to restrictions on freedom (Sugden 2006, 34)."[95] So it is worth responding to the twofold challenge: what is the practical significance of adaptation and can the capability approach address it without paternalism?

As to the first challenge, Sen in no way suggests that adaptation is ubiquitous and notes explicitly that "that special problem …. does not, of course, yield a general case for believing …. that 'ethical theorists can claim to know better than some particular individual what is good for her'" (Sen 2006d, 88). Yet adaptation certainly does occur (as Clark acknowledges), and is hardly a new discovery (it appears in the work of Adam Smith, Mary Wollstonecraft, Karl Marx, and J. S. Mill, among others).

Sen also argues that adaptation is not only a deprivation in itself (of the freedom to reflect on and choose one's goals and values) but can also be a real problem for objective well-being in two ways. First, it can take the form of mistaken perceptions of the way the world works that have a significant detrimental effect on a person's well-being, since, for example, someone who doesn't realise they are sick is unlikely to seek medical treatment.[96] Second, adaptation also concerns perceptions of how the social world works, which can induce people to see oppressive

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[95] Sugden seems to have in mind Sen's use of the 'device' of Adam Smith's impartial spectator (Sen 2006d, 88), and this provides a further motivation for my exploration and elaboration of that device here.

[96] As Sen noted in his comparison of self-reported health and actual life expectancy in different parts of India (Sen 1993a, 134–5).

conditions as legitimate, fair and entirely reasonable. They thereby influence people's sense of what kind of life they deserve to have, and also what kind of life other people think they deserve to have. These problems are connected, since social norms may often be understood as facts about the natural world. For example, perceptions about what girl and boy children need can influence perceptions of what they deserve to get (as Sen's empirical research on children's health has shown).[97] On the assumption that the well-being of one's children is something one has reason to value, if a child's health suffers because her caring parents hold such mistaken beliefs, then the parents' lives too would seem to be harmed.

That example is pertinent, since Sen's most extensive and systematic analysis of adaptive preferences has concerned issues of gender inequality. Indeed, he notes that it was his exposure to feminist ideas that stimulated his interest in adaptation mechanisms (Sen 2003a, 319–324). It is rather difficult to dispute the scale and urgency of the real world problems for well-being that can be related to invidious gender norms (held both by men and women). Sen points out that the relative deprivation of women in a country can often increase even while aggregate well-being increases (in terms of longevity, literacy, nourishment, etc.). He has also shown that up to 100 million women are missing from the world's population as a result of sex-selective abortion and physical neglect relative to males at every stage of life (Sen 1990d).[98]

In particular, Sen has contributed an original approach to understanding the relationship between men and women within a household in terms of 'co-operative conflicts' which builds explicitly on the problem of adaptation (Sen 1984a; Sen 1989c; Sen 1990b). This framework unpacks 'the household' into its constitutive persons with their own distinct interests, and perceptions of their interests (usually amalgamated together or ignored in standard micro-economic representations). Men and women within a household are considered as engaged in a 'bargaining' exercise over the division of the gains of co-operation. That division will be influenced by relative bargaining power,

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[97] Girl children were perceived to have different (lesser) care needs than boy children. For example, girls had to be much sicker to be taken to the hospital. But this was not understood by the parents as gender discrimination. Unsurprisingly, however, the result was that boys were generally better nourished and in better health. (Kynch and Sen 1983; Sen and Sengupta 1983)

[98] These are women who would be expected to be alive given the number of men who are alive, if natural (biological) birth ratios and survival rates under conditions of equal nutrition and care were determining the outcome.

which may be influenced by men's generally physical dominance and better relative 'fall-back' positions (i.e. their ability to prosper outside the marriage). But it may also be significantly influenced by *perceptions of fairness* concerning both the status of different parties' contributions (for example by placing a higher value on household contributions from non-domestic waged labour), and also the perception of legitimate needs.

This is a problem for justice, but is it a problem for the evaluation of capability? I believe it is, for two reasons. First, because the evaluation of individual advantage "require[s] some understanding of what the person would want to have and have reason to value having" (Sen 2002e, 5). Adaptation makes this difficult to discern. Second, because such an evaluation should be able to note the specific deprivation involved in adaptation: whether people are in the grip of "a valuational mist that engulfs all and which works by making allies out of the victims" (Sen 2003a, 320).

Consider for example the introduction of cheap prenatal gender screening across India and China (closely connected with a birth ratio dramatically skewed towards boys in some regions). Should we evaluate this new *ability* of even quite poor women to choose the sex of their children as enhancing their *capability*? While being able to guarantee not having a female child might be quite a rational thing to want in particular social circumstances, that is not the same thing as being what the women themselves have reason to want. Rationality in this sense is concerned with a merely instrumental aspect of practical reason - relating means to ends - rather than the determination of ends themselves. The *rationality* of preferences thus does not demonstrate their *reasonableness* (Sen 2002e, 39). If such a preference is the result of rational acquiescence to invidious social norms and the coercive demands of family members, then it is a textbook case of adaptation.

Thus the fundamental problem posed by adaptive preferences relates not to their ubiquity, but to the uncertainty they introduce to the evaluation of advantage in terms of what the people concerned have reason to value. Without evidence of the reasoning process, "The mental metric of pleasure or desire is just too malleable to be a firm guide to deprivation and disadvantage" (Sen 1999a, 63).

Let me now turn to the second challenge, can the capability approach address the problem of adaptation without paternalism? One obvious but limited route is to distinguish what Sen calls the "well-being

perspective" from the "agency perspective" (Sen 1985a; Sen 1993b). Whereas welfarist-utilitarians only consider subjective well-being, the capability approach can directly identify failures and successes in objective dimensions such as literacy, nourishment, health, and so on. Whether or not someone is under-nourished is a factual matter that can be determined in an empirically objective way. If one accepts Sen's argument that such facts matter to the evaluation of well-being then this is an important exercise that can be carried out even where adaptation is significant. For example, the well-being of the "typical Indian rural woman" who cannot distinguish her own well-being from that of her family could be evaluated in terms of health, nutritional status, literacy and so on (Sen 1990b, 126). Thus, if the capability approach were restricted to considering objective well-being achievements, and to evaluating this in terms of a relatively narrow set of dimensions generally agreed to be essential, it would be able to deal with the problem of adaptive preferences by parenthesising it (together with subjective well-being in general).

Yet the cost of this narrow use of the capability approach is that its foundational concern with agency and freedom would be excluded from practical application. While it seems reasonable to suppose that health, literacy, nourishment, and so forth are capabilities everyone has reason to value, it is not reasonable to suppose that they are the only things people have reason to value, or even the things that people have most reason to value. The objective well-being use of the capability approach would be unable to distinguish between fasting and starving, for example, and would evaluate Gandhi's use of fasting as a powerful tool of political and religious protest only in terms of its negative effects on his physical well-being.

In *Well-being and Agency* (Sen 1985a), Sen notes that consideration of well-being is in terms of externally determined criteria, such as prevailing standards, while consideration of agency takes the person concerned as the source of the relevant evaluative criteria. To consider someone's advantage *only* from the perspective of well-being is, Sen suggests, appropriate where agency is absent, that is, for young children and the severely cognitively disabled (Sen 1985a, 204). The risk of paternalism here is eloquently expressed in Lionel Trilling's warning about the wilful, imperious and impatient nature of our moral passions,

> [W]e must be aware of the dangers which lie in our most generous wishes. Some paradox of our natures leads us, when once we have made our fellowmen the objects of our enlightened interest to go on to make them the objects of our pity, then of our wisdom, ultimately of our coercion. It is to prevent this corruption, the most ironic and tragic that man knows, that we stand in need of the moral realism which is the product of the free play of the moral imagination. (Trilling 1948, 27)

Trilling points directly to the temptations towards despotic paternalism inherent in benevolence. That temptation seems especially likely in the case of development work, where asymmetries of power, and social and cultural distance are especially great. Trilling was a literary critic and, like Nussbaum (e.g. Nussbaum 1995; Nussbaum 1997), saw literature as an important means for learning to consider other people's lives and how their lives feel to them. In the argument that follows I will show that we need more than empathy with others, and that Adam Smith's impartial spectator provides a more general account of the importance and role of "the free play of the moral imagination".

This section has considered whether adaptive preferences are a real problem, and, if they are, whether the capability approach itself is in a position to address them without paternalism. I have argued that the phenomenon of adaptation can indeed be a big problem for people's capability to live the kind of life they have reason to value. Their harm is both instrumental (negatively affecting other valuable capabilities) and intrinsic (a deprivation of what Sen calls "the fourth aspect of the self"). I have also argued that the capability approach's main way of dealing with adaptation, by setting all subjective values aside, is an evasion of the central challenge they pose: to adequately consider how advantaged a person is *from the agency perspective* i.e. without falling back entirely on the limited informational base of how well they are doing in terms of what are generally considered (by other people) to be valuable functionings. That evasion limits the scope of capability evaluation, and, moreover, can have a paternalistic character insofar as it treats responsible agents as if they are children or severely cognitively disabled.

To the extent that the agency perspective is considered constitutive of the capability approach, it requires an explicit evaluative framework for dealing with adaptive preferences that is sensitive to the deformation in practical reasoning that can be induced by deprivation,

but also liberal in its fundamental respect for the agency of those concerned. It should address Clark's concerns about retreating into high theory and neglecting the voices of the poor. That framework, I suggest, can be constructed from a suitably adapted model of Adam Smith's impartial spectator.

III. ADAM SMITH'S IMPARTIAL SPECTATOR

In the *Idea of Justice,* and elsewhere, Sen makes extensive use of Smith's impartial spectator in thinking about the demands of justice and in particular for thinking about their reach across cultural and political borders, for what he calls 'open impartiality'. The basic idea, as Sen puts it, is "the requirement when judging one's own conduct, to 'examine it as we imagine any other fair and impartial spectator would'" (Sen 2002d, 449). I won't be concerned here with Sen's use of the impartial spectator for cosmopolitan evaluation, however, but will focus instead on whether the impartial spectator can play a different theoretical and practical role, in the conceptualisation, evaluation, and remediation of adaptive preferences. In this section I will provide an abbreviated outline of Smith's idea of the impartial spectator and its underlying moral psychology from his *Theory of Moral Sentiments* (Smith 1759) focused on those aspects that are relevant to the specific issue of adaptation.[99]

Smith argued that moral life was structured around an emotional economy mediated by sympathy and oriented towards harmony. In the sentimentalist tradition of the Scottish Enlightenment, Smith understood emotions as having cognitive and normative content, incorporating actors' general beliefs and concepts and their specific judgements of particular situations. That cognitive content could be vicariously grasped and evaluated by a critically engaged spectator who conducts three distinct operations. First, diagnosing the emotions expressed by an actor (from their expressions, talk, and actions). Second, considers how she would feel in the actor's position (sympathy). Third, bringing the results of those together and evaluating whether the

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[99] For a fuller critical analysis of Smith's impartial spectator and its role in his moral philosophy see D. D. Raphael (Raphael 2007).

Note that Nussbaum has also made some use of Smith's account in *Poetic Justice* in support of her "analogical reasoning" approach to the philosophy of law (Nussbaum 1995 particularly 72-77). I do not believe she has Smith quite right, however, and will be pursuing a different interpretation. (She appears to reduce Smith's account of sympathy to the exercise of empathy and the feeling of pity, and refers to his impartial spectator as the "judicious spectator".)

actor's emotions are more or less appropriate for the situation as she understands it.

In this account sympathy should be understood adverbially, as applying to an emotion felt *sympathetically,* according to the spectator's own feelings when imaginatively transposing herself into an actor's position. Sympathy is thus not necessarily a concordance of feelings between actor and spectator because their assessments of the relevant situation may vary. It is the *situation* that generates the spectator's own sympathetic feelings, which she then uses to evaluate the propriety of the actor's behaviour. For example, if one saw someone being mistreated and they said 'thank you' afterwards, one would have the strong first impression that there was something wrong with the victim as well as with the assailant. Smith's concept of sympathy thus refers to a rigorous procedure of transpositional evaluation, rather than an emotional state of unquestioning compassion (as the word 'sympathy' is now often understood). Thus,

> The propriety of a person's behaviour depends not upon its suitableness to any one circumstance of his situation, but to all the circumstances which, when we bring his case home to ourselves, we feel should naturally call upon his attention. If he appears to be so much occupied by any one of them as entirely to neglect the rest, we disapprove of his conduct as something we cannot entirely go along with, because not properly adjusted to all the circumstances of his situation. (Smith 1759, V.ii)

Sympathy depends on what Smith considered a natural human capacity, as fundamentally social creatures, for imagining ourselves in another's situation, combined with a natural human disposition to seek harmony (also seen in our propensity to "truck, barter, and exchange"). It thus works through and over our Protagorian limitations: that we can only judge others by our own standards (Smith 1759, I.I.29). Successfully imagining oneself in another's situation is an exercise in interpretation. It thus takes place against a background understanding of human nature and morality. This is not a view from nowhere, but rather reflects the spectator's own expectations and standards. Individuals naturally develop these over their lives, in their reflective judgements about their socially learned norms and ideas, combined with their own personal experiences (which can include vicarious experiences such as provided by news reports and the fictional depictions of the human condition found in drama and literature) (Fleischacker 1999, 41–55).

Smith sees this dialectical relationship literally at work in the moral development of individuals and societies. Children, for example, quickly learn to view themselves as other people do and thereby to internalise the social standards they learn from what brings praise or blame. In turn, those standards are of great social interest and are continually discussed, analysed, and debated even if more generally in the form of moralised gossip than high philosophy (Fleischacker 1999, 51).

By internalising this sense of social propriety we learn to see ourselves from the perspective of other people in general, or to imagine how we would appear to any disinterested bystander or *impartial spectator* (Smith 1759, III.iii). Yet Smith did not believe that the mechanism of the impartial spectator stopped there. Once learned, the skill of imagining an impartial spectator can be logically extended as a resource for Socratic self-scrutiny. One can imagine an ideal impartial spectator who is the distilled essence of spectatorship: engaged but detached; without biases, but with all the knowledge about the situation one possesses.[100] One can then ask, can this impartial spectator sympathise with these values or actions of myself or others?

Smith argues that this device allows the ethically developing agent to transform his original sense of *social propriety* into a sense of *morality* proper. In this mode the ethical agent can turn his scrutiny on the original social norms themselves. Not only does the ideal impartial spectator judge one's own behaviour in the light of the standards one acknowledges in one's calmer moments one should uphold, whether of honesty, prudence, or proper manners. It also critically evaluates the quality of those standards and one's understanding of them.

Smith emphasised that this use of the impartial spectator required wisdom as well as motivation (virtue). Arriving at and properly understanding the best moral standards requires careful thought rather than social osmosis, in terms, for example, of the examination of the qualities and external coherence of one's current moral beliefs. For example one can test the basis of the judgements one makes of others by applying them to oneself. This can both expose mere prejudices and prompt us to revise our moral norms and treatment of others.[101] Smith

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[100] It should be noted, however, that Smith's impartial spectator remains firmly grounded in the limited capacities and information of actual people. It is thus 'ideal' only in aspiration, and is not a contribution to ideal observer theory, as Rawls for example interprets it (Rawls 1999, §30).

[101] Smith, for example, used the contemporary European condemnation of Chinese foot-binding practises as a mirror to reveal the parallel injustice of the unexamined

suggests that this capacity allows the emergence of morality proper, rather than merely the reflection of dominant social norms. Indeed it provides the resources and authority for an individual to question and dissent from prevailing social norms.

Smith attempts to turn the weakness of the parochial beginnings of our moral practises into a strength, by showing how the impartial spectator works as a ratchet to generate support for an objective transpositional ethical perspective out of the base materials of our ordinary prejudices. Yet the idea of the impartial spectator is normative as well as descriptive – it should also improve our performance as moral agents. For example, it should influence how we assess others, so that we try to sympathise with others' situations as an *ideal* impartial spectator would, setting aside our prejudices but not our knowledge. This both provides a stronger motivation to be open minded in one's moral evaluations of other people's situations and conduct, and holds those evaluations to a high standard of objectivity.[102]

Smith's system uses the force of socially shared norms to get up and running but the system itself contains checks against both the risks of narrow minded parochialism and also against a flawed or arrogant ideal impartial spectator. This is necessary because, while such ethical reflection may aim for the transcendental impartiality of the ideal spectator, it can never entirely achieve this since it is, in the end, founded on the same social tribunal upon which it seeks to judge (Smith 1759, III.ii). The ideal impartial spectator is thus required to toggle between our social and ethical understandings to refine our common sense prephilosophical concepts and practices (Griswold 1999, 24), rather than providing omniscient and final judgement from on high. It is a humble creation, well aware of its own fallibilism and therefore ready to reconsider its judgements and the general moral rules it lays down for itself, in the face of any relevant new evidence, including strongly expressed or well-reasoned opposition from other people.

Smith's moral psychology offers a framework for understanding what is at stake in adaptation – the capability to be a spectator upon oneself – and the nature of adaptive preferences - values, preferences, and aspirations which the impartial spectator would not go along with. In the next sections I will show how this perspective can provide

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European custom that compelled women to wear physically disfiguring corsets (Smith 1759, V.i.8).

[102] And this is something Smith illustrated in his own practise, in considering non-European cultural mores (Pitts 2005, chap. 2).

practical guidance for the methodology of evaluation and the remediation of adaptation.

III. EVALUATION

The capability approach's concern with the effective freedom of individuals to lead a life they have reason to value requires a counterfactual mode of evaluation. The observer must assess not only those functionings an agent achieves but also what other valuable opportunities they really had. This is further complicated in that the source of valuation is supposed ultimately to be the individuals concerned (the life they have reason to value), and so the observer must not only come to a reasonable assessment of an actor's situation, but also consider the actor's own evaluation of that situation and its reasonableness in turn. As Sen notes,

> [A]n assessment of the opportunities a person has would require some understanding of what the person would want to have and have reason to value having…..[but] the concept of rationality must accommodate the diversity of reasons that may sensibly motivate choice. (Sen 2002e, 5)

Close attention to the agent's particular case is required and one cannot read off an agent's lack of freedom directly from her well-being, nor her rationality from the well-being implications of her choices. It is part of an agent's freedom, for example, that she may choose to exclude certain options which might enhance her well-being but which are excluded by social or deontological norms that she chooses to obey (Sen 2002e, 18). Yet this freedom also implies that she cannot be required to be moral, in the sense of adhering to the 'correct' or indeed any moral theory or precept. As Sen puts it, "The demand of rationality is not so much to require conformity to any particular set of goals or values, but to demand that both one's goals and non-goal values should be supportable through careful assessment and scrutiny" (Sen 2002e, 41)

The concept of the impartial spectator makes two contributions to the methodology of evaluation, concerning the ethos of what Sugden calls the "moral observer" and guidance for diagnosing adaptation. As I noted in outlining the impartial spectator, Smith believed that his concept performed real normative as well as descriptive work, in holding people to a higher standard not only in their self-regarding actions and thoughts, but also in their understanding and normative

judgements of others. The dichotomy between actor and spectator can be applied to the action of spectating itself, so that the person acting in the role of 'moral observer' - charged with judging the effective freedom of strangers - is called on to consider her conduct and methodological choices with regard to what an impartial spectator can go along with. The key elements of this seem to me to include a presumption that those one is assessing are indeed responsible agents with reasons of their own; a commitment to understanding their situation as the agents concerned do; and a commitment to continual scrutiny of one's own expectations and normative standards.

Although the observer may ultimately disagree with the actor's own assessment, her first imperative is to try to find a way to agree, and therefore she will first attempt to bring the actor's case home to herself by imagining herself as far as possible in the actor's situation, while retaining her own perspective - identity, standards, and knowledge. That knowledge should include the best possible synthesis of the findings of relevant empirical research, and of the possibility of alternative social arrangements. Alexander Broadie suggests that the relationship is characterised by the same sequence of "surprise, wonder, and admiration" found in Smith's writing on science (and structurally parallel to the famous sequence of "truck, barter, and exchange" found in *The Wealth of Nations*) (Broadie 2006, 177). First comes *surprise*, in which the moral observer identifies a dissonance in his own and the actor's reactions to or judgements of a situation. This sets the dutiful observer to *wonder* at the actor's behaviour by subjecting the case to further scrutiny including putting himself in the actor's shoes. Finally, if the exercise is successful, the spectator will resolve the dissonance and come to *admire*, i.e. go along with, the actor's behaviour.

The spectator begins from the assumption that the actor is a perfectly competent agent, but may be struck by aspects of the actor's situation that conflict with her own presumptions and raise a question over the freedom or agency of the actor (*surprise*). Surprise is most likely when a person's situation and self-assessment appear extremely out of line to the spectator's normal presumptions, for example where very basic capabilities such as freedom from violence are absent but the actor not only expresses satisfaction with that state of affairs but endorses it.

Surprise induces the spectator to attempt to understand this disjunction by considering, as an impartial spectator should, whether he

has missed or misunderstood any significant elements of the situation that might make the actor's behaviour intelligible and reasonable (*wonder*). This can include consideration of relevant empirical work, for example within sociology and psychology, which identify mechanisms of adaptation, and their symptoms, for example, in the case of women unable to consider leaving a violent relationship. If the dissonance continues it may become reasonable to consider whether the actor herself has really considered (or had the chance to consider) her situation properly. For example, it may seem that she has failed to consider all the salient aspects of the situation, or is ignorant of important facts about the issue or alternative perspectives on it. In seeking a reasonable explanation for this behaviour, the spectator may seek more information and, if feasible, even ask the actor to provide reasons to go along with her behaviour. This can continue until either the spectator-actor evaluations converge (*admiration*) or (further) convergence appears impossible to reach.

In this process, the spectator may be forced to reconsider some of his original presumptive interpretative rules as perhaps not applicable to this case in the way she expected or perhaps discard them as prejudices. Close scrutiny of the case of a transgender person who considers that she is a woman trapped in a man's body, for example, may lead the spectator to revise his preconception that such feelings are symptoms of mental illness, and thus substantially alter his evaluation of that person's advantage in terms of her capability to live the kind of life she has reason to value.

In another case, such as of the preference for gender-selective abortion in some parts of India and China, close scrutiny of the relevant sociological literature and qualitative interview surveys may lead the spectator to confirm his initial impression that this is very likely induced by oppressive circumstances. Rather than being considered as a freedom that these women have reason to value, access to sex-selective abortion would then instead better be seen as an aspect of the perpetuation of unfreedoms associated with the general social disvaluation of women. And this would be consistent with the conclusion that, in their social and domestic circumstances, access to sex-selective abortion significantly enhances those women's well-being. That is to say, such a conclusion suggests that if these women were able to make a choice about the kind of world they lived in, they would prefer one that did not require them to settle for such aspirations.

There are obviously major limitations to this approach. Judging another person's use of, or capability for, self-reasoning is inherently difficult and only relatively clear cases may be judicable by an external impartial spectator. As Sen notes, "Seeing rationality as a discipline of reasoned scrutiny does not yield – or even attempt to provide – any sure-fire 'test' of whether a person is or is not being rational" (Sen 2002e, 48). For example, sometimes there may be good reason to conclude that some adaptation is occurring - such as evidence of the general acceptance of iniquitous gender norms about employment aspirations and treatment - without being able to say whether any particular individual's values and aspirations about work are the result of adaptation, rather than a personal conception of the good which incorporates social norms in a way that makes them their own.

V. REMEDIATION

> An Afghan girl today, kept out of school and away from knowledge of the outside world, may indeed not be able to reason freely. But that does not establish an inability to reason, only a lack of opportunity to do so. (Sen 1999d, 26)

As I noted, Sen argues that the capacity for "self-reasoning", of submitting one's own goals and values to critical scrutiny, is a constitutive feature of human persons. Yet that innate capacity requires the right kind of opportunities to be realised. Nussbaum considers that once universal access to the objectively valuable functionings she identified could be established, maladaptive preferences not to have those capabilities (formed through ignorance, malice, and so forth) would wither away. For example, one can provide services and security for people trying to escape domestic violence without determining who is or who is not suffering from it. And one may expect that many people will manage to seize such opportunities, as in the case of Vasanti (one of Nussbaum's interviewees). However, as Qizilbash notes, in such cases one should not count the provision of such opportunities as enhancing people's capability sets, since one cannot tell whether they are actually able to *choose* to take them up (Qizilbash 2008, 61–2).

In contrast, Sen emphasises a different kind of opportunity – the opportunity to reason about one's preferences.[103] Though these two

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[103] "What the critics of unreasoning acceptance of persistent deprivation want is more reasoning about what ails the perennial underdogs, with the expectation that, with

approaches are not mutually exclusive, their specific policy recommendations are quite different in their focus. The impartial spectator framing of the problem of adaptation elaborates Sen's general concern with opportunities for reasoning into a more specific programme of giving people the opportunity to become spectators on their own lives by giving them access to alternative epistemic positions from which they can scrutinise their values and aspirations.

Sen is a strong proponent of the contribution of "transpositional scrutiny" to overcoming the problems of parochial ignorance or prejudice. Different perspectives are treated as epistemic resources rather than separate islands. By familiarising oneself with a number of such perspectives one can come to synthesis a much better overall picture of the object one is looking at than any one perspective could supply, and also identify the inadequacies of some perspectives (cf Anderson 2003).

Although Sen has not explicitly referred to Smith's impartial spectator in the context of adaptive preferences, he has argued that it facilitates the transpositional approach to evaluation he takes to be central to practical reasoning and human agency.

> [T]here is a crucial need (1) to examine the world in the light of the values we have, and (2) to examine these values themselves and to scrutinize the justification we can give for them. It is for facilitating a serious and deep re-examination that Adam Smith invoked his innovative device of an imagined 'impartial spectator' who looks at our choices and behaviour, using a wide set of alternative values – possibly quite different from those which we instinctively accept – and invites us to think critically about our own values, in the light of other ones which we can consider and scrutinize. (Sen 2012a, 103)

Sen's concern with transpositional scrutiny is particularly clear in *Positional Objectivity* (Sen 1993a) which analyses the significance of an observer's position for objective assessment. Sen notes the phenomenon of "objective illusions", such as that the 'moon is the same size as the sun' which are strictly false (hence 'illusions'). Nevertheless they are *objective* illusions in the sense that anyone else placed in the same 'position' - i.e. with the same sensory and information parameters (including related knowledge about optics and astronomy) - would see

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more scrutiny, the 'well-adapted' deprived would see – and 'feel' – reason enough to grumble." (Sen 2009a, 275)

things the same way. They are not delusions. They are position-dependent but person-invariant.

Interestingly, Sen argues that this analysis is particularly relevant to diagnosing and countering adaptation (Sen 1993a, 134–5). Sen sets out the difference between self-assessed morbidity between the two Indian states of Kerala (high) and Uttar Pradesh (low). If self-assessed morbidity levels reflected actual sickness levels then we would expect the people in Uttar Pradesh to be generally healthier, but the data on life expectancy suggest the opposite (Kerala: high life expectancy; Uttar Pradesh: low). There is a dissonance here that needs to be resolved, and Sen suggests it is due to the fact that the people in Uttar Pradesh have, on average, different understandings and expectations of health, and that this is related to their much lower levels of public health provision and education, especially about illness prevention (as compared with Kerala). The self-assessed health statistics in Uttar Pradesh may be rational from the restricted perspective most people there occupy (without reasonable information and expectations about health), but they do not stand up to transpositional scrutiny. The solution here seems obvious – to introduce people to other epistemic positions on health, most obviously by increasing health provision and health education in the area, so that the "objective illusion" of good health disappears together with the position from which it made sense.

When Sen turns to gender disparities in self-assessed well-being, he notes that the women's perspective here is entangled in opaque cultural norms which they themselves may uphold but which are rarely made explicit because they are not the kind of thing one talks about (Sen 1993a, 135–6). Nevertheless their perspective could be represented as a very specific set of positional parameters, and, Sen implies, the exercise would be a very useful one because it would make implicit tacit norms and beliefs explicit, and this is a first requirement for being able to subject them to critical scrutiny. It invites those concerned to be spectators on their own lives.

Providing people with opportunities to become spectators on their own lives can be justified as a development goal in its own right and as instrumentally significant for other valuable capabilities. It can take many innovative forms, from dialectical interventions by development agencies to entertainment education.[104] For example, in one action

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[104] A further important opportunity, discussed further in the following chapters, is political participation, which challenges participants to articulate their values explicitly

research programme focused on eliciting and supporting women's life aspirations, the researchers included the question,

> Imagine that you have a birthday or a celebration many years from now. Imagine you are now older. Imagine you have had a good life, a happy life. Your family and the community have come together to celebrate your birthday and your achievements. Imagine that you also feel very happy and thankful that things have worked out so well for you. What is it that you have achieved in this life you have imagined? What is it that you see in your life when you look back? (Conradie and Robeyns Forthcoming, 9)

Other examples include the use of character driven narratives, rather than information or exhortation driven lectures, in public education radio and television broadcasts. This is a more demotic and carefully targeted version of Nussbaum's promotion of literature for understanding other lives. The aim, ultimately, is to provide people with the opportunity to view their own values, desires, and aspirations from a critical distance by giving them imaginative access to other possible lives, as alternative epistemic positions. A famous example of this is *Taru*, a radio soap opera series broadcast by All India Radio (AIR) in Bihar state during 2002/3 (Singhal 2010; "Soap Operas - Art Imitating Life" 2012). One of the story lines was of a little girl who demanded to have a birthday party like her brothers got to have (unlike girls, boys in Bihar generally have their birthdays celebrated as well as receiving better nutrition, education, care, and more positive attention from family and community adults). The story line built up over a number of weeks, following the persistent birthday girl through the tribulations and joys of organising her party, from sending out invitation cards to choosing her cake. Soon after it was broadcast, birthday parties for girls were being reported all over the state, along with a great deal of explicit discussion about gender equality.

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and convincingly (i.e. in a way that others can go along with) and which also submits value claims to the public scrutiny of various perspectives.

VI. CONCLUSION

> The underlying motivation [of the capability approach] – the focusing on freedom – is well captured by Marx's claim that what we need is 'replacing the domination of circumstances and chance over individuals by the domination of individuals over chance and circumstances'. (Sen 1989a, 44)

Adaptation to material poverty or social oppression seems to represent the quintessential dominance of social and material circumstances over people's lives, and is a significant harm and a deprivation in its own right. Diagnosing and addressing it must be a particular priority for the capability approach.

The problem is in doing so without making the mistake either of treating agents as children or of endorsing, and thus perhaps entrenching, the oppressive circumstances. I have argued that Adam Smith's device of the impartial spectator can play a role in diagnosing and remediating (or preventing) adaptation. First, those concerned with the evaluation of the capability of individuals should adopt the model of the impartial spectator in their ethos and methodology. This is not the assertion of a single 'reasonable' substantive perspective (such as Nussbaum's list of central capabilities), but a concern with tracing the reasoning of the actors involved. Second, from this perspective the problem of adaptation lies in the inability of individuals to consider their lives – and their values, desires, and aspirations – from a critical distance. Addressing this requires providing people with opportunities to become spectators on their own lives.

Chapter 5: Transformation Without Paternalism[105]

> So act as to treat humanity, whether in thine own person or in that of any other, in every case as an end withal, never as means only.[106]

Human development is a transformational project.[107] It is about changing people's lives for the better. This is so obvious that one might suppose it wouldn't need saying. And yet the transformative nature of development has controversial implications that are rarely explicitly considered. Do the people concerned agree that their lives are deficient? Do they freely consent to the process of development, or is it something that is done to them? Are they better off after development than they were before, or merely changed? Intuitively, something is amiss if we cannot give positive answers to these questions. Should we even call it development? This chapter is concerned with elucidating the ethical implications and constraints that follow from examining the idea of development as transformation. These issues have, I believe, been relatively neglected in the development literature, including that of the human development approach.

Other 'conventional' accounts of development may fudge the issue of transformation by speaking only of enhancing people's *capacities* to live well, for example in terms of meeting people's existing basic needs, or increasing their ability to satisfy their existing wants (perhaps by increasing their 'budget' through economic development). In such accounts, people are understood as essentially passive and static *with respect to the development process itself*, and the challenge of development is merely to help them to better live the lives they now have. In contrast, the human development approach has directly

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[105] This chapter is adapted, with minor amendments and the inclusion of some new material (the communitarian critique and the Gram Vikas case study), from a paper co-written with John B. Davis. I am grateful for his collaboration and for his permission to re-use our joint work here.

[106] This quotation, from Immanual Kant's *Fundamental Principles of the Metaphysics of Morals,* is the epigraph with which Sen begins his overview of the capability approach *Development as Capability Expansion* (Sen 1989a, 41).

[107] The 'human development approach' is the development focused interpretation of Amartya Sen's capability approach promoted by the United Nations Development Programme (UNDP). In this chapter 'capability approach' and 'human development approach' are used synonymously.

transformational goals: to expand people's freedom to live the kinds of lives they have reason to value. Not only is its focus on the people rather than the means of development, but it actively engages those concerned in two ways in an approach to development understood "as a participatory and dynamic process" (UNDP 1990, 11). Its goal is that people become more truly the authors of their own lives, and it considers this active authorship also the means by which development should be achieved (cf. Sen 1999a, 18–9). The human development approach thus has no choice but to face up to the conceptual and ethical implications of personal transformation.

The general risk in neglecting the ethics of transformation is of paternalism, of substituting one's own values for those one is trying to help. This is an ever present danger in work on development and one which can creep in all too easily in the company of good intentions. This chapter seeks to make three distinct contributions to preventing paternalism in development, one theoretical and two practical.

First, although the capability approach *understands* persons as agents, it *represents* people in terms of their location in the capability space (that is, in terms of the set of functioning n-tuples to which they have effective access). This way of representing persons can be problematic to the extent that it suggests a thin, static, and passive sense of personal identity that distorts evaluation or policy. I address this by introducing the concept of a 'personal identity capability', which is an account of personal autonomy analyzed as a capability. Thus theorized, persons can be understood not only in the general, somewhat diffuse sense of the agent as a "doer and a judge" (Sen 1985a, 208), but considered more precisely in terms of their capability to take up a reflective stance towards themselves as a person persisting and yet developing over time, and to make plans and choices accordingly.

Second, this representation provides a new goal and side-constraint for development practice. The protection and enhancement of individuals' personal identity capability should be recognised as an important goal in its own right. And it should also be recognised as a requirement for any policy to count as truly human development. Applying this is not straightforward, however, and this leads me to make two specific proposals for development practice. I first introduce the principle of 'free prior informed consent' as a central ethical concept for organizing and guiding ethical reflection in the practice of development. Second, I argue that 'democratic development', in which

the people concerned participate in deciding what kind of development programmes they want, and thus the kind of transformations that will take place, is not only a generally good thing. It should be understood as necessary for genuine human development.

In the following section, I contrast the conventional development and human development approaches to demonstrate the directly transformative aspirations of the latter. Section II introduces the concept of a personal identity capability. Section III analyses how neglect of the transformational character of development can lead to methodological and ethical problems. Section IV introduces the principle of informed consent and its place in development practice. Section V discusses the communitarian critique of transformational development. Section VI analyses the necessary relationship between democracy and human development.

I. DEVELOPMENT AS TRANSFORMATION

Sen has distinguished the capability approach to development from its alternatives in terms of their respective focuses. He claims that conventional approaches all focus, in one way or another, on providing the means and circumstances for a better life (what I termed 'capacity building'). In practice this has meant the 'fetishisation' of indirectly relevant features, such as economic growth, at the expense of what is of direct relevance – the ability of individuals to live lives they have reason to value. The capability approach addresses this tendency by subsuming the logistical concerns of its alternatives within an account of development that puts people at the centre (UNDP 1990, chap. 1). Nevertheless, a focus on the means of development has one apparent advantage. It allows an evasion of explicit consideration of important ethical concerns about individual transformation. In contrast, the capability approach must address these concerns directly.

Conventional 'capacity building' accounts of development policy tend to represent, or implicitly assume a view of, the individual as having an unchanging personal identity with respect to the development process. This does not mean that development policies aren't expected to result in, or even intended to, change people's *choice behaviour*. For example, the recent 'institutional turn' in development economics has brought attention to problematic social norms like corruption that reduce and distort economic growth, while the human capital approach emphasises how investing in children's education and health can pay

off, both for them and for society as a whole. Development policies directed at these goals (reducing corruption, increasing schooling) are generally oriented to institutional reforms and incentives; that is, to changing the *constraints* that individuals face (principally, budgetary and informational), but not, directly, to *transforming* their values or preferences.[108] For instance, Kaushik Basu (as Chief Economic Adviser to the Government of India) proposed making it legal to pay 'harassment bribes', but not to receive them (Basu 2011);[109] evidence from randomised controlled trials has been used to suggest small adjustments to the costs and benefits of schooling to make it more attractive to parents, such as providing free school uniforms and free lunches (Banerjee and Duflo 2011). Thus, in each case what is intended is not the transformation of individual values, but the promotion of certain *behavioural patterns* conducive to improving the functioning of the economy and reducing material poverty.

A similar point can be made about the Basic Needs Approach to development, which flourished briefly from the mid-1970s to early 1980s, in response to the perceived failings of GDP growth-based approaches to development and income based views of poverty, before being largely subsumed within the human development approach. Although in theory the Basic Needs Approach was explicitly concerned with democratic participation as well as with meeting minimum requirements for goods and services like food, shelter, sanitation and education, in practice democratic participation was often considered

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[108] "It is important to distinguish between genuine changes in values and those that reflect alterations of relative weights because of parametric variations of the determining variables" (Sen 2000b, 945; cf Becker 1996). For example, over the last 25 years, calorie consumption per capita in India has declined across all income groups, and undernutrition and malnutrition levels remain very high, despite rising real incomes (Deaton and Dreze 2009). Banerjee and Duflo note that when the prices of cheap staples fall, or household budgets rise, as in India, the poor tend to buy less of them, not more (Banerjee and Duflo 2011, 19–40). Instead they shift food budgets towards more expensive tastier calories (such as more expensive grains, fats and sugar) and increase spending on other 'luxuries' like festivals or radios. Banerjee and Duflo interpret this as a shift in tastes allowed by increased budgets, rather than a genuine transformation of preferences, and explain it by noting "the basic human need for a pleasant life" and that poverty is very boring (37).

[109] The logic of this proposal is that in the case of 'harassment bribes', where public officials extract bribes for performing their mandated duties (such as taking crime reports, issuing identity documents, and the like), the people who pay do so unwillingly. If they were free to denounce an official, after successfully paying him to do what he was supposed to have done anyway, they might well do so. Since all officials would know this too it would significantly change their subjective expected utility calculations around the action of demanding a bribe. As a result, this type of corrupt behaviour should decline.

separately if at all.[110] Thus, in practice, the Basic Needs Approach was mainly a technocratic enterprise concerned with the logistics of serving externally identified universal needs. Hence also its general lack of engagement with the people concerned in deliberating about what those needs should be, which seems to have been perceived as patronising and harmed its reception in poor countries (Stewart 2007, 15). The same feature can be seen in contemporary examples of Basic Needs style development policies, such as the Millennium Development Goals project.

Thus, what I have termed 'capacity building' approaches to development do not conceive the goal or processes of development to be transformational. Instead they are focused on and justified by their concern with increasing people's capacity to live the lives they already have (whether that is understood in terms of meeting their basic needs or their personal consumption preferences[111]). This aspect is considered an advantage by one prominent communitarian critic of development, Stephen Marglin, who begins a book on the subject by stating,

> Our criticism is directed against development and modernization, not growth. The chapters that follow have nothing to say against longer life-spans, healthier children, more and better-quality food and clothing, sturdier and more ample shelter, better amenities. Nor is any criticism levelled against the luxuries that people buy when their incomes grow enough to permit discretionary purchases, such as the radios and television sets that one sees even in very poor Third World villages. (Marglin 1990, 1)

What Marglin seems to object to is not development conceived of as capacity building, but development conceived of as transformation, specifically that which, in his view, sets out to produce 'modern' people in the Western model of individualistic rationality. The capability approach's transformative orientation, individualist ethical focus, and concern with rationality (in the sense of 'reason to value' analysed in the

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[110] This point was noted in the first UN Human Development Report: "The basic needs approach usually concentrates on the bundle of goods and services that deprived population groups need: food, shelter, clothing, health care and water. It focuses on the provision of these goods and services rather than on the issue of human choices". (UNDP 1990, 11) For other critical comparisons of the Basic Needs Approach with respect to the capability approach, see for example (Sen 1984b, 513–515; Alkire 2005, 166–177; Stewart 2007).

[111] This is the standard utility function - 'Homo economicus' - view in which an individual is represented as having a given set of preferences that are specifically 'their own'. For a critique of the circularity of this account in terms of personal identity over time, see John Davis (Davis 2003; Davis 2011, chap. 1).

previous chapter) therefore makes it a particular target of this strain of communitarianism.[112] I will return to this communitarian critique below (section V). For now I will turn to showing that Marglin's analysis of the capability approach to development is largely correct: it is committed to transforming people and not merely to helping them better live the lives they now have.

But first it is necessary to question whether capacity building development (mere 'growth') is actually neutral with respect to cultural identity. As Denis Goulet, a pioneer of development ethics, notes,

> The experience which villagers in traditional societies have of what Westerners call technical or economic progress is that the values which matter most to them – religious institutions, local practices, and extended family solidarity networks – fall apart under the impact of technology, the monetization of the economy, and the specialization of tasks. (Goulet 1992, 468)

Thus, even development focused only on helping people to better live the lives they now have does have transformational effects on those concerned. It just does so indirectly and without evaluation, direction, or accountability.

In contrast, the human development approach is committed not only to making people's lives go better, but to transforming them. For example it sees education as important not merely for increasing economic productivity, but also for directly *transforming* the lives of individuals (their capability for practical reasoning, their social status, the way that what they read may change them, and so on) and, indirectly, for transforming society (by enhancing the inclusivity and quality of public debate about social norms like fertility) (Sen 1997b). Making this explicit directs our attention to how the capability approach understands and represents individuals – in terms of agency, not preference orderings or sets of needs.

Unlike conventional development the human development approach deliberately sets out to transform people's lives. The way the capability approach represents individuals, in terms of their location in the capability space, reflects this, since changing (improving) a person's location is the goal of development. Although the capability approach is

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[112] As another communitarian critic, Frédérique Apffel-Marglin puts it, "In all its versions, the capability approach embraces individualistic modern rationality (in the…Cartesian sense) as a universal and an indispensable tool for achieving increased capabilities and thus increased well-being". (Apffel-Marglin 2010, 210)

often said to be concerned with 'expanding' individuals' capability sets (including by Sen (e.g. Sen 1989a)) the word 'expansion' may be misleading, since the capability approach is actually concerned with enhancing the *quality* of options people have access to rather than merely adding to them.[113] This is an important distinction, because development doesn't simply provide people with additional options on top of what they already had, such as for industrial sector formal employment as well as their present self-employed craftwork. It is quite likely that the new options will permanently displace old ones. (For example, the same factory that employs people in mass-producing clothes is also likely to reduce demand for the more expensive, traditionally made clothes, and hence the capability for self-employment in that craft industry as it was originally configured.) This is an important reason to ensure that the new options really are better than the old ones, i.e. that one has development rather than merely change. 'Capability enhancement' may therefore be a better term for what the capability approach is concerned to achieve.

Development understood as capability enhancement has transformative implications for individuals' lifestyles and values, and for societies in general. Achievements of some functionings lead to a re-evaluation and re-ranking of other functionings.[114] For example, increased individual mobility may change how an individual - and society as a whole - values community and family life and associated norms. Development will likely also change the definition of particular capabilities, such as what constitutes adequate health-care or literacy (often making their requirements more substantial). To give a more concrete example, women's literacy is strongly associated with increased empowerment and substantial social effects on family life, including lower fertility and a more equal intra-family distribution of resources between males and females (Alkire 2005, 255–271; 294–6; Sen 1999a,

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[113] Though freedom of choice between good quality options is also important in Sen's account, and so having several good options from which to choose is better than only one, even if they are all of the same quality.

[114] The previous chapter discussed the problem that the adaptation of values, desires, and aspirations to circumstances poses for the autonomy of those concerned. The claim that transformative development can respect the autonomy of those concerned thus requires that such transformations in people's values are not merely reactive, but consistent with or the direct conclusions of critical reflection (i.e. they are changes that the impartial spectator could go along with). Offering reasonable assurance that this will be so provides further justification for supporting and promoting the personal identity capability, and guaranteeing the principles of Free Prior Informed Consent and Democratic Development.

198–9). Altogether then, the capability approach to development expects (and promotes) multiple changes in individuals' and society's self-understanding, values, and ways of life; some intended, others unintended but foreseeable, and yet others that are more or less unknowable.

The value of a person's capability set is understood in terms of her effective access to functioning combinations she has reason to value. Thus, an individual's capability depends not only on her commodity entitlements and ability to convert them into functionings (the logistical aspect of the capability approach), but also on her reasoned valuation.[115] What kinds of life an individual has reason to value will depend on her concerns and interests, which may be quite different from other people's, though still influenced by local social norms and arrangements. The important point to note is that this valuation is dynamic and endogenous to the development process itself. That is, *as part of the development process* individuals are expected to change their views both about which specific capabilities matter and about what constitutes a good life.

How can people be understood as changing in this way while remaining the same? The capability approach is evolutionary in that having any particular set of capabilities opens the door to acquiring additional capabilities. For example, when a person achieves a certain level of education, they then have opportunities for employment they previously did not have. Thus the person with basic literacy in her native language who exercises her capability for further education and chooses to pursue an advanced degree in, say, ancient Sanskrit literature. Pursuing this option will shape her future capabilities for work and leisure, while the commitment it requires may also reduce her access to other, plausibly valuable, kinds of life and specific capabilities that were originally open to her (cf Livet 2006). That is, individuals are understood as autonomous agents who are engaged with development in a co-evolutionary way. There is no claim here, as there is implicitly in the capacity building approaches, that development is something that happens apart from individuals and their values. Unlike those accounts, the capability approach cannot avoid directly addressing the ethical

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[115] Of course, for many evaluative purposes specific lists may be used, for example concerning a threshold for what is generally agreed to be severe poverty (Alkire and Santos 2010a), or to focus on a particular issue like gender inequality (Robeyns 2003). Nevertheless the foundational concern of the capability approach is with individuals' capability to live the lives *they* have reason to value.

challenges involved in combining autonomous agency and transformative development. The first part of addressing that challenge is to give a clearer account of agent autonomy. How should the capability approach conceptualize the ability of people to be the author of their own lives, to change while remaining the same person?

II. THE CAPABILITY FOR PERSONAL IDENTITY

In *Development as Freedom*, Sen contrasts the "agent-oriented" capability approach with conventional approaches to development in terms of treating those concerned as agents rather than merely as patients. As he puts it, "With adequate social opportunities, individuals can effectively shape their own destiny and help each other. They need not be seen primarily as passive recipients of the benefits of cunning development programs" (Sen 1999a, 11). Sen defines an agent "as someone who acts and brings about change, and whose achievements can be judged in terms of her own values and objectives" (Sen 1999a, 19). This is a good start, but some further conceptual elaboration is required to relate the centrality of this idea of agency to the specific issue of transformation.

A first step is to move from speaking of agency in general to considering personal autonomy in particular. Autonomy is construed here as self-government, of acting according to a self-chosen plan. Autonomy thus refers to something more specific than the general natural human capacity for agency described by Sen, of holding and acting on one's own values. Autonomy may be understood in terms of a capability to *plan* one's life according to one's values. It involves counterfactual analysis and intertemporal decision-making. For example, a smoker may want a cigarette, and yet at the same time want to be the kind of person who doesn't want to smoke, and may make plans and take actions to bring that other person about (Sen 2002e, 18). Yet that other future self would not appear from nowhere but would be linked to the present self by the autobiographical narrative that can be told in either direction in terms of option paths chosen. Thus understood, autonomy has complex requirements, including personal faculties for practical reasoning (imagination, calculation, making self-binding commitments); powers of intervening in the world; reliable information; and a predictable environment. It therefore seems well suited to capability analysis, i.e. in terms of the multi-faceted

relationship between persons and resources that determines effective access to valuable functionings.

A second step is therefore to analyse personal autonomy in terms of a personal identity capability.[116] This move allows us to represent the aspect of agency with which we are concerned within the capability framework, and also to evaluate its adequacy and scope for enhancement with all the nuance that comes with working within that framework. First, as I have noted, the human development approach represents individuals as collections of capabilities which change over time. Introducing a specific personal identity capability to reflect on what we have and who we wish to become, and to manage our capability sets accordingly, allows us to make sense of how people can change for the better or the worse over time as our capability sets evolve, rather than merely be changed. Individuals purposefully develop their capability sets in particular directions and so their development can be assessed with respect to those plans.

Translating our concern for personal autonomy into the terminology of capabilities also clarifies its centrality, which may be missed when talking loosely of the general importance of agency for the capability approach.[117] It has the character of a 'meta-capability' in two senses. It underpins the coherence of agents over time and is thus necessary for human development, that is, for capability enhancement with respect to agents' own values and objectives. And it is defined over bundles of capabilities since those are the features by which agents are represented at any one time, just as regular capabilities are defined over combinations of functionings with respect to choice.

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[116] This may seem an unorthodox use of the term 'capability', since it includes a kind of freedom about freedom. I argue that this is justified to the extent that it is helpful in the disaggregated evaluation of personal autonomy and how it might be enhanced. Since the capability approach is not a theory but a flexible framework for considering the evaluation of advantage, such 'unorthodox' uses are not only legitimate but even commonplace. These include Sen's own concern with the rather opaquely named *political freedoms*, *economic facilities*, *social opportunities*, *transparency guarantees*, and *protective security* in *Development as Freedom* (Sen 1999a, 10), and his incorporation of freedom the definition of 'refined functionings' (like fasting) from which one can choose; Nussbaum's inclusion of *practical reason* (as an "architectonic" capability) and *control over one's environment* on her list of central capabilities (e.g. Nussbaum 2011a, 33–4); and Erin Kelly's recent argument for understanding "public reason as a collective capability" (Kelly 2012).

[117] A further advantage of this formulation is that the line of analysis it advances will not be mistaken as a contribution to the extensive philosophical literature on autonomy.

Second, translating personal autonomy into a capability for personal identity permits us to analyse it as we might any other capability. There are relevant resources, such as access to credible truthful information, time free from the demands of work and duty (leisure), and a stable enough environment to permit long-term planning. There is the heterogeneity of individuals, in terms of their internal and combined capacities for practical reasoning, their social environment, powers of intervening in the world, and so on. Just as with other capabilities, such as the capability for appearing in public without shame, being capable of managing one's capability set over time is not a yes or no issue, but can be met to one degree or another. Capability analysis can be employed in the usual way: to identify inadequacies, diagnose their specific causes, and recommend how they might be ameliorated. For example, to show that those concerned have not understood what a development project is about; to determine that this is because the information they were given was in the wrong language; and to recommend action to ensure they are properly informed.

Given its centrality it would seem that enhancing individuals' capability for personal identity should be a development priority. Here let me give just one example of its general relevance that also clarifies its advance over the general concept of agency. In *Poor Economics* Abhijit Banerjee and Esther Duflo discuss the consumption and saving behaviour of the poor and the puzzle of why the poor don't take up opportunities to save for their future. They note that many of the poor don't feel a sense of control over their lives, that their choices can ever add up to a different better future, and suggest, "Perhaps this idea that there is a future is what makes the difference between the poor and the middle-class" (Banerjee and Duflo 2011, 229).

But this not because the poor lack *choices* or *rationality*. In fact they face a bewildering number of potentially life-altering choices every day, which people in the rich world rarely have to trouble themselves with, from navigating unreliable and untrustworthy health and education systems to securing safe drinking water (Sen 1992, 62–4; Duflo 2012 Lecture 1).[118] Merely surviving deprivation requires rational agency in the

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[118] "The richer you are, the less responsibility you need to take for the basic constituents of your life (retirement savings, clean water, immunizations) because everything is taken care of for you. While the poor have to be responsible for every aspect of their lives, if the rich make no decisions and let the status quo obtain, they are likely to be largely on the right track. For most of the poor, if they do nothing, they are on the wrong track." (Duflo 2012 Lecture 1, introduction)

general sense. Rather, the character of their deprivation here concerns the absence of valuable *'options'*: choices that they are able to relate to achieving a better life.[119] The people surveyed by Banerjee and Duflo appeared unable to systematically link their choices over the alternatives open to them to feasible pathways to the kind of life they want to live. In other words, their capability to manage and enhance their own capability set is often distinctly limited, and this is quite compatible with agency in the general sense, and even with substantial freedom to make life-altering decisions.

This section has clarified the capability approach's concern with agent autonomy and suggested how that may be analysed within the capability framework. Yet individuals obviously face great difficulties in making rational choices about their future. For example they may lack adequate information about the outcomes of developmental choices, which are nevertheless irreversible. That problem seems most severe when their own values, and thus their frame of reference, are likely to change over the course of development. In the following section I turn therefore to discuss the issue of intertemporal choice by examining what I call the 'autonomy critique' of development. Do the subjects of transformational development give their informed consent to the changes that occur as a result of or as a goal of development? Or are these changes, in one sense or another, imposed by outsiders who know best?

III. Is Development Good for the Individuals Concerned? The Autonomy Critique

In a co-written paper, Sen and Nussbaum identify two ways in which development can undermine values (Nussbaum and Sen 1989, 300). First there is what they call "object failure": when structural changes make traditionally valued goods or ways of life more expensive or difficult to obtain. For example, industrialization may increase the relative costs of labour intensive goods such as religious rituals or traditional dress, or land reform may make many of the traditional ways of life of nomadic

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[119] Personal identity capability deprivation is of course not only related to the absence of valuable options. Adaptation, invidious social norms, stress, or mental illness may also be causally implicated, and would remain significant outside the circumstances of severe material poverty with which Banerjee and Duflo were concerned.

peoples impossible. This may be experienced directly as a sense of loss.[120]

Second, and analytically much more difficult, is what they call "value rejection": when people turn against their old values. For instance, Buddhist Japan was once religiously vegetarian but meat-eating became ubiquitous with Japan's modernisation and rise to opulence; in Nepal the nuclear family household model is rapidly displacing the extended family; and so on. Such value transformations may also be a direct goal, rather than merely a foreseeable byproduct, of development. In *Development as Freedom*, for example, Sen argues for extending education and opportunities for paid extra-household employment to women in part *because* it transforms their lives, in terms of their empowerment and emancipation and also social attitudes to family size, typically resulting in a dramatic reduction in fertility (Sen 1999a, 198).

Value rejection is methodologically problematic because the frame of reference shifts, so whether the change is a loss or a gain for those concerned cannot be read off from either their antecedent or subsequent values. It is ethically problematic, in terms of paternalism, because it opens a space for a stable external authority to provide that evaluation, an authority which, by definition, cannot be held accountable to those concerned. When the same authority is concerned with deliberately engineering that value rejection, all the elements are in place for paternalistic development policy.

To identify more specifically how such paternalism may occur inadvertently even in well-intended (beneficent) development projects I analyse it in terms of the relationship between distinct intertemporal selves of the individuals concerned. The 'autonomy critique' I identify parallels a famous criticism of utilitarianism for disregarding the proper

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[120] Note that these goods can be undermined by development in two ways that bypass the individual freedom of some while perhaps resulting from the free individual choices of others (Marglin 1990). First there are externalities to development, such as the factor price changes across an economy noted above, that may make traditional goods more difficult or expensive to obtain for those who still value them. Second there may be scale requirements to many traditional practices, like putting on a festival or speaking a language: unless a certain number of other people, or perhaps a certain proportion of a specific population, value those things and continue to take part, they won't be available anymore. For example the travelling storytellers who used to go from village to village in India reciting and dramatising traditional tales like the Ramayana (which takes several nights) need a paying audience of a certain size to continue. If enough people switch to other sources of entertainment, such as television, or to jobs which don't allow them to stay up all night, then the remaining audience is insufficient to provide the storytellers with a livelihood. I will come back to this issue in discussing the 'communitarian critique' of transformational development.

boundaries between persons in its use of sum ranking (cf Rawls 1999, 24; Sen 1999a, 57). States of the world are assessed only in terms of the total sum of welfare (however defined), and possible states are ranked in terms of desirability from highest to lowest scores. In this approach snapshots of social welfare are taken at different times and if aggregate welfare at time_2 is higher than at time_1, then welfare is considered improved, even though the welfare of some particular individuals may have declined quite severely. With sum-ranking, the welfare of some individuals may be *sacrificed* for aggregate improvement, and this is part of what is generally recognized to be ethically problematic about conventional economic development programs. When a dam is built in a rural area to provide hydro-electric power for cities, it seems questionable to call the results for those displaced from their homes, communities, and livelihoods 'development' since *their* lives have been made worse (cf Roy 1999, pt. II).

The autonomy critique raises similar questions about the sacrifice of some individuals' welfare for the sake of others, but focuses on respecting the interests and values of inter-temporal selves within the life of the same individual. That is, development is often understood and evaluated as an end-state: the production of people with certain features, whether that be greater opulence or an expanded capability set. For example literacy or morbidity statistics are compared before and after a policy intervention. The problem is that this comparative statics approach neglects the dimension of 'becoming', including the processes by which an outcome is brought about and whether these respect the personal autonomy of those concerned.[121] Extending the evaluation of individual advantage to the capability space (i.e. to incorporate non-pecuniary 'beings and doings' such as empowerment and literacy) enriches such analysis but does not address this dimension of becoming.

The ethical force of the autonomy critique is to highlight the possibly illegitimate conflation of a person's interests and values at different points in time. It is motivated by a concern to justify and assess development with proper regard to each person before as well as after she takes part: no-one should be 'forced to be free', even for their own future self's sake. Even if it is generally agreed that the 'developed

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[121] Note that incorporating the evaluation of process into consequentialist analysis has long been a theme of Sen's approach to evaluation in general (Sen 2000a) and development in particular (Nussbaum and Sen 1989).

life' is better - and even if the 'developed person' herself endorses that ex post (as in Mill's famous Pushkin and pushpin example), there is a troubling circularity in assessing and justifying development only or mainly from the single perspective of the conclusion. Firstly one may query the ethical *justification* for development if the ex ante evaluation and concerns of that person are ignored or neglected. And secondly it is hard to see how one could adequately *evaluate* the benefits or failings of these changes to that person without considering the perspective she started from as well as where she ended up.

A nice example of the problems this raises may be found in Sabina Alkire's pioneering work in *Valuing Freedoms* (Alkire 2005) on operationalizing the capability approach by developing a capability based approach to the cost-benefit evaluation of development projects. Alkire considers various exemplary NGO projects in Pakistan, such as rose cultivation and goat raising, and shows how the capability approach allows a wider range of significant impacts to be included in evaluation than merely financial returns.

However in one Oxfam project, teaching adult female literacy, inter-temporal problems appear (Alkire 2005, 255–271; 294–6). Alkire relates that the program was promoted to women and taken up by them (with the permission of their fathers/husbands) principally on the basis of claims that it would make them more employable. Oxfam's other aim of empowering the women was not emphasized or even necessarily explained (though the choice of teaching methods inspired by Paulo Freire suggests its centrality). There were, however, no job opportunities for the graduates in the local area (because suitable workplaces would not employ women). Nevertheless Alkire found that the project "had a fundamental and transformative impact on the women students" (Alkire 2005, 256): they reported increased empowerment and greatly valued this, despite it not being one of their original reasons for participating.

What seems problematic about the literacy project is not its transformative goals, but its structure, which raises questions about both legitimacy and assessment. One can question the legitimacy of projects which recruit people by appealing to interests which will not be fulfilled. Are those people being properly respected as bearers of ends, or are they being used as means for the furtherance of the interests of their future selves?[122] Indeed, Alkire herself is somewhat troubled by the

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[122] One further argument for the structure of the project could be that if enough women in the local area were to become literate, supply would create its own demand:

possible duplicity or paternalism in how the literacy program was presented as opposed to how it worked. She notes that her capability-based approach to the evaluation of development projects "does not provide a way to distinguish activities which use informed consent from activities in which consent is built during the process" (Alkire 2005, 296).

One can also be sceptical of cost-benefit analysis in such cases since the valuational frame of reference is not constant and it is unclear which set of values truly represents the individual concerned. From the perspective of the women at the point they agreed to take part in the literacy programme, it might be seen as a failure, or at least less of a success, because the main projected benefit – jobs – did not appear, while the costs in terms of time were significant. If those women had known that there would be no jobs at the end of their education, they might not have agreed to participate (and their male guardians might not have permitted them to). Yet from the perspective of the women after completing the programme, an unanticipated result – 'empowerment' – was perceived as a central and significant benefit. These women might have been very glad that they had decided to participate, even if things turned out differently than they had been prepared for.

Putting the issue this way, in terms of present and future selves, may seem obtuse, but it points directly to significant ethical issues. As Alkire notes, focusing entirely on the *ex post* valuations of the women and ignoring their *ex ante* valuations would allow all sorts of intensive political or religious indoctrination programs to be justified in exactly the same way as beneficent development programmes: the people who go through them will claim to value what they have become.[123] This suggests that ex post evaluation is very susceptible to domination by external policy-makers, substituting their own values for those of the people subject to their policies and then attempting to bring such people about.

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social norms would shift and job opportunities would appear (Alkire 2005, 280). But this still means using the present students as a means to an end in some sense, and in any case the scale of the change in women's literacy that would be required would seem far beyond the capacities of that NGO project to achieve.

[123] This can be generalized further. Neglecting how people's value transformations come about – for example, whether they are 'brought about' by others – would seem to leave development programmes open to the same general critique of adaptive preferences on which the capability approach is itself (partly) founded. In the terminology of the discussion of the previous chapter, it is consistent with valuational neglect, conflating an outcome (desiring) with a process (valuing).

The autonomy critique questions the standard practice of assessing development by comparing how well people are doing before and after an intervention. Development work founded on the capability approach improves on conventional evaluations by including non-pecuniary aspects of how well individuals' lives are going. Yet the autonomy critique notes the methodological problem that a shifting valuational framework poses to any cost-benefit evaluation. It relates this issue to a second and more fundamental problem in determining the legitimacy of the process of transformation. Only if individuals are transformed in a way that respects their personal identity capability to manage their lives over time, can their ex post perspective be reliable in informing us as to whether their lives have been genuinely improved rather than merely changed. A key tool for ensuring this, offering practical guidance as well as conceptual resources, is the principle of Free Prior Informed Consent (also discussed by Alkire 2005, 146–8; 150–1).

IV. THE PRINCIPLE OF FREE PRIOR INFORMED CONSENT

The problem with paternalism is that it ignores actual people's forward-looking evaluations or treats them strategically, as obstacles to be overcome. That is inconsistent with the central ethical orientation of the capability approach, in which development is to be considered not as something that is done to people, but as something in which people are involved in authoring for themselves. Genuinely human development must engage with individuals as autonomous agents in managing their own transformation. An important way of ensuring this is to institutionalise the principle of free prior informed consent throughout development practice.[124] This principle provides a robust framework that those concerned with planning and carrying out development programmes can refer to in considering the practical requirements of "agent-oriented" development in different kinds of cases. It can clarify what follows from respecting agency, in terms of a requirement to

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[124] Although most systematically developed in the area of bioethics (with respect to medical treatment and research involving human subjects) the application of the informed consent principle is not limited to dealings between institutions and individuals, but has also recently been extended and adapted to cases where large numbers of people are involved, such as the reform of health systems (Daniels 2006); economic policy making (DeMartino 2011; Blomfield 2012); and the rights of indigenous peoples in development contexts (Goodland 2004). In such cases it is the self-determination of a community, rather than the autonomy of an individual, that is at stake and legitimate decision-making processes will vary from the bioethics case (for example through majority voting decision-making). I consider such extensions below, under 'democratic development'.

respect, protect, and support the personal identity capability of those involved to plan their lives in accordance with their own values. It also provides safeguards against well meaning paternalism, by which the values of development agents are, perhaps inadvertently, substituted for those of the people they are trying to help.

According to the principle of 'free prior informed consent', the people concerned should be adequately and truthfully informed in advance of the overall aims of a project, its benefits and costs to them (and the degree of uncertainty about these), and should be free to say yes or no. In the bioethics literature, in which this principle has been most thoroughly analysed and debated, it has been justified by a number of distinct though overlapping moral concerns, including protection of well-being; autonomy (the most prominent); prevention of abusive conduct; trust; self-ownership; non-domination; and personal integrity (Eyal 2011, sec. 2). Each of these justifications emphasises a distinct moral concern about the issues and relationships involved. For example, the justification in terms of trust points to the long term requirements of persuading people to take part in the kind of relationship which such treatment/research requires. The justification in terms of preventing abusive conduct is concerned with how the simple obstacle of gaining informed consent can support the effectiveness of codes of conduct in governing the behaviour of doctors and researchers.

Each of these moral concerns, or close analogues, is also of potential relevance to the ethical conduct of development projects, though different kinds of situation will likely call for emphasising different moral aspects. For example, in many cases the beneficent intentions of 'development agents' may be more questionable than in the Oxfam literacy project, and informed consent might then be particularly important as a tool to prevent abusive conduct. Indeed, the informed consent principle has thus far been most clearly formulated and institutionalized in the development context with respect to protecting indigenous peoples from exploitation in the name of development.[125] Yet genuine human development policy requires more than good intentions.

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[125] It is recognised that indigenous peoples are particularly vulnerable to coercive exploitation of their lands and resources, even when that goes against national laws and official policies, because of their degree of political and social exclusion in many countries. The relative simplicity of informed consent requirements (for example as a requirement by the World Bank for supporting projects) may protect such marginalised groups from abusive conduct in a way that more complex, under-enforced or politicised national laws may not (cf Goodland 2004).

It also requires respecting, protecting and supporting the personal autonomy of the individuals concerned. The wider institutionalisation of the informed consent principle in development practice can play a role in bringing this about. Understanding personal autonomy in capability terms can help to clarify its requirements.

As I noted, focusing on personal autonomy rather than agency in general brings out the importance of factors other than holding values and choosing freely, such as being adequately informed. Free prior consent is insufficient for meeting the requirements of personal autonomy, because, while it guarantees a choice between *alternatives*, without adequately informing people about those alternatives it fails to provide them with *options* that they can relate to their ideas of a better life. People may be provided with a selection of different levers to pull, but yet be unable to systematically link their choice of levers to plans for their future lives. Thus, what might be seen as the disrespect for autonomy involved in inadequately informing the literacy project candidates is that it undermined the women's capability to govern their own lives. They were given a choice of levers and tried to use the opportunity to pursue the option of getting a paid job. But it turned out that the lever wasn't connected to that option after all.

We are concerned in capability analysis not only with the resources that people have access to and their characteristics, but the relation in which individuals stand to these (their 'personal utilization function'). Understanding personal autonomy in terms of a personal identity capability allows the multi-dimensional character of its determinants to be scrutinised. The principle of free prior informed consent can be analysed in relation to that personal identity capability, in terms of prescribing minimal threshold requirements for autonomy with respect to the development project concerned. Where that capability to manage one's own development appears insufficient, the informed consent principle requires us to analyse why this is so and what can be done about it. We should ask not only whether the information people are given is adequate (truthful, relevant, and including caveats), but whether they have been adequately informed (understanding). We should ask not only whether people have choices, but whether these constitute valuable options that they can exercise to improve their lives.

Sometimes it might seem that informing people about the consequences of their decisions is impossible and that the duty of the development agent is rather to persuade them to make the right

decision. Even if those running a literacy programme know the likely outcome – empowered women who value their transformation – it might seem obvious that potential recruits would be incompetent to comprehend or properly evaluate that outcome in advance (cf Alkire 2005, 295–6). But it is not so obvious to me. For example it is already established practice, as part of the requirement to adequately inform, for members of indigenous peoples to visit completed dams and mines of a similar scale to those proposed for their area and talk to those affected by them, in order to help them think through how similar projects would change their own lives (Goodland 2004, 68). Likewise, prospective students can meet graduates to see for themselves how literacy does and doesn't change lives. The significance of the informed consent principle here is to require development agents to recognise their positive moral responsibility to ensure that their clients are adequately informed as well as adequately empowered to make an autonomous decision about their development.

Supporting as well as respecting the autonomy of the subjects of development requires astute judgement by development agents that cannot be straightforwardly codified, for example with respect to the control of husbands and fathers over enrolment in the women's literacy project. Embedding the principle of informed consent in the practice of development is not meant to make this any easier. Rather, it takes the form of an explicit ethical commitment to meet this challenge. Its contribution is to bridge the gap between the theoretical understanding of the requirements of genuine human development and the goals and design of development practice by spurring and directing ethical self-scrutiny.

My analysis so far has focused on the relationship between individuals and development programmes, and the procedural requirements that follow from that for legitimate human development. Yet it is of course the case that most transformational development programmes take place at the social not the individual scale. The issue of autonomy arises again in two senses. Does social transformation undermine individuals' self-identity, as constituted by their social roles, affiliations and ways of life? And, how can legitimate decisions about social transformation be made by a community? In the remainder of this chapter I therefore turn to considering the requirements for respecting autonomy in development at this more complex group level, starting

with an examination of the 'communitarian critique' of development as transformation.

V. DOES DEVELOPMENT DESTROY PEOPLE? THE COMMUNITARIAN CRITIQUE

Development brings multiple changes in individuals' and society's self-understanding, values, and ways of life, some direct and more or less foreseeable, others indirect and complex. From a communitarian perspective such radical transformations of ways of life and social values may be seen as an existential threat to the self-identity of those affected. As the communitarian critic of development, Stephen Marglin puts it, quoting from the *New Testament* (Mark 8:36; Mathew 16:26), "What shall it profit a man, if he shall gain the whole world, and lose his own soul?" (Marglin 2010, 288).

Communitarians claim that people's self-identities are constituted by their values, *and* that those values are 'irreducibly social', in that, like a language they are constituted by the actions of individuals (speech acts) but not reducible to them (Taylor 1995). Communitarians can agree that individuals are fundamental units of moral concern, but the irreducibly social nature of self-identity means that social structures are more fundamental and thus have intrinsic value as well (Taylor 1995, 137). As one communitarian capability scholar, Sévérine Deneulin, puts it,

> Community is pre-existent to individuals. It is what gives meaning to the life of its members and gives them identity, in the sense that it is only from their attachment to communities that human beings draw their moral development, their identity, and the meaning of their life. (Deneulin 2008, 120)

From this communitarian perspective, development threatens identity from two directions. By displacing and superseding traditional "structures of living together"[126] it removes the social scaffolding from people's self-identities. By directly transforming people's values it supercedes and displaces their core telos. Although communitarian philosophers have different positive accounts of self-identity (such as Alasdair MacIntyre's and Charles Taylor's, which I discuss briefly below),

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[126] Following Deneulin's terminology, slightly adapted from Paul Ricoeur, in which this is defined as "structures which belong to a particular historical community, which provide the conditions for individual lives to flourish, and which are irreducible to interpersonal relations and yet bound up with these" (Deneulin 2008, 111).

their general concern can be understood as forceful scepticism of the individualistic free choice view of the liberal political philosophy tradition (Bell 2012). Though I will not be going along with their positive accounts, which I believe are unconvincing and excessively conservative, I do think a transformative account of development can benefit from the ethical scrutiny they bring.

Communitarians are strongly associated with the narrative account of self-identity which requires a certain kind of coherence across an individual's whole life: a person is a person because they can tell an intelligible story about their history and future in which they are embedded. A person's life evolves in the sense of an unfolding story, in which the purpose becomes apparent to a reflective protagonist. Narrative identity is understood differently by different writers (such as MacIntyre and Taylor), but the danger is generally understood in terms of a breakdown of the telos of a person's life.

MacIntyre's account is strongly historical and social and focused on intelligibility. We are in effect given a life – a narrative determined by historically contingent social roles, meanings and values – and our task is to live it well, or to enact it (MacIntyre 1981, 211–2). Narratives are thus teleological in that they present an intelligible direction and structure for a life. And these narratives are social – individuals are only ever co-authors – because individual stories are embedded in the ways of life of a community and the goods they understand as valuable, and those goods can only be understood and produced within those terms.

On MacIntyre's account, then, development that changes the community disrupts the coherence of an individual's narrative by changing the story - the end and the beginning can no longer be understood as part of a coherent life narrative – and by changing the context (of the structures of meaning of a community life) so that an individual's life is no longer intelligible to her. From the outside, one could tell a story about how an individual came to live differently, but from inside, the individual would no longer be able to tell an intelligible coherent story of herself. The result: events keep happening in the individual's living, and keep causing new events – we still have psychological continuity - but these are now just a heap of events, ordered in time but no longer experiencable as a coherent self-understood narrative.

While Taylor is also concerned with the importance of social structures for an individual's ability to lead a valuable life (Taylor 1995),

as far as the narrative account goes he focuses on a person's overall thematic unity or telos over a whole life, and the contrast between self-evaluation and an individualistic concept of free choice. Taylor's persons are more capable than MacIntyre's of dealing with conflicts and transitions so long as they don't threaten their core telos. Taylor contrasts his notion of 'strong evaluation' – of reflecting on what one truly wants and values and considering which habits and concerns are an essential part of one's authentic self – with the emphasis on free choice for what one most desires which he associates with modernity, including liberal political philosophy and modern economics. On this view, freedom refers to the ability to master one's internal constraints by critically evaluating one's beliefs and values in terms of how well they relate to one's overall evaluative principles or telos. Choice is not the relevant term here, but rather, with introspection, one comes to *realize* that certain desires are not truly authentic and should therefore be dropped. But the fundamental telos itself cannot be changed, only better understood.

The capability approach to development places freedom at its heart – the goal is to provide people with more valuable functioning combinations from which they can choose. These are in effect more lives from which to choose and construct for oneself. So there are two threats from Taylor's perspective. First, that the changes themselves will be too radical and one will be presented with ways of life for which one's core orientation cannot cope. Second, that the kind of pick and choose freedom development is concerned to produce is incompatible with developing any thematic unity across a life.

It may not seem that communitarian political philosophers can have much to contribute to the discussion of development ethics, insofar as a strong interpretation of their claims suggests that any understanding of development as transformation is misconceived and dangerous. For example, individual freedom is constrained conceptually. Because people don't choose their values, they also cannot choose to change them. Thus any transformation in people's values is understood as simply imposed on them from outside. Individual freedom is also constrained structurally. Because social goods depend on the actions of individuals to sustain them, an individual who did (try to) choose to be different by exiting her traditional role would be putting the very lives

of others at risk since everyone's self-identity depends on maintaining the shared social structure.[127]

The valorisation of the status quo "structures of living together" by communitarians has a strongly conservative orientation that would seem to prohibit transformational development altogether.[128] Such valorisation is inconsistent with the rather plausible idea that the flourishing of individuals can be assessed in ways that go beyond their place in a social structure, and that such analysis reveals that many people are living unnecessarily deprived lives. For such reasons it does not seem controversial to reject strong versions of communitarianism in thinking about development.

Nevertheless, understood as a critique of certain lacunas in liberal political philosophy and political economy, communitarianism can provide a useful service. First, it is successful in highlighting the social character of development, in terms of the interdependence of individual choices and the group character of many significant changes. This point and its significance has long been accepted by Sen himself,[129] though it is

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[127] For example, the communitarian political philosopher Michael Sandel frequently refers to how non-standard choices and practices by individuals can *corrupt* the nature of social goods and relationships like friendship or gift giving. Thus the freedom of individuals to dissent from traditional norms poses a threat to the well-being of everyone else in society (Sandel 2012). This is the same mechanism appealed to by contemporary conservatives who argue that legalising 'gay marriage' would corrupt and degrade traditional marriage.

[128] Though attempts at communitarian 'growth' have been made, for example in Bhutan's famous 'Gross National Happiness' approach to development (since 1972). The government of Bhutan has now developed evaluative criteria for this grounded in 'Bhutanese' culture and history, which differ from more orthodox understandings of happiness firstly by including other dimensions than subjective well-being and secondly by including non-individualist aspects such as harmony with nature and concern for others (Ura, Alkire, and Zangmo 2012). Of course, the other thing Bhutan is famous for is stripping civil rights and citizenship from up to 35% of its population (the Lhotshampa), who do not belong to the dominant ethnic group, and the physical expulsion of some 100,000 of those to refugee camps in Nepal and India (from the late 1980s). It is hard not to see a connection between Bhutan's mistreatment of those who are perceived as insufficiently Bhutanese and its promotion of an explicitly communitarian national development programme. Nor does it seem co-incidental that this path was embarked on before the introduction of democracy.

[129] Thus, "Human beings live and interact in societies, and are, in fact, societal creatures..... No individual can think, choose, or act without being influenced in one way or another by the nature and working of the society around him or her (Sen 2002f, 79, 80)." And, "In judging development in the context of a culture, the values that are supported and are sustainable in that culture provide an essential point of reference" (Nussbaum and Sen 1989, 299–300).

fair to say that it is not always reflected in the capability literature which tends to represent development quite individualistically.[130]

In addition the communitarian critique can be seen as raising self-identity over time as a central *ethical* challenge for development theory and practice, and in casting that challenge in terms of self-determination. People are socially situated and they do take their values, including their core values from their context. But that does not mean that people have no choices to make about their values, and thus their identity. As Daniel Bell notes,

> liberalism founded on the value of self-determination requires only that we be able to critically evaluate our ends *if need be*, hence that 'no end or goal is exempt from possible re-examination' (Bell 2012, sec. 2 original emphases; See also Sen 1999d)

Thus, the fact that individuals must always evaluate their situation and their choices from some particular position or positions (rather than some abstract 'view from nowhere') does not mean that they cannot scrutinise those socially transmitted values and perspectives and reject or re-weight them in light of that scrutiny and the knowledge of other available perspectives.[131] This capacity to consider one's values for oneself becomes a right if one takes seriously the claim of the capability approach that development is concerned with the life that people have reason to value.

Cultural traditions and values clearly can be reasonably valued by people – they can withstand this scrutiny. Whether or not people are poor in certain 'basic' capabilities (such as for being well-nourished or participating in national politics) and come to see themselves as such, they may be rich in others, such as participation in community life or

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[130] As De Herdt and Deneulin note, such an individualistic methodology "renders more complex, but does not fundamentally challenge, the economists' view that people consume a combination of goods subject to a budget constraint" (Herdt and Deneulin 2007, 180). Though the capability approach is not limited to such an individualistic methodology (see for example James Foster and Christopher Handy's work on 'external capabilities' (e.g. Foster and Handy 2009)).

[131] This capacity for self-reasoning was the focus of the previous chapter. Sen often uses the example of Gandhi to illustrate its scope: "when Mohandas Gandhi decided, after considerable reflection, to give priority to his identification with Indians seeking independence from British rule over his identity as a trained barrister pursuing English legal justice, there can be no question that he was consciously and firmly making a choice." (Sen 2004c, 17) A recent biography of Gandhi makes clear the sustained, extensive and deliberate character of this self-transformation, from the prosperous British trained, and tailored, lawyer who landed in Durban in 1893, to the ascetic in a loin cloth who returned to India in 1914 (Lelyveld 2011).

cultural achievements. There may be some traditional values which are either discovered to be unjust or are instrumentally incompatible with achieving other capabilities considered more valuable. But that decision, Sen has argued, is not determined in advance either by the authority of tradition or technocratic calculations, but is rather dependent on an exercise of "critical valuation" for the people concerned to decide together through an open participatory process (Sen 1999a, 31–3; cf Nussbaum and Sen 1989).

In the developed world vigorous public debates around the significance and role of traditional values in our modern life are routine (for example around the issue of 'gay marriage'), and can often result in public policies to preserve certain generally valued social goods even at the cost of public funds and economic inefficiency (such as schooling in minority languages or religious holidays). Likewise 'social goods' such as community relations (and connected 'external capabilities' (cf Foster and Handy 2009)) are considered important in development projects in the developed world.[132] Though the choices concerning social transformation in under-developed societies may well be both starker and more urgent, there is no principled reason why the people concerned should not also take such decisions for themselves. One should, in general, be sceptical of accepting any implication that deprived people lack the capacity to make decisions for themselves and therefore cede the right to do so.[133]

Likewise there are likely to be other 'social goods', like the tradition of travelling story tellers in rural India, which may be casualties of development processes even though many people would like to keep them. Here again an individualist use of the capability approach would go astray. If one understands cultural liberty only in terms of the aggregation of individual private choices, then the fact that fewer people

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[132] For example, the destruction of communities in urban development projects intended to provide the poor with better housing has long been acknowledged as a significant mistake and its lessons integrated in contemporary policymaking.

[133] The 19th century promoter of liberalism as individual autonomy, J S Mill, for example, proposed such a paternalist account of development. He had an unfortunate conception of different national characters in terms of their position in the hierarchy of civilisation. The status of backward peoples in this hierarchy was as of children: incapable of self-governance. Thus Mill conceived of development as concerned with producing a more civilised national character through paternalistic social engineering (cf Pitts 2005, chap. 5). As he put it in the introduction to *On Liberty* (Mill 1859), "Despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement, and the means justified by actually effecting that end." That contrasts strikingly with Mill's faith in the capacities of women, once they were freed from their conditions of subjugation, as discussed in *The Subjection of Women* (Mill 1869).

come to participate in such activities can be read off as a 'social choice' to end that tradition. But this would be to mistake a byproduct of development for development itself, and exaggerate the capacity of information about effective demand to inform us of social choices.[134] Here again, Sen has argued, the people concerned should be able to decide whether and how to support such goods in a fuller exercise of social choice involving open participatory decision-making (Nussbaum and Sen 1989; Sen 2004c, 20–1). If, through these democratic processes of public deliberation, people come to value the capability to retain access to these traditional social goods then that valuation should be understood as determining what counts as development in this case.[135]

This section has argued that the communitarian perspective can play an important role in thinking of development as transformation. While its substantive 'metaphysical' account of the nature of personal identity has little to offer directly, it raises ethical concerns which warrant procedural guarantees about how social development may proceed. Respecting individual agency in the sense of autonomy requires that proposals for improving people's lives take account of what the people concerned actually have reason to value. In many cases this will require participatory exercises of social choice so that communities decide for themselves which trade-offs to pursue. In the following section I develop this general case for the centrality of democratic deliberation by those concerned into a side-constraint on development.

VI. THE PRINCIPLE OF DEMOCRATIC DEVELOPMENT

The human development approach takes a specifically democratic perspective on development theory and practice that rests on a central distinction between the *constituents* and *determinants* of the life one has reason to value (e.g. Sen 1999a; Sen 2009a).[136] The constituents of development are the beings and doings that people have reason to value, and are identified through an exercise in social choice, ideally characterized by public reasoning and deliberation, by all those

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[134] There is a parallel here with Sen's argument against using methods based on market analogies to determine the social valuation of environmental goods (Sen 1995a).

[135] This does not mean that individual liberty to hold different values from the 'general will' established by participatory public reasoning is undermined, anymore than being taxed to support public museums one doesn't visit constitutes such an infringement.

[136] This distinction was, I believe, coined by Partha Dasgupta, and employed in the course of an argument that the considerations of the constituents of development by Amartya Sen and others was superfluous (e.g. Dasgupta 2009). Although I disagree with Dasgupta's conclusion, the distinction is a helpful one.

concerned within a given society. The determinants of development are those things (such as capital, commodities, institutions, laws, public services, and so on) that are necessary for bringing about the kind of life people have reason to value. They are provided by those agencies (such as governments and development NGOs) which possess technical knowledge of and command over such causal factors of development. These development agencies may provide advice, for instance in the form of critical external perspectives on gender justice, or factual information about the determinants of development that may be relevant to the assessment of feasibility. But their evaluations do not determine what the constituents of development are, i.e. what people in this society have reason to value.

This division of labour between the valuation exercise and its technocratic implementation - values and facts - contrasts with the standard development paradigm in which responsibility for valuation, implementation and evaluation are combined in a single distinct group of experts who are fully responsible for the conception and design of development policy (typically central government in collaboration with international development agencies). The democratic perspective taken by the human development approach puts the policy exercise in service to the valuation exercise so that social deliberation over the constituents of development substitutes for their technocratic determination. As Sen puts it,

> The people have to be seen, in this perspective, as being actively involved—given the opportunity—in shaping their own destiny, and not just as passive recipients of the fruits of cunning development programs. The state and the society have extensive roles in strengthening and safeguarding human capabilities. This is a supporting role, rather than one of ready-made delivery. (Sen 1999a, 53)

Of course, individuals will not always get their own way about their society's developmental priorities – the final outcome of the social choice exercise may well need to be decided by majoritarian voting. Nonetheless, the involvement of individuals in a forward-looking democratic process of social deliberation over social goals is qualitatively different from cases where either policy-makers decide those goals directly or it is decided by one-off voting (mere choice). This is because such exercises directly engage people as autonomous agents

in the collective self-determination of their values and concerns. Such exercises work through, not over, the personal identity capability of individuals since they presuppose that agents reflect upon the consequences of the options open to them, for themselves as well as for society, in making their contributions to the participatory process. Thus development pursued in this democratic manner is not paternalistic. Rather, by making the individuals themselves the authors of change in their lives, rather than groups of external experts, democratic development is a necessary component of transformation without paternalism.

This analysis of the demands of a truly "agent-oriented" development thus provides a powerful supplementary argument for the constitutive importance of democratic deliberation in human development policy. Of course it is well recognized among proponents of the capability approach that democracy and political freedoms are intrinsically valuable dimensions of development in general, but this recognition is not always extended to development policies in particular. For example, local participation is often promoted in terms of respecting agency in general as a *goal*, while I have shown that participation should also be seen as respecting personal autonomy in particular, as a *side-constraint* that is required for these projects to be understood as human development rather than as something else.[137]

In addition to being required by this account of human development, public reasoning and deliberation also have a positive instrumental relationship with the 'personal identity capability' I identified, since they provide important opportunities for its exercise and development. They give people real options to choose between, and the 'leisure' (information, space, freedom, and other minds) to consider them properly. That experience is likely to enhance individuals' personal identity capability in their private lives to reflect upon and deliberate about who they want to become and how to get there (thus countering the problem of adaptation discussed in the previous chapter). To the extent that individuals reflect upon and change their own values or identity through participation in public reasoning - for example coming to see social norms concerning women's fertility as invidious (Sen 1995b, 17) - they exercise their personal identity capability for

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[137] This analysis thus provides a fuller justification for Sen's contention that "the need for popular participation is not just sanctimonious rubbish. Indeed, the idea of development cannot be dissociated from it". (Sen 1999a, 247)

governing their own values and identity. Sen has argued for the constructive value of public reasoning and deliberation. From the perspective of the individual they might also be seen as transformational.

This discussion of democratic development may seem both too abstract and too idealistic to be relevant to actual development programs and concerns. So it is worth showing local democratic development can work in practice with a brief case study of a development organisation that integrates it into its work.

Gram Vikas ("village development") is a regional NGO active in Orissa, India, which has pioneered a particularly ambitious approach to the provision of water and sanitation in rural villages with high populations of poor and low-status residents.[138] Gram Vikas is committed to a certain vision of development – "An equitable and sustainable society where people live in peace with dignity" - which clashes with commonly held local values in its concern for equity across gender, status (caste) and income distinctions (Keirns 2008, 27–8).

Gram Vikas began its water and sanitation program in 1992 after asking villagers what they needed most. Their respondents said they needed a hospital because people were always sick. However Gram Vikas noted that most of the diseases were waterborne, and their analysis of the *determinants* of what the residents wanted – better health – suggested an integrated program of drinking water and sanitation provision would be much more effective. The program Gram Vikas developed, and which has now been successfully taken up by more than 300 villages (covering over 150,000 people), has several interesting features. Gram Vikas requires complete unanimity from all male and female heads of households in a village before beginning; it insists that every household receive the same quality facilities; and it requires each village to set up committees to manage the water project and maintenance.

Gram Vikas often takes more than a year to move from mooting a project to beginning it because of its requirement for universal commitment. In particular, from the start they insist that women, who suffer most from the lack of private safe sanitation and piped drinking water, must be part of a village general assembly that decides (unanimously or not at all) to go ahead with the project and deliberates about the details of implementation (such as equitable sharing of capital

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[138] This account is based on *The Gram Vikas Experience* by Pamela Keirns (2008).

and labour costs and arrangements for operational management). It takes some time for the general assembly to function properly, particularly for the women to feel able to join in discussions. During this time Gram Vikas facilitators, generally locally recruited, are constantly available to answer questions about technical issues and the NGO's role. If the general assembly decides positively, the plan is formalized as a contract between the village and Gram Vikas, with every assembly member signing it.

The structure of this village-wide deliberative process conforms to Gram Vikas' commitments to income, status, and gender equity, since all must be included in the deliberative process and all have a veto. Gram Vikas justifies this not only in terms of its core values, but also in practical terms that villagers often find more convincing. Ending waterborne health problems has features of a collective action problem in that unless everyone stops the practice of open defecation the water supply will remain polluted. Furthermore, in order for the project to be sustainable the village as a whole has to make a comprehensive commitment to managing it (since Gram Vikas will gradually withdraw over five years). The structure of this public deliberation not only reflects Gram Vikas' values, but helps to advance them because women, the poor, and low status individuals are endowed with formal equality for the first time, and in practice become more confident about articulating their views and interests in public. Gram Vikas is as proud of its achievements in advancing the dignity and standing of the marginalized and building more harmonious communities – of transforming values - as it is of the success of the water and sanitation projects themselves.

Gram Vikas' success is built on a respect for democracy, community and autonomy that not only respects the personal identity capability of individuals but enhances it. First, Gram Vikas respects the right of those involved to collectively decide on their priorities, while offering arguments about the benefits of the project for the village to consider, and technical and financial support if it decides to go ahead. In this way it seems to respect the division of labour between the constituents and determinants of the life one has reason to value. It is not paternalist.

Second, it respects the requirements discussed in section V, that proposals for improving people's lives take account of what the people concerned actually have reason to value. Gram Vikas engages in a lengthy exercise in persuasion, not dictation. It uses a variety of

techniques, including organizing visits to villages which have completed the project; culturally specific arguments to men that female family members having to defecate in public is shameful; health arguments in the form of public demonstrations by respected doctors; appeals to village pride in having running water and private bathing rooms which even richer villages don't have; and so on.

In addition, communitarians may note, although Gram Vikas is committed to transforming traditional social roles (and thus communitarian personal identities), it is also committed to strengthening *community cohesion* by getting villagers separated by those traditional roles working and deliberating together on shared village projects. The village assembly continues to meet once a month, and elects a Village Executive Council (with proportionate representation from men, women, and different castes) to manage the project. This is formally registered as a village society so that it can manage funds and also deal directly with the formal government development bureaucracy and lobby for funding and manage other projects such as road and school improvements. In addition many villagers become members of sub-committees set up to address such issues as hygiene policing, water system maintenance, education, and community resource development (such as fish-farming) to pay for operation and management costs.

Third, it respects the personal identity capability of the individuals concerned by requiring free prior informed consent. So although Gram Vikas is committed to certain non-traditional values, at no point does it attempt to substitute these for those of the people whose lives it is trying to improve. First, it is transparent about its values, and that they are a non-negotiable part of the program it is offering. Second, villagers are able to reject Gram Vikas' offer and for example pursue other sanitation projects offered by the government. Third, it insists that every head of household be included in the decision-making and be able to articulate their concerns and objections. Fourth, and most significantly, the problematic information gap – that forward-looking agents might be simply unable to imagine and assess transformational projects within their current evaluative framework – is substantially bypassed since there now exist a great many villages with completed Gram Vikas projects that can be visited.[139]

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[139] Of course this was not the case when Gram Vikas first began these projects. Then, it depended on the close trust it had built with a handful of villages in its earlier development work.

I have argued that the paternalist implications of transformative development can be addressed by institutionalising a respect for self-determination. Individuals have the right to options and not merely choices. Communities have the right to collectively determine their own development paths. In this section these two aspects of autonomy, individual and collective, were brought together in the framework of 'democratic development'. Here, it is the people concerned, not select groups of experts, who determine development goals, converting collective understandings about the constituents of the kind of lives people have reason to value into practical decisions about which development paths to take.

VII. CONCLUSION

This chapter aimed to elucidate and address the ethical concerns underlying the idea of development as transformation. I began by noting that while conventional 'capacity building' approaches to development evade these concerns, the human development approach cannot. Human development not only aims directly at the transformation of people's lives, but it also claims to be an "agent-oriented" view. I believe this implies specific goals and constraints for the practice of development which have not so far been explicitly recognised.

In working these out, I noted that the human development perspective assumes that an individual's personal identity evolves with development. I introduced the concept of a personal identity capability to represent the understanding of personal autonomy this implied: the ability to change one's life, including one's ideas about the kind of life one has reason to value, and yet remain the same person. In doing so I clarified the requirements of taking an "agent-oriented" view in the context of value transformation. One can only evaluate whether people are better or worse off, rather than merely changed, if they themselves provide evaluative continuity in the form of an auto-biographical account relating the paths chosen and their reasons for them.

I then showed that this somewhat abstract analysis of personal identity has important implications for development practice. Analysis in terms of personal identity capability can be helpful in identifying and diagnosing ethical problems in the practice of human development, which standard comparative static methods such as before and after capability-set evaluations would miss. In consequence, I argued that

human development policy should incorporate procedural principles that protect and promote the capability of those concerned to be the authors of their own development: the principle of free prior informed consent and democratic development.

The capability approach is generally understood as being founded on respect for individual freedom and agency. What I believe to be less well recognized is that it also implicitly relies on a conception of people as evolving and able to reflect upon their personal identities and individual development. This chapter has sought to make explicit the theoretical and practical implications of this conception of the person.

Chapter 6. Which Capabilities Matter for Social Justice? Democratic Politics Versus Philosophy.

Amartya Sen has argued extensively against the sufficiency of resourcist and utilitarian accounts for "judging individual advantage and in evaluating social achievements and failures" (Sen 1999a, 285). And he has argued positively that such judgements should consider individuals' substantive freedom to lead the kind of lives they have reason to value (their capability). Yet if we want to use the concept of capability to talk about justice we must move from subjective to 'objective' criteria, we must not only accept *that* the capability space is significant for the evaluation of advantage, but also provide an account of how to decide *which* capabilities have moral significance with respect to questions of justice.[140] Sen has argued that decisions about which capabilities a society should value and guarantee are *political*, and should be made by the people concerned, rather than by technocrats or philosophers (or autocrats or religious leaders) (e.g. Sen 1999a, 81; Sen 2004a). And he notes that such collective – political – decisions are of great practical importance because of the significance of social arrangements for the substantive freedoms of individuals (hence, Sen's characterisation of "individual freedom as a social commitment" (Sen 1999a, chap. 12; Sen 1990c)).

Sen clearly endorses a democratic approach to questions of social justice in general and of which capabilities matter in particular. He has argued for *Democracy as a Universal Value* (Sen 1999c) and makes many references to John Rawls' idea of 'public reasoning' throughout his work. In *Development as Freedom* he argues that the capability for political participation is "central", "indispensible", and "preeminent" for development (Sen 1999a, 110, 287, 147-8). In a discussion about

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[140] Such criteria are 'objective' in the sense that they can be publicly justified. As T.M. Scanlon argues in *Preference and Urgency*, "insofar as we are concerned with moral claims that some interests should be favored at the expense of others in the design of distributive institutions or in the allocation of other rights and prerogatives, it is an objective evaluation of the importance of these interests, and not merely the strength of the subjective preferences they represent, that is relevant" (Scanlon 1975, 658). Sen would seem to agree: "In so far as some agreement is needed for the social framework of human rights, the agreement that would be sought is not only whether some particular freedom of a particular person has any ethical importance at all, but also whether the relevance of that freedom meets the threshold condition of having sufficient social importance to be included as a part of the human rights of that person, and correspondingly to generate obligations for others to see how they can help the person to realize those freedoms" (Sen 2009a, 367).

capability lists, Sen argued forcefully that their legitimacy and epistemic relevance requires public deliberation (Sen 2004a, 78). Yet for all that, it is fair to say that Sen has not been very specific about how this democratic process should work.

Various authors have identified what may be called a 'political gap' in Sen's account, though there seem to be two distinct diagnoses of what that gap is. On the one hand Sen has been criticised for a lack of idealism, in the sense of failing to provide a clear normative account of how democratic decision-making should proceed (e.g. S. Srinivasan 2007).[141] On the other hand he has also been criticised for excessive idealism, in the sense of being naive about the Hobbesian nature of real world politics, 'democratic' or otherwise (e.g. Shapiro 2011, 1259–62; Stewart and Deneulin 2002, 63–4).[142]

In this chapter I will argue for interpreting Sen's account of democracy and public reasoning in social choice terms, as he himself consistently argues. I will show that, seen in this way, Sen is both more realistic and more normative about democratic politics than his critics recognise. In line with his 'comparative' approach to justice, Sen attempts, to navigate the tensions between the mutually antagonistic perspectives of politics as struggle over interests or as applied morality. Notably, Sen argues for the 'politicisation' of social injustices, from hunger to missing women. That is quite different from the 'moralisation of politics' project which Bernard Williams identifies as the central approach of mainstream (Anglo-American) political philosophy (Williams 2007). Sen recommends using politics to address moral concerns. Critics of his 'political gap', such as David Crocker and Rutger Claassen, argue for using moral theory to address moral concerns.

The following section outlines the 'political gap' in Sen's writing: the need for the political determination of which capabilities matter for social justice and Sen's failure to provide a clear account of how that political process should proceed. Section II outlines Bernard Williams' account of political moralism and its relevance here. Section III reviews

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[141] Thus, "Sen's 'silence' on the substantive content of an account of justice is due in large measure to his stringent emphasis on plurality, agency and choice; he turns to democratic processes that allow for public reasoning and social choice to attend to judgements about justice. Yet this critical role for democracy is undermined in Sen's elaboration in the absence of requirements of justice that would protect democracy's fair and effective functioning in a manner consistent with capability egalitarianism." (S. Srinivasan 2007, 457)

[142] Thus, "Sen's concept of democracy seems an idealistic one where political power, political economy, and struggle are absent."(Stewart and Deneulin 2002, 64)

the debate between David Crocker and Martha Nussbaum (ably defended by Rutger Claassen) about the role of a theory of just democracy and substantive philosophical investigation respectively for determining which capabilities matter for social justice purposes. Section IV contrasts two conceptions of philosophical citizenship embodied by Nussbaum and Sen. Section V outlines and defends Sen's 'idea of democracy' as a perspective different from either form of political moralism and with concerns orthogonal to that debate.

I. SEN'S 'POLITICAL GAP'

As Sen has emphasised, multiple, quite different, capability lists can be developed for different evaluative purposes. In fact he argues that such pluralism of perspectives is required by the complex nature of the objects we are concerned with, such as well-being or poverty. That pluralism should be recognised as constitutive of the capability approach – we must avoid ending up stuck with "a grand mausoleum to one fixed and final list of capabilities" (Sen 2004a, 80).[143] Thus, social scientists may come up with various lists suited to analysing different kinds of capabilities in different contexts.[144] Sen himself has used a set of very elementary capabilities to analyse the extent of severe poverty (Drèze and Sen 1989; Drèze and Sen 2002), and also suggested the relevance of a set of more complex capabilities for their instrumental linkages for human development purposes (Sen 1999a). In all cases of social evaluation, Sen argues that the criteria for selection and weighting be explicit, so that the reasoning behind these choices may be subjected to critical reflection and scrutiny by the public.[145]

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[143] "Some of the basic capabilities (with which my 1979 Tanner Lecture was particularly concerned) will no doubt figure in every list of relevant capabilities in every society. But the exact list to be used will have to take note of the purpose of the exercise.... Lists of capabilities have to be used for various purposes, and so long as we understand what we are doing (and in particular that we are getting a list for a particular reason, related to a particular assessment, evaluation, or critique), we do not put ourselves against other lists that may be relevant or useful for other purposes." (Sen 2004a, 79)

[144] Thus, as I have already discussed, different lists have been drawn up to study the nature and extent of severe poverty (Alkire and Santos 2010a), and gender inequality in western countries (Robeyns 2003). Both of these are concerned with making evaluations of social welfare, yet neither is *political* in the sense of collective valuation that this chapter is concerned with.

[145] "If informed scrutiny by the public is central to any such social evaluation (as I believe is the case), the implicit values have to be made more explicit, rather than being shielded from scrutiny on the spurious ground that they are part of an "already available" metric that the society can immediately use without further ado." (Sen 1999a, 80)

Sen's argument for the relevance of the concept of capability to evaluating social and individual advantage can be seen as an outcome of his long-term project for broadening the informational basis of social choice to make it more fruitful and relevant to our concerns (a point I elaborate on in section V).[146] Yet this evaluative use is a distinct exercise from determining which capabilities are of general moral significance as a matter of social justice. That requires a stronger degree of consensus about which capabilities are of general moral significance and fall within the practical reach of social commitments.

The need for substantial social consensus on the requirements of justice, rather than merely their theoretical identification and governmental implementation, relates in part to Sen's concern that the idea of justice should motivate public sentiment as well as government action (such as passing new laws). Unless these claims about justice are generally accepted, they will not be seen as legitimate, and so they will not be fully realised in social practice. Not only can one not assume full compliance with the principles of justice written into one's constitution, but one cannot even assume full compliance with the laws themselves if large numbers of people disagree with them. Social norms are hard to legislate for or against.[147]

On the other hand, if the claims about social justice which are used to justify a society's institutional arrangements and programmes are widely shared, then there is scope for public collaboration in realising them.[148] For example, if a society generally agrees that the capability to appear in public is valuable, it takes a stance also with respect to absences of this capability (deprivations) and the causes of such (*prima facie* unfreedoms). When one looks at why certain people lack this

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[146] That project concerns expanding the kinds of information social choice analysis can consider, with respect both to social states and the processes by which they are brought about (see e.g. Sen 1999b). With regard to the former, Sen has argued that Kenneth Arrow's famous impossibility theorem (Arrow 1951) demonstrates that social choice requires a broader informational base that permits interpersonal comparisons, for example in terms of individual capability. With regard to the latter he has argued for incorporating the character of procedures into the analysis of consequential social states, such as in terms of their fairness and respect for individual liberty (most famously in *The Impossibility of a Paretian Liberal* (Sen 1970a)).

[147] For example, while South Africa's constitution bans discrimination on the basis of sexuality, this theoretical equality, and even basic security from targeted violence, is far from being realised in practice.

[148] As Sen notes, in addition to the "adversarial function" of democratic politics in politicising injustices and demanding public action, "The collaboration of the public is an indispensable ingredient of public health campaigns, literacy drives, land reforms, famine relief operations, and other endeavours that call for cooperative efforts for their successful completion." (Drèze and Sen 1989, 259)

particular capability (such as women in Saudi Arabia), it may become clear that specific social norms, rather than the cost of clothes or transport, is the cause of this deprivation. Because of the underlying agreement about the importance of appearing in public without shame, those social norms can be more readily recognised as invidious.[149]

Not all capabilities that individuals have reason to value may be suitable objects for such consideration. For example, the reasonableness of an individual valuing professional athletic or academic prowess does not necessarily make it an appropriate object for society to guarantee to everyone as a demand of justice. This relates both to the possibility for reasonable disagreement about the importance of such kinds of lives as well as the practical impossibility of guaranteeing positional goods (success) to all.[150] There may be more agreement on guaranteeing everyone access to a basic level of academic and athletic training. Yet even this may be subject to feasibility constraints on the resources that a society is willing to make available, leading to trade-offs in an education system between physical and academic education, for example.

As well as such narrowing of objects, the consensus approach places constraints on what kinds of action may be taken. This relates to the multiple dimensions that may be relevant in thinking about social justice, and which may be in tension with each other.[151] For example, even within the idea of equality there may be multiple divergent and appealing moral principles to consider and reconcile, such as around the ideas of fairness and equality of opportunity. One example that Sen gives relates to the generally shared view that life is an important capability. It seems that, for mainly biological reasons, women tend to

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[149] Though social norms are hard to legislate for or against, they are thus not beyond the reach of social choices about justice. Hence Sen's careful analysis of the concept of human rights as "significant ethical claims" bearing on all those "who are in a position to help" and thus as going beyond what can be legislated for, including, for example, equality of respect in marriage or being treated with civility in public discourse (Sen 2009a, chap. 17).

[150] The standard example here comes from Scanlon: "The fact that someone would be willing to forego a decent diet in order to build a monument to his god does not mean that his claims to others for aid has the same strength as a claim for aid in obtaining enough to eat" (Scanlon 1975, 659–60). Debra Satz has also argued for dropping idiosyncratically valued capabilities from consideration in favour of more generic ones that can be publicly justified as the basis for policies (Satz 2012, 290–2).

[151] As Sen notes, "Capability is, in fact, no more than a perspective in terms of which the advantages and disadvantages of a person can be reasonably assessed…. But neither justice, nor political or moral evaluation, can be concerned only with the overall opportunities and advantages of individuals in a society" (Sen 2009a, 296–7)

live several years longer than men. An equal opportunity view may therefore suggest that medical care should be preferentially directed to the weaker sex to equalise their effective freedom to live a long life. Yet that course of action conflicts directly with intuitions about procedural fairness (Sen 2002c; Sen 2006a). Reconciling these multiple and sometimes contradictory principles of justice for practical purposes is, Sen argues, a task for public reasoning rather than moral theory (Gaus 2012, 245–55).

Yet, although Sen seems to rely on some idea of deliberative democratic politics in using the concept of capabilities in thinking about social justice, he has not presented a recognisable theoretical account of how that should work.[152] Hence the appearance of a 'political gap' in his account. Sen has made many remarks on the issue that seem to rule out certain ways of proceeding, notably, against allowing philosophical or technical analysis to play a determining role in valuational exercises. Yet many critics have found his remarks about what kind of democratic procedure he has in mind unsatisfactory. On the one hand Sen seems to link the legitimacy of a capability valuation to an exercise in social choice, in which valuable functionings are identified and ranges of weights that reflect the degree of agreement in their value are assigned to them (Sen 1985c, 40). But on the other hand he himself points out the limitations of such exercises in the absence of substantial uniformity of judgements (Sen 1985b, 30). He therefore points to public reason and democratic politics as the best way to come to legitimate decisions, but he doesn't give a very clear account of how this 'government by discussion' should work. He also makes clear that democratic political procedures do not by themselves guarantee good decisions on valuation - they may still merit criticism from outside the society concerned (and indeed inside – a fundamental feature of a functioning democracy).[153]

Many scholars have demanded a clearer account of the proper roles and importance of philosophical reflection, technical analysis, and (democratic) politics in determining the content and interpretation of a list of capabilities for social justice. In the following I discuss alternative answers which critics have given, through a review of the slightly fierce

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[152] It is this suggestion that Crocker sees himself as completing: "although Sen opens the door to an explicit engagement between the capability approach and deliberative democracy, he has only begun to venture through it (Crocker 2009, 308)."

[153] For example, Sen often criticises even robust and wealthy democracies for their lacunas, such as the political acceptance of high levels of 'structural' unemployment in Europe or scandalous early mortality rates among some demographic groups in the USA (e.g. Sen 1999a, chap. 1).

debate between Crocker and Nussbaum as representatives of the two wings of political moralism. My aim is to show that despite being clearer and more precise than Sen has been, both accounts have significant practical and theoretical deficiencies that relate to their deliberate self-distancing from politics. With this achieved, I can return to Sen's account and introduce my interpretation of Sen's 'idea of democracy' and show that it presents a genuine and substantive alternative to orthodox thinking about justice in political philosophy.

II. POLITICAL MORALISM

Sen's invocation of the idea of public reasoning has been criticised from two different directions. In the first place, Sen's claim may be said to be descriptively inadequate. In the real world, politics (even in 'democracies') appears to be mainly about power, interests and struggle, not public reasoning. This critique focuses on power relations, broadly construed, and the relative powerlessness of the most oppressed, and hence the practical irrelevance of such idealised concepts as public reasoning. In the second place, Sen's claim may be said to be normatively inadequate. Insofar as he doesn't specify what the idea of public reasoning would require in institutional terms – such as equality of voice - it fails to provide guidance for recognising it or bringing it about.

The two critiques are aligned in the sense that both conclude that the choice of capabilities for social justice purposes cannot be left to ordinary ('democratic') political processes. Politics as we know it – a domain of competitive struggle between interests mediated by power - should be bypassed entirely. Yet there are two ways in which this is envisaged, which relate to the orientation of the original critique towards seeing democratic politics as 'half-empty' or 'half-full'. Those who take the more pessimistic line about the nature of politics tend to support the external determination and imposition of the requirements of justice on the society concerned. Those who take the more optimistic line are concerned with improving the character of the political process itself so that the conditions for true public reasoning are realised.

This bears a striking resemblance to the schema of 'political moralism' laid out by Bernard Williams, for example in his essay *Realism*

and Moralism in Political Theory (Williams 2007).[154] Williams suggests that there are two rough models for political theory. First the "enactment model", in which "political theory formulates principles, concepts, ideals, and values; and politics (so far as it does what the theory wants) seeks to express these in political action, through persuasion, the use of power, and so forth" (Williams 2007, 1). Williams' paradigm of this is Utilitarianism, with its panoptical external view. (I argue that this is the model underlying Nussbaum's capability approach to social justice.[155]) Second, the "structural model", where "theory lays down moral conditions of co-existence under power, conditions in which power can be justly exercised" (Williams 2007, 1). Williams' paradigm here is Rawls' *Theory of Justice*, with its focus, outside the difference principle, on a fair institutional structure. (I argue that this is the model underling David Crocker's deliberative democracy approach to justice in terms of capability.[156])

Williams argues that both models assume "the priority of the moral over the political" (Williams 2007, 2), what Bonnie Honig has elsewhere called that "mysterious phenomenon: the displacement of politics in political theory" (Honig 1993, 2).[157] The enactment model treats politics as the instrument of the moral. That is, moral ends are determined outside the political domain, and politics is considered, if it is considered, only in strategic terms. The structural model sets (often tight) constraints on what politics can legitimately do. That has the effect of substantially predetermining the kind of outcome that politics can lead to.

In the following section I discuss the debate between the two theoretical approaches, through an inspection of the debate between Crocker and Nussbaum (and Nussbaum's defender, Rutger Claassen)

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[154] Though Sen and Williams were close colleagues, I cannot say whether Sen has been directly influenced by Williams very late work on political philosophy as he certainly was by Williams' earlier writing on ethics.

[155] Thus Nussbaum notes for example that "When we think about violence against women, we see that democratic deliberation has done a bad job so far with this problem" (Nussbaum 2005, 179). And she says that her approach "is recommended as a good idea to politicians in India or any other nation who want to make it the basis of national or local policy" (Nussbaum 2000, 104)

[156] Thus Crocker argues that Sen needs to go further than endorsing democratic practice: "although it is true that deliberative politics has an important role in the "practice" of democracy, the theory of deliberative democracy can enrich the ideals of democracy, shape new institutional devices, and guide citizens in the practice of democratic deliberation"(Crocker 2009, 308).

[157] Honig argues though that there are exceptions to this tendency, such as Hannah Arendt and Friedrich Nietzsche.

around the central question of the relationship between democracy, philosophers, and justice. As will be clear, both these theoretical perspectives are informed by and try to accommodate to some extent the nature of politics. They are not the work of 'armchair theorists', and thus the distinction between them and Sen's approach is not categorical but rather a matter of emphasis. Nevertheless, both distance their projects for social justice from politics as we know it.

III. DEMOCRATIC OR PHILOSOPHICAL THEORY? CLAASSEN VS. CROCKER VS. NUSSBAUM

Let us begin with Crocker's critique of Nussbaum and proposal of a (version of) the theory of deliberative democracy to address the question of capability list-making for social justice purposes. In chapter 6 of his *Ethics of Global Development*, Crocker criticises Nussbaum's approach to the valuation question on the grounds that she neglects the political dimension almost entirely in her account of how her ideal constitution is to be arrived at, interpreted, implemented, or reformed (Crocker 2009, 199).[158]

As a result, Nussbaum misses the 'agency' aspect of democratic participation.[159] Citizens as agents have an interest in collectively deliberating about and deciding on the nature of the society they want to live in. Crocker argues that Nussbaum's efforts are directed at the constitutional level, rather than the democratic process, because she worries about the danger of democratic majoritarian tyranny (for example, with respect to women's capabilities and voice, or those of religious minorities), and because she believes that democratic politics may result in trade-offs between the more and less popular items on her list of incommensurable and equally essential central capabilities (Crocker 2009, 204–5). As a result, Nussbaum has very little to say about

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[158] A further point, not mentioned by Crocker, is that Nussbaum appears to have an inordinate faith in government as both benevolent and the only agent of justice. In practice this is conceived even more narrowly, in terms of writing progressive constitutions to be interpreted by progressively minded supreme courts. India, on which she has written extensively, already has both. Yet they have not been enough to make up for the extensive failings of Indian politics and public administration, which Sen has discussed and criticised in some detail (e.g. Drèze and Sen 2002). One wonders therefore what promulgating a new even better constitution incorporating Nussbaum's recommendations might in itself achieve. I will come back to this point below.

[159] Recall Nussbaum's view of social choice: "A habituated preference not to have any one of the items on the list (political liberties, literacy, equal political rights, or whatever) will not count in the social choice function, and an equally habituated preference to have such things will count" (Nussbaum 2000, 149).

how the agency of citizens will play a role in the achievement of minimal social justice, which is the ultimate goal of her capabilities theory.[160]

Crocker also notes that Nussbaum's focus on the political relationship between individuals and government (in terms of individual rights and constitutions) comes at the cost of neglecting the political relationship between citizens.[161] As a result, she misses the 'constructive' value of democratic deliberation (identified by Sen, in addition to its more obvious intrinsic and instrumental values).[162] Open public deliberation is important for people's conceptualisation and comprehension of both their own individual needs and social standards. (I will come back to this important point below in elaborating Sen's "mausoleum" argument against a fixed list.)

Crocker proposes a theory of deliberative democracy that he believes addresses these issues, building on Rawls' influential definition[163] and its theoretical development, particularly by Henry Richardson and Archon Fung & Erick Olin Wright. It attempts to square two core values. Development should be democratic – decided by the people concerned - but also just.[164] Therefore, development requires a theory of what counts as a legitimate (just) democratic process. Crocker argues that he is

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[160] For example, although Nussbaum makes much of the Rawlsian idea of an 'overlapping consensus' in justifying her capability list as a partial theory of justice compatible with political liberalism, she acknowledges that the socio-political conditions required for her list to be the object of an actual overlapping consensus are not yet satisfied (Nussbaum 2011a, 89–93). Thus the role of the overlapping consensus is purely hypothetical and justificatory. It is not part of how Nussbaum expects her theory of justice to be realized, which is by the leadership of enlightened politicians and international civil servants rather than the demands of popular politics.

[161] In contrast to Sen, for whom "the central issues in a broader understanding of democracy are political participation, dialogue and public interaction (Sen 2009a, 326)."

[162] "Open discussion, debate, criticism, and dissent....are crucial to the *formation* of values and priorities, and we cannot, in general, take preferences as given independently of public discussion" (Sen 1999a, 153 emphasis added)

[163] "The definitive idea for deliberative democracy is the idea of deliberation itself. When citizens deliberate, they exchange views and debate their supporting reasons concerning public political questions. They suppose that their political opinions may be revised by discussion with other citizens; and therefore these opinions are not simply a fixed outcome of their existing private or nonpolitical interests. It is at this point that public reason is crucial, for it characterizes such citizens' reasoning concerning constitutional essentials and matters of basic justice." (Rawls 2003b, 138–9)

[164] Crocker's central concern is with development, though, like Sen, he takes an expansive view of this to include confronting "urgent human problems" wherever they may be found and not only in the so called developing world. His approach is thus compatible with the social justice concern of this chapter.

merely developing Sen's own positive endorsement of the *practice* of deliberative democracy by specifying what a suitable *theory* of deliberative democracy would require.[165] Once specified, deliberative democracy can be evaluated and worked towards in the real world. Its requirements, for example, include rough equality and passing a threshold of sufficiency for all adult citizens in the dimensions of political liberty, the rule of law, and economic functioning, as well as procedural fairness in the deliberative mechanism itself (Crocker 2009, 317-9).

In the course of defending substantive capability lists like Nussbaum's, and elaborating on the proper relationship between the philosopher and the polis, Claassen delivers a fairly comprehensive refutation of Crocker's argument. Claassen notes that the democracy theorist's approach is justified in part by a "political" concern that legitimate decisions about the metric and rule of social justice can only be made by the people concerned, and only democratically. It should not be determined and imposed by a "philosopher king". Yet, rather obviously, the democracy theorist has not escaped the problem he sets himself. For if the justification for this exercise is that it is illegitimate to impose an externally derived and justified substantive account of justice on a society, then the 'theory' of just democracy must fall to the same problem. As Claassen puts it:

> If the democratic position holds that only a democratic process can deliver the requisite legitimacy, then it needs to answer the question whether any democratic process will do; or, to put it differently, what it means for a process to be (sufficiently) democratic. This will lead the democratic position to develop a (or endorse an already existing) theory of democracy, e.g. one of the theories of deliberative democracy ....This means that the philosophical modesty at one point (in the theory of justice) requires philosophical outspokenness at another point (in democratic theory) (Claassen 2011, 498)

The further problem concerns the substantive perquisites of just democracy (Claassen 2011, 498-9). When identified in capability terms, as capability theorists such as Crocker do, this specifies a great deal about which capabilities matter and how they are to be distributed

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[165] For example, Crocker notes that the 'social choice exercise' promoted by Sen is an unorthodox interpretation of social choice theory, since it includes a deliberative exercise which takes it beyond the mere aggregation of voting information.

(generally, equally).[166] The capability approach democrat's theory thus imposes quite significant decisions about what capabilities justice requires before any legitimate democratic deliberation can take place, and it does so for the purported reason that only the people concerned can legitimately decide what social justice requires. As Claassen points out, this is circular.[167]

Claassen goes on to distinguish the "philosopher citizen",[168] who develops and tests philosophical accounts of justice and proposes them for public consideration and deliberation, from the "philosopher king" The philosopher king considers the practical legitimacy of his theory to derive entirely from its claim to philosophical truth, and considers that citizens should conform to it because of that truth. In contrast, the philosopher citizen offers his account as an input to the political process, and sees its practical legitimacy as dependent on its success in that process rather than as deriving from its essential truth (Claassen 2011, 501). Claassen argues that Martha Nussbaum should be seen as a philosopher citizen because she explicitly structures her account as a proposal for democratic consideration (the distinction between the theoretical justification for her theory and its local political implementation noted in Ch2.II). He argues that the philosopher qua citizen faces no legitimacy problem in putting forward her best account of what justice requires.

Claassen then argues for moderating the "epistemic" justification for the democratic theory approach – that "The man who wears the shoe knows best that it pinches and where it pinches, even if the expert shoemaker is the best judge of how the trouble is to be remedied".[169] He argues first that philosopher citizens provide a service to democracy by providing fully worked out theories for their scrutiny and consideration. In this sense it is the philosopher, not the democratic theorist, who is more respectful of democracy. Second, he argues that the philosopher citizen can (and should) become a "philosopher investigator", who crosses the boundary between philosophical theory and real world data (on the model of Jonathan Wolff and Avner de-Shalit's empirical application of Nussbaum's account (Wolff and De-Shalit 2007)).

Claassen succeeds, I believe, in defeating Crocker's case for the priority of democratic theory. Yet this does not mean that we should

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[166] (cf also Bohman 1997; Knight and Johnson 1997)
[167] This circularity problem applies generally to political egalitarianism (Peter 2006).
[168] A term he borrows from Michael Walzer (Walzer 1981)
[169] As Crocker quotes John Dewey (Dewey 1954, 207–8)

accept his conclusion of adopting the "philosophical solution" of establishing the list of capabilities for justice "as a matter of philosophical theory" (Claassen 2011, abstract). Or rather, we must be more precise about what we mean by the philosophical solution. Claassen diagnoses the distinction between the democratic and philosophical positions as gradual rather than categorical (Claassen 2011, 497). If Nussbaum counts as a philosophical citizen, and even a philosophical investigator for her incorporation of empirical research and cross-cultural dialogue, so too must Sen. Yet, while Sen merely proposes that capability be the metric in which advantage is considered for social justice purposes, Nussbaum clearly proposes a far more complete, far more theoretical account (while admittedly allowing for local specifications). The question I turn to now is whether this gradation matters, both for the democratic legitimacy and the democratic feasibility of a capability account of social justice.

IV. THE ROLE OF THE PHILOSOPHER CITIZEN: SEN'S CASE AGAINST LISTS

In this section I will consider Sen's objections to lists, going beyond Crocker's discussion. Before doing so it is important to emphasise that Sen is concerned with a quite different problem than that considered by political theorists such as Nussbaum, Crocker, and Claassen. His concern is not to identify what a just society would look like, and therefore he need not choose between either the enactment model (Nussbaum; Claassen) or the structural model route (Crocker). Rather his concern is with mobilising public action against gross injustices. This means that his method is quite different. For example, rather than claiming to speak *for* the conscience of humanity, as political moralists tend to do, he seems to consider himself as speaking *to* the conscience of an actually existing public.[170]

This makes his task rather more straightforward, for one does not need to develop a complete and consistent theory of justice to identify whether or not child malnutrition is a bad thing, in order, on Claassen's account of philosophical citizenship to be able to "offer the democratic

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[170] Thus, Sen's note in the preface to *Development as Freedom* that, "I have, throughout my life, avoided giving advice to the "authorities." Indeed, I have never counseled any government, preferring to place my suggestions and critiques—for what they are worth—in the public domain." (Sen 1999a, xiv)

process something to digest" (Claassen 2011, 502).[171] Nor is this an issue of deep moral disagreement, calling for a theory of deliberative democracy involving ideals of reciprocity, publicity, and accountability.[172] It is true that some forms of oppression, such as around gender, caste, and race, may be socially divisive issues and hence may be said to be characterised by *broad* moral disagreement. Yet, Sen suggests, such disagreement doesn't actually go very deep, for the arguments for such discrimination do not survive the critical scrutiny permitted by quite basic political freedoms and institutions, if that opportunity is properly taken up. The Taliban, for example, doesn't promulgate its 'moral' code about women's roles through moral argument, but by preventing such argument.

Let us turn now to considering the difference in degree between the two philosopher citizens, Sen and Nussbaum. Sen has explicitly refused to endorse a single list of important capabilities not only to make sure any list adequately relates to its specific purpose, but also to safeguard the scope of public reasoning.

> My own reluctance to join the search for such a canonical list arises partly from my difficulty in seeing how the exact lists and weights would be chosen without appropriate specification of the context of their use (which could vary), but also from a *disinclination to accept any substantive diminution of the domain of public reasoning*. The framework of capabilities, as I see it, helps to clarify and illuminate the subject matter of public reasoning, which can involve epistemic issues (including claims of objective importance) as well as ethical and political ones. It does not - and cannot - displace the need for public reasoning. (Sen 2004d, 333 fn. 31 emphases added)

Claassen, however, argues the opposite case. He claims that the philosopher citizen is actually more democratic than the democracy theorist *because* she provides the public with fully developed and academically tested claims concerning the true nature of justice about

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[171] Thus, when invited to give a lecture at the Indian parliament, Sen told his audience, speaking it would seem as a philosopher citizen, that India's success in preventing famines (that monstrous and repeated failure of British Imperial rule) is a great achievement of Indian democracy, but its failure to provide literacy and nutrition to its children, on the importance of which all supposedly agree, is its great shame (Sen 2008b).

[172] Amy Gutmann and Dennis Thompson proposed their influential account of deliberative democracy to deal with deep contemporary moral disagreements within a polity (specifically, the USA), such as over affirmative action and the legalization of abortion, and not for what to do about deep moral agreements, such as against slavery (Gutmann and Thompson 1996).

which they may have a real debate. Democrats like Sen, who eschew such use of philosophical theory, are unable to offer the public any complete theories of justice, and thereby "leave the public debate empty-handed" and "have to let citizens struggle to decide for themselves what to think about capabilities" (Claassen 2011, 503).

> The philosophical position offers the democratic process something to digest. It enriches public debate by offering the most enlightened theories that it can come up to. At the level of theory, of course, there are likely to be competing philosophical theories instead of one. So the public will quickly realize that truth is a complicated matter in philosophical theory, or else it will be forced to realize this by proponents of competing views in the public arena, calling upon competing philosophical theories. It will then use philosophical theories as clarifications, systematizations, sources of inspiration, etc. of the positions that it wants to defend. (Claassen 2011, 502)

There is a certain plausibility to Claassen's claim here, yet it does not seem really credible to accept it as a description of how democracies generally work. There have been occasions when the theoretical quality of the public political debate has approached what Claassen seems to assume is normal, such as in Britain over the Irish question and Lords reform between 1886 and 1914; or, in the USA, the Philadelphia debates over states' rights, and the degree and nature of the democratic franchise (of which *The Federalist Papers* is the finest example) (Crick 2002, 47). Yet this is hardly representative of politics as we know it. It does not seem reasonable to presume that highly theoretical accounts of justice are what democracies are looking to digest. It certainly does not seem a reasonable foundation for the assertion that Sen's more humble contribution - the identification of the capability space as a suitable metric for considering advantage - "leave[s] the public debate empty-handed".[173]

I don't think the choice between the approaches of Sen and Nussbaum rests on this, since the contribution of philosophical theories "may trickle down to public debate" in more indirect ways, as Claassen notes (Claassen 2011, 503). Yet I believe it does remove Claassen's

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[173] Indeed, the public influence of Sen's minimalist evaluative version of the capability approach has in fact been much greater than Nussbaum's theory of justice version. 'The public', from policy-makers to NGOs to citizen activists, seem overwhelmingly to prefer Sen's version to Nussbaum's, for exactly the reasons Sen has given: its breadth and flexibility make it a useful tool for evaluating and politicising injustices and inequalities.

strongest argument in Nussbaum's favour. We can now turn the debate around and consider why Sen was so concerned that a single canonical list would mean a "substantive diminution of the domain of public reasoning".

I think we must draw here on Sen's account of the 'constructive value' of democracy (which Crocker valued so highly): that it allows the people concerned not only to contribute their own ideas and values (agency), and their own understanding (their epistemic perspective about where the shoe pinches), but also to come to new understandings which may well be shared judgements. A constitutional canonical list may constrain a polity's collective imagination, which requires dissent as well as collegiality. I think this is also behind Sen's concern that Nussbaum's (then explicitly Aristotelian list) "may be tremendously overspecified" (Sen 1993b, 47). As Sen puts it:

> [T]he practice of democracy gives the citizens an opportunity to learn from each other, and can also profoundly influence the values and priorities of the society. Even the idea of 'needs' (including the understanding of 'economic needs'), which is often taken to be fixed and well-defined, can respond to public discussion and exchange of information, views and analysis. In this sense, democracy has a *constructive importance*, in addition to the intrinsic value it has in the lives of the citizens and its instrumental role in political decisions. Value formation is as much a democratic activity as is the use of social values in the determination of public policy and social response. (Drèze and Sen 2002, 25 original emphases)

Sen argues positively for the incompleteness of the social choice approach rather than the theory founded list approach. A list, he points out, narrows what public reasoning can consider by saying that only those items matter.[174] Whereas the constructive aspect of public reasoning can produce unanticipated yet politically significant justice oriented discussions around quite different values. One example Sen often mentions is of how issues surrounding fertility have been opened up to public discussion in many still poor countries, and specifically

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[174] "To decide that some capability will not figure in the list of relevant capabilities at all amounts to putting a zero weight on that capability for every exercise, no matter what the exercise is concerned with, and no matter what the social conditions are. This could be very dogmatic.....(Sen 2004a, 79)."

how a woman's right to have a smaller family has become recognised as legitimate.[175]

The case I consider here – India's *Mohatma Gandhi National Rural Employment Guarantee Act* (NREGA) – has an even clearer political character. Although any links it might have to the capability approach would be quite indirect, I believe it provides a good case study of the potential of quite basic democratic opportunities, even in impoverished polities with significantly flawed democratic institutions, for articulating, debating, and acting on new and unanticipated moral claims.

NREGA was passed in 2005 and is now being implemented in all rural districts in India.[176] Every household (or nuclear family thereof) is guaranteed 100 days employment per year of unskilled manual labour on public work schemes as a legal right at the state agricultural minimum wage. Priority is given to women and work projects have to employ a minimum quota of at least one-third women. When someone registers for work it must be provided within 15 days or unemployment compensation must be paid. The public works are intended to create durable assets for the agricultural economy, particular relating to water supply.[177] Total cost for 2011, $9 billion.

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[175] "[I]n those parts of the so-called Third World in which there has been increased and extensive public discussion of the consequences of frequent childbearing on the well-being and freedom of mothers, the perception that a smaller family is a "basic need" of women (and men too) has grown, and in this value formation a combination of democracy, free public media, and basic education (especially female education) has been very potent." (Sen 1995b, 17)

[176] This account is based on (Dey, Dreze, and Khera 2006; MacAuslan 2007; Green 2008). To my knowledge, Sen himself doesn't seem to have been especially involved in NREGA, though *The Economic Times* (of India) has quoted him giving it his approval: "NREGA reaches out to the people and gives them income. It is an enhancer of capability. It enhances their self-respect and participation in life and community" (2009). However he has previously written on the importance of public employment schemes in protecting and promoting entitlement to food (see e.g. Drèze and Sen 1989, 113–118). He has also talked about how the capability approach would look at the value of employment and see rich world structural unemployment as a deprivation: "unemployment is not merely a deficiency of income that can be made up through transfers by the state...; it is also a source of far-reaching debilitating effects on individual freedom, initiative, and skills...the 'social exclusion' of some groups and...losses of self-reliance, self-confidence and psychological and physical health" (Sen 1999a, 21). Sen's long-term co-author on his capability based research in India, Jean Drèze, was heavily involved in promoting NREGA through published research, journalistic coverage, and also as a member of the influential National Advisory Council, set up by Sonia Ghandi after the 2004 election (MacAuslan 2007, 4).

[177] There are of course valid criticisms to be made of the structure of the programme. In particular, there is justifiable scepticism about whether the works themselves create many valuable assets for the rural economy (previous public works generally haven't) and one could suggest that simply giving money to poor people without making them

Public employment schemes have a dismal history in India of corruption, incompetence, and waste. NREGA has been designed to mitigate at least some aspects of this. It is intended to solve the problem of identifying welfare recipients on the basis of need by building in a self-selecting element: anyone who requests unskilled manual labour at the minimum wage may be presumed to be in need of the income it provides. It also creates a legal right to employment, rather than the piecemeal schemes in the past which were often hostage to short-term political interests. It embodies considerable attention to implementation issues, particularly with respect to transparency and accountability. Muster rolls, payment rates, payment processes are all supposed to be public information; village assemblies and councils are given roles in auditing and implementing particular work schemes. India's often troubled relationship between the central government and state governments is mitigated by a clever incentive system whereby the central government pays most employment costs, but state governments are incentivised to carry out the organisation necessary to implement the act since the unemployment costs fall on them if people in their state cannot be provided employment.

The history of NREGA is somewhat complicated (MacAuslan 2007), as is the story of most political achievements, involving activism, media publicity, state institutions, political parties and elections, and serendipity. Activists and organised social movements from various backgrounds had helped to shape a prevailing civil discourse around poverty and rural distress and were particularly encouraged by the Indian Supreme Court (in its 2001 decision mandating mid-day meals for schoolchildren). More formal political factors included the internal party dynamics of the Congress Party (leaders like Sonia Ghandi supported it) and the 2004 national elections (Congress's manifesto was aimed at rural voters who felt left out of increasing urban prosperity and was perhaps particularly open-handed because they hadn't expected to win). There was a tipping point when NREGA came before parliament itself. Initial drafts seen to be 'diluted' (by civil servants anxious about the costs) were characterised as 'anti-poor' and made the subject of a

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labour in the sun would be just as effective and less expensive to administer. While this may be true, up to a point, it misses the political feasibility of guaranteed employment rather than a handout. Supporters of the programme also believed that if people felt that they earned their entitlements through work, they would be far more assertive of their rights to them (the looting by Indian public officials of welfare programmes focussing on hand-outs to the poor has previously been accompanied by general apathy among the poor, rather than outrage).

systematic campaign involving various regional and national social movements and leftist political parties, who organised rural marches, sit-in protests, and public hearings, with a great deal of sympathetic media coverage. The revised version was passed unanimously by parliament, but not without continuing criticism from all sides.

One of the interesting things about the political campaign for NREGA was that it engaged the support of a coalition of diverse social movements and political activists because it was seen to be instrumentally linked to ameliorating a number of distinct but overlapping social justice concerns. If NREGA had not been the focal point, each of these groups might have campaigned separately for their various causes, and perhaps only at the regional level. Or another national programme on a quite different issue might have become the focal point of a similar coalition.

The coalition included national organisations like the Right to Food movement, and associated groups, which saw NREGA as an important way to support the adequate nourishment of the poor by addressing the rural underemployment that reduced entitlement to food or made it insecure. Women's movements were particularly concerned with rural women's lack of employment opportunities and equality within employment. NREGA's prioritisation of women candidates would allow more women access to non-domestic waged employment. This was also expected to improve the status and bargaining position of women within households, which is substantially dependent on perceptions of household contribution that are in turn strongly related to external waged employment.

Left-wing political parties and labour movements backed NREGA in part because of the long-term political opportunities it represented. Informal labour, particularly rural, had long been under-represented politically despite making up far more of the workforce than the formal labour sector with its organised and politically connected unions. Leftwing movements believed guaranteed employment would not only increase the bargaining power of such workers with respect to other local employers and lead to a general rise in working conditions and pay, but also create the conditions for a more assertive rural labour

force who would seek a greater voice and representation in the wider political sphere.[178]

Rural underemployment was also responsible for the routine mass seasonal migration of rural labourers to cities or other states whenever there was no agricultural waged work available at home. The economic necessity for migration disrupted family and community life and institutions, and led to many associated problems, such as discontinuity in children's education. The income security of guaranteed employment over low seasons would make such migration less necessary.

The decentralised implementation of NREGA also appealed to supporters of the Panchayat system (local government) since village public assemblies (Gram Sabhas) were to be involved in the selection of work projects and auditing, and elected village councils (Gram Panchayats) would have a large role in its administration, setting village development plans (work projects), and their implementation.

From the perspective of the capability approach one can see the creation of NREGA in terms of the political valorisation of a *new* 'capability for employment'.[179] It is the product of a combination of public reasoning (broadly construed) and concerted public action. As well as its direct importance to the lives of rural citizens (its intrinsic value), this capability for employment was additionally justified by its instrumental linkages to supporting other important capabilities, such as for nourishment and political representation. People who disagreed severely about the nature of a just society could nevertheless agree that this capability was important, and was worth making the focus of a political struggle involving protests as well as public debates.

As I have noted earlier, an important feature of the capability approach is that it considers individuals, even the very poor, as active agents in their own destiny rather than as patient recipients of dispensed benefits (Sen 1999a, xiii, 19). As well as the intrinsic value of respecting the agency of individuals concerned, thinking in terms of agency has instrumental value in the achievement of public actions relating to social justice. It directs attention to issues like incentives (understood generally, not only in terms of 'market incentives') and real-

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[178] The increased enfranchisement of the rural poor was a significant outcome of the Maharashta state Employment Guarantee Scheme on which NREGA was modelled (Drèze and Sen 1989, 116 fn. 29).

[179] It is not anticipated for example by Nussbaum's philosophically derived list, (although that does include "the right to seek employment on an equal basis with others" as part of Capability 10, *Control over one's environment*, under *Material aspects* (Nussbaum 2011a, 33–4)).

world behavioural norms, such as the unintended but foreseeable consequences of policy interventions. It also directs attention to how people may be helped to become engaged in overcoming problems in implementation, from incompetence to corruption, through both "collaborative" and "adversarial" engagement (Drèze and Sen 1989, 259).[180]

The issue of enhancing political representation, particularly pressed by the labour unions, is especially interesting because it concerns the use of democratic political opportunities not only to demand public action but also to enhance the democratic quality of the political regime itself. One may note that the political agitation around the right to employment was almost entirely organised and carried out by people who would not be affected by it (especially, members of the urban middle-classes and urban trade-unions), acting in 'solidarity' with the nearly voiceless rural poor. As Sen has noted, the history of India shows that such solidarity extended from the politically influential to the politically excluded is an important but undependable method of representing the interests of the excluded. "Self-assertion" of opinion by society's underdogs is also necessary, both for its intrinsic value, and because it makes solidarity more effective and checks its failings (Drèze and Sen 2002, 28–32). The anticipated expansion of political representation among the rural poor due to NREGA thus exemplifies the scope that democratic political opportunities afford.

The preceding two sections have discussed the contentious debate between democratic and philosophical theorists over how to determine which capabilities should be considered a matter of social justice. Although concerned with a specific capability view of the metric of justice, I suggested that the debate can be seen as a clash between representatives of the two distinct wings of political moralism identified by Williams – the structural and enactment models. The discussion identified a significant contradiction in the justification of the structural model (Crocker's deliberative democracy proposal) with respect to its claims *both* that the people should decide what justice requires and that only a philosophically adequate regime of just democracy can determine

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[180] Bhela Bhatia and Jean Drèze summed up their critical review of the initial roll-out of NREGA thus, "All said and done, NREGA has created a sense of hope amongst the rural poor. This sense of hope can be further strengthened if people understand that the act gives them employment as a matter of right, and that claiming this right is within the realm of possibility. Translating this latent energy into organised public pressure is the best way to ensure that the implementation problems reviewed in this article are addressed without delay." (Bhatia and Drèze 2006, 3202)

the people's will. Yet the alternative, in which the philosopher citizen (such as Nussbaum) works out a theory of justice and submits it to the political process, also seems to miss something important about democracy that goes beyond legitimacy and epistemic authority: the *constructive* possibilities of democratic politics emphasised by Sen. The following section elaborates on Sen's positive defence of democratic politics (i.e. beyond the epistemic and legitimacy problems one may suspect still linger around Nussbaum's enactment model). I call this non-ideal, pragmatic but optimistic approach Sen's 'idea of democracy' (after his *Idea of Justice*, with which it has an intimate connection).

V. SEN'S 'IDEA OF DEMOCRACY': SOCIAL CHOICE AND GOVERNMENT BY DISCUSSION

Sen's 'political gap' – his failure to rule on how politics should relate to capability justice - is not the lacuna it is taken to be. Rather, it reflects Sen's belief in the idea of democracy, a belief which is grounded in his extensive empirical, theoretical, and philosophical analysis of politics across his career. Sen's faith in actual democratic politics is unusual in political theory and relates to his comparative approach to justice. It leads him to argue for democratic politics and for a better democratic politics, but never for overcoming politics itself.

First, Sen argues for taking the instrumental role of politics seriously. While many moral philosophers focus on the injustices and other failures of politics, including of more or less democratic politics, Sen focuses on its potential - what it can achieve and how. That potential is not only for achieving public action on remediable injustices, but also for improving the political regime itself, for example by extending the franchise to women or ethnic minorities, or introducing freedom of information laws that make it easier to hold governments to account. The challenge for those seeking to reduce injustice is thus a political challenge - to take up, and enhance, the political opportunities available. As Sen puts it, somewhat bluntly, "In a democracy, people tend to get what they demand, and more crucially, do not typically get what they do not demand (Sen 1999a, 156)."

Second, Sen sees in the *process* of democratic politics a productive - transformative - dimension that cannot be replicated by moral theory. He connects political engagement with public interaction and dialogue about how society (and politics) should be improved. This complements the instrumental aspect of politics because it concerns the

determination of what it is that people try to demand through politics. Sen's account of this brings together two distinct traditions – social choice and public reasoning – in a way which has not generally been appreciated.[181]

a. An Expansive View of Social Choice

Sen has made substantial contributions to the related fields of social choice theory and welfare economics (for which he received the Economics Nobel Prize in 1998).[182] Welfare economics and social choice theory are generally understood as overlapping but distinct fields, the one concerned with evaluating society's welfare and the other with making collective choices that properly reflect the interests and concerns of society's members. More specifically, welfare economics has traditionally been concerned with the narrow question of evaluating the welfare of a social state in terms of an aggregation of the utility functions of its constituent individuals as the basis for assessing claims that particular policies or events increase or reduce social welfare. Sen considers such a narrowly defined welfare economics as a sub-field of social choice theory, broadly conceived to include social choices as to how to evaluate welfare (in ways that can go beyond aggregate utility and culmination outcomes). Social choice theory, Sen argues, "provides a general approach to the evaluation of, and choice over, alternative social possibilities (including inter alia the assessment of social welfare, inequality, and poverty) (Sen 1999b, 349)."

Sen notes that the traditional concerns of social choice theory (voting) and welfare economics (aggregate utility maximisation) substantially converged in Kenneth Arrow's famous resurrection of the social choice school (Arrow 1951), since preference orderings and voting information are analytically similar (Sen 1999b, 352). This convergence was due to the informational constraints on interpersonal comparisons imposed by Lionel Robbins and other economists influenced by logical positivism. Indeed much of Sen's work in the field of social choice has been concerned with showing that the possibility of social choice

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[181] An exception is Mozaffar Qizilbash (Qizilbash 2007)

[182] For detailed discussions of Sen's various contributions to economics leading up to the prize see (Arrow 1999; Atkinson 1999; Sen 1999b). This work has also influenced philosophers. John Rawls for example referred extensively to Sen's book, *Collective Choice and Social Welfare* (Sen 1970b), in *A Theory of Justice* (Rawls 1999 Revised Edition).

requires expanding the kind of information considered, with respect both to social states (beyond utility) and the processes by which they are brought about (such as respect for liberty) (see e.g. Sen 1999b).

Social choice theory is an extremely flexible, though thin, formal framework that Sen argues can even be applied to moral theories.[183] Nevertheless one can make a distinction between two different concerns that social choice may have, concerning the evaluation of social welfare and the evaluation of social judgements (cf Sen 1995b, 5).

The former can be viewed as following in the fundamental concern of welfare economists with evaluating social welfare in terms of an appropriate aggregation of the welfares of the individuals concerned, while dropping the orthodox welfare economist's restrictions on what kind of information can be considered in evaluating individual welfare. The capability approach is fundamentally an argument for considering information about individuals' capability (what they can actually be and do) in such evaluations of social welfare.

The latter can be viewed in terms of the traditional concern of social choice theorists with finding a workable and normatively adequate way to translate the aggregated normative judgements of individuals about how society should be arranged into a determinate social choice. It is this latter aspect of social choice – how to determine society's collective judgement - that is relevant to political decision making.

Sen's promotion of this aspect of social choice has two dimensions. First he has emphasised the capacity of the very general analytical framework of social choice theory to generate actionable conclusions even in the context of continued disagreement. (This was the feature I discussed in chapter 3:III.) As is apparent on opening any newspaper, there is a great deal of disagreement in any society about the best way of arranging matters (what achievements should be sought and by what route), but that disagreement coexists with substantial agreement about the worst ways. Society's 'choice'[184] may be very clear on certain issues (such as every child's moral claim and legal right to a good education)

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[183] Sen illustrates this with respect to the problem, introduced in *The Idea of Justice*, of who should have a flute: the child who made it, the one who plays best, or the one who is poorest? Though each of these moral theories provides an independent perspective founded on a distinctive informational basis, in considering a particular case there may often be sufficient congruence in their reasoning to permit a definite conclusion (Sen 2009a, 396–400).

[184] Of course it would be a mistake to consider a reference to 'a society's choice' to imply that a society has some kind of "organic existence apart from that of its individual components" (Buchanan 1954, 116).

while other matters remain subject to contentious dispute (such as whether this social commitment should be realised only through the state education system or by giving parents transferable vouchers).[185] To the extent that a social choice system makes such agreements clear, it can be very effective at recognising gross injustices: where social reality falls short of those commonly agreed standards.

The social choice approach to thinking about justice thus contrasts, Sen argues, with the 'transcendental institutionalist' social contract approach. It is concerned with sorting out what we as a society should do about the problems we have now, and not with the abstract contemplation of what the best way to organise society might be. It differs further from the social contract tradition, at least in Sen's expansive formulation, by considering people as "arbitrators" rather than "negotiators" (e.g. Sen 2006e), and by making room for the consideration of the voices and the interests of people from outside the polity (e.g. Sen 2002d).

This brings in the second distinctive feature of Sen's use of social choice, which, as Crocker noted, contrasts dramatically with the orthodox understanding of social choice theory. A great deal of work in social choice focuses, naturally enough, on *voting* behaviour. In contrast, Sen also emphasises the dynamic features of the extended *exercise* of social choice, which democratic decision-making represents. For example, an important challenge in orthodox social choice theory is to develop voting procedures which correctly *identify* each individual's true preferences over social states.[186] Sen is concerned not only that people's true preferences be counted, but also with their *quality*, and that the theory of social choice adequately reflect the extended participatory engagement that characterises democratic political systems.[187]

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[185] For example, Clark and Qizilbash have used a "super-valuationist" approach to identify the dimensions of "core poverty" in terms of the "virtual unanimity" of ordinary people's judgements of the dimensions and levels of achievement required "to get by" (Clark and Qizilbash 2008). They made use of the results from a South African survey on the 'Essentials of Life': where 95% or more of the respondents identified a dimension as essential this was taken to be virtually unanimous agreement; in identifying minimal critical levels of achievement for each dimension the lowest 5% of responses were discarded. Their results differed from standard measures of the "ultra-poor".

[186] And thus, for example, to exclude 'strategic voting' behaviour, a condition imposed on social choice functions by the Gibbard-Satterthwaite theorem (Gibbard 1973; Satterthwaite 1975).

[187] "It is centrally important for social choice theory to relate formal analysis to informal and transparent examination. I have to confess that in my own case, this combination has, in fact, been something of an obsession....Our deeply felt, real-world

Instead of limiting the role of social choice theory to the moment of election and the best way to interpret a snapshot of people's subjective preferences, Sen takes a broader view of politics as a space in which people discuss and criticise various views about how society should work, and as a result often come to clarify and narrow their disagreement and also to find many ideas so wanting (incoherent, unfeasible, or abhorrent) that they can be ruled out altogether. In relating to 'the market' individuals face a closed choice over a fixed menu, and do not have to consider the secondary implications of their choices on others. In contrast, democracy is a social, participatory activity. Citizens in a democracy do not only relate to politics by choosing the option they like best from the menu presented to them every few years, and they do not only consider the choice as about achieving their own interests.[188] First, if people take up the opportunities allowed by democratic freedoms and institutions (including a free media), they will play a role in determining what will be on the menu that is formally presented at elections. Second, democracy evokes people's social perspective and related preferences, which may often be at variance with the preferences they would express in their perspective as an individual actor (for example, people vote for taxes even though they would rather not pay them, or to protect national parks that they have no particular interest in ever visiting).[189]

Sen's understanding of social choice thus seems to incorporate public deliberation, a very different way of looking at democracy. Sen asserts their fundamental compatibility, and indeed complementarity. For example he claims that deliberation can winnow out many (ridiculous or abhorrent) options and thus make social choice procedures more feasible.[190] These complementarities have been worked out more systematically by John Dryzek and Christian List (Dryzek and List 2003). They argue that public deliberation has the capacity to

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concerns have to be substantively integrated with the analytical use of formal and mathematical reasoning." (Sen 1999b, 353)

[188] The presumption, common in the public choice literature, that people's expressed preferences about what kind of society they would like to live in entirely reflect their self interest (the homo economicus view) and not their beliefs about social justice is not sustainable as an empirical claim (cf Sen 1977; Sen 1995b, 15).

[189] In the same way, Nussbaum points out that even people who do not see the relevance of some of the capabilities on her list to their own lives (such as relating to nature) and do not wish to exercise them, may still agree that such options should be generally available (Nussbaum 2000, 153).

[190] "The actual disagreements that exist may be removed through reasoning, helped by questioning established prejudices, vested interests and unexamined preconceptions. Many such agreements of real significance can be reached, but this is not to claim that every conceivable problem of social choice can be settled this way." (Sen 2009a, 396)

promote the normative conditions whose combination social choice theory is concerned with achieving (in its famous impossibility theorems) and conclude that, "social choice theory suggests not that democratic decision making is impossible, but rather that democracy must have a deliberative aspect" (Dryzek and List 2003, 1).

More specifically, Dryzek and List adduce good reasons for supposing that what they call the informational, argumentative, reflective and social aspects of deliberation may permit various "escape-routes" from the impossibility results of social choice theory. For example, they argue, in line with Sen's assertion but in a more systematic, technical way, that the Universal Domain condition (that no logically possible profiles of preference orderings be excluded) may be relaxed if deliberation induces preference structuration. One way in which this might be brought about by deliberation is by inducing *meta-level* agreements about the dimension along which to conceptualise the alternatives, for example in terms of fairness or efficiency (Dryzek and List 2003, 12–22). That is, even where *substantive* disagreement about how to rank alternatives persists, an agreement about what it is that one is disagreeing about imposes sufficient order on the profiles of preference orderings to reduce the threat of cycles in social preferences and strategic manipulation and so permits democratic social choice procedures to go through. Dryzek and List argue that this is both a reasonable supposition to make, and is corroborated by empirical studies of the results of James Fishkin's Deliberative Polling® (List et al. 2006).[191] Their analysis leads them to conclude that,

> deliberative democracy and social choice theory are mutually supportive. The former is concerned with identification of the functions that deliberation ought to, and indeed can, perform in democratic decision making, and the latter is concerned with the clarification of the logical properties of available procedures for solving the aggregation aspects of democratic decision problems. Thus social choice theory shows exactly what deliberation must accomplish in order to render collective decision making tractable and meaningful, suggesting that democracy must in the end have a deliberative aspect. (Dryzek and List 2003, 28)

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[191] Fishkin's Deliberative Polling® has 3 stages (Fishkin 1991). First a representative group of individuals is polled on a particular issue. Then there is a deliberative exercise in which the participants are brought together for a couple of days to discuss the issue, with experts and briefing materials. Then the initial poll is repeated and changes to the answers given noted.

Dryzek and List's analysis supports the feasibility of Sen's unorthodox concern with the *exercise* of social choice, that abstract social choice analysis adequately incorporate the transformative character of actual political participation and engagement for beliefs and voting behaviour. That same concern with *practise* is also central to Sen's direct discussion of democratic politics, to which I now turn.

b. Democracy as Government by Discussion

Sen has paid a great deal of empirical and theoretical attention to democracy and politics, within and beyond his work on the capability approach and development.[192] Here I will bring together the salient features of Sen's analysis to show how his conclusions about the "intimate connection between justice and democracy" (Sen 2009a, 326) are warranted. Sen is acutely conscious of the non-ideal character of actually existing democratic systems of social choice. Nevertheless he argues that they permit considerable scope for public reasoning about social justice that can reach definite conclusions. He also argues that the solution to the problems of democracy is more democracy (Sen 2003b). Addressing the flaws in a society's political regime is a practical political project rather than a politico-moral theory project. That is, the failures in a political system that hinder or undermine the collective capability of a society for public reasoning should themselves be politicised. Thus, pace proponents of the structural model of political moralism, Sen argues that "A country does not have to be deemed fit for democracy; rather, it has to become fit through democracy (Sen 1999c, 4)."

Hardnosed political realists like Ian Shapiro have accused Sen of a certain naiveté in depicting politics in terms of the idea of public reason rather than a Hobbesian struggle between interests over power.[193] Yet Sen's idealism seems better understood in terms of an optimistic reading of the facts than ivory tower fantasy.[194] For example, his book with Jean Drèze *India: Development and Participation* (Drèze and Sen

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[192] Sen's analysis of politics is perhaps most extensive in (Sen 1999a; Drèze and Sen 2002; Sen 2009a).

[193] "Sen characterizes democracy as a system of public reason and discussion. The image he seems to have in mind is an academic seminar writ large, where the best argument wins." (Shapiro 2011, 1259)

[194] See, for example, Erin Kelly's defence of Sen's endorsement of partial and imperfectly realised public reason, between Rawlsian idealism and Hobbesian realism: "[Sen's] characterization of the content of public reasoning is loose. Yet it does not describe a mere *modus vivendi*." (Kelly 2012, 306)

2002 particularly ch. 10) analyses the working of Indian democracy in some detail and nuance. It introduces a distinction between democratic ideals, institutions, and practise, and argues that India has well entrenched democratic ideals, and institutions that function pretty much as they are supposed to, but particularly problematic *practise*.[195] That is, the capacity of India's political rights, freedoms, and institutions are not being used as effectively as they could be, either to propose positive justice enhancing ideas or to criticise iniquitous laws, policies and institutions.

Sen is particularly concerned that the potential of India's democracy is not being sufficiently brought to bear on *chronic* problems of poverty to which people have become inured.[196] But he views this not as a failure of the system's legitimacy but a problem of inadequate functioning requiring a thoughtful scrutiny of the multiple causal factors and their relations, such as the lack of informed public engagement (despite very respectable voter turnouts at elections) and socio-economic inequality. Indeed, the same critical analysis identifies grounds for optimism about what Indian democracy can achieve. For example, Sen and Drèze identify the evolution of social movements around new issues, which have for example succeeded in politicising government corruption in India and transforming public attitudes towards it (Drèze and Sen 2002, 351–2). While noting the many flaws (especially extensive corruption) of India's extensive *panchayat* system of village-level local democracy and governance, Sen and Drèze also note their achievements where circumstances are conducive to their success (such as in the relatively well educated and egalitarian state of Kerala). Local democracy also supports democracy in general by providing a space for "learning by doing", with regard for example to discussing social needs and problems or the idea of holding officials accountable for public services (Drèze and Sen 2002, 361–3).

The *instrumental* value of democracy lies in its potential for promoting sensible policies and holding public officials accountable. Sen notes for example that no democracy has ever experienced a substantial

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[195] This line of analysis reflects Sen's general scepticism about the sufficiency of institutional accounts (whether of justice in general or democracy in particular) which neglect consideration of the full social realisation of the principles they embody.

[196] "India's success in eradicating famines is not matched by that in eliminating regular undernutrition, or curing persistent illiteracy, or inequalities in gender relations….. While the plight of famine victims is easy to politicize, these other deprivations call for deeper analysis and more effective use of communication and political participation—in short, fuller practice of democracy." (Sen 1999a, 154)

famine, despite the fact that famines rarely directly affect (starve) above 5% of the population. They are perceived as a moral outrage by society as a whole, in solidarity with the victims, and that sense of outrage is transmitted effectively by the political system to the government officials with the power to prevent famine (which is actually rather simple). This feature explains both why India's series of dreadful famines ceased upon independence from Britain, and also why more complicated 'less urgent' problems in India such as astonishing rates of childhood malnutrition and illiteracy are permitted to continue: they are moral outrages that have not yet been politicized as effectively as famines.

> Now take some cases of lesser success – and even failure. In general, Indian democracy has been far less effective in dealing with problems of chronic deprivation and continuing inequity with adequate urgency, compared with the extreme threats of famines and other emergencies. Democratic institutions can help to create opportunities for the opposition to demand – and press for – sufficiently strong policy response even when the problem is chronic and has had a long history, rather than being acute and sudden (as in the case of famines). The weakness of Indian social policies on school education, basic health care, elementary nutrition, essential land reform, and equal treatment of women reflects, at least partly, the deficiencies of politically engaged public reasoning and the reach of political pressure. (Sen 2008b Hiren Mukherjee memorial lecture at the Indian parliament)

The important point here is that although we are in a second best setting for democratic politics we should not lose sight of the real improvements that can be achieved within that system with respect to advancing both social justice and public reasoning about it.[197] We should not make the mistake of conflating the actual achievements of a democratic politics with the limits of what it can achieve. Nor should we assume that achieving more from politics is a primarily theoretical challenge (to design a system that will automatically produce morally

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[197] The state of Kerala, for example, whose residents are now among the most economically equal, longest lived, best educated and most adequately politically served in India, was relatively recently one of the most caste-hierarchical parts of India. Not only was the institution of untouchability strictly observed, but lower and non-caste residents were also subject to the intricate and demanding strictures of "unapproachability" and even "unseeability" (Lelyveld 2011, chap. 7). Its achievements relate not only to fortunate circumstances but to "a firm history of radical politics" (Sen 2003a, 324).

just outcomes). Improving the practise of democracy is a practical political challenge. For example, Sen argues that the development and reinforcement of "countervailing institutions" can amplify the voices of the politically marginalised (Drèze and Sen 2002, 371). Such countervailing institutions, though they may themselves be very imperfect (Sen gives the example of trade unions in India), can provide functional checks and balances for holding public officials to account, and raise the profile of issues that are currently absent from the political agenda (such as chronic hunger or unemployment, as opposed to sensational famines), and even directly influence norms and values.[198] By moderating asymmetries of power they can help mitigate socio-economic inequalities in access to democracy, and even the systemic corruption of public institutions that undermines its working.

The underlying position Sen defends is of the importance of the space between the extremes of the full realisation of our moral ideals and their complete absence. This is the space in which we actually live, and in which we are concerned to improve our position. I think Sen's justification for focusing on this space has two pillars. First, the negative critique of the redundancy of the kind of ideal theorising that characterises transcendental institutionalism (discussed in chapter 3: III). This carries over from Sen's general discussion of the idea of justice to the idea of democracy. The transcendental institutionalist approach focuses on the relationship between democratic ideals and institutions, at the expense of attending to democratic practice and the scope for its improvement. Second, the positive defence of the capacity of imperfectly institutionalised democratic ideals to provide a partial space for democratic practise, and the scope of that democratic practise in

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[198] Note that international institutions, such as Human Rights Watch or the Mo Ibrahim Foundation, can also have this function.

Sen has himself founded two such 'countervailing institutions' (with his Nobel Prize money). The Pratichi Trusts focus on primary education and health care (India) and the social progress of girls (Bangladesh). They issue reports on systematic problems in the public provision of basic services (Rana, Rafique, and Sengupta 2002; Pratichi Trust 2005a; Pratichi Trust 2005b; Pratichi Trust 2009; Rana and Chakraborty 2009) and promote improvements through media coverage (e.g. Sen 2009b; Sen 2009d; Sen 2009c), political lobbying, and collaborative engagement with the actors concerned (such as parents, village-councils, teaching unions and state and central government departments of education and legislatures). Their contribution to the practise of democratic politics seems threefold. First, conducting original empirical research to establish the facts of the matter; second, publicising their findings to the general public; third, in co-ordination with various other social movements and NGOs, direct engagement – both adversarial and collaborative – with the actors concerned.

turn to effect real improvements in social justice and democratic practise itself.

Erin Kelly provides a substantial defence and elaboration of Sen's contribution in these terms (Kelly 2012). She combines Sen's analysis of public reason with the capability approach to evaluation and argues that "understanding public reason as a collective capability" helps us clarify its demands and resist scepticism about the ethical accountability of politics and cynicism about its ethical content (Kelly 2012, 295). Considered in terms of the capability of a society, the imperfect realisation of public reason can be evaluated, and the various resources and conditions that support or undermine it can be identified - and themselves politicised.

Kelly argues that the imperfect realisation of the ideal of public reason can have substantial effects on the form of politics. It not only increases the ability of the people to effectively demand improvements in social justice through politics. The requirement for public justification, even if only half-heartedly adhered to by many parties, also raises and broadens the standards for political legitimacy (Kelly 2012, 306). For example, Kelly characterises the spread of human rights norms internationally since the mid-20th century as an exercise of the collective capability for public reason, with respect to a particular subject, by an extended international community of NGOs, activists, lawyers, academics, and journalists (Kelly 2012, sec. VI). This evolving discourse has severely constrained even quite authoritarian regimes, which have been placed in the awkward position of still wanting to torture people but being embarrassed of the public condemnation of being found out by the many organisations, like Human Rights Watch, who scrutinise their practices. Despite the primacy of national sovereignty in international law, it has also led to increasingly interventionist international norms against gross abuses (as Muammar Gaddafi discovered with UN Security Council Resolution 1973). Kelly also notes the role of public justification in the evolution of norms about gay marriage in the United States. American courts have found that laws discriminating against this group on the basis of "private" moral views are unconstitutional, and this attitude seems increasingly widely shared. As Kelly interprets it, opponents of gay marriage are being increasingly challenged to provide a public justification for their opposition, and are losing the political battle because of the general perception of the weakness of their public reasons.

Kelly's analysis, positive proposal, and case studies, demonstrate the significance of imperfect public reason in the real world, without needing to resort to either model of political moralism. Kelly's proposal thus supports Sen's claim that "the defects of democracy demand more democracy":

> The value of public reasoning applies to reasoning about democracy itself. It is good that the practices of democracy have been sharply scrutinized in the literature on world affairs, for there are identifiable deficiencies in the performance of many countries that have the standard democratic institutions. Not only is public discussion of these deficiencies an effective means of trying to remedy them, but this is exactly how democracy in the form of public reasoning is meant to function. In this sense, the defects of democracy demand more democracy, not less. (Sen 2003b)

Sen's 'idea of democracy' recognises the priority of politics over moral philosophy in the sense that the legitimacy of political outcomes or regimes, even those with democratic features, is itself a political issue distinct from the requirements of moral theory. However, this is consistent with his belief that politics can be tremendously improved, and that such improvement extends to the moral standards by which people judge the legitimacy of political outcomes and the regime itself. Indeed 'Politicise!' might be Sen's slogan for how to deal with the shortcomings of actual political systems. It is only by politicising corruption or the lack of women's rights - perhaps through such non-ideally deliberative democratic methods as public demonstrations and civil disobedience – that those moral issues are raised as challenges to the legitimacy of that politics.

While it may seem dispiriting to accept that improvements in social justice depend on a mode of interaction as inherently imperfect as politics, Sen suggests reasons for optimism. The potential for using politics to advance justice is greater than we often assume, and so is its scope. To the extent that the politicisation of injustice succeeds (such as by America's civil rights movement), it changes the rules of the society's politics in terms of what constitutes legitimate kinds of policies and how they may be publicly justified. And the further that progresses, the more the practical form of political legitimacy will approach the moral ideals that have been generally accepted by that society. Such politicisation can thus not only remove particular injustices, but also make the rules of the game less unjust, one part at a time.

CONCLUSION

I began this chapter by laying out a challenge to the contribution of Sen's capability approach to thinking about social justice. There is, as many have pointed out, a 'political gap' in his work about how justice in the space of capabilities should be implemented. Two alternative philosophical accounts (from each wing of the 'political moralism' approach) were advanced as competitors to Sen. Yet each were shown to have significant theoretical and practical problems: both had a 'political gap' of their own resulting from their deliberate self-distancing from the practise of democracy.

I then turned to considering the positive contribution of Sen's approach. Firstly in terms of the theoretical account he does provide: the thin but highly flexible framework of social choice. And secondly in terms of his embrace of the practise of democracy as a space with underappreciated potential for advancing social justice. With regard to the former, Sen complements the orthodox concern of social choice theory with voting behaviour with a concern for the exercise of public deliberation that actual social choice involves. With regard to the latter, Sen presents an optimistic but pragmatic view of the instrumental capacity and scope of democratic practise for achieving improvements to social justice. This particularly relates to the mechanism of 'politicisation', whereby social injustices, and even failings of the democratic regime itself, are made the objects of political mobilisation.

Let me conclude by trying to answer the disappointment the political philosopher may feel at this retreat from the rich resources of rigorous moral theory to the flawed and unreliable space of democratic practise. It is sometimes asserted that we should assess the legitimacy of a society's political regime in terms of whether they fulfil the requirements of our best account of justice. Yet, in actuality the practical legitimacy of a social order depends on the perception of those subject to it, a perception that certainly evolves but cannot be independently identified with an abstract and moralised definition, of liberalism say, unless that is itself taken up by the members of that society (Williams 2007). It is the practise of democracy, as promoted by Sen, that presents the opportunity for a society's sense of what a morally legitimate social order requires to be put in play, for the distance between our ideals and political reality to be identified and challenged. There is much scope here for the moral philosopher, qua

philosopher citizen, to participate in that slow and piecemeal process of improving the world we live in by contributing to that public reasoning.

Conclusion: Evaluation and Valuation

This dissertation has presented and defended a particular interpretation of Amartya Sen's capability approach, as a "framework of thought" rather than a theory of welfare or justice. I will conclude by reflecting on the theme of evaluation and valuation.

In chapters 2 and 3 I argued firstly against certain ways of interpreting Sen's writings on the capability approach, and secondly for seeing them in the context of Sen's methodology of evaluation. The capability approach provides an organising conceptual framework that can be particularly helpful in trying to understand and make judgements of individual advantage and social welfare. (The humbleness of this ambition is somewhat offset by Sen's claim that capability is a fundamentally better metric than any of its competitors.) Sen notes that his account is a general approach "concerned with showing the cogency of a particular *space* for the evaluation of individual opportunities and successes" (Sen 1993b, 49 original emphases) compatible with various routes to operationalization (such as Nussbaum's theory of justice). I argued that the "deliberate incompleteness" of his account reflects Sen's general concern and preoccupation with the demands of evaluation. Evaluations require making choices about how best to understand a particular case through reflecting on which information and theoretical perspectives are salient. And these choices are the responsibility of the individual doing the evaluation, not the theories concerned. They require the exercise of judgement rather than the application of a formula, and thus an active, expert, honest evaluator or *spectator*.

Evaluation can be distinguished from valuation. While normative evaluation is concerned with finding out the degree to which certain normative standards or values are achieved, valuation is concerned with the logically prior exercise of determining those standards and values. Sen's arguments for leaving valuation to individual reflection and the exercise of social choice seem intended to link these distinct operations to distinct kind of persons (i.e. 'actors' as opposed to 'spectators'). This relates to Sen's concern with what might be called a social science ethic, not always shared by moral philosophers, that evaluators should not engage in the exercise of "unleashing one's morals on the statistics" (Sen

1980, 366).[199] It also relates to Sen's concern that technocrats should not attempt to derive simple answers to complex valuational questions through an inappropriate use of such limited statistical methods as contingent valuation or real income metrics (Sen 1999a, 79–81).

This distinction between valuation and evaluation that I have suggested is implicit in Sen's writing is itself a rather Sennian one. Both actors and spectators are engaged in what I analysed as "judgement" – the exercise of critical reflection about how to treat certain issues or answer certain questions. Furthermore, spectators are often explicitly engaged in valuational exercises required by the methodology of evaluation (such as which capabilities to include in an index like the Human Development Index, intended to provide a perspective on how well people's lives are going, and how to weight them). Actors, too, are often explicitly concerned with evaluation, such as in the public reasoning aspect of social choice (which complements the explicit choosing - 'voting' - aspect, in Sen's account).

The difference between valuation and evaluation is thus founded not on a dichotomy between two different kinds of reasoning, but rather on an ethical distinction between the appropriate roles of those involved. The job of spectators is the scientific assessment of how things are going, to produce findings that are objective in the sense that their methodology could withstand critical scrutiny. Doing this job correctly requires abstaining from inserting oneself and one's own moral values into the analysis. That would be unethical in two senses. It would be an exercise of asserting one's own subjective and contentious moral views onto the world without subjecting them to the scrutiny of others (a legitimacy problem), and it would not be a good evaluation to give because it would not relate to the concerns of those involved (an epistemic problem).

Spectators, at least the ones who write government reports and academic papers, have a privileged position as those with the resources (such as information and sophisticated theoretical perspectives) to gain an overview of how well and how badly a society is doing, and also the opportunity to influence how society will go if their evaluations influence or justify public policy. But nothing in that privileged role gives them the right or the ability to decide what people should or

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[199] For example, "For the person studying and measuring poverty, the conventions of society are matters of fact (what are the contemporary standards?) and not issues of morality or of subjective search (what should be the contemporary standards? what should be [my] values? how do I feel about all this?)." (Sen 1979e, 285–6)

shouldn't value. This issue may be evaded by resolute attachment to particularly primitive evaluational methods, such as the self-limitations of orthodox welfare economics or the focus on economic production statistics in development economics. But it is particularly obvious where capability is the focal space of evaluation, for there is something nonsensical in attempting to evaluate someone's opportunities to live different kinds of life without considering the value of those opportunities to them, "without some idea of what a person prefers and has reason to prefer" (Sen 2002e, 5). Thus, pace critics such as Sugden, Sen argues that the evaluative exercise of the spectator must be subordinate to the valuational exercise of those concerned, considered as "agents" rather than "patients". In terms of the central ethical question "who decides?", the actors decide what kind of life is a good one, while the spectators decide how best to evaluate how well people are doing in those terms. The priority of the actors is further asserted in their oversight of the methodology of evaluation, which Sen argues, perhaps overoptimistically, should be made explicit so that it can be the object of public reason and scrutiny (e.g. Sen 1999a, 81).

The second half of this dissertation was particularly concerned with valuation issues and the complicated roles of actors and spectators. In chapter 4, I focused on the problem of adaptation, which I argued is understood by Sen in terms of the deprivation of practical reasoning ("the fourth aspect of the self") in reaction to material deprivation and social oppression. This poses a challenge to the distinction between evaluation and valuation, spectators and actors, because, if actors' self-reasoning is distorted in ways that reflect the domination of circumstances, then their subjective perspectives of 'what kind of life they have reason to value' become unreliable. Yet, the spectators would be overstepping their proper role if they attempted to decide on that question on behalf of those concerned. There are various ways the capability approach can still be applied. For example, it can still diagnose and problematise achievements and failings in the dimension of well-being (such as the relative undernourishment of girls with respect to boys). It can also examine the determinants of opportunities for living certain kinds of lives (such as social or legal restrictions on the schooling or employment of members of certain demographic groups) and thus analyse the limits that exist on people's freedom of choice, whatever they value. But it cannot say what people should value.

I argued that Adam Smith's device of the impartial spectator could be of some use in addressing this challenge of adaptation. First, by conceptualising the problem in terms of values, desires, and aspirations that would not survive transpositional scrutiny (in other words, which the impartial spectator would not be able to go along with). Second, by directing the spectator to adopt the ethos of the impartial spectator and attend carefully and respectfully to the close scrutiny of the 'reasonableness' of the relation between people's preferences and their circumstances. Though in many cases the spectator will not be able to decide whether or not adaptation has occurred, in at least some cases such an evaluation may reasonably lead to clear judgements one way or another.

Besides improving spectatorship, this conceptualisation of adaptation also points to how the position of actors may be improved, by supporting or enhancing their capability to critically evaluate and judge their own preferences. Sen argues that "the ability to doubt and to question is within each person's capacity" and that this is one of the things that distinguish us from other animals, that make us human (Sen 1999d, 24). Yet translating this innate capacity for critical reasoning into a capability requires opportunities for practise. Sen therefore argues for "the creation of conditions in which people have real opportunities of judging the kind of lives they would like to lead" (Sen 1999a, 63). The impartial spectator framework points to an important kind of opportunity, access to multiple alternative epistemic positions - in particular, other lives - from which one's own values can be considered and scrutinised in transpositional terms. Providing people with opportunities to take up the perspectives of other people on their lives or their values would seem to be an important tool for remediating or preventing adaptation while respecting the fundamental autonomy of the actors concerned.

Chapter 5 shifted the focus from the evaluation of advantage to more conventional issues in development ethics, regarding how transformative interventions in people's lives can be justified and the constraints those justifications imply. Again, the distinction between valuation and evaluation is crucial. The spectator who evaluates individual advantage and social welfare in terms of capability must consider not only the comparison of states before and after an intervention, but also the *process* by which the latter is brought about. Prioritising the valuational perspective of the actors in development

contexts requires that development interventions be justified to them in advance.

Because the evaluation of people's capability relates to the kind of life they have reason to value, the capability approach is fundamentally "agent-oriented". Because people are expected to change their notions about the kind of life they have reason to value over the course of development, development is transformational: it changes the standards by which its success or failure can be judged. Such shifting standards make it problematic to evaluate and justify human development interventions in terms of before-and-after-comparisons of capability sets.

In particular, one cannot claim that just because the people who took part in a project genuinely valued its outcomes in terms of enhancing their capability, that one has achieved human development. Without consideration of how the project was justified to the people in the first place one cannot tell whether it was genuinely agent-oriented, respecting the priority of the actors in determining what values count. If a development project can be justified by evaluations of states of affairs which haven't happened yet, this gives those who conduct the evaluations a great deal of liberty to determine the *values* they are based on. They can claim that development projects will bring about certain kinds of people who will value what they have become (such as literate, egalitarian, religious, and so forth). Such an attitude is a "patient" oriented one that sees people "primarily as passive recipients of the benefits of cunning development programs" (Sen 1999a, 11). Genuinely human development, I argue, must instead engage with individuals as autonomous agents in managing their own transformation. This requires that the justifications offered for development be ones that the people concerned (rather than future versions of them) have reason to value.

As I noted above, the two kinds of person associated with the operations of evaluation and valuation, 'spectators' and 'actors', seem modelled, respectively, on the empirical social scientist and the ordinary persons they study (exercising their own capability for practical reason). It would seem that there is not much of a role left for the moral philosopher in this scheme (beyond Sen's proposal of the intrinsic importance of capability and reflections on methodology). This is apparent in several ways. The social-scientific orientation of Sen's concern (which I discussed in chapters 2 and 3) means that beyond a

few rather basic, and perhaps even commonsensical, claims about the moral significance of what we can actually be and do, it is the methodology of evaluation that is the main focus of discussion. It is therefore difficult for moral philosophers (such as Nussbaum) to insert the analysis of value claims into the debate. The "agent-oriented" character of the approach also limits the role of philosophical theory, since it asserts the priority of the actors' valuational perspective, singly or collectively, over the virtues of moral theory (such as truth). Philosophers are free to make suggestions and criticisms to the actors about what kinds of life really are valuable (in the role of what Claassen calls "philosopher citizens"), but their theoretical accounts have no special status in the decision making process itself.

This exclusion of philosophical theory is perhaps most apparent in Sen's approach to thinking of social justice, which I discussed in chapter 6. Sen rejects the weighty philosophical apparatus of social contract theory in favour of the comparatively slight formal framework of social choice theory, which he notes is "quite close to the commonsense understanding of the nature of appropriate social decisions" (Sen 2009a, 18). He also rejects the intellectual satisfactions of identifying what a truly just society would look like, in favour of a rather more mundane, and less radical, focus on identifying what are generally agreed to be injustices. Even for this task, Sen proposes that actors do the work themselves, through democracy.

In the context of much of the dominant (Anglo-Saxon) tradition of "political moralism", this makes Sen a radical democrat. He rejects the claim that the philosophical spectator's evaluation of the requirements of justice (whether substantive theories of the good or theories of the just use of power) should trump actual democratic practise. Theory has a descriptive rather than prescriptive role in this analysis of democracy. Sen makes use of theoretical resources in analysing the deficiencies of actual democracies (such as India's) and how they might be improved. But he argues against the idea that the legitimacy of the outcomes of democratic practise, or of a political regime itself, depend on the fulfilment of particular theoretical qualities. Rather, he argues for appreciating, and promoting, the scope of actual democratic freedoms and opportunities to support public reasoning and the effective politicisation of injustices such as gross deprivations.

This thematic review may seem to have cast Sen as an opponent of philosophy. But I do not believe this impression is correct. Sen's work

can certainly be seen to be influenced by his identity as an accomplished social scientist, for example, in his concern with methodology, logistical issues, wily agents, and his disconcertingly pragmatic use of terminology. But it is equally influenced by a philosopher's concern for foundational analysis, nuance, and ethical breadth. My engagement with Sen's work has persuaded me that it succeeds because of its deep, and deeply informed, inter-disciplinarity rather than in spite of it. Sen is a worldly philosopher, concerned with understanding not only how the world really is, but how it should be made better.

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Appendix A: Nederlandse Samenvatting[*]

De afgelopen 30 jaar heeft de Indiase filosoof-econoom Amartya Sen een originele normatieve benadering voor de evaluatie van individueel en sociaal welzijn ontwikkeld. De fundamentele vraag in deze 'capability approach' is of individuen daadwerkelijk de vrijheid hebben om de levens te leiden die zij met redenen waarderen. Deze vrijheid wordt geëvalueerd in termen van de reële mogelijkheid ('capability') die individuen hebben om combinaties van intrinsiek waardevolle doelen ('functionings') te bereiken, zoals het welgevoed-zijn en het vrijuit belijden van politieke overtuigingen. 'Ontwikkeling' wordt binnen deze benadering opgevat als een uitbreiding van iemands vermogen en daarmee als een concept dat verder gaat dan economische groei in derdewereldlanden.

Dit proefschrift vormt een filosofische doordenking van Sens capability benadering. In het eerste deel (hoofdstuk 1 t/m 3) presenteer en verdedig ik mijn interpretatie van Sens werk. Ik beoordeel een invloedrijke kritiek van politiek-filosofen die beweren dat zijn benadering vanwege haar onvolledigheid ontoereikend is om te discussiëren over rechtvaardigheid en daarmee geen normatieve oordelen kan vellen over achterstelling en onrecht. Ik verdedig de stelling dat theoretische onvolledigheid een welbewuste eigenschap is van Sens capability benadering en geen tekortkoming. Sen is voornamelijk uit op de evaluatie van de kwaliteit van de levens die mensen leiden en het nagaan van hoe hier verbeteringen in aan te brengen zijn. Zijn project beoogt dus iets anders dan een discussie over de juiste theorie van rechtvaardigheid en stelt daarom andere eisen. Een theorie van rechtvaardigheid is een product van de ontwikkeling en validatie van een conceptueel denksysteem in termen van theoretische waarden als precisie, consistentie en coherentie. De evaluatie van welzijn is een meer empirische aangelegenheid in de traditie van de sociale wetenschappen. De methodologische uitdaging is om een complexe en veelzijdige casus te begrijpen door middel van het conceptuele apparaat en de gegevens die men tot de beschikking heeft. In het bijzonder dient de geschiktheid van de maatstaven die gebruikt worden in de evaluatie van de casus te worden bepaald gedurende het evaluatieproces zelf. Als theorie van rechtvaardigheid zou de capability

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[*] Translated by Joost Hengstmengel

benadering de reikwijdte van de informatie bij een dergelijke evaluatie al bij voorbaat moeten inperken door bijvoorbeeld 'subjectieve' aspecten als persoonlijke verlangens, religieuze overtuigingen and geluk buiten beschouwing te laten. Ik analyseer Sens evaluatiekader en laat zien dat deze de mogelijkheid biedt om beredeneerde uitspraken te doen over achterstelling en onrecht en dat Sens verwerping van het ideaal van theoretische volledigheid hiervoor noodzakelijk is.

In het tweede deel van het proefschrift (hoofdstuk 4 t/m 6) richt ik mij op de mogelijke toepassingen van de capability benadering. Elk hoofdstuk bespreekt de toepassing van de capability benadering op een specifieke kwestie: de praktische rede (hoofdstuk 4), ontwikkeling (hoofdstuk 5) en sociale rechtvaardigheid (hoofdstuk 6). Elk hoofdstuk bestaat verder uit de bespreking en beantwoording van een uitdaging aan het adres van de capability benadering. Ik begin de hoofdstukken met de bespreking van de uitdaging (respectievelijk berusting in de situatie, paternalisme, en het ontbreken van een politieke-filosofie over rechtvaardigheid) en laat vervolgens zien dat de capability benadering (met de nodige aanpassingen, maar nog steeds in lijn met Sen's benadering en intenties) deze uitdaging het hoofd kan bieden. Deze exercitie identificeert en verheldert eveneens diverse toepassingen en beperkingen van de capability benadering.

Thesis summary (in English)

Over the last 30 years the Indian philosopher-economist Amartya Sen has developed an original normative approach to the evaluation of individual and social well-being. The foundational concern of this 'capability approach' is the real freedom of individuals to achieve the kind of lives they have reason to value. This freedom is analysed in terms of an individual's 'capability' to achieve combinations of such intrinsically valuable 'beings and doings' ('functionings') as being sufficiently nourished and freely expressing one's political views. In this account, 'development' is conceived as the expansion of individuals' capability, and thus as a concept that goes beyond the economic growth of third world countries.

My thesis is a philosophical examination of Sen's capability approach. In the first part (chapters 1-3) I present and defend my interpretation of Sen's work. I examine an influential critique by political philosophers who argue that the incompleteness of his account makes it deficient for theorising about justice, and hence that it cannot support making normative judgements about deprivation and injustice. I argue that the theoretical incompleteness of Sen's capability approach is a deliberate feature and not a flaw. Sen is primarily concerned with the evaluation of how well people's lives are going, and the identification of how improvements might be brought about. His project thus has a different aim than debating the right theory of justice, and therefore has different requirements. A theory of justice is a product of the development and testing of a conceptual system in terms of theoretical virtues such as precision, consistency, and coherence. The evaluation of well-being is a more empirical exercise, in the tradition of social science. Its methodological challenge is to grasp a particular complex and multi-faceted case by means of the conceptual resources and information one has available. In particular, the appropriate standards to be used in the evaluation have to be determined as part of the evaluation itself. Formulated as a theory of justice, the range of information that the capability approach could consider in such evaluations would be limited in advance, by for example excluding 'subjective' aspects like desires, religious convictions, and happiness from consideration in any circumstances. I analyse Sen's methodology of evaluation and show that it can support making reasoned judgements about deprivation and injustice, and that Sen's rejection of the ideal of theoretical completeness is necessary for this.

In the second part of the thesis (chapters 4-6) I turn to the possible applications of the capability approach. Each chapter considers the application of the capability approach to a specific issue: practical reason (4), development (5), and social justice (6). Each chapter is organised around posing and answering a challenge faced by the capability approach. I start the chapters by explaining a significant challenge (respectively, acquiescence to deprivation, paternalism, and the absence of a political philosophy account of justice), and show that the capability approach (sometimes suitably extended but in line with Sen's methods and concerns) can meet each of these challenges. This exercise identifies and clarifies several of the specific contributions and limitations of the capability approach.

Appendix B: Curriculum Vitae

Thomas Wells is British, though he has lived outside the UK for more than half his life. He holds an MA in Philosophy and Economics from the Erasmus Institute for Philosophy and Economics (Netherlands). He previously studied Natural Sciences (BSc) and Philosophy (MA) at Durham University (UK). Between his studies in Britain and the Netherlands, he spent a year teaching English in Japan.

He is co-founder and editor of the Erasmus Journal for Philosophy and Economics (EJPE), an international, peer-reviewed academic journal concerned with the history, methodology, and ethics of economic thought.

Besides his academic work, he blogs about philosophy, politics, and economics, and he has published various essays in general interest magazines in the area of public philosophy.