



*Women's Capabilities and Social Justice**

MARTHA NUSSBAUM

Martha Nussbaum is the Ernst Freund Distinguished Service Professor of Law and Ethics, Department of Philosophy, Law School, and Divinity School, The University of Chicago, IL, USA

We come from our family's house to live in our husband's house. If we mention our name in this house, they say, "Oh, that is another family". Yet when it comes to working, they say, "What you earn is ours, because you are in this family's house", or "because you are working on this family's land. Let the land be registered in our names, so that we will not always feel like we are in someone else's family". (Santokbehn, agricultural laborer, Ahmedabad)

In your joint family, I am known as the second daughter-in-law. All these years I have known myself as no more than that. Today, after fifteen years, as I stand alone by the sea, I know that I have another identity, which is my relationship with the universe and its creator. That gives me the courage to write this letter as myself, not as the second daughter-in-law of your family ... I am not one to die easily. That is what I want to say in this letter. (Rabindranath Tagore, 'Letter from a Wife', 1914)

We not only want a piece of the pie, we also want to choose the flavor, and to know how to make it ourselves. (Ela Bhatt, founder, Self-Employed Women's Association (SEWA), 1992)

Development and sex equality

Women in much of the world lack support for fundamental functions of a human life. They are less well nourished than men, less healthy, and more vulnerable to physical violence and sexual abuse. They are much less likely than men to be literate, and still less likely to have pre-professional or technical education. Should they attempt to enter the workplace, they face greater obstacles, including intimidation from family or spouse, sex discrimi-

* The present article is closely related to the arguments of my book *Women and Human Development: The Capabilities Approach* (Nussbaum, 2000a, Introduction and chapter 1); those who would like more extensive versions of my arguments (and more empirical material, focusing on India) can find them there. For earlier articulations of my views on capabilities, see Nussbaum (1988, 1990, 1992, 1993, 1995a,b, 1997a,b, 1999, chapter 1, pp. 29-54).

nation in hiring, and sexual harassment in the workplace — all, frequently, without effective legal recourse. Similar obstacles often impede their effective participation in political life. In many nations, women are not full equals under the law: they do not have the same property rights as men, the same rights to make a contract, the same rights of association, mobility, and religious liberty.¹ Burdened, often, with the ‘double day’ of taxing employment and full responsibility for housework and child care, they lack opportunities for play and the cultivation of their imaginative and cognitive faculties. All these factors take their toll on emotional well-being: women have fewer opportunities than men to live free from fear and to enjoy rewarding types of love — especially when, as often, they are married without choice in childhood and have no recourse from a bad marriage. In all these ways, unequal social and political circumstances give women unequal human capabilities.

One might sum all this up by saying that, all too often, women are not treated as ends in their own right, persons with a dignity that deserves respect from laws and institutions. Instead, they are treated as mere instruments of the ends of others — reproducers, caregivers, sexual outlets, agents of a family’s general prosperity. Sometimes this instrumental value is strongly positive; sometimes it may actually be negative. A girl child’s natal family frequently treats her as dispensable, seeing that she will leave anyhow and will not support parents in their old age. Along the way to her inevitable departure, she will involve the family in the considerable expense of dowry and wedding festivities. What use would it be, then, to care for her health and education in the same way that one would care for that of a boy? What wonder that the birth of a girl is often an occasion for sorrow rather than for rejoicing? As the old Indian proverb² puts it, ‘A daughter born, To husband or death, She’s already gone’.³

Nor is the marital home likely to be a place of end-like respect for such a daughter, although here her instrumental value may become positive. Her in-laws are likely to see her as a mere adjunct of a beloved son, a means to (especially male) grandchildren, an addition to the number of household workers, perhaps as a device to extract money in dowry payments from her parents. Even when she is not abused, she is unlikely to be treated with warmth, nor is her education likely to be fostered. Should her husband prove kind, he can be a buffer between her and the demands of his parents. Should he prove unkind, the woman is likely to have no recourse from abuse in the marital family, and no good exit options. Her natal family will probably refuse to have her back, she probably has no employment-related skills, and the law is not very interested in her predicament. Should the husband die, her situation is likely to become still worse, given the stigma attached to widowhood in many parts of the world. A tool whose purpose is gone: that is what a widow is, and that is rather like being dead.

These are not rare cases of unusual crime, but common realities. According to the 1999 *Human Development Report* of the United Nations Development Programme (UNDP), there is no country that treats its women as well as its men, according to a complex measure that includes life

expectancy, wealth, and education (United Nations Development Programme, 1999). Developing countries, however, present especially urgent problems. Gender inequality is strongly correlated with poverty.⁴ When poverty combines with gender inequality, the result is acute failure of central human capabilities. In the group of 'medium human development' countries taken as a whole, the male adult literacy rate is 83.3%, as against 67.3% for women; in the 'low human development countries', the rate is 57.2% for males and 35.8% for females. School enrollment percentages (combining all three levels) are, in the medium development countries, 60% for females and 68% for males; in the low human development countries, they are 33% for females and 44% for males. In terms of real Gross Domestic Product per capita, women control \$2220 as against \$4414 for men in the medium development countries, and the comparative values in the low human development countries are \$691 for women and \$1277 for men. We do not yet have reliable statistics for rape, domestic violence, and sexual harassment because, in many countries, little attention is paid to domestic violence and sexual harassment, rape within marriage is not counted as a crime, and even stranger-rape is so rarely punished that many women are deterred from reporting the crime.⁵

If we turn to the very basic area of health and nutrition, there is pervasive evidence of discrimination against females in many nations of the developing world. It is standardly believed that, where equal nutrition and health care are present, women live, on average, slightly longer than men: thus, we would expect a sex ratio of something like 102.2 women to 100 men (the actual sex ratio of Sub-Saharan Africa⁶). Many countries have a far lower sex ratio: India's, for example, is 92.7 women to 100 men, the lowest sex ratio since the census began early in this century. If we study such ratios and ask the question, 'How many more women than are now present in Country C would be there if they had the same sex ratio as Sub-Saharan Africa?', we get a figure that economist Amartya Sen has graphically called the number of 'missing women'. There are many millions of missing women in the world today.⁷ Using this rough index, the number of missing women in Southeast Asia is 2.4 million, in Latin America 4.4 million, in North Africa 2.4 million, in Iran 1.4 million, in China 44.0 million, in Bangladesh 3.7 million, in India 36.7 million, in Pakistan 5.2 million, and in West Asia it is 4.3 million. If we now consider the ratio of the number of missing women to the number of actual women in a country, we obtain: Pakistan, 12.9%; India, 9.5%; Bangladesh, 8.7%; China, 8.6%; Iran, 8.5%; West Asia, 7.8%; North Africa, 3.9%; Latin America, 2.2%; and SouthEast Asia, 1.2%. In India, not only is the mortality differential especially sharp among children (girls dying in far greater numbers than boys), the higher mortality rate of women compared with men applies to all age groups until their late thirties (Drèze and Sen, 1989, p. 52). In some regions, the discrepancy is far greater than the national average: in rural Bihar, for example, a non-governmental organization has counted heads and arrived at the astonishing figure of 75 females to 100 males (Srinivasan, Adithi, Patna, Bihar, personal communication).

One area of life that contributes especially greatly to women's inequality is the area of care. Women are the world's primary, and usually only, caregivers for people in a condition of extreme dependency: young children, the elderly, and those whose physical or mental handicaps make them incapable of the relative (and often temporary) independence that characterizes so-called 'normal' human lives. Women perform this crucial work, often, without pay and without recognition that it is work. At the same time, the fact that they need to spend long hours caring for the physical needs of others makes it more difficult for them to do what they want to do in other areas of life, including employment, citizenship, play and self-expression (Folbre, 1999; Harrington, 1999; Kittay, 1999; Williams, 1999).

Women, in short, lack essential support for leading lives that are fully human. This lack of support is frequently caused by them being women. Thus, even when they live in a constitutional democracy such as India, where they are equals in theory, they are second-class citizens in reality.

The capabilities approach: an overview

I shall argue that international political and economic thought should be feminist, attentive (among other things) to the special problems women face because of sex in more or less every nation in the world, problems without an understanding of which general issues of poverty and development cannot be well confronted. An approach to international development should be assessed for its ability to recognize these problems and to make recommendations for their solution. I shall propose and defend one such approach, one that seems to me to do better in this area than other prominent alternatives. My version of this approach is philosophical, and I shall try to show why we need philosophical theorizing in order to approach these problems well (see Nussbaum, 1998a,b; 2000b). It is also based on a cross-cultural normative account of central human capabilities, closely allied to a form of political liberalism; one of my primary tasks will be to defend this type of cross-cultural normative approach as a valuable basis from which to approach the problems of women in the developing world. Finally, I shall also try to show that my version of the capabilities approach, while attractive for many reasons, has special advantages when we are approaching the special problems faced by women: both intellectually and practically, there is a strong link between a concern for gender justice and reasons we might have to turn to the capabilities approach.

The aim of my project as a whole is to provide the philosophical underpinning for an account of basic constitutional principles that should be respected and implemented by the governments of all nations, as a bare minimum of what respect for human dignity requires. I shall argue that the best approach to this idea of a basic social minimum is provided by an approach that focuses on 'human capabilities', i.e. what people are actually able to do and to be — in a way, informed by an intuitive idea of a life that

is worthy of the dignity of the human being. I shall identify a list of 'central human capabilities', setting them in the context of a type of 'political liberalism' that makes them specifically political goals and presents them in a manner free of any specific metaphysical grounding. In this way, I argue, the capabilities can be the object of an 'overlapping consensus' among people who otherwise have very different comprehensive conceptions of the good.⁸ I shall also argue that the capabilities in question should be pursued for each and every person, treating each as an end and none as mere tools of the ends of others: thus, I adopt a 'principle of each person's capability', based on a 'principle of each person as end'. Women have all too often been treated as the supporters of the ends of others, rather than as ends in their own right; thus, this principle has particular critical force with regard to women's lives. Finally, my approach uses the idea of a 'threshold level of each capability', beneath which it is held that truly human functioning is not available to citizens; the social goal should be understood in terms of getting citizens above this capability threshold.

The capabilities approach has another related, weaker, use. It specifies a space within which 'comparisons of life quality' (how well people are doing) are most revealingly made among nations. Used in this way, as in the *Human Development Reports*, it is a rival to other standard measures, such as Gross National Product (GNP) per capita and utility. This role for the conception is significant, since we are not likely to make progress toward a good conception of the social minimum if we do not first get the space of comparison right. We may also use the approach in this weaker way to compare one nation with another, even when we are unwilling to go further and use the approach as the philosophical basis for fundamental constitutional principles establishing a social minimum or threshold. On the other hand, the comparative use of capabilities is ultimately not much use without a determinate normative conception that will tell us what to make of what we find in our comparative study. Most conceptions of quality of life measurement in development economics are implicitly harnessed to a normative theory of the proper social goal (wealth maximization, utility maximization, etc.), and this one is so explicitly harnessed. The primary task of my argument will be to move beyond the merely comparative use of capabilities to the construction of a normative political proposal that is a partial theory of justice.

The capabilities approach is fully universal: the capabilities in question are important for each and every citizen, in each and every nation, and each is to be treated as an end. Women in developing nations are important to the project in two ways: as people who suffer pervasively from acute capability failure, and also as people whose situation provides an interesting test of this and other approaches, showing us the problems they solve or fail to solve. Defects in standard GNP and utility-based approaches can be well understood by keeping the problems of such women in view; but of course women's problems are urgent in their own right, and it may be hoped that a focus on them will help compensate for earlier neglect of sex equality in development economics and in the international human rights movement.

The need for cross-cultural norms

Should we be looking for a set of cross-cultural norms in the first place, where women's opportunities are concerned? Obviously enough, women are already doing that, in many areas. To take just one example, women laboring in the informal sector, for example, are increasingly organizing on an international level to set goals and priorities.⁹ Many other examples are provided by the international human rights movement and international agreements such as Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). But this process is controversial, both intellectually and politically. Where do these normative categories come from, it will be asked? And how can they be justified as appropriate ones for cultures that have traditionally used different normative categories? Now, of course, no critical social theory confines itself to the categories of each culture's daily life. If it did, it probably could not perform its special task as critical theory, which involves the systematization and critical scrutiny of intuitions that in daily life are often unexamined. Theory gives people a set of terms with which to criticize abuses that otherwise might lurk nameless in the background. Terms such as 'sexual harassment' and 'hostile work environment' give us some obvious examples of this point. But, even if one defends theory as valuable for practice, it may still be problematic to use concepts that originate in one culture to describe and assess realities in another — and all the more problematic if the culture described has been colonized and oppressed by the describer's culture. Attempts by international feminists today to use a universal language of justice, human rights, or human functioning to assess lives like those of Vasanti and Jayamma is bound to encounter charges of Westernizing and colonizing — even when the universal categories are introduced by feminists who live and work within the nation in question itself. For, it is standardly said, such women are alienated from their culture, and are faddishly aping a Western political agenda. The minute they become critics, it is said, they cease to belong to their own culture and become puppets of the Western elite.¹⁰

We should begin by asking whose interests are served by the implicit nostalgic image of a happy harmonious culture, and whose resistance and misery are being effaced. Describing her mother's difficult life, Indian feminist philosopher Uma Narayan writes, "One thing I want to say to all who would dismiss my feminist criticisms of my culture, using my 'Westernization' as a lash, is that my mother's pain too has rustled among the pages of all those books I have read that partly constitute my 'Westernization', and has crept into all the suitcases I have ever packed for my several exiles". This same pain is evident in the united voice of protest that has emerged from international women's meetings such as those in Vienna and Beijing, where a remarkable degree of agreement was found across cultures concerning fundamental rights for women.

Nonetheless, when we advance a set of universal norms in connection with women's equality, we will also face three more sincere and respectable objections, which must be honestly confronted. First, one hears what I shall

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

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

Another general point should be stressed: cultures are dynamic, and change is a very basic element in all of them. Contrasts between West and non-West often depict Western cultures as dynamic, critical, modernizing, while Eastern cultures are identified with their oldest elements, as if these do not change or encounter contestation. Looking at the relationship between her grandmother's way of life and her own, Narayan (1997, p. 26) comments, "I find it impossible to describe 'our traditional way of life' without seeing change as a constitutive element, affecting transformations that become 'invisible' in their taken-for-grantedness". Criticism too is profoundly indigenous to virtually all cultures,¹¹ but to none more so than to the culture of India, that extremely argumentative nation.¹² To cite just one famous and typical example, Bengali religious thinker Rammohun Roy, imagining the horrors of death, singles out as especially terrible the fact that "everyone will contest your views, and you will not be able to reply".¹³ This is also Indian culture.

In short, because cultures are scenes of debate, appealing to culture give us questions rather than answers. It certainly does not show that cross-cultural norms are a bad answer to those questions.

Let us now consider the argument that I shall call the 'argument from the good of diversity'. This argument reminds us that our world is rich in part because we do not all agree on a single set of practices and norms. We think the world's different languages have worth and beauty, and that it is a bad thing, diminishing the expressive resources of human life generally, if

any language should cease to exist. So, too, cultural norms have their own distinctive beauty; the world risks becoming impoverished as it becomes more homogeneous.

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

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

We can make a further claim: many existing value systems are themselves highly paternalistic, particularly toward women. They treat them as unequal under the law, as lacking full civil capacity, and as not having the property rights, associative liberties, and employment rights of males. If we encounter a system like this, it is in one sense paternalistic to say, sorry, which is unacceptable under the universal norms of equality and liberty that we would like to defend. In that way, any bill of rights is 'paternalistic' vis-à-vis families, or groups, or practices, or even pieces of legislation that treat people with insufficient or unequal respect. The Indian Constitution,

for example, is in that sense paternalistic when it tells people that it is from now on illegal to use caste or sex as grounds of discrimination. But that is hardly a good argument against fundamental constitutional rights or, more generally, against opposing the attempts of some people to tyrannize over others. We dislike paternalism, insofar as we do, because there is something else that we like; namely, liberty of choice in fundamental matters. It is fully consistent to reject some forms of paternalism while supporting those that underwrite these basic values.

Neither does the protection of choice require only a formal defense of basic liberties. The various liberties of choice have material preconditions, in whose absence there is merely a simulacrum of choice. Many women who have, in a sense, the 'choice' to go to school simply cannot do so: the economic circumstances of their lives makes this impossible. Women who 'can' have economic independence, in the sense that no law prevents them, may be prevented simply by lacking assets, or access to credit. In short, liberty is not just a matter of having rights on paper, it requires being in a material position to exercise those rights. And this requires resources. The state that is going to guarantee people rights effectively is going to have to recognize norms beyond the small menu of basic rights: it will have to take a stand about the re-distribution of wealth and income, about employment, land rights, health, and education. If we think that these norms are important cross-culturally, we will need to take an international position on pushing toward these goals. That requires yet more universalism and, in a sense, paternalism; but we could hardly say that the many women who live in abusive or repressive marriages, with no assets and no opportunity to seek employment outside the home, are especially free to do as they wish.

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

Traditional economic approaches to development: the need for human norms

Another way of seeing why cross-cultural norms are badly needed in the international policy arena is to consider what the alternative has typically been. Prior to the shift in thinking that is associated with the work of Amartya Sen¹⁴ and with the *Human Development Reports* of the United Nations Development Programme (1993–1996),¹⁵ the most prevalent approach to measuring quality of life in a nation used to be simply to ask about GNP per capita. This approach tries to weasel out of making any cross-cultural claims about what has value — although, notice, it does assume the universal value of opulence. What it omits, however, is much more significant. We are not even told about the distribution of wealth and income, and countries with similar aggregate figures can exhibit great distributional variations. (Thus, South Africa always did very well among developing nations, despite its enormous inequalities and violations of basic justice.) Circus girl Sissy Jupe, in Dickens' novel *Hard Times*, already saw the problem with this absence of normative concern for distribution. She says that her economics lesson did not tell her “who has got the money and whether any of it is mine”.¹⁶ So, too, with women around the world: the fact that one nation or region is, in general, more prosperous than another is only a part of the story: it does not tell us what the government has done for women in various social classes, or how they are doing. To know that, we would need to look at their lives. But then we need to specify, beyond distribution of wealth and income itself, what parts of lives we ought to look at — such as life expectancy, infant mortality, educational opportunities, health care, employment opportunities, land rights, political liberties. Seeing what is absent from the GNP account nudges us sharply in the direction of mapping out these and other basic goods in a universal way, so that we can use the list of basic goods to compare quality of life across societies.

A further problem with all resource-based approaches, even those that are sensitive to distribution, is that individuals vary in their ability to convert resources into functionings. (This is the problem that has been stressed for some time by Amartya Sen in his writings about the capabilities approach.) Some of these differences are straightforwardly physical. Nutritional needs vary with age, occupation, and sex. A pregnant or lactating woman needs more nutrients than a non-pregnant woman. A child needs more protein than an adult. A person whose limbs work well needs few resources to be mobile, whereas a person with paralyzed limbs needs many more resources to achieve the same level of mobility. Many such variations can escape our notice if we live in a prosperous nation that can afford to bring all individuals to a high level of physical attainment; in the developing world, we must be highly alert to these variations in need. Again, some of the pertinent variations are social, connected with traditional hierarchies. If we wish to bring all citizens of a nation to the same level of educational attainment, we will need to devote more resources to those who encounter obstacles from traditional hierarchy or prejudice: thus, women's literacy will

prove more expensive than men's literacy in many parts of the world. If we operate only with an index of resources, we will frequently re-inforce inequalities that are highly relevant to well-being. As my examples suggest, women's lives are especially likely to raise these problems: therefore, any approach that is to deal adequately with women's issues must be able to deal well with these variations.

If we turn from resource-based approaches to preference-based approaches, we encounter another set of difficulties.¹⁷ Such approaches have one salient advantage over the GNP approach: they look at people, and assess the role of resources as they figure in improving actual people's lives. But users of such approaches typically assume without argument that the way to assess the role of resources in people's lives is simply to ask them about the satisfaction of their current preferences. The problem with this idea is that preferences are not exogenous, given independently of economic and social conditions. They are, at least in part, constructed by those conditions. Women often have no preference for economic independence before they learn about avenues through which women like them might pursue this goal; nor do they think of themselves as citizens with rights that were being ignored, before they learn of their rights and are encouraged to believe in their equal worth. All of these ideas, and the preferences based on them, frequently take shape for women in programs of education sponsored by women's organizations of various types. Men's preferences, too, are socially shaped and often misshaped. Men frequently have a strong preference that their wives should do all the child care and all the housework — often in addition to working an 8-hour day. Such preferences are also not fixed in the nature of things: they are constructed by social traditions of privilege and subordination. Thus, a preference-based approach typically will re-inforce inequalities, especially those inequalities that are entrenched enough to have crept into people very desires. Once again, although this is a fully general problem, it has special pertinence to women's lives. Women have especially often been deprived of education and information, which are necessary, if by no means sufficient, to make preferences a reliable indicator of what public policy should pursue. They have also often been socialized to believe that a lower living standard is what is right and fitting for them, and that some great human goods (for example, education, political participation) are not for them at all. They may be under considerable social pressure to say they are satisfied without such things: and yet we should not hastily conclude that public policy should not work to extend these functions to women. In short, looking at women's lives helps us see the inadequacy of traditional approaches; and the urgency of women's problems gives us a very strong motivation to prefer a non-traditional approach.

Human dignity and human capabilities

I shall now argue that a reasonable answer to all these concerns, capable of giving good guidance to governments establishing basic constitutional prin-

ciples and to international agencies assessing the quality of life, is given by a version of the ‘capabilities approach’ — an approach to quality of life assessment pioneered within economics by Amartya Sen, and by now highly influential through the *Human Development Reports* of the UNDP. My own version of this approach is in several ways different from that of Sen,¹⁸ I shall simply lay out my view as I would currently defend it.

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

To introduce the intuitive idea behind the approach, it is useful to start from this passage of Marx’s 1844 *Economic and Philosophical Manuscripts*, written at a time when he was reading Aristotle and was profoundly influenced by Aristotelian ideas of human capability and functioning:

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

Marx here singles out certain human functions, eating and the use of the senses, that seem to have a particular centrality in any life one might live. He then claims that there is something that it is to be able to perform these activities in a fully human way — by which he means a way infused by reasoning and sociability. But human beings do not automatically have the opportunity to perform their human functions in a fully human way. Some conditions in which people live, conditions of starvation or of educational deprivation, bring it about that a being that is human has to live in an animal way. Of course, what he is saying is that these conditions are unacceptable and should be changed.

Similarly, the intuitive idea behind my version of the capabilities approach is twofold. First, there are certain functions that are particularly central in human life, in the sense that their presence or absence is typically understood to be a mark of the presence or absence of human life. Second, and this is what Marx found in Aristotle, that it is something to do these functions in a truly human way, not a merely animal way. We judge, frequently enough, that a life has been so impoverished that it is not worthy of the dignity of the human being, that it is a life in which one goes on living, but more or less like an animal, not being able to develop and

exercise one's human powers. In Marx's example, a starving person just grabs at the food in order to survive, and the many social and rational ingredients of human feeding cannot make their appearance. Similarly, the senses of a human being can operate at a merely animal level — if they are not cultivated by appropriate education, by leisure for play and self-expression, by valuable associations with others — and we should add to the list some items that Marx probably would not endorse, such as expressive and associational liberty, and the freedom of worship. The core idea seems to be that of the human being as a dignified free being who shapes his/her own life, rather than being passively shaped or pushed around by the world in the manner of a flock or herd animal.

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

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

I think we can produce an account of these necessary elements of truly human functioning that commands a broad cross-cultural consensus, a list that can be endorsed for political purposes by people who otherwise have very different views of what a complete good life for a human being would be. The list is supposed to provide a focus for quality of life assessment and for political planning, and it aims to select capabilities that are of central importance, whatever else the person pursues. They therefore have a special claim to be supported for political purposes in a pluralistic society.¹⁹

The list represents the result of years of cross-cultural discussion,²⁰ and comparisons between earlier and later versions will show that the input of other voices has shaped its content in many ways. It remains open-ended and humble; it can always be contested and remade. Neither does it deny that the items on the list are to some extent differently constructed by different societies. Indeed, part of the idea of the list is that its members can be more concretely specified in accordance with local beliefs and circumstances. Here is the current version of the list.

Central human functional capabilities

- (1) *Life*. Being able to live to the end of a human life of normal length; not dying prematurely or before one's life is so reduced as to be not worth living.

- (2) *Bodily Health*. Being able to have good health, including reproductive health;²¹ to be adequately nourished; to have adequate shelter.
- (3) *Bodily Integrity*. Being able to move freely from place to place; to be secure against violent assault, including sexual assault and domestic violence; having opportunities for sexual satisfaction and for choice in matters of reproduction.
- (4) *Senses, Imagination, and Thought*. Being able to use the senses, to imagine, think, and reason — and to do these things in a ‘truly human’ way, a way informed and cultivated by an adequate education, including, but by no means limited to, literacy and basic mathematical and scientific training. Being able to use imagination and thought in connection with experiencing and producing works and events of one’s own choice, religious, literary, musical, and so forth. Being able to use one’s mind in ways protected by guarantees of freedom of expression with respect to both political and artistic speech, and freedom of religious exercise. Being able to have pleasurable experiences, and to avoid non-necessary pain.
- (5) *Emotions*. Being able to have attachments to things and people outside ourselves; to love those who love and care for us, to grieve at their absence; in general, to love, to grieve, to experience longing, gratitude, and justified anger. Not having one’s emotional development blighted by fear and anxiety. (Supporting this capability means supporting forms of human association that can be shown to be crucial in their development.)
- (6) *Practical Reason*. Being able to form a conception of the good and to engage in critical reflection about the planning of one’s life. (This entails protection for the liberty of conscience.)
- (7) *Affiliation*
 - (A) Being able to live with and toward others, to recognize and show concern for other human beings, to engage in various forms of social interaction; to be able to imagine the situation of another and to have compassion for that situation; to have the capability for both justice and friendship. (Protecting this capability means protecting institutions that constitute and nourish such forms of affiliation, and also protecting the freedom of assembly and political speech.)
 - (B) Having the social bases of self-respect and non-humiliation; being able to be treated as a dignified being whose worth is equal to that of others. This entails protections against discrimination on the basis of race, sex, sexual orientation, religion, caste, ethnicity, or national origin.
- (8) *Other Species*. Being able to live with concern for and in relation to animals, plants, and the world of nature.
- (9) *Play*. Being able to laugh, to play, to enjoy recreational activities.

(10) *Control over one's Environment*

- (A) *Political*. Being able to participate effectively in political choices that govern one's life; having the right of political participation, protections of free speech and association.
- (B) *Material*. Being able to hold property (both land and movable goods); having the right to seek employment on an equal basis with others; having the freedom from unwarranted search and seizure. In work, being able to work as a human being, exercising practical reason and entering into meaningful relationships of mutual recognition with other workers.

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

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

The basic intuition from which the capability approach begins, in the political arena, is that human abilities exert a moral claim that they should be developed. Human beings are creatures such that, provided with the right educational and material support, they can become fully capable of these human functions, i.e. they are creatures with certain lower-level capabilities (that I call 'basic capabilities'²²) to perform the functions in question. When these capabilities are deprived of the nourishment that would transform them into the high-level capabilities that figure on my list, they are fruitless, cut off, in some way but a shadow of themselves. If a turtle were given a life that afforded a merely animal level of functioning, we would have no indignation, no sense of waste and tragedy. When a human being is given a life that blights powers of human action and expression, that does give us a sense of waste and tragedy — the tragedy expressed, for example, in Tagore's heroine's statement to her husband, when she says, "I am not one to die easily". In her view, a life without dignity and choice, a

life in which she can be no more than an appendage, was a type of death of her humanity.

Notice that the approach makes each person a bearer of value, and an end. Marx, like his bourgeois forebears, holds that it is profoundly wrong to subordinate the ends of some individuals to those of others. That is at the core of what exploitation is, to treat a person as a mere object for the use of others. Thus, it will be just as repugnant to this Aristotelian/Marxian approach as to a bourgeois philosophy to foster a good for society considered as an organic whole, where this does not involve the fostering of the good of persons taken one by one. Thus, it will be insufficient to promote the good of 'the community' or 'the family', where that leaves intact gross asymmetries of capability among community or family members. Women are especially likely to be the losers when the good of a group is promoted as such, without asking about hierarchies of power and opportunity internal to the group. The capabilities approach insists on pressing that question. What the approach is after is a society in which persons are treated as each worthy of regard, and in which each has been put in a position to live really humanly. (That is where the idea of a threshold comes in: we say that beneath a certain level of capability, in each area, a person has not been enabled to live in a truly human way.) We may call this the 'principle of each person as end', which can be further articulated as a 'principle of each person's capability': the capabilities sought are sought for each and every person, not, in the first instance, for groups or families or states or other corporate bodies. Such bodies may be extremely important in promoting human capabilities, and in this way they may deservedly gain our support: but it is because of what they do for people that they are so worthy, and the ultimate political goal is always the promotion of the capabilities of each person.²³

We begin, then, with a sense of the worth and dignity of basic human powers, thinking of them as claims to a chance for functioning, claims that give rise to correlated social and political duties. In fact, there are three different types of capabilities that play a role in the analysis. First, there are 'basic capabilities': the innate equipment of individuals that is the necessary basis for developing the more advanced capability, and a ground of moral concern. Second, there are 'internal capabilities': states of the person herself that are, so far as the person herself is concerned, sufficient conditions for the exercise of the requisite functions. A woman who has not suffered genital mutilation has the 'internal capability' for sexual pleasure; most adult human beings everywhere have the 'internal capability' for religious freedom and the freedom of speech. Finally, there are 'combined capabilities', which may be defined as internal capabilities combined with suitable external conditions for the exercise of the function. A woman who is not mutilated, but who has been widowed as a child and is forbidden to make another marriage has the internal but not the combined capability for sexual expression (and, in most such cases, for employment, and political participation) (see Chen, 1995, 1999). Citizens of repressive non-democratic regimes have the internal but not the combined capability to exercise

thought and speech in accordance with their conscience. The list, then, is a list of 'combined capabilities'. To realize one of the items on the list entails not only promoting appropriate development of people's internal powers, but also preparing the environment so that it is favorable for the exercise of practical reason and the other major functions.

Functioning and capability

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

It is important that the answer to this question is no. Capability, not functioning, is the appropriate political goal. This is so because of the very great importance the approach attaches to practical reason, as a good that both suffuses all the other functions, making them fully human, and also figures, itself, as a central function on the list. The person with plenty of food may always choose to fast, but there is a great difference between fasting and starving, and it is this difference that we wish to capture. Again, the person who has normal opportunities for sexual satisfaction can always choose a life of celibacy, and the approach says nothing against this. What it does speak against (for example) is the practice of female genital mutilation, which deprives individuals of the opportunity to choose sexual functioning (and indeed, the opportunity to choose celibacy as well) (Nussbaum, 1999, Chapters 3 and 4). A person who has opportunities for play can always choose a workaholic life; again, there is a great difference between that chosen life and a life constrained by insufficient maximum-hour protections and/or the 'double day' that makes women unable to play in many parts of the world.

Once again, we must stress that the objective is to be understood in terms of 'combined capabilities'. To secure a capability to a person, it is not sufficient to produce good internal states of readiness to act. It is also necessary to prepare the material and institutional environment so that people are actually able to function. Women burdened by the 'double day' may be internally incapable of play; if, for example, they have been kept indoors and zealously guarded since infancy, married at age 6, and forbidden to engage in the kind of imaginative exploration of the environment that male children standardly enjoy. Young girls in poor areas of rural Rajasthan,

India, for example, have great difficulty learning to play in an educational program run by local activists, because their capacity for play has not been nourished early in childhood. On the other hand, there are also many women in the world who are perfectly capable of play in the internal sense, but who are unable to play because of the crushing demands of the 'double day'. Such a woman does not have the 'combined capability' for play in the sense intended by the list. Capability is thus a demanding notion. In its focus on the environment of choice, it is highly attentive to the goal of functioning, and instructs governments to keep it always in view. On the other hand, it does not push people into functioning: once the stage is fully set, the choice is theirs.

Capabilities and care

All human beings begin their lives as helpless children; if they live long enough, they are likely to end their lives in helplessness, whether physical or also mental. During the prime of life, most human beings encounter periods of extreme dependency; and some human beings remain dependent on the daily bodily care of others throughout their lives. Of course, putting it this way suggests, absurdly, that 'normal' human beings do not depend on others for bodily care and survival; but political thought should recognize that some phases of life, and some lives, generate more profound dependency than others.

The capabilities approach, more Aristotelian than Kantian, sees human beings from the first as animal beings whose lives are characterized by profound neediness as well as by dignity. It addresses the issue of care in many ways: under 'life', it is stressed that people should be enabled to complete a 'normal' human lifespan; under 'health' and 'bodily integrity', the needs of different phases of life are implicitly recognized; 'sense', 'emotions', and 'affiliation' also target needs that vary with the stage of life. 'Affiliation' is of particular importance, since it mentions the need for both compassion and self-respect, and it also mentions non-discrimination. What we see, then, is that care must be provided in such a way that the capability for self-respect of the receiver is not injured, and also in such a way that the care-giver is not exploited and discriminated against on account of performing that role. In other words, a good society must arrange to provide care for those in a condition of extreme dependency, without exploiting women as they have traditionally been exploited, and thus depriving them of other important capabilities. This huge problem will rightly shape the way states think about all the other capabilities.²⁴

The capabilities approach has a great advantage in this area over traditional liberal approaches that use the idea of a social contract. Such approaches typically generate basic political principles from a hypothetical contract situation in which all participants are independent adults. John Rawls, for example, uses the phrase "fully cooperating members of society over a complete life".²⁵ But, of course, no human being is that. The fiction also distorts the choice of principles in a central way, effacing the issue of

extreme dependency and care from the agenda of the contracting parties, when they choose the principles that shape society's basic structure. And yet, such a fundamental issue cannot well be postponed for later consideration, since it profoundly shapes the way social institutions will be designed.²⁶ The capabilities approach, using a different concept of the human being, one that builds in need and dependency into the first phases of political thinking, is better suited to good deliberation on this urgent set of issues.

Capabilities and human rights

Earlier versions of the list appeared to diverge from approaches common in the human rights movement by not giving as large a place to the traditional political rights and liberties, although the need to incorporate them was stressed from the start. This version of the list corrects that defect of emphasis.²⁷ The political liberties have a central importance in making well-being human. A society that aims at well-being while overriding these has delivered to its members an incompletely human level of satisfaction. As Amartya Sen (1994) has recently written, "Political rights are important not only for the fulfillment of needs, they are crucial also for the formulation of needs. And this idea relates, in the end, to the respect that we owe each other as fellow human beings".²⁸ There are many reasons to think that political liberties have an instrumental role in preventing material disaster (in particular, famine; Sen, 1981), and in promoting economic well-being. But their role is not merely instrumental: they are valuable in their own right.

Thus, capabilities as I conceive them have a very close relationship to human rights, as understood in contemporary international discussions. In effect, they cover the terrain covered by both the so-called 'first-generation rights' (political and civil liberties) and the so-called 'second-generation rights' (economic and social rights). They also play a similar role, providing the philosophical underpinning for basic constitutional principles. Because the language of rights is well established, the defender of capabilities needs to show what is added by this new language.²⁹

The idea of human rights is by no means a crystal-clear idea. Rights have been understood in many different ways, and difficult theoretical questions are frequently obscured by the use of rights language, which can give the illusion of agreement where there is deep philosophical disagreement. People differ about what the 'basis' of a rights claim is: rationality, sentience, and mere life have all had their defenders. They differ, too, about whether rights are prepolitical or artifacts of laws and institutions. (Kant held the latter view, although the dominant human rights tradition has held the former.) They differ about whether rights belong only to individual persons, or also to groups. They differ about whether rights are to be regarded as side-constraints on goal-promoting action, or rather as one part of the social goal that is being promoted. They differ, again, about the relationship between rights and duties: if A has a right to S, then does this mean that

there is always someone who has a duty to provide S, and how shall we decide who that someone is? They differ, finally, about what rights are to be understood as rights 'to'. Are human rights primarily rights to be treated in certain ways? Rights to a certain level of achieved well-being? Rights to resources with which one may pursue one's life plan? Rights to certain opportunities and capacities with which one may make choices about one's life plan?

The account of central capabilities has the advantage, it seems to me, of taking clear positions on these disputed issues, while stating clearly what the motivating concerns are and what the goal is. Bernard Williams (1987, p. 100) put this point eloquently, commenting on Sen's 1987 Tanner Lectures:

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

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

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

There is another set of rights, largely those in the area of property and economic advantage, which seem analytically different in their relationship to capabilities. Take, for example, the right to shelter and housing. These are rights that can be analyzed in a number of distinct ways: in terms of resources, or utility (satisfaction), or capabilities. (Once again, we must distinguish between the claim that 'A has a right to shelter' — which frequently refers to A's moral claim in virtue of being human, with what I

call 'basic capabilities' — from the statement that 'Country C gives its citizens the right to shelter'. It is the second sentence whose analysis I am discussing here.) Here again, however, it seems valuable to understand these rights in terms of capabilities. If we think of the right to shelter as a right to a certain amount of resources, then we get into the very problem I discussed in the section 'The need for cross-cultural norms': giving resources to people does not always bring differently situated people up to the same level of capability to function. The utility-based analysis also encounters a problem: traditionally, deprived people may be satisfied with a very low living standard, believing that this is all they have any hope of getting. A capabilities analysis, by contrast, looks at how people are actually enabled to live. Analyzing economic and material rights in terms of capabilities thus enables us to clearly set forth a rationale we have for spending unequal amounts of money on the disadvantaged, or creating special programs to assist their transition to full capability.

The language of capabilities has one further advantage over the language of rights: it is not strongly linked to one particular cultural and historical tradition, as the language of rights is believed to be. This belief is not very accurate: although the term 'rights' is associated with the European Enlightenment, its component ideas have deep roots in many traditions.³⁰ Where India is concerned, for example, even apart from the recent validation of rights language in Indian legal and constitutional traditions, the salient component ideas have deep roots in far earlier areas of Indian thought — in ideas of religious toleration developed since the edicts of Ashoka in the third century BC, in the thought about Hindu/Muslim relations in the Moghul Empire, and, of course, in many progressive and humanist thinkers of the nineteenth and twentieth centuries, who certainly cannot be described as simply Westernizers, with no respect for their own traditions.³¹ Tagore portrays the conception of freedom used by the young wife in his story as having ancient Indian origins, in the quest of Rajput queen Meerabai for joyful self-expression. The idea of herself as 'a free human mind' is represented as one that she derives, not from any external infusion, but from a combination of experience and history.

So 'rights' are not exclusively Western, in the sense that matters most; they can be endorsed from a variety of perspectives. Nonetheless, the language of capabilities enables us to bypass this troublesome debate. When we speak simply of what people are actually able to do and to be, we do not even give the appearance of privileging a Western idea. Ideas of activity and ability are everywhere, and there is no culture in which people do not ask themselves what they are able to do, what opportunities they have for functioning.

If we have the language of capabilities, do we also need the language of rights? The language of rights still plays, I believe, four important roles in public discourse, despite its unsatisfactory features. When used in the first way, as in the sentence 'A has a right to have the basic political liberties secured to her by her government', this sentence reminds us that people have justified and urgent claims to certain types of urgent treatment, no

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

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

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

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

Capabilities as goals for women's development

I have argued that legitimate concerns for diversity, pluralism and personal freedom are not incompatible with the recognition of cross-cultural norms, and indeed that cross-cultural norms are actually required if we are to

protect diversity, pluralism, and freedom, treating each human being as an agent and an end. The best way to hold all these concerns together, I have argued, is to formulate the norms as a set of capabilities for fully human functioning, emphasizing the fact that capabilities protect, and do not close off, spheres of human freedom.

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

Of course the capabilities approach supplies norms for human development in general, not just for women's development. Women's issues, however, are not only worthy of focus because of their remarkable urgency; they also help us see more clearly the inadequacy of various other approaches to development more generally, and the reasons for preferring the capabilities approach. 'Preference-based approaches' do not enable us to criticize preferences that have been shaped by a legacy of injustice and hierarchy: men's preferences for dominance and for being taken care of, women's preferences for a low level of attainment when that is the only life they know and think possible. The 'capabilities approach', by contrast, looks at what women are actually able to do and to be, undeterred by the fact that oppressed and uneducated women may say, or even think, that some of these capabilities are not for them. 'Resource-based approaches', similarly, have a bias in the direction of protecting the *status quo*, in that they do not take account of the special needs for aid that some groups may have on account of their subordinate status: we have to spend more on them to bring them up to the same level of capability. This fact the capabilities approach sees clearly, and it directs us to make a basic threshold level of capability the goal for all citizens.³² 'Human rights approaches' are close allies of the capabilities approach, because they take a stand on certain fundamental entitlements of citizens, and they hold that these may be demanded as a matter of basic justice. In relation to these approaches, however, the capabilities approach is both more definite, specifying clearly what it means to secure a 'right' to someone and, more comprehensively, spelling out explicitly certain rights that are of special importance to women, but which have not until recently been included in international human rights documents.

The capabilities approach may seem to have one disadvantage, in comparison with these other approaches: it seems difficult to measure

human capabilities. If this difficulty arises already when we think about such obvious issues as health and mobility, it most surely arises in a perplexing form for my own list, which has added so many apparently intangible items, such as development of the imagination, and the conditions of emotional health. We know, however, that anything worth measuring, in human quality of life, is difficult to measure. Resource-based approaches simply substitute something easy to measure for what really ought to be measured, a heap of stuff for the richness of human functioning. Preference-based approaches do even worse, because they not only do not measure what ought to be measured, they also get into quagmires of their own, concerning how to aggregate preferences — and whether there is any way of doing that task that does not run afoul of the difficulties shown in the social choice literature. The capabilities approach as so far developed in the *Human Development Reports* is admittedly not perfect: years of schooling, everyone would admit, are an imperfect proxy for education. We may expect that any proxies we find as we include more capabilities in the study will be highly imperfect also, especially if it is data supplied by the nations that we need to rely on. On the other hand, we are at least working in the right place and looking at the right thing; over time, as data-gathering responds to our concerns, we may also expect increasingly adequate information, and better ways of aggregating that information. As has already happened with human rights approaches, we need to rely on the ingenuity of those who suffer from deprivation: they will help us find ways to describe, and even to quantify, their predicament.

Women all over the world have lacked support for central human functions, and that lack of support is to some extent caused by them being women. But women, like men — and unlike rocks and trees, and even horses and dogs — have the potential to become capable of these human functions, given sufficient nutrition, education, and other support. That is why their unequal failure in capability is a problem of justice. It is up to all human beings to solve this problem. I claim that the capabilities approach, and a list of the central capabilities, give us good guidance as we pursue this difficult task.

Notes

- 1 For examples of these inequalities, see Nussbaum (2000a, Chapter 3; 1997c, 1999).
- 2 Throughout this paper, as in my book, I focus particularly on India, because I believe it is more helpful to study one situation in some detail than to pull in examples from all over the place without their context. But the problems described are ubiquitous.
- 3 For an excellent discussion of these attitudes, see Bagchi (1997).
- 4 Among the four countries ranking lowest in the gender-adjusted development index (GDI) (Niger, Ethiopia, Burkina Faso, and Burundi — no ranking being given for Sierra Leone because of insufficient data), three are among the bottom four on the Human Poverty Index (HPI), a complex measure including low life expectancy, deprivation in education, malnutrition, and lack of access to safe water and health services (the bottom four being Sierra Leone, Niger, Ethiopia, and Burkina Faso — Burundi is 15 places higher) (see United Nations Development Programme (1999), pp. 140-141, 146-148). Among the four developing countries ranking highest in the HPI (Barbados, Trinidad and

- Tobago, Uruguay, and Costa Rica), all have high rankings on the GDI (Barbados, 27; Uruguay, 36; Costa Rica, 42; and Trinidad and Tobago, 44).
- 5 On India, see the special report on rape in *India Abroad*, 10 July 1998. According to the latest statistics, one woman is raped every 54 minutes in India, and rape cases have increased 32% between 1990 and 1997. Even if some of this increase is due to more reporting, it is unlikely that it all is, because there are many deterrents to reporting. A woman's sexual history and social class is sure to be used against her in court, medical evidence is rarely taken promptly, police typically delay in processing complaints, and therefore convictions are extremely difficult to secure. Penile penetration is still a necessary element of rape in Indian law, and thus cases involving forced oral sex, for example, cannot be prosecuted as rape. Rape cases are also expensive to prosecute, and there is currently no free legal aid for rape victims. In a sample of 105 cases of rape that actually went to court (in a study conducted by Sakshi, a Delhi-based non-governmental organization), only 17 resulted in convictions.
 - 6 Sub-Saharan Africa was chosen as the 'baseline' because it might be thought inappropriate to compare developed with developing countries. Europe and North America have an even higher ratio of women to men: about 105/100. Sub-Saharan Africa's relatively high female/male ratio, compared with other parts of the developing world, is very likely explained by the central role women play in productive economic activity, which gives women a claim to food in time of scarcity. For a classic study of this issue, see Boserup (1970). For a set of valuable responses to Boserup's work, see Tinker (1990).
 - 7 The statistics in this paragraph are taken from Drèze and Sen (1989, 1995, chapter 7). Sen's estimated total number of missing women is 100 million; the India chapter discusses alternative estimates.
 - 8 The terms 'political liberalism', 'overlapping consensus', and 'comprehensive conception' are used as by Rawls (1996).
 - 9 See *Women in Informal Employment: Globalizing and Organizing*, publication of a public seminar, April 1999, in Ottawa, Canada; the steering committee of WIEGO includes Ela Bhatt of SEWA, and Martha Chen, who has been a leading participant in discussions of the 'capabilities approach' at the World Institute for Development Economics Research, in the 'quality of life' project directed by myself and Amartya Sen (see Sen, 1983, 1995a).
 - 10 See the excellent discussion of these attacks in the essay 'Contesting Cultures' (Narayan, 1997).
 - 11 For one fascinating example of this point, together with a general critique of communitarian fantasies of cultural peace and homogeneity, see Kniss (1997).
 - 12 For a general discussion, with many references, see Nussbaum and Sen (1989, pp. 299-325).
 - 13 Cited by Amartya Sen, in speech at the Conference on The Challenge of Modern Democracy, The University of Chicago, April 1998.
 - 14 The initial statement is in Sen (1980), reprinted in Sen (1982). See also Sen (1984, 1985a,b, 1992, 1993, 1995b) and Drèze and Sen (1989, 1995).
 - 15 For related approaches in economics, see Dasgupta (1993), Agarwal (1994), Alkire (1999), Anand and Harris (1994), Stewart (1996), Pattanaik (1980), Desai (1990), and Chakraborty (1996). For discussion of the approach, see Aman (1991), Basu, Pattanaik and Suzumura (1995).
 - 16 See the discussion of this example in Nussbaum and Sen (1993).
 - 17 Nussbaum (2000a, Chapter 2) gives an extensive account of economic preference-based approaches, arguing that they are defective without reliance on a substantive list of goals such as that provided by the capabilities approach. Again, this is a theme that has repeatedly been stressed by Sen in his writings on the topic (see Nussbaum, 1998a,b, 2000b).
 - 18 See Nussbaum (2000a, Chapter 1) for an account of these differences.
 - 19 Obviously, I am thinking of the political more broadly than do many theorists in the Western liberal tradition, for whom the nation-state remains the basic unit. I am envisaging not only domestic deliberations, but also cross-cultural quality of life assessments and other forms of international deliberation and planning.

- 20 For some examples of the academic part of these discussions, see the papers by Roop Rekha Verma, Martha A. Chen, Nkiru Nzegwu, Margarita Valdes, and Xiaorong Li in Nussbaum (1995b).
- 21 The 1994 International Conference on Population and Development (ICPD) adopted a definition of reproductive health that fits well with the intuitive idea of truly human functioning that guides this list: “Reproductive health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and its processes. Reproductive health therefore implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when, and how often to do so”. The definition goes on say that it also implies information and access to family planning methods of their choice. A brief summary of the ICPD’s recommendations, adopted by the Panel on Reproductive Health of the Committee on Population, established by the National Research Council specifies three requirements of reproductive health: “1. Every sex act should be free of coercion and infection. 2. Every pregnancy should be intended. 3. Every birth should be health” (see Tsui *et al.*, 1997).
- 22 See the fuller discussion in Nussbaum (2000a, Chapter 1).
- 23 Nussbaum (2000a, Chapters 3 and 4) confronts the difficult issues raised by religion and the family for this approach.
- 24 See the varied proposals in Kittay (1999), Folbre (1999), Harrington (1999) and Williams (1999), and also ‘The Future of Feminist Liberalism’, a Presidential Address to the Central Division of the American Philosophical Association, 22 April 2000, by Nussbaum to be published in *Proceedings and Addresses of the American Philosophical Association*.
- 25 A frequent phrase from Rawls (1996). For detailed discussion of Rawls’ views on this question, see Nussbaum (2000c) and ‘The Future of Feminist Liberalism’ (see note 24).
- 26 See the excellent argument in Kittay (1999).
- 27 Not all political approaches that use an Aristotelian idea of functioning and capability are freedom-focused in this way; thus, Aristotle was an inspiration for Marx, and also for many Catholic conservative thinkers. Among historical approaches using Aristotle, my approach lies closest to that of the British social-democratic thinkers T. H. Green, in the latter half of the nineteenth century (pioneer of compulsory education in Britain), and Ernest Barker, in the first half of the twentieth.
- 28 Compare Rawls (1996, pp. 187–188), which connects freedom and need in a related way.
- 29 The material of this section is further developed in Nussbaum (1997b).
- 30 On both India and China, see Sen (1997a) and Taylor (1999).
- 31 See Sen (1997a). On Tagore, see Sen (1997b) and Bardhan (1990). For the language of rights in the Indian independence struggles, see Nehru, *Autobiography*, 612.
- 32 That is my account of the political goal: one might, of course, retain the capabilities approach while defining the goal differently — in terms, for example, of complete capability equality. I recommend the threshold only as a ‘partial theory of justice’, not a complete theory. If all citizens are over the threshold, my account does not yet take a stand on what distributive principle should govern at that point.

References

- Agarwal, Bina (1994) *A Field of One’s Own: Gender and Land Rights in South Asia*, Cambridge University Press, Cambridge.
- Alkire, Sabina (1999) ‘Operationalizing Amartya Sen’s capability approach to human development: a framework for identifying valuable capabilities’, D. Phil. Dissertation, Oxford University.
- Aman, K. (Ed.) (1991) *Ethical Principles for Development: needs, capabilities or rights*, Montclair State University Press, Montclair, NJ.
- Anand, Sudhir and Harris, Chris (1994) ‘Choosing a welfare indicator’, *American Economic Association Papers and Proceedings*, 84, pp. 226–249.

- Bagchi, Jasodhara (1997) *Loved and Unloved: the girl-child in the Indian family*, Stree, Calcutta.
- Bardhan, Kalpana (1990) 'Introduction', *Of Women, Outcastes, Peasants and Rebels*, University of California Press, Berkeley.
- Basu, Kaushik, Pattanaik, Prasanta and Suzumura, Kōtarō (Eds) (1995) *Choice, Welfare, and Development: a festschrift in honour of Amartya K. Sen*, Clarendon Press, Oxford.
- Boserup, Esther (1970) *Women's Role in Economic Development*, St. Martin's Press, New York (second edition, 1986, Gower Publishing, Aldershot).
- Chakraborty, Achin (1996) 'The concept and measurement of the standard of living', Ph.D. Thesis, University of California at Riverside.
- Chen, Martha A. (1995) 'A matter of survival: women's right to employment in India and Bangladesh', in Martha Nussbaum and Jonathan Glover (Eds), *Women, Culture, and Development*, Clarendon Press, Oxford, pp. 37-57.
- Chen, Martha A. (1999) *Perpetual Mourning: widowhood in rural India*, Oxford University Press and University of Pennsylvania Press, Delhi and Philadelphia, PA.
- Dasgupta, Partha (1993) *An Inquiry Into Well-Being and Destitution*, Clarendon Press, Oxford.
- Desai, Meghnad (1990) 'Poverty and capability: towards an empirically implementable measure', *Suntory-Toyota International Centre Discussion Paper No. 27*, London School of Economics Development Economics Research Program.
- Drèze, Jean and Sen, Amartya (1989) *Hunger and Public Action*, Clarendon Press, Oxford.
- Drèze, Jean and Sen, Amartya (1995) *India: economic development and social opportunity*, Oxford University Press, Delhi.
- Folbre, Nancy (1999) 'Care and the global economy', background paper for *Human Development Report 1999*, unpublished.
- Harrington, Mona (1999) *Care and Equality: inventing a new family politics*, Knopf, New York.
- Kittay, Eva (1999) *Love's Labor: essays on women, equality, and dependency*, Routledge, New York.
- Kniss, Fred (1997) *Disquiet in the Land: cultural conflict in American Mennonite communities*, Rutgers University Press, New Brunswick, NJ.
- Narayan, Uma (1997) *Dislocating Cultures: identities, traditions, and Third World feminism*, Routledge, New York.
- Nussbaum, Martha (1988) 'Nature, function, and capability: Aristotle on political distribution', *Oxford Studies in Ancient Philosophy Supplement*, I, pp. 145-184.
- Nussbaum, Martha (1990) 'Aristotelian social democracy', in R. Douglass Bruce, Gerall Mara and Henry Richardson (Eds), *Liberalism and the Good*, Routledge, New York, pp. 203-252.
- Nussbaum, Martha (1992) 'Human functioning and social justice: in defense of aristotelian essentialism', *Political Theory*, 20, pp. 202-246.
- Nussbaum, Martha (1993) 'Non-relative virtues: an Aristotelian approach', in Martha Nussbaum and Amartya Sen (Eds), *The Quality of Life*, Clarendon Press, Oxford.
- Nussbaum, Martha (1995a) 'Aristotle on human nature and the foundations of ethics', in James Edward John Altham and Ross Harrison (Eds), *World, Mind and Ethics: Essays on the Ethical Philosophy of Bernard Williams*, Cambridge University Press, Cambridge, pp. 86-131.
- Nussbaum, Martha (1995b) 'Human capabilities, female human beings', in Martha Nussbaum and Jonathan Glover (Eds), *Women, Culture, and Development*, Clarendon Press, Oxford, pp. 61-104.
- Nussbaum, Martha (1997a) 'The good as discipline, the good as freedom', in David A. Crocker and Toby Linden (Eds), *Ethics of Consumption: The Good Life, Justice, and Global Stewardship*, Rowman and Littlefield, Lanham, MD, pp. 312-411.
- Nussbaum, Martha (1997b) 'Capabilities and human rights', *Fordham Law Review*, 66, pp. 273-300.
- Nussbaum, Martha (1997c) 'Religion and women's human rights', in Paul Weithman (Ed.), *Religion and Contemporary Liberalism*, University of Notre Dame Press, Notre Dame, pp. 93-137.

- Nussbaum, Martha (1998a) 'Public philosophy and international feminism', *Ethics* 108, pp. 770-804.
- Nussbaum, Martha (1998b) 'Still worthy of praise: a response to Richard A. Posner, the problematics of moral and legal theory', *Harvard Law Review*, 111, pp. 1776-1795.
- Nussbaum, Martha (Ed.) (1999) 'Women and cultural universals', *Sex and Social Justice*, Oxford University Press, New York.
- Nussbaum, Martha (2000a) *Women and Human Development: The Capabilities Approach*, Cambridge University Press, Cambridge and New York.
- Nussbaum, Martha (2000b) 'Why practice needs ethical theory: particularism, principle, and bad behavior', in Steven Burton (Ed.), *The Path of the Law in the Twentieth Century*, Cambridge University Press, Cambridge, pp. 50-86.
- Nussbaum, Martha (2000c) 'Rawls and feminism', in Samuel Freeman (Ed.), *The Cambridge Companion to Rawls* (forthcoming).
- Nussbaum, Martha and Sen, Amartya (1989) 'Internal criticism and indian rationalist traditions', in Michael Krausz (Ed.), *Relativism: interpretation and confrontation*, University of Notre Dame Press, Notre Dame, pp. 299-325.
- Nussbaum, Martha and Sen, Amartya (Eds) (1993) 'Introduction', *The Quality of Life*, Clarendon Press, Oxford.
- Pattanaik, Prasanta (1980) 'Cultural indicators of well-being: some conceptual issues', in *UNESCO, World Culture Report: culture, creativity, and markets*, UNESCO Publishing, Paris, pp. 333-339.
- Rawls, John (1996) *Political Liberalism* (expanded paper edition), Columbia University Press, New York.
- Sen, Amartya (1980) 'Equality of What?', in Sterling McMurrin (Ed.), *Tanner Lectures on Human Values 1*, Cambridge University Press, Cambridge.
- Sen, Amartya (1981) *Poverty and Famines: an essay on entitlement and deprivation*, Clarendon Press, Oxford.
- Sen, Amartya (1982) *Choice, Welfare, and Measurement*, Basil Blackwell and MIT Press, Oxford and Cambridge, MA.
- Sen, Amartya (1983) *A Quiet Revolution: women in transition in rural Bangladesh*, Schenkman, Cambridge, MA.
- Sen, Amartya (1984) *Resources, Values, and Development*, Basil Blackwell and MIT Press, Oxford and Cambridge, MA.
- Sen, Amartya (1985a) *Commodities and Capabilities*, North-Holland, Amsterdam.
- Sen, Amartya (1985b) 'Well-being, agency, and freedom: the Dewey lectures 1984', *The Journal of Philosophy*, 82, pp. 169-221.
- Sen, Amartya (1992) *Inequality Reexamined*, Clarendon Press and Harvard University Press, Oxford and Cambridge, MA.
- Sen, Amartya (1993) 'Capability and well-being', in Martha Nussbaum and Amartya Sen (Eds), *The Quality of Life*, Clarendon Press, Oxford, pp. 30-53.
- Sen, Amartya (1994) 'Freedoms and needs', *The New Republic*, 10/17 January 1994, pp. 31-38.
- Sen, Amartya (1995a) 'A matter of survival: women's right to work in India and Bangladesh', in Martha Nussbaum and Jonathan Glover (Eds), *Women, Culture, and Development*, Clarendon Press, Oxford.
- Sen, Amartya (1995b) 'Gender inequality and theories of justice', in J. Glover and Martha Nussbaum (Eds.), *Women, Culture, and Development*, Clarendon Press, Oxford, pp. 153-198.
- Sen, Amartya (1997a) 'Human rights and Asian values', *The New Republic*, 14/21 July, pp. 33-41.
- Sen, Amartya (1997b) *New York Review of Books*, June.
- Stewart, Frances (1996) 'Basic needs, capabilities, and human development', in Avner Offer (Ed.), *In Pursuit of the Quality of Life*, Oxford University Press, Oxford.
- Taylor, Charles (1999) 'Conditions of an unforced consensus on human rights', in Joanne R. Bauer and Daniel A. Bell (Eds), *The East Asian Challenge for Human Rights*, Cambridge University Press, Cambridge.

- Tinker, Irene (Ed.) (1990) *Persistent Inequalities*, Oxford University Press, New York.
- Tsui, Amy O., Wasserheit, Judith N. and Haaga, John G. (Eds) (1997) *Reproductive Health in Developing Countries*, National Academy Press, Washington, DC, p. 14.
- United Nations Development Programme (1993-1996) *Human Development Reports 1993, 1994, 1995, 1996, 1999*, UNDP, New York.
- United Nations Development Programme (1999) *Human Development Report*, UNDP, Oxford University Press, Oxford and New York.
- Williams, Bernard (1987) 'The standard of living: interests and capabilities', in Geoffrey Hawthorne (Ed.), *The Standard of Living*, Cambridge University Press, Cambridge.
- Williams, Joan (1999) *Unbending Gender: why family and work conflict and what to do about it*, Oxford University Press, New York.