2

The Central Capabilities

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Nonhuman animals are less malleable than human animals, and

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

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

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

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

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

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

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

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

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

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

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

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

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

ment blighted by fear and anxiety. (Supporting this capability means supporting forms of human association that can be shown to be crucial in their development.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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