

### **Agency, Functioning, and Capability\***

Having examined Sen's and Nussbaum's assessment of alternative ethical approaches to development, we are in a position in the present chapter to analyze and evaluate the fundamental concepts in their respective ethical outlooks. A fundamental and often under-emphasized or completely neglected distinction in Sen's ethic is that between agency, which includes both agency freedom and agency achievement, and well-being, which includes both capability and functioning. In the first section I explain the distinction between agency and well-being and the cross-cutting distinction of achievement and freedom. After analyzing and evaluating the evolution of Sen's concept of agency from an empirical concept of human motivation to an ethical ideal of autonomy and action, I argue that Nussbaum's concepts of practical reason and control are both less robust and less defensible than Sen's ideal of agency. In the second section I analyze,

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\* This chapter includes a substantial revision and modification of sections 1.1-1.3 of "Functioning and Capability: The Foundation of Sen's and Nussbaum's Development Ethic, Part 2," *Women, Culture, and Development*, eds. Martha Nussbaum and Jonathan Glover (New York: Oxford University Press/Clarendon Press, 1995); and chap. 3 of *FloreCIMIENTO humano y desarrollo internacional: La nueva ética de capacidades humanas*. (San José, Costa Rica: Editorial de la Universidad de Costa Rica, 1998). Figure 1 is adapted from my "Sen and Deliberative Democracy," in *Capabilities Equality: Basic Issues and Problems*, ed. Alexander Kaufman (New York: Routledge, 2005), 156. I gave lectures or papers from which the published essays were derived at Montclair State University, the University of Costa Rica, the National Autonomous University of Honduras, and the University of San Carlos (Guatemala). Thanks to the following people for their suggestions to improve earlier drafts: Cynthia Botteron, Teresa Chandler, Eddie Crocker, Geri Crocker, Lawrence Crocker, Jay Drydyk, Verna Gehring, Patty Joyce, Lori Keleher, Daniel Levine, Michael Lozonky, Peter Penz, William Slauson, and David Wasserman. I benefited from conference commentators Joan Whitman Hoff and Jerome M. Segal. I am especially grateful to Amartya Sen and Martha Nussbaum for their encouragement and enormously helpful comments on the first draft of the initially published essays.

compare, and evaluate Sen’s and Nussbaum’s concepts of functioning and capability and the different roles these concepts play in their respective normative outlooks. In the next chapter I analyze and evaluate differences that have emerged with respect to Sen’s and Nussbaum’s favored ways of *evaluating* capabilities and functionings.

### **Agency and Well-being, Freedom and Achievement**

Central to the normative “foundation” of Sen’s development ethic are two cross-cutting distinctions: (i) agency and well-being, and (ii) achievement and freedom. With the help of Figure 1, I explain the basic ideas:

	Agency	Well-being
Achievement	Agency Achievement	Well-being Achievements (Functionings)
Freedom	Agency Freedom	Well-being Freedoms (Capabilities)

Sen conceives of *agency* and *well-being* as two distinguishable but linked aspects of human life, each of which calls for respect (aid, protection) on the part of individuals and institutions.<sup>1</sup> The centrality of these two concepts in Sen’s development ethic is suggested by the title of a 1995 essay: “*Agency and Well-Being: The Development Agenda.*”<sup>2</sup> In his initial account, one Sen set forth in articles and books through 1993, Sen describes agency achievement in the following way: “a person’s agency achievement refers to the realization of goals and values she has reasons to pursue, whether or not they are connected with her own well-being.”<sup>3</sup> A person’s well-being, in contrast, concerns

not “the totality of her considered goals and objectives” but rather only her “wellness,” “personal advantage,” or “personal welfare.” This state of a person, her beings and doings, may be the outcome of her own or other people’s decisions or the result of causes internal or external to the agent. Well-being or its contrary, ill-being, concerns “the state of a person—in particular the various things he or she manages to do or be in leading a life”<sup>4</sup>:

The well-being of a person can be seen in terms of the quality (the ‘well-ness,’ as it were) of the person’s being. Living may be seen as consisting of a set of interrelated ‘functionings,’ consisting of beings and doings. A person’s achievement in this respect can be seen as the vector of his or her functionings. The relevant functionings can vary from such elementary things as being adequately nourished, being in good health, avoiding escapable morbidity and premature mortality, etc., to more complex achievements such as being happy, having self-respect, taking part in the life of the community, and so on. The claim is that functionings are constitutive of a person’s well-being, and an evaluation of well-being has to take the form of an assessment of these constituent elements.<sup>5</sup>

Both agency and well-being have two dimensions, namely, actual *achievements* and the *freedom* for those achievements. As agents, persons achieve their goals in the world. Although “the freedom of agency that we individually have is inescapably qualified and constrained by the social, political, and economic opportunities available to

us,”<sup>6</sup> social arrangements can also extend the reach of agency freedom. Likewise, a person’s well-being consists not only of her current states and activities (functionings), which may include the *activity* of choosing, but also in her freedom or opportunities (capabilities) to function in ways alternative to her current functioning. A person’s own well-being, whether functionings or capabilities, are often part—but need not be all—of a person’s objectives; for a person may also pursue goals that reduce her well-being and even end her life.

What is the point of Sen’s initial distinction? It provides conceptual space for a Kantian conception of moral freedom and breaks decisively with any deterministic psychological egoism that claims that humans are no more than and are bound to be “strict maximizers of a narrowly defined self-interest.”<sup>7</sup> Some people most of the time and many people some of the time *do* strive to increase their own well-being. However, insofar as humans can and do devote themselves to people and causes beyond and even against their own welfare, Sen can answer a skeptical realist’s concern about any normative theory that proposes a just treatment of conflicting interests or freedoms:

If conflicts of interest are very sharp and extensive, the practical feasibility and actual emergency of just social arrangements may pose deep problems. There are reasons for skepticism here, but the extent and force of that skepticism must depend on the view we take of human beings as social persons. If individuals do, in fact, incessantly and uncompromisingly advance only their narrow self-

interests, then the pursuit of justice will be hampered at every step by the opposition of everyone who has something to lose from any proposed change. If, on the other hand, individuals as social persons have broader values and objectives, including sympathy for others and commitment to ethical norms, then the promotion of social justice need not face unremitting opposition at every move.<sup>8</sup>

Moreover, Sen might have added, as he did in a 2006 address, that effective implementation of development policies can and should build on people's sense of fairness and concern that they and others be treated fairly.<sup>9</sup> That people are often committed to general norms about fairness is anecdotally illustrated by the way people in a queue respond to someone who butts in front of them. Sen himself provides empirical filling for this sort of altruistic conceptual space by referring to his own empirical work<sup>10</sup> and that of many other social scientists, such as Albert Hirschman.<sup>11</sup> Also relevant are experiments that show that participants in controlled games often choose not to maximize their own self interest.<sup>12</sup> Sen also marshals evidence from momentous events suggested by the names "Prague or Paris or Warsaw or Beijing or Little Rock or Johannesburg" as evidence that "among the things that seem to move people . . . are concern for others and regard for their ideas."<sup>13</sup>

I suggest a second and, I believe, equally convincing reason for the distinction between well-being and agency, one to which I return in comparing Sen and Nussbaum. This distinction provides normative space for the commonplace that an agent in pursuit of worthy goal may sacrifice her health, friends, and even life itself.

## Sen's Ideal of Agency

Increasingly after 1993, Sen supplements his initial *empirical* account of agency, one that makes room for both self-regarding and other-regarding human motivation, with a very different and explicitly *normative* account that proposes human agency as something we have reason to value. Already in 1992, Sen edged towards this normative account of agency when he ramified his initial distinction between well-being and agency and distinguished two kinds of agency achievement or success: (i) “*realized* agency success,” a generic concept of agency, and (ii) “*instrumental* agency success,”<sup>14</sup> a more specific and “participatory” concept of agency.

In “realized agency success,” my objectives—whether self-regarding or other-regarding—are realized, but someone or something else may be the cause or the “lever” of the achievement. Only in “instrumental agency success”—the specific and “more *participatory*”<sup>15</sup> variety of agency—does agency require that the person herself either brings things about by her *own* efforts or plays an “active part” in some collective action. Perhaps responding to G. A. Cohen’s criticism that Sen’s normative outlook is guilty of “athleticism,” Sen’s generic concept of agency permits some other individual or group—other than the person or group whose aims are realized—to exercise or “control” the “levers” of change.<sup>16</sup> My agency freedom is enhanced not only when I actually do something but when something I value occurs even when I had nothing to do with its occurrence but would have chosen it had I *had* the chance and the means:

If my agency objectives include the independence of my country, or the elimination of famines, the first view of agency achievement would be well met if the country *does* become independent, or if famines *are* in fact eliminated, irrespective of the part I personally manage to play in bringing about that achievement.<sup>17</sup>

This generic concept of agency freedom and achievement does have some advantages. It does permit us to say that institutions and *other* people can bring about or contribute to the realization of our goals: “a person’s ability to achieve various valuable functionings may be greatly enhanced by public action and policy.”<sup>18</sup> Moreover, infants and very old people are capable of healthy functioning even though they make few if any decisions and are dependent on the care of others. Many good (and bad) things happen to people because of what other agents do for (or to) them. Sen wisely does not make an absolute of “self help” or “athleticism.” It is not the case that my evening meal is drained of worth unless I freely cook it myself or that my colleagues do not have a role to play in realizing my goal that my university be better.

It does not follow, however, that we should follow Sen and say that the actions of others that realize my goals, which I would have realized from myself if I could have, are cases of *my* agency.<sup>19</sup> Someone else’s preparation of my lunch should not count as my agency or action merely because I wanted this meal and would have prepared it myself if I had had the opportunity and means.<sup>20</sup> Here we must distinguish a variety of cases, only some of which qualify as agency achievement. Then, within agency achievement we should distinguish indeed between two kinds of agency, but draw it in a different way and

for a different purpose than does Sen. I propose that we distinguish not between the generic “realized agency” and the more specific “instrumental” agency but rather between (i) the agency of others, (ii) my indirect agency, and (iii) my direct agency.

Suppose the restaurant chef at Rudy’s Cafe, without knowledge of me or my desires, prepares a dish that I desire, order, eat, and would have prepared myself if I were home. I exercise agency in the ordering, eating, and nourishing myself but not in preparing the food. Although past preferences and consumer choices like mine may have played a role in Rudy’s Café offering today’s chile, my preference today for this meal had no causal role in the cook’s action. In contrast, if the chef knows what I always order, expects me today, and prepares the meal before my accustomed arrival, my (assumed) desire for this meal is indeed a causal factor in the cook’s decision of what to prepare. Still, however, I have had no agency in *preparing* the meal because I had no intention to prepare the meal and performed no intentional action in the preparation. Even though the counterfactual related to Rudy’s Cafe—I would have prepared the same meal had I had the chance—is true, this hypothetical agency is not actual agency.

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and not that *she* does. Indeed, my wife's anticipates my (conditional) agency, and this anticipation does play a role in her action. But I have not exercised my agency unless I both intended that my wife cooked the meal, which I did not, and I intentionally did something to bring it about or intentionally refrained from doing something, which I did not, that would have prevented her action,. Her anticipation of my agency is an indirect cause for her action, but this anticipation is not an exercise of my agency.

Let us consider now cases of both direct and indirect agency. I would exercise direct agency if I decided by myself to cook the meal and did so alone. I exercise my agency indirectly if I intend that this sort of meal be prepared and play some role in its preparation. That role may be more or less important, e.g., the onion I slice may be optional rather than essential seasoning.

My role also may be more or less direct depending on whether I am in charge and my place in the causal chain that results in the intended meal. If, because I have a deadline, I ask my wife to cook the meal without my help, my request plays only an initiating role in the causal chain the issues in the meal. If I replace the fuse, when the kitchen current shorts out, I contribute to the meal preparation but only remotely. If I refrain from distracting my wife's cooking by choosing not to read to her an op ed piece from today's paper, my action of omission plays a role in her successful realizing of our joint intention. In these cases, I am an agent in the action but only an indirect or fairly remote way.

Rather than extending, as does the notion of "realized agency success," the notion of agency to include whatever event happens to realize my preferences (and would be chosen by me if I had the chance), the notion of indirect agency enables us to make the

important point that tyrants are restrained not only by their so-called “subjects” direct doing (for example, mass agitation) but also by the tyrant’s knowledge that his subjects intend to blockade the city should the tyrant fail to accede to certain popular demands.<sup>21</sup> My indirect agency, with both backward and anticipatory reference, also occurs when my senator casts a vote to disconfirm the president’s nomination for attorney general. She casts the vote, and I do not. But I have exercised indirect agency if I have influenced her decision, perhaps because she expects that I will hold her accountable if she votes against my expressed will. If the senator knows what I and other constituents have elected her to do and stand for, and if she knows that she will lose our support if she votes for the nominee, then my agency has been indirectly exercised through my representative.

This last example leads us to see the merit but also a limitation in what I have called indirect agency. In modern society’s complex organizations, such as representative democracy, Sen correctly recognizes that “it is often very hard, if not impossible, to have a system that gives each person all the levers of control over her own life.”<sup>22</sup> Yet, it does not follow that even in complex societies no further issue exists as to who makes decisions, who is in charge, or “how controls are, in fact, exercised.”<sup>23</sup> One challenge of movements to deepen democracy is to find ways to strengthen and extend direct agency, make indirect agency less indirect, and link direct and indirect agency, for instance, by establishing venues for representatives and constituents to deliberate together between elections for or votes in representative bodies.<sup>24</sup>

In 1992, Sen happily recognized that what he called “active” or participatory” agency is “closely related to the nature of our values” in the sense that we place a high value on bringing about our goals through our *own* efforts. After 1992 Sen dropped or at

least downplayed the generic meaning of agency, refrains from discussing nonparticipatory agency, and emphasizes agency only what in 1992 he called “instrumental agency success.” It is important that we recognize that others can realize our goals on our behalf even though we have had no role—direct or indirect—in the process. But rather than including this sort of case under the category of my “realized agency,” it is more perspicuous, I have argued, to classify it as an example of “realized goals.” Another agent’s has performed an action that achieved for me what I had intended to do for myself.

The abandonment of the generic category “realized agency” is, I believe, no loss. What is important is that people individually and collectively conduct their own lives, sometimes realizing their own self-regarding goals, sometimes realizing (or helping realize) other’s goals, and sometimes by forming joint intentions and exercising collective agency. We exercise agency or control not when our goals are merely realized but when, in addition, we *intentionally* realize or contribute directly or indirectly to the realization of our goals.<sup>25</sup>

How does Sen understand the ideal of agency and why is such agency important? Especially in his 1999 *Development as Freedom*, but also in other writings after 1993, Sen proposes and applies a complex ideal of agency (and a related ideal of empowerment as the acquisition of this kind of agency). Although he has not yet subjected the ideal to the careful analysis that we have come to expect of him, I draw on his scattered remarks and offer the following interpretation or “rational construction” of his current view. A person is an agent with respect to action X just in case she (i) decides for herself (rather than someone or something else forcing the decision) to do X; (ii) bases her decisions on

reasons, such as the pursuit of goals; (iii) performs or has a role in performing X; and (iv) thereby brings about (or contributes to the bringing about) change in the world.<sup>26</sup>

Rather than make each one of these conditions necessary and together sufficient for agency, let us say that the more fully an agent's action fulfills each condition the more fully is that act one of agency. As Rob Reich argues in relation to what he calls "minimalist autonomy," agency is a matter of degree rather than "an on/off capacity or condition." The agent decides for himself rather than being forced by someone else or by impersonal forces. The person is autonomous in the sense that "the person herself decides the issue at hand"<sup>27</sup> rather than someone else deciding for him.

Full agency is "reasoned agency,"<sup>28</sup> Decision is not for *no* reason, based on a whim or impulse, but is for *some* reason or to achieve a goal, regardless whether that goal is self-regarding or other-regarding. The agent does more than form an intention or make a resolve, however; he freely performs, either alone or with others, acts of commission or omission. Even though the agent gets what she intends—for instance, the elimination of the famine—if she did not get it, at least partially, because of her own (direct or indirect) action (individually or with others), she is not an agent. A person may have many effects on the world, but effects only express agency when they are done consciously, on purpose and for a purpose. Because of this act, the agent alters the world—sometimes in ways intended or foreseen and sometimes in unintended or unexpected ways. When the agent intentionally achieves his goal, he is in this instance an agent, the author of his own life. This self-determining and efficacious aspect of Sen's ideal of agency is nicely anticipated by Isaiah Berlin's concept of positive liberty:

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I wish to be the instrument of my own, not other men's, acts of will. I wish to be a subject, not an object. . . . I wish to be a somebody, not nobody; a doer—deciding, not being decided for, self-directed and not acted on by external nature or by other men as if I were a thing, or an animal, or a slave incapable of playing a human role, that is, of conceiving goals and policies of my own and realizing them.<sup>29</sup>

A person's agency contrasts with cases in which a person is passive in the face of others' actions or a mere conduit through which other agents work their will or impersonal forces unleash effects. In the former case, someone else either makes a decision for the person, acts for them, or acts on them. In the latter case, a person's apparent "decision" is nothing but the effect of internal or external forces:

In terms of the medieval distinction between 'the patient' and 'the agent,' this freedom-centered understanding of economics and of the process of development is very much an agent-oriented view. With adequate social opportunities, individuals can effectively shape their own destiny and help each other. They need not be seen primarily as passive recipients of the benefits of cunning development programs. There is indeed a strong rationale for recognizing the positive role of free and sustainable agency—and even of constructive impatience.<sup>30</sup>

The term "agency," like the term capability, confuses many people. Not only does one think of travel agencies, rather than individual or collective actors (in Spanish,

*protagonistas*), but, as Sen makes clear early in *Development as Freedom*, what institutional economics means by agent is contrary to Sen's meaning:

The use of the term 'agency' calls for a little clarification. The expression 'agent' is sometimes employed in the literature of economics and game theory to denote a person who is acting on someone else's behalf (perhaps being led on by a 'principal'), and whose achievements are to be assessed in the light of someone else's (the principal's) goals. I am using the term 'agent' not in this sense but in its older—and 'grander'—sense as someone who acts and brings about change, and whose achievements can be judged in terms of her own values and objectives, whether or not we assess them in terms of some external criteria as well. This work is particularly concerned with the agency role of the individual as a member of the public and as a participant in economic, social and political actions (varying from taking part in the market to being involved, directly or indirectly, in individual or joint activities in political and other spheres).<sup>31</sup>

It is also clear from this passage's last sentence that Sen considers the "agency role" of individuals, acting alone or in groups, as of fundamental importance in his vision of *Development as Freedom*. Rather than stressing, as he did in 1992, the difficulty of citizens purposefully operating the "levers" of change, in his recent work as part of his democratic turn, he emphasizes the importance of direct as well as indirect citizen

involvement in democratic governance, and he seeks ways to close the gap between the two. In Parts III and IV, I consider further why agency is important and address the implications of this ideal of (active) agency for a deepening of democracy and citizen participation in local development. One reason that development, conceived as good social change, is important for Sen is that it provides a variety of social arrangements in which human beings express their agency or become free to do so. The ethically-sensitive analyst evaluates development policies and practices in the light, among other things, of the extent to which they enhance, guarantee, and restore the agency of individuals and various groups:

Social arrangements, involving many institutions (the state, the market, the legal system, political parties, the media, public interest groups, and public discussion forums, among others) are investigated in terms of their contribution to enhancing and guaranteeing the substantive freedoms of individuals, seen as active agents of change, rather than passive recipients of dispensed benefits.<sup>32</sup>

As we shall see in Chapter 9, one challenge for Sen and for deliberative democratic theorists is to give an account of how public deliberation provides devices for *collective* agency, a process for combining the decisions and agency freedoms of many agents. For Sen, groups as well as individual persons can and should be authors of their own lives.

Although the concept of capability is undeniably important in Sen's development ethic, regrettably his approach has become widely known as the "capability approach." This designation is multiply misleading. I shall argue that in some contexts functionings are, for Sen, more important than capabilities. Moreover, since agency freedom as well as well-being freedom is normatively fundamental, Sen is right to refer to his overall approach as "the freedom-centered perspective on the ends and the means of development,"<sup>33</sup> and I suggest that an equally appropriate label would be "the agency-focused capability approach." Finally, since agency achievement and agency freedom are not only morally important, but often neglected in both political thought and the interpretation of Sen, there is sometimes good reason to call this outlook "an agent-oriented view"<sup>34</sup> or "an agent-oriented approach."<sup>35</sup> In Chapter 7, I consider whether Sen's ideal of agency is or should be *more* important than his normative notions of well-being (functioning and capability). For now, however, it is sufficient to stress that Sen's commitment to public participation in social change "involves an overarching interest in the role of human beings—on their own and in cooperation with each other—in running their own lives and in using and expanding their freedoms."<sup>36</sup>

### **Nussbaum and Agency**

Nussbaum, who agrees with Sen about the complexities of human motivation, softens, or better, recasts his distinction between well-being (capabilities and functionings) and agency (freedom and achievements):



One set of distinctions prominently used by Sen is absent in my own version of the capabilities approach. This is the distinction between well-being and agency, which, together with the distinction between freedom and achievement, structures much of his recent writing about capabilities. I agree with Sen that the concepts introduced by these distinctions are important: but I believe that all the important distinctions can be captured as aspects of the capability/functioning distinction.<sup>37</sup>

By agency Nussbaum generally means choice as a part of what she calls “practical reason.” She conceives practical reason as “being able to form a conception of the good and to engage in critical reflection about the planning of one’s life,” and she puts it on her list of ten “central human functional capabilities.”<sup>38</sup> Moreover, it is clear that her conception of the equal worth of persons has much to do with the human ability to plan, act, and make a difference in the world: “We see the person as having activity, goals, and projects—as somehow awe-inspiringly above the mechanical workings of nature, and yet in need of support for the fulfillment of many central projects.”<sup>39</sup> Furthermore, the tenth and last valuable capability on Nussbaum’s post-1998 lists is “control” over one’s political and material environment,<sup>40</sup> and in these writings she sometimes refers to human beings as “centers of agency and freedom”<sup>41</sup> or “sources of agency and worth.”<sup>42</sup> At least once she puts agency and well-being on equal normative footing when she says that her brand of liberalism opposes political organization “that seek a good for the group as a whole without focusing above all on the well-being and agency of individual group members.”<sup>43</sup> Yet she does not match these locutions with

Sen's careful and systematic distinction between agency and well-being. Why not? I believe there are at least two reasons.

First, Nussbaum contends that Sen's contrast between agency and well-being may cause some readers accustomed to utilitarianism to think that agency is exclusively where the action is and well-being is a totally passive affair. What she is getting at is that utilitarians often use the terms "welfare" and "well-being" interchangeably and what they mean by both is the (passive) enjoyment experienced when one's preferences are satisfied. To focus normatively on objective functionings and capabilities, such as actual healthy functioning, rather than subjective satisfactions, Nussbaum argues, is to break decisively with utilitarian passivity. Sen's distinction between agency and well-being, she contends, drains (at least for economists and other utilitarians) the concept of well-being—and hence those of capability and functioning—of activity. Hence, she rejects Sen's distinction.

It is true that it is often difficult for audiences, especially but not exclusively in the Spanish-speaking world, to grasp Sen's rejection of the identification of "welfare" and "well-being" and a conception of "well-being" whose components include a plurality of capabilities and functionings, rather than mental reactions such as satisfactions. And these functionings do include not only "beings" or states of a person but also "doings" or activities (whether or not intentional actions). However, Nussbaum's argument overstates the "athletic" character of Sen's view of functionings and capabilities. Contrary to the interpretation of G. A. Cohen, Sen insists that "there is no underlying presumption that we have the capability to live a malaria-free life only if we have ourselves gone around exterminating the malaria-causing insects."<sup>44</sup> Similarly, one of the

functionings that people sometimes value and choose—especially during vacations or at the end of a hard day—is that of repose and cessation of striving.<sup>45</sup> Moreover, a utilitarian or neo-classical economist view could be expansive enough to include preferences for strenuous activities.

It is precisely Sen's concept of agency that enables him to distinguish his view most decisively from mainstream economics and philosophical utilitarianism. Sen's empirical concept of agency enables him to claim that people *can* and often *do* act to realize other-regarding goals, even when to do so is disadvantageous. His normative ideal of agency is the basis for contending that individuals and groups can and often *should* run their own lives, rather than have them controlled by others or impersonal forces.

Nussbaum is right to affirm the active character of (many) functionings and the importance of well-being freedom (capabilities) as well as functionings. Without a separate ideal of agency, however, she is unable to do full justice to people's actual freedom to shape their own lives, including their *own* decisions with respect to which freedoms to make most important in their lives.

Second, and more fundamentally, the very structure of Nussbaum's capabilities approach requires that she reject Sen's normative duality of agency and well-being in favor of an integrated and complex norm of human functioning composed of both functionings and capabilities. Sen holds that—both individually and collectively—persons as agents should decide on their own values, prioritize their freedoms, and perform their own actions. The contrast is not between activity and passivity as such but between a person or group deciding for itself and being the “recipient” of someone else's decision (even if that decision coincides with what the person herself would decide).

Whether or not to emphasize individual advantage or some nonself-regarding cause and how to understand and weigh the plural components of well-being—for Sen these options are to be decided by the agents involved. As we shall see in later chapters, the ideal of agency ranges even over the decision not to value agency. This choice should be *my* or *our* choice and not that of someone else.

In contrast, Nussbaum gives prescriptive priority to her own vision of truly human functioning and capabilities—of which practical reason is only one component. This vision, the result of philosophical argument, is to be enshrined in a nation’s constitution and should function to protect but also constrain individual and collective exercise of practical reason in the making of public policy. Nussbaum restricts the scope of practical agency to that of specifying the norms the philosopher sets forth and the constitution entrenches. Nussbaum, more Aristotelian and less Kantian, understands the philosopher’s role as that of providing “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.”<sup>46</sup> The basic choice that Nussbaum leaves to individuals and communities is how to *specify* and *implement* the ideal of human flourishing that she—the philosopher—offers as the moral basis for constitutional principles.

Furthermore, unlike Sen, Nussbaum does not restrict human well-being to personal advantage or self-regarding goals and, hence, she has no need to open conceptual space for the human agent to be able to choose between her own well-being and altruistic actions or impersonal causes. Instead, Nussbaum includes “affiliation” as one of her ten valuable capabilities. Affiliation, she says, is “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 have compassion for that situation; to have the capability for both justice and friendship.”<sup>47</sup>

Nussbaum even goes so far as to designate affiliation, along with practical reason (including the capacity for choice), as one of the two especially important capabilities or “architectonic functionings”<sup>48</sup> that pervade (“organize and suffuse”) all capabilities in the sense that these super capabilities make “truly human” the pursuit of the other central capabilities. In contrast, Sen conceives well-being freedoms and achievements as a (self-interested) sub-class within agency achievement. Sen finds it valuable that individuals and communities have the freedom to choose not only how to conceive their personal advantage, that is, the nature and weights of their well-being freedoms, but also what weight they should give their own well-being in relation to the well-being of others and their impersonal causes, such as social justice.

With his empirical concept of agency, Sen gives an account in which people can advance their central goals, their causes, in ways that reduce their well-being as personal advantage. When Nussbaum builds affiliation and friendship into her expansive notion of human flourishing, she obscures the personal sacrifices sometimes required to pursue or obtain a worthy goal. Sometimes we must make a difficult choice because the the goods of healthy and affiliative functioning do not go together with the process or outcome of political functioning.

With his concept of agency, Sen does not himself prescribe moral or constitutional choices but underscores that individuals and collectives have the freedom to make choices *for themselves* (or at least decide to give the choice to someone else).

Among these choices is that between—or the balance between—well-being and our central goals and values (including that of agency itself).<sup>49</sup>

Hence, although dualities exist in both Sen's and Nussbaum's perspectives, they are drawn along different lines and serve different purposes. Sen, addressing economists, development policy analysts, and self-interested citizens, starts with a conception of humans as pursuing their own *well-being*, but emphasizes—without formulating a conception of human flourishing—that individuals and communities are *agents* that can and should decide on the nature and importance of their own advantage in relation to other goals and values. Nussbaum, more at home with the world of Greek thought, finds it difficult to draw the sharp distinction between individual and communal good and prescribes an ideal of partial human flourishing that includes both affiliation (altruism) and practical reason.<sup>50</sup> The norm of human flourishing, in Nussbaum's most recent writings, is only *partial* because she now offers her list “not [as it was in her earlier formulations] a complete account of the good or of human flourishing,” but a “political account” of “the basic social minimum” that human dignity requires.<sup>51</sup>

Accepting Rawls's distinction between a comprehensive and a political conception of the good, Nussbaum's social minimum consists, she says, of the “capacities, liberties, and opportunities that have value in any plan of life that citizens may otherwise choose.”<sup>52</sup> While Sen claims that people and societies should use their agency individually and collectively to determine the nature and importance of that social minimum, Nussbaum assigns that job to philosophical reflection (albeit in and through critical dialogue with many people).

## Well-being Achievement and Freedom

In addition to the norm of agency—both agency achievement and agency freedom—Sen proposes, as I sketched above, that institutional arrangements and development policies and practices be evaluated and constructed in relation to the norm of human well-being. In turn, as I discussed above in a preliminary way, Sen understands human well-being or personal advantage not as preference satisfaction in the economist’s sense but in relation to the concepts of functioning and capability. Nussbaum also employs these concepts, but—as I anticipated earlier and will return to subsequently—she does so not in relation to a concept of well-being, which contrasts with the concept of agency, but rather in relation to a robust normative and political notion of (partial) “human flourishing” that includes altruistic elements. With this difference in their uses the concepts of functioning and capability as a backdrop, I turn now to a more detailed interpretation of what each thinker means by functioning and capability.

### Functioning

Sen frequently explains his concept of human functioning by the example of riding a bicycle.<sup>53</sup> Important differences exist between the bicycle, the activity of riding, any mental state or utility that accompanies the riding, and any subsequent effects of the riding. The bicycle itself is a mere object, a commodity that may be bought or sold. I may own the bike, be near it, and be sitting on it (even when it is moving), and yet not be *riding* it. To be riding the bike is to be engaged in a purposive human activity with or by

means of the bike. The bike is necessary but not sufficient for the cycling. The cycling, as both process and result, is an “achievement” of the rider—as any parent knows when their child first begins to peddle the new bike. While riding, the cyclist may or may not be enjoying the activity or satisfying some desire.

The bicycle example is somewhat misleading if it suggests that intentionality, purposiveness, or voluntariness are necessary conditions, in Sen’s account, for all human functionings. A cyclist usually chooses to ride and has an aim in riding but may also cycle against her will—as when a parent plops the recalcitrant youngster on the bike and shoves it down the driveway. Sen also extends the concept of functioning beyond intentional action to include *any* “state of existence of a person.”<sup>54</sup> Included as functionings, then, would be not only the choosing that initiates the riding but also the mental state—whether one of joy, boredom, or fear—that happens to accompany the activity. Moreover, also included under the concept are states or processes of a person such as an accelerated heart beat (a physiological functioning *during* the riding) or being physically or psychologically fit (functionings *caused by* the riding).

Consider another example I have found useful in teaching. A student may “illustrate” many functionings during a class period: (i) *choosing* to pay attention or think of something else; (ii) *intentionally* paying attention or taking notes; (iii) enjoying or being bored by the lecture; (iv) unintentionally daydreaming, nonvoluntarily digesting lunch, (v) being enlightened or misinformed; (vi) subsequently, engaging in professional activity informed by the course. Sen defines a person’s “achieved living”<sup>55</sup> as the person’s combined “doings and beings,”<sup>56</sup> “the set of functions a person actually achieves.”<sup>57</sup>



In his choice of the term “functioning,” Sen might be accused here of hijacking a term from Aristotelian biology (something’s function as its natural, characteristic, or proper activity), mathematics, or symbolic logic and obscurely using “functioning” when perfectly good everyday words such as “activity” would do better. Yet, “activity” and even more so “action” often suggest free, intentional, or purposive behavior; and Sen wants a word that designates both voluntary “activity,” such as reading, and involuntary activity, such as beating hearts and digestive processes. Moreover, we often say things like, “I’m not functioning very well today” or “He is functioning at a very high level.”

In relation to Sen’s concept of functioning, Nussbaum’s concept is somewhat narrower. Although Sen conceives of choosing (category i, above) as a distinguishable (intentional, mental, inner) functioning, Nussbaum understands choosings as nothing more than the voluntary or chosen dimension of an intentional human functioning. For Nussbaum, choosings as distinguishable functionings would be more transcendental than human: the acts of will or disembodied angels, demigods, or Cartesian egos. Likewise, processes without choosings (category iv) would be less than human; for example, “the sleeper’s life of non-guided digestive functioning,”<sup>58</sup> the lives of pigs,<sup>59</sup> and presumably the movements of robots. One reason for Nussbaum’s divergence from Sen is that she seems uneasy about a model in which choosings are inner acts of will. It is beyond the scope of this chapter to assess the implication, merits, and problems in each position. Suffice it to say, however, that Sen’s view of deciding as a distinguishable functioning fits well with his view that agents have sufficient transcendence over both external conditions and internal dispositions to be able to exercise at least some control over their conduct, including the decision to sacrifice their own well-being. By contrast,

Nussbaum's conception of choosing not as a distinguishable event but as an *aspect* of intentional functioning fits with her failure to give prominence to agency in the sense self-determination or self-rule.<sup>60</sup>

A second difference in their respective concepts of human functioning concerns mental states (category iii, above) of happiness or pleasure (or their opposites). Sen conceives such mental states as distinguishable functionings as well as ones that people often have reason to value. Nussbaum on the other hand, takes what she believes to be a less utilitarian and more Aristotelian position. Although she counts "being able to have pleasurable experiences, and to avoid non-necessary pain"<sup>61</sup> as one of the valuable human functional capabilities, she refuses to make the experience of pleasure a *separate* functioning. Pleasure or satisfaction, argues Nussbaum, is supervenient on (or a dimension of) functioning rather than itself a functioning.<sup>62</sup>

What is the general normative significance of Sen's notion of functioning? The concept of functioning coupled with the (about to be discussed) notion of capability for functioning, provides Sen, as introduced above, with a conceptual framework, "space," or "currency" for interpreting human well-being and deprivation: the "primary feature of a person's well-being is the functioning vector that he or she achieves."<sup>63</sup> Moreover, this interpretation "builds on the straightforward fact that how well a person is must be a matter of what kind of life he or she is living, and what the person is succeeding in 'doing' or 'being.'"<sup>64</sup>

By contrast, rival normative approaches are restricted to other, less urgent or less complete sorts of information. The commodities that the crude and Rawlsian perspective value are, at best, only *means* to human well-being and not its *end* or content. Given

interpersonal variability, different amounts and kinds of goods can result in the same sort and level of functioning (and freedom to function). And the same kinds and amounts of goods can result in wildly different levels of achievement (and freedom to achieve) in different people or the same person at different times. A focus on functioning enables us to keep very clear about the comprehensive and constant ends and the variable means of social progress. The welfarist perspective, concerned only with the goal of utilities, neglects or “muffles” all other sorts of human functioning. Happiness or preference satisfaction may be coupled with malfunctioning, and discontent may accompany or spur the most important of activities. Sometimes, even the discipline of *development* economics has been one-sided, for not infrequently it has emphasized rate of economic growth or, better, quantity of life (longevity) and neglected the quality of the lives people lead, for example, *being* healthy and *being* educated. At this point, we have not treated the views of Sen and Nussbaum concerning which achievements are important or valuable. We do know, however, that development is *for* people and the lives they lead rather than *merely* a matter of whether they possess certain goods, satisfy certain preferences, or contribute to economic growth.

Before analyzing their related notion of capability for functioning in the next section and Sen and Nussbaum’s different approaches to evaluating particular functionings and capabilities, it is important to stress the normative role of functioning and valued functionings (whatever they turn out to be). G. A. Cohen, although correctly seeing how important capabilities are in Sen’s ethics, fails to recognize that Sen (and Nussbaum) also gives independent and intrinsic value to certain functionings.<sup>65</sup> It is true that with respect to responsible adults, Sen (and Nussbaum agrees) gives more normative

emphasis to “freedom to achieve valuable ways of functioning,”<sup>66</sup> than he does to the valuable functionings themselves.<sup>67</sup> But, with respect to those who are not able to choose—the very young, very old, and extremely disabled—we rightly value their healthy functioning as more important than their *capability for* and *choice of* various functionings.<sup>68</sup>

For Sen, there are additional reasons for the importance of functionings. Functionings in a conceptual sense are the primitives by which capabilities are defined. If I have the capability of being healthy, the capability is defined in relation to the functioning of being healthy (and not vice-versa). The capability for good health is valuable because *inter alia* healthy bodily functioning is valuable. “Freedom for what?” we might say, is a question that cannot be replaced by “Is there freedom?” Praise for freedom as such, especially in political discourse, does not get us very far. Sen is very clear, for example, that it is good to be free from having to make a bunch of distracting or trivial choices.<sup>69</sup>

Moreover, both Sen and Nussbaum recognize, some functionings, for instance, being healthy, may “function” as a platform—may be instrumentally valuable—for having and choosing capabilities for other functions, for instance, being able to run. Public action often should be concerned that human beings *actually* function at certain minimal levels in order that they be free to choose to advance beyond or retreat from that level. A very sick person may not even be in a position to decide whether to strive for a level of healthy functioning. Only if a young person can read at some level, is she sufficiently informed to be able to decide to improve or abandon her reading.

Furthermore, one reason that it is bad to reduce someone's freedom is that it decreases her opportunities for achieving valued or valuable functionings. Moreover, in certain contexts functionings may be more important than capabilities because the former may be easier than the latter to identify and measure.<sup>70</sup> Finally, although the capabilities for healthy and nutritional well-being normally trump, for adults at least, being healthy and adequately nourished, a good government may correctly decide, as a way of protecting agency, to ensure that everyone is inoculated from a deadly virus even if they choose not to be. At least in this context, healthy functioning (being inoculated) trumps the capability to be inoculated. Let us now focus on Sen's and Nussbaum's concept of capability, a term that contrasts with but is defined in relation to the concept of functioning.

### **Capability**

It is not enough, argue both thinkers, to single out certain functionings as *the* content of human well-being (Sen) or human flourishing (Nussbaum). As Aristotle says, a distinction should be made between actuality and potentiality. An important difference exists, for example, between a stone and a sleeping human, with respect to some activity like cycling. Neither the stone nor the sleeping cyclist is engaged in riding. Only the cyclist, however, *can* ride, is free to ride, or is *capable* of cycling.<sup>71</sup> For Sen and Nussbaum, economic and, more generally, social development is, among other things, the protection, promotion, and expansion of valued or valuable capabilities.

We must ask several questions, not all of which Sen and Nussbaum themselves explicitly pose or answer. What, precisely, is meant by "capability?" How do capabilities

relate to functionings, on the one hand, and to freedoms, on the other? Given the high evaluation, just analyzed, of actual functionings, why posit capabilities and insist on their intrinsic importance? In later chapters I analyze and evaluate Sen's and Nussbaum's very different ways of identifying, ranking, and trading-off valuable capabilities. Now, however, my concern is with the very idea of a capability.

What *sorts* of things are the capabilities that Sen proposes? A person's "being and doing" is her combination of actual functionings, her "functioning vector," the particular life she actually leads. The person leads *this* life of "beings and doings" but *could* lead alternative lives. The person's "capability set"<sup>72</sup> is the total set of functionings that are "feasible," that are within her reach, that the person could choose.<sup>73</sup> As I discuss later in this chapter, Sen ramifies this conception to include that possibilities come in sets of "compossibilities." Being able to sit, read, and sip a glass of Rioja are compossible, given certain facts about me and the world, are incompatible with the realization at the same time of other compossibles, such as jogging and greeting passing neighbors. Our capability set is a "set of capability sets."<sup>74</sup>

Sen introduced the notion of "capability" to refer to the extent of freedom that people have in pursuing valuable activities or functionings.<sup>75</sup>

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 (or, less formally put, the freedom to achieve various lifestyles).<sup>76</sup>

On this view, two people could have the same capability set and choose different bundles of actual functionings. Conversely, they could have different capability sets and have the same (sorts of) functionings.<sup>77</sup> One of Sen's favourite examples of the latter also amounts to a compelling argument for adding capability to the moral space of functioning. It is this argument that in the mid-eighties initially attracted me to Sen's ideas. Both a person starving and a person fasting—for example, a North Korean infant and a hunger striker in Myanmar—exemplify the functioning of being severely undernourished. But, it is clear, the two do not enjoy “the same level of well-being.”<sup>78</sup> The difference lies in the absence of certain options for the one and the presence of these options for the other. The former is neither free not to be severely undernourished nor free to function in many other desirable ways. The latter, in contrast, has the significant capability or freedom not to starve: “B [the faster] *could have* in a straightforward sense, chosen an alternative life style which A [the non-faster] could not have chosen.”<sup>79</sup>

Sen's gives us several reasons, in interpreting human well-being to add the category of “capability to function” to the category of functioning. One reason that valuable functionings are valuable is that they realize valuable capabilities. Moreover, valuable functionings gain some of their value from the fact that they are chosen (Sen) or “done in accordance with practical reason”<sup>80</sup> (Nussbaum) rather than determined by someone else or necessitated by circumstances. Further, even though I am not now functioning in a valuable way, it is good that I have an array of options and even better

when this array includes valued alternative functionings. Capabilities, as well as the activity of choosing, add something intrinsically and not merely instrumentally valuable to a human life, namely, positive freedom in the sense of available and worthwhile options: “Choosing may itself be a valuable part of living, and a life of genuine choice with serious options may be seen to be—for that reason—richer.”<sup>81</sup> Using deontological (right-based) as well as teleological (good-based) language, Sen also says: “it may be simply taken to be ‘right’ that individuals should have substantial well-being freedom.”<sup>82</sup>

Finally, capabilities as well as functionings are important in grasping the aim and limits of good government. For both Sen and Nussbaum, responsible law-makers and development policy-makers aim at getting people, if they so choose, up to or over a threshold of minimal valuable or valued functionings in order that they be able, if they so choose, to have more “well-being” (Sen) or to function in more fully human ways (Nussbaum). The purpose is not, as Rawls fears, to impose a certain conception of the good life on human beings but to enable them to cross a threshold so that they have certain choices. Drawing out the implication of capability or well-being freedom for “ethical and political analysis,” Sen observes that “in forming a view of the goodness of the social state, importance may be attached to the freedoms that different people respectively enjoy to achieve well-being. . . . A good society, in this view, is also a society of freedom”<sup>83</sup>

Nussbaum puts it well:

The conception [Aristotelian social democracy] does not aim directly at producing people who function in certain ways. It aims, instead, at



producing people who are *capable* of functioning in these ways; who have both the training and the resources to so function, should they choose. The choice itself is left to them. And one of the capabilities Aristotelian government most centrally promotes is the capability of choosing; of doing all these functions in accordance with one's own practical reason . . . . The government aims at capabilities, and leaves the rest to the citizens.<sup>84</sup>

Sen and Nussbaum both want to avoid a paternalistic let alone dictatorial government that makes decisions for (adult) people. In Nussbaum's formulation, it is not the task of government to "dragoon"<sup>85</sup> people or even "nudge or push"<sup>86</sup> them—she is thinking of responsible adults—into functioning in certain ways but to provide them with the capabilities to so function if they choose to do so. The goal of political planning would not be to require such functionings as "political participation, religious functioning, and play" or even "to promote actual health as a social goal."<sup>87</sup> Rather, with respect to those who can choose, the goal is to promote the *capability* of choosing good functionings rather than promote actual functionings.

Although I cannot pursue the point here, where Sen and Nussbaum differ is that for Sen a "society of freedom" includes a variety of ways in which citizens participate in making the policies that affect them. For Nussbaum, in contrast, citizen participation in governance is restricted to electing representatives who in turn pass laws either constrained by or that specify the philosophical defended norms enshrined in national constitutions.

Let us probe further Sen's and Nussbaum's conceptions of capability. Not only is the notion of capability susceptible to different interpretations, but a close reading reveals some important differences between the two thinkers. Let us begin with Sen's conception and ask two questions: First, what *sorts* of things are the capabilities that Sen describes? Second, what factors explain the varieties and range of a person's capabilities?

With respect to what Sen and Nussbaum mean, in general, by capabilities, at least five interpretations are possible. Capabilities might be construed as one or some combination of the following: (i) inclinations or desires, (ii) needs, (iii) concrete or specific skills, (iv) general character traits, or (v) opportunities. Let us look at each candidate in turn.

**Desires?** It is clear that Sen does not identify capabilities with either inclinations, preferences, or desires. The faster, who is capable (in Sen's sense) of being well-nourished, does not want, all things considered, to be well-nourished. He or his body may need nourishment to survive, but the faster does not want or prefer to be nourished.

**Needs?** Likewise, capabilities are not needs. Someone could have the capability of fasting but no need to fast because her body does not require it (for example, for purgative purposes) and her political situation is not desperate; other actions might have the same or better results at less cost to the actor. Someone might have a biological need to be nourished (in order to survive); but, if she had decided to fast, Sen would say she was capable of being well-nourished in addition to her biological need for nourishment.

**General Abilities?** The relation of capabilities to abilities, powers (of a person), or skills is more complicated. We need to be cautious here, because one ordinary use of "capability" is that of "ability," whether natural or acquired, or an acquired "skill." A

good midfielder in soccer must have good endurance and be capable of accurate passing, playmaking, and dribbling. And, Sen sometimes explicitly defines capabilities as abilities: “A functioning is an achievement, whereas a capability is the ability to achieve.”<sup>88</sup> This definition, however, does not help much because Sen is using “ability” in this context in a way that is similar in breadth to his expanded use of the everyday term “capability.”

It is true that if A has the capability for X, then the having of that capability may be partially due to the fact that A has some ability or skill. If I have the capability of walking, I have the ability to stand, move my legs, keep my balance, and so forth. If I have the capability of voting, I have the ability of getting to the polls (or mailing my absentee ballot), reading the ballot options, and pulling the lever or clicking on the computer option. However, among the personal traits necessary for either voting or walking are characteristics *other than* abilities or skills. In spite of having the requisite abilities or skills, I lack the capability of voting if I am underage, a felon in prison, or a foreigner. In spite of having the needed learned abilities, I lack the capability of walking here and now because I am immobilized by a momentary blackout.

Moreover, my capabilities depend not only on personal traits—whether abilities or other traits—but also on features of the natural and institutional environment. My capability of walking across the roadway depends on the policewoman’s signal to walk and the absence of oncoming cars or class 5 hurricanes. I do not have the (full) capability of voting if I live in an authoritarian state that has abolished voting or one, as was the case in Saddam Hussein’s Iraq, that permits “voting” for only one candidate. Hence, A’s capability for doing X may have reference to personal traits other than abilities or skills

as well as to “enabling” features of the environment. A’s lack of capability for Y may have reference to more or something other than A’s inabilities, for the lack may be due to A’s features which are not abilities or to specific environmental barriers or constraints. Could I have a given capability without having some abilities? I certainly have the capability of playing cricket even though I have never played it and have never acquired specific cricket skills (although baseball skills might come in handy).

What we can conclude, then, is that A’s having a capability for X may—but need not—depend on having a related ability, and if certain abilities are involved much more may be involved as well. Hence, David Clark correctly argues against my earlier interpretation of Sen’s concept of capability when I said: “For Sen, to say that someone has the capability or ability to move about freely is to speak not of powers, skills, or other traits *possessed by* the person but rather of possibilities or options *facing* the person.”<sup>89</sup> I now believe that I was right in what I affirmed but not in what I denied. A person’s capability (for a particular functioning) is a possibility, option, freedom, or opportunity “facing” the person. But this freedom may be due to a variety of *internal* factors, including abilities and other personal traits, as well as *external* factors.

**Powers?** A fourth interpretation of Sen’s concept of capability and its relation to that of functioning would be, like Nussbaum, to conceive capabilities not as abilities or specific skills, such as a surgeon’s ability to use a scalpel, but as more general personal powers, capacities, or potentialities, such as a healthy newborn’s power of (unaided) breathing or the power of a person to move about, imagine, or reason. So understood, capabilities would exhibit what Nussbaum calls different “levels.”<sup>90</sup> Capabilities would be formed from an “undeveloped” or latent state (what Nussbaum calls “basic

capabilities” and we might think of as “a capacity for a capacity”), maintained, exercised, neglected, or thwarted in one’s maturity, and diminished or lost in old age. Nussbaum calls the infant’s powers “basic capabilities: the innate equipment of individuals that is the necessary basis for developing the more advanced capabilities, and a ground of moral concern.”<sup>91</sup> The developed capabilities—or what I call “actual” in contrast to potential capabilities—Nussbaum designates as “internal capabilities: that is, “developed states of the person herself that are, so far as the person herself is concerned, sufficient conditions for the exercise of the requisite functions.”<sup>92</sup>

Internal capability, “mature conditions of readiness”<sup>93</sup> to choose particular functionings, would be based on—or rather *be*—general powers that can be nurtured, acquired, developed, maintained, exercised, impeded, diminished, lost and (sometimes) restored. These personal powers are (or fail to be) realized, embodied or expressed in correlative functionings, which for Nussbaum are, as we saw, intentional activities. Good actions, which for Nussbaum (following Aristotle) compose “flourishing living” (*eudaimonia*)<sup>94</sup> would embody the best of these internal potentials.

Nussbaum, recognizing Sen’s point that *external* conditions often figure in what counts as a capability, contends that external factors may either thwart or facilitate the exercise of internal capabilities. She expresses this point by proposing yet a third level of capabilities, “combined capabilities,” which she says “may be defined as internal capabilities *combined with* suitable external conditions for the exercise of the function.”<sup>95</sup>

One might quibble that “combined capabilities” suggests the combination of two or more capabilities, which Nussbaum does not mean, rather than the “combining” of an internal power with favorable external circumstances. Yet Nussbaum’s central point is

clear and a good one. Having internal powers is necessary but not sufficient for (good) functioning, for one must also have available certain “external and social conditions.”

Suppose, contrary to fact, that the skill of riding a bicycle were one of the valuable *general* capabilities, as proposed by Nussbaum. To perform the function of riding requires that one has (or immediately acquires) the internal ability to ride, access to a bike, and no environmental conditions, such as icy streets, that hinder bike riding. Instead of saying that combined capabilities are internal capabilities plus suitable external conditions, it would be more perspicuous if Nussbaum said that actual or developed capabilities refer both to *internal* capacities and to *external* opportunities or enabling conditions. Whether or not a functioning is a real option, whether or not one is able to achieve it, would depend not only on one’s various internal states but also on access to resources, the presence of enabling conditions (such as legal rights), and the absence of preventing conditions (such as legal prohibitions or threatening bayonets).

Nussbaum views one task of government as helping its citizens acquire the philosophically prescribed actual or developed capabilities (as internal powers):

The list is a list of capabilities, and not actual functionings, precisely because the conception is designed to leave room for choice. Government is not directed to push citizens into acting in certain valued ways; instead, it is directed to make sure that all human beings have the necessary resources and conditions for acting in those ways. It leaves the choice up to them.<sup>96</sup>

Nussbaum's account appropriately emphasizes that good societies and good development policies promote, through various institutions and practices, good human development. Responsible institutions promote the formation, exercise, maintenance, strengthening, and restoration of certain good human powers.<sup>97</sup>

**Opportunities?** The best interpretation of what Sen means by “capability,” however is not capability as internal power but capability as a certain sort of real *possibility, genuine opportunity, or substantive freedom*. As I have noted, in an earlier article I mistakenly argued that Sen sees capabilities as *no more than* opportunities in contrast to Nussbaum who more adequately conceives capabilities as human powers or capacities. I now believe that for Sen capabilities are like three-place predicates. If I have a capability to or for X, (i) I face the option or have the real possibility of X and this possibility both refers to or is partially dependent on (ii) my powers and other internal traits, and (iii) external enabling and non-preventing conditions. For Sen, capabilities are options or choices open to the person, possible functionings from which a person may choose.

What sort of possibility? Obviously not logical possibility, for it is not a logical contradiction that precludes the starving person from eating. Nor is it merely a logical possibility that gives the affluent hunger striker the capability of being nourished. Moreover, a possibility as option for choice is not to be identified with the concept of formal or legal opportunity in which a person has an opportunity for X if and only if there are no laws that prohibit her being or having X. If both of us are US citizens and nonfelons over the age of 35, we both have the legal opportunity to become President of the United States. But, unless you are (in 2007) Hillary Rodham Clinton or Barack

Obama, this legal sense of opportunity is not a real or substantive opportunity. For you and I have neither the internal capabilities nor external enabling conditions to be President.

Here an interchange between Bernard Williams and Sen is instructive.<sup>98</sup> Sen would say that someone living in smog-filled Los Angeles lacks the capability of breathing unpolluted air. Williams, on the other hand, thinks Sen should say that this inhabitant lacks the “ability”<sup>99</sup> of breathing unpolluted air “here and now,”<sup>100</sup> but has the general capability to breathe unpolluted air and could realize the capability by migrating to another location.

Sen’s response is brief but revealing. First he agrees with another point that Williams makes, namely, that we must not think of capabilities singly but rather as “sets of co-realizable capabilities.”<sup>101</sup> Sen’s way of putting this point is that capabilities are members of sets of capabilities, “sets of *n*-tuple functionings from which the person can choose any one *n*-tuple.”<sup>102</sup>

Sen means that we cannot simply ask whether a Los Angeles inhabitant has the capability of breathing fresh air. For the question would have to address the Angelino’s set of co-realizable possibilities, and these possibilities would refer or be due to both personal powers and environmental features, including access to resources. Supposing the resident to have lungs able to function without mechanical assistance, one of the resident’s “*n*-tuples” might include staying in Los Angeles, due to irremediable lack of means, in an area that remains permanently beset with pollution. Another set would include the resident’s possibility, due to (present or potential) wealth or (reckless) desperation, of migrating to a locale with clean air. About the resident so conceived, Sen



says that we can say that prior to migration she had the requisite capability to breathe unpolluted air because “that alternative must be seen in terms of the post-migration *n*-tuple of *all* functionings”<sup>103</sup>—obviously including the living in a place with unpolluted air. Depending on her external constraints and real options, however, there will be some point at which we can say that the Los Angeles resident has no (or little) capability for breathing fresh air because her lack of substantive options makes it practically impossible for her to leave Los Angeles (or only with extreme risk or cost). On Sen’s view, the issue for this Angelino, again assuming the internal power to breathe without a respirator, is not whether to migrate from Los Angeles or clean it up so that she can *exercise* some *internal* ability to breathe *clean air*. Rather, the issue is: given that the person can breath at all and *something* can be done to enable the person to breath *clean air*, is it *worth*—or, to what extent is it worth—giving up other options and achieving the real but costly option of breathing clean air by, for example, working to reduce the pollution in Los Angeles or moving somewhere with clean air?<sup>104</sup>

One interesting implication of this analysis is capability, understood as a real opportunity, is a *matter of degree*. Degree of capability has to do not only with the agent’s external natural and social environment and the agent’s internal abilities or powers but also with the agent’s assessment of costs (including risks) and benefits of options. The affluent Hollywood agent to the stars might be relatively unable to breathe unpolluted air not because he lacks the money to move elsewhere, but because he judges relocation would be too risky to maintain his clients and connections.<sup>105</sup>

Hence, for Sen, I would still claim that—rightly understood—“capabilities are not powers of the person that might or might not be realized in different situations,” but I

would underscore and make more central in my interpretation that for Sen capabilities are “options [that] may refer to but are not identical with traits of a person.”<sup>106</sup> What we are free to do, what our real possibilities are, has essential reference to what we are, including our powers, as well as to the means we can muster, and what our environment permits or withholds.

This “opportunity” or “freedom” interpretation of Sen’s concept of capability is confirmed by Sen’s recent employment of the distinction between the process aspect and the opportunity aspect of freedom and his explicit identification of the latter with capability:

Freedom, in the form of capability, concentrates on the *opportunity* to achieve combinations of functionings (including, inter alia, the opportunity to be well-nourished or in good health . . .): the person is free to use this opportunity or not. A capability reflects the alternative combinations of functionings over which the person has the freedom of effective choice.<sup>107</sup>

Sen’s construal of capability as real opportunity or effective freedom enables him to make clear both the contribution and limits of capabilities in theories of justice.

Capabilities as (valuable) opportunities contribute to a theory of justice because they make it clear that an exclusive focus on incomes, primary goods, (access to) resources, and even functionings do not provide all we need to know about a person’s life going well or badly.<sup>108</sup> Capabilities as “actual opportunities” or “substantive freedoms” tell us

what people, given their personal traits and (social or natural) environment are free to do and be.

The capability approach can capture the fact that two persons can have very different substantial opportunities even when they have exactly the same set of means: for example, a disabled person can do far less than an able-bodied person can, with exactly the same income and other ‘primary goods.’ . . . The capability perspective concentrates on what actual opportunities a person has, not the means over which she has command.<sup>109</sup>

These “actual opportunities” or real options, we have seen, make reference not to means or command over means but to ones personal traits as well as natural and social environmental features. Included in the latter would be resources and access to them.<sup>110</sup>

Sen also makes it clear that capabilities as “substantive opportunities” are only one part of an approach to justice or normative collective choice. As discussed earlier in this chapter, Sen is equally concerned with agency or “the process aspect of freedom”: “Capabilities and the opportunity aspect of freedom, important as they are, have to be supplemented by considerations of fair processes and the lack of violation of the individual’s right to invoke and utilize them.”<sup>111</sup>

### **Types of Functionings and Capabilities**

Sen and Nussbaum sketch several distinct types of functionings and types of capabilities. We have already seen Nussbaum distinction between “levels” of capability. In Nussbaum’s typology, a basic capability is an undeveloped or potential capacity. When this potential is actualized, through nurture and maturation, the result is an “internal” capability, which can be exercised or realized in the correlative functioning. An agent’s internal capability becomes a “combined” capability when external enabling conditions exist and no external circumstances block or prevent the realization in action of the internal capability.

Although Sen construes capabilities as “substantive opportunities” rather than personal powers plus external enabling conditions, he does make a distinction analogous to Nussbaum’s levels. As we have seen, he distinguishes between those opportunities that are more or less proximate and more or less feasible. Luke both lacks and has the capability to ride the bike he just got for his sixth birthday. Due to his current lack of balance and the time it would take to acquire that balance, he is not yet capable of riding the bike. But, in a longer-term sense, Luke has the capability to ride the bike because he will soon acquire better balance or his parents, at some cost, will make the time to work with him more (or both). Here feasibility concerns not only empirical likelihood but also normative costs and benefits.

Sen identifies several additional types of functionings and capabilities. First, functionings and capabilities may be referred to either positively or negatively. For instance, not being diseased would be part of the positive functioning of being healthy. Second, actual and possible functionings can be described more or less generally. The general capability of being free from avoidable morbidity is further specified by being

capable of being free from malaria. Being able to ride a bicycle presupposes and specifies being able to move about. The most inclusive or general normatively positive capability would be the “capability to function well”(Sen)<sup>112</sup> or, more robustly, the “capability to live a rich and fully human life, up to the limit permitted by natural possibilities.” (Nussbaum)<sup>113</sup> Third, functionings and capabilities can differ with reference to the judgments and other activities of others. We have seen that the capability to appear in public without shame has a reference to the *judgments* of others in a way that is not true of the capability to be able to move freely. Moreover, some functionings and capabilities are more or less universal, shared or shareable by (almost) all human beings. Some, like the capability to play wide receiver, and not just the culturally relative goods that contribute to them, are specific to particular times, places, and physical abilities. Finally, and for our purposes most importantly, well-being capabilities and functionings, like agency freedoms and achievements, can be evaluated and ranked in various ways. I address this topic, so central to an ethics of and for development, in the next chapter.

### **Concluding Remarks**

Sen makes it clear that capabilities as “substantive opportunities” are important but not the only normative concept important in development ethics, a theory of justice, or a theory of collective choice. Unlike Nussbaum, Sen embeds his concept of capability as substantive freedom within a complex concept of human well-being or personal advantage in which functionings as well as capabilities are normatively important. Moreover, unlike Nussbaum, Sen is equally concerned with individual and collective

*agency* as well as individual and communal *well-being*. An important part of the “fair process” of decision making is that individuals and groups run their own lives. As agents—rather than pawns of fate, servile tools, or passive recipients—people often can and, where possible, should make their own decisions, realize their goals through their own efforts, and make a difference in the world. Individual agency comes into play when individuals decide which of their freedoms and functionings to value and which to rank highly. Collective agency takes place when individuals engage in a collective process that results in a joint decision and action. When this process expresses the agency of all affected and respects individual rights, we have collective agency that is democratic. The clarification and defense of that claim, however, must wait until Part IV.<sup>114</sup>

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#### NOTES

1. Amartya Sen, “Well-Being, Agency, and Freedom: The Dewey Lectures 1984,” *Journal of Philosophy* 82, 4 (1984): 169---221; *Inequality Reexamined* (Cambridge: Harvard University Press), 39-42, 56---72; and *Development as Freedom* (New York: Knopf, 1999), 189---91.

2. In *A Commitment to the World’s Women: Perspectives on Development for Beijing and Beyond*, eds. Noeleen Heyzer, S. Kapoor, and J. Sandler (New York: UNIFEM, 1995).

3. Sen, *Inequality Reexamined*, 56; Amartya Sen, “Capability and Well-being,” in *The Quality of Life*, eds. Martha C. Nussbaum and Amartya Sen (Oxford: Oxford University Press, 1993), 36.

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4. Sen, "Capability and Well-being," 31.
  5. Sen, *Inequality Reexamined*, 39, two footnotes omitted.
  6. Sen, *Development as Freedom*, xi-xii.
  7. Amartya Sen, "Individual Freedom as a Social Commitment," *New York Review of Books*, 54.
  8. Ibid.
  9. Amartya Sen, "The Importance of Ethics for the Efficient Design and Implementation of Development Policies and Projects," International Social Capital, Ethics and Development Day, Inter-American Development Bank, 24 February 2006.
  10. Amartya Sen, *Choice, Welfare, and Measurement*. (Oxford: Blackwell, and Cambridge: Clarendon Press, 1982).
  11. See Sen, "Individual Freedom as a Social Commitment," 54, *On Ethics and Economics* (Oxford: Basil Blackwell, 1987), 16---28, *Development as Freedom*, 362---65. In the latter, Sen cites, for example, Albert O. Hirschman, *The Passions and the Interests* (Princeton: Princeton University Press, 1977).
  12. See Norman Frohlich and Joe E. Oppenheimer, *Choosing Justice: An Experimental Approach to Ethical Theory* (Berkeley: University of California Press, 1992).
  13. Sen, "Individual Freedom as a Social Commitment," 54.
  14. *Inequality Reexamined*, 56---57.
  15. Ibid., 57.

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16. G. A. Cohen fails to see this possibility when he charges Sen with “athleticism” with respect to the concepts of both agency and capability. See “Equality of What? On Welfare, Goods, and Capabilities,” in *The Quality of Life*, 25---26.

17. Sen, *Inequality Reexamined*, 57---58.

18. Sen, “Capability and Well-Being,” 44, note omitted.

19. My criticism of Sen’s concept generic concept of “realized agency” and my proposal that he replace it with a distinction between direct and indirect agency owes much to discussions with David Wasserman.

20. My arguments against Sen’s generic ideal of agency have benefited from discussions with Jay Drydyk, Patty Joyce, Lori Keleher, Daniel Levine and David Wasserman.

21. See Philip Pettit, *Republicanism* (New York: Oxford University Press, 1997).

22. Sen, *Inequality Reexamined*, 65.

23. Ibid.

24. Cf. Iris Marion Young, *Inclusion and Democracy* (Oxford: Oxford University Press, 2000), chap. 4.

25. Sen’s concept of agency is narrower than that of the World Bank’s *World Development Report 2006: Equity and Development* (Washington, DC: World Bank and Oxford University Press, 2005, 5, 48---50, and 205. The *Report* defines agency as “the socioeconomically, culturally, and politically determined ability to shape the world around oneself.” (Ibid., 5) Not only does this definition, with its notion of a “determined” ability, undermine the agent’s *self*-determination or “free agency,” but it



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also unacceptably includes under the concept of action *any* impact that people have on the world, no matter how unthinking or unconscious: “Some of [agency] is unconscious—for example when people engage in land transactions without questioning them, they reproduce the institutions of land tenure and the markets in land” (Ibid., 48--49). . I leave open the question of whether unintended but foreseen or reasonably foreseeable consequences are themselves expressions of agency—either because there is some higher-order intention or for some other reason.

26. Although I put the point in a way that suggests actions that are only positive doings, I also mean to include as actions decisions to omit or refrain from positive action when such decisions or (negative) refraining or omission are intentional and they makes a difference in the world. When a handshake is customary, (the decision) not to shake an offered hand is, at least in Western culture, an act that rebuffs.

27. Amartya Sen, *Rationality and Freedom* (Cambridge, MA: Harvard University Press, 2002), 619.

28. Jean Drèze and Amartya Sen, *India: Development and Participation*, 2nd ed. (Oxford: Oxford University Press, 2002), 19. Cf. Sen, *Inequality Reexamined*, 56, n. 1.

29. Isaiah Berlin, *Four Essays on Liberty* (Oxford: Oxford University Press, 131; cited in Rob Reich, *Bridging Liberalism and Multiculturalism in American Education* (Chicago: University of Chicago Press, 2002), 100.

30. Ibid., 11.

31. Sen, *Development as Freedom*, 18---19.

32. Sen, *Development as Freedom*, xii-xiii. See also *ibid.*, 11.

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33. Sen, *Development as Freedom*, 53.
34. Ibid., 11.
35. Ibid., 191.
36. Drèze and Sen, *India*, 33.
37. Nussbaum, *Women and Development*, 14.
38. Ibid., 79.
39. Ibid., 73.
40. Ibid., 80.
41. Martha C. Nussbaum, *Sex and Social Justice* (Oxford: Oxford University Press, 1999), 20.
42. Ibid., 63; and Nussbaum, *Women and Human Development*, 58, 69.
43. Nussbaum, *Sex and Social Justice*, 8.
44. Sen, "Capability and Well-Being," 45---46.
45. David A. Crocker, *Praxis and Democratic Socialism: The Critical Social Theory of Marković and Stojanović* (Atlantic Highlands, NJ: Humanities Press; Brighton, Sussex: Harvester Press, 1983), 106---109.
46. Nussbaum, *Women and Human Development*, 5. Cf. Nussbaum, *Women and Human Development*, 51, 116.
47. Ibid., *Sex and Social Justice*, 41; *Women and Human Development*, 79
48. Nussbaum, "Aristotelian Social Democracy," in *Liberalism and the Good*, ed. Bruce Douglass, Gerald Mara, and Henry Richardson (London: Routledge, 1990), 226.

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49. I am indebted to David Wasserman for comments and discussion that helped me grasp these reasons for favoring Sen over Nussbaum with respect to the concept of agency.

50. Sen, of course, believes that a person's well-being or advantage and her altruistic achievement can coincide and even reinforce each other. In contrast to Nussbaum, however, he does not advocate an ideal of human flourishing with both self-regarding and other-regarding dimensions. I owe this point to Jay Drydyk.

51. Nussbaum, *Women and Human Development*, 5, 59, 204.

52. Nussbaum, *Women and Human Development*, 148.

53. Amartya Sen, *Resources, Values and Development* (Oxford: Blackwell, and Cambridge, Mass: Harvard University Press, 1984), 334; and Sen, *Commodities and Capabilities* (Amsterdam: North-Holland, 1985), 10.

54. Sen, *Commodities and Capabilities*, 10.

55. Amartya Sen, "Justice: Means Versus Freedoms," *Philosophy and Public Affairs* 19 (1990), 113.

56. Ibid.

57. Amartya Sen, "Well-being, Agency and Freedom," 198. See also *Inequality Reexamined*, 4---5, 39---42, 49---54, 76---84, 108---12; *Development as Freedom*, 75---76, 131---34.

58. Martha Nussbaum, "Aristotle on Human Nature and the Foundations of Ethics," in *World Mind and Ethics: Essays on the Ethical Philosophy of Bernard Williams*, ed. J. Altham and R. Harrison (Cambridge: Cambridge University Press, 1995).

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59. Martha Nussbaum, *Love's Knowledge: Essays on Philosophy and Literature* (New York and Oxford: Oxford University Press, 1990), 211.

60. For an argument that Nussbaum's refusal to view choosings as functionings enables her to avoid an infinite regress of choosings or acts of will, see David A. Crocker, "Functioning and Capability: The Foundations of Sen's and Nussbaum's Development Ethic, Part 2," in *Women, Culture and Development: A Study of Human Capabilities*, ed. Martha Nussbaum and Jonathan Glover (Oxford: Clarendon Press, 1995), 154, n. 1.

61. Nussbaum, *Women and Human Development*, 79.

62. Ibid. and Martha Nussbaum, *The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy* (Cambridge: Cambridge University Press, 1986), 294---95.

63. Sen, "Well-being, Agency and Freedom," 198. Here Sen employs the term "functioning vector" for a person's set of functioning achievements. At least once, however, he uses "vector" to indicate that the elements of each of a person's sets "are measured in terms of real numbers" (See "Justice: Means Versus Freedoms," 114, n. 7).

64. Sen, *Commodities and Capabilities*, 46.

65. See Cohen, "On the Currency of Egalitarian Justice," *Ethics* 99 (1989), 941---4; and "Equality of What? On Welfare, Resources, and Capabilities," 9---29.

66. Amartya Sen, "Individual Freedom as a Social Commitment," 52.

67. Sen, *Inequality Reexamined*, 49-53, 148; "Capability and Well-Being," 38---40; *Development as Freedom*, 74-76.

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68. At least since 1998, Nussbaum has recognized the importance of functioning rather than capability in relation to children and adults “who do not have full mental and moral power” (Nussbaum, *Women and Human Development*, 89---90). See also Nussbaum, “The Good as Discipline, the Good as Freedom,” 332, “Disabled Lives: Who Cares?” *New York Review of Books*, 48 (2001): 34---37; *Frontiers of Justice: Disability, Nationality, Species Membership* (Cambridge, MA: Harvard University Press, 2006), 171---72. In the last volume, Nussbaum argues that with respect to “self-respect and dignity itself” that “actual functioning is the appropriate aim of public policy” (ibid.).

67. Sen, *Inequality Reexamined*, 59---64.

70. See Ibid., 52---53.

71. As we shall see, Nussbaum takes the concept of capability one step further than Sen when she distinguishes between a person’s “developed” and “undeveloped” capabilities. Like the stone, the cyclist’s infant offspring is incapable of cycling but unlike the stone the infant has an undeveloped capability for riding that can become a developed capability. We might say that the infant—unlike the stone—has a capability for (acquiring) a (riding) capability.

72. Sen, “Well-being, Agency, and Freedom,” 201; and Amartya Sen, “Freedom of Choice: Concept and Content,” *European Economic Review*, 32 (1988), 289.

73. Sen, “Well-being, Agency and Freedom,” 200---1; emphasis in text. See *Inequality Reexamined*, 39---40.

74. I owe the phrase to Jay Drydyk.

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75. Jean Drèze and Amartya Sen, *Hunger and Public Action* (Oxford: Clarendon Press, 1989), 42; and Sen, “Justice: Means Versus Freedoms,” 114.

76. Sen, *Development as Freedom*, 75; *Inequality Reexamined*, 40; “Elements,” 332---38.

77. Sen, “Justice: Means Versus Freedoms,” 116.

78. Amartya Sen, “The Concept of Development,” in *Handbook of Development Economics*, vol. I. ed. H. Chenery and T.N. Srinivasan (Amsterdam: North-Holland, 1988), 17.

79. Sen, “Well-being, Agency and Freedom,” 201; emphasis in text. For a more recent statement, see “Elements,” 334-35.

80. Nussbaum, “Aristotelian Social Democracy,” 214.

81. Sen, *Inequality Reexamined*, 41.

82. *Ibid.*, 40

83. Sen, *Inequality Reexamined*, 40.

84. Nussbaum, “Aristotelian Social Democracy,” 214. Cf., Nussbaum, *Women and Human Development*, pp. 6, 33, 88, 101.

85. Nussbaum, *Women and Human Development*, 59, 160; *Frontiers*, 171.

86. Nussbaum, *Women and Human Development*, 87.

87. Nussbaum, *Frontiers of Justice*, 171.

88. Sen, “The Standard of Living,” in *The Standard of Living: The Tanner Lectures of Human Values*, ed. Amartya Sen, J. Muellbauer, Ravi Kanbur, K. Hart, and Bernard Williams (Cambridge: Cambridge University Press, 36.

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89. David A. Crocker, "Functioning and Capability: The Foundations of Sen's and Nussbaum's Development Ethic, Part 2," 165. See Clark, *Visions of Development: A Study of Human Values* (Cheltenham, UK, Northampton, MA: Edward Elgar, 2002), 63.

90. Martha Nussbaum, *Women and Human Development*, 84-86; *Sex and Social Justice*, 44-45. Cf. Nussbaum's earlier formulation of the trichotomy in "Nature, Function, and Capability: Aristotle on Political Distribution," 160-72.

91. Nussbaum, *Women and Human Development*, 84.

92. Ibid.

93. Ibid.

94. Nussbaum, *Fragility of Goodness*, 6.

95. Nussbaum, *Women and Human Development*, 85.

96. Martha Nussbaum, "Human Functioning and Social Justice: In Defense of Aristotelian Essentialism," *Political Theory* 20, 2 (1992), 225

97. *Human Development Report 1990*, which Sen helped write, does speak of the "formation" and "use" of human capabilities; see United Nations Development Programme, *Human Development Report 1990* (Oxford: Oxford University Press, 1990), 18, 26. But these locutions do not fit well with the "capability as freedom" approach that Sen takes in his own writings.

98. Sen, "The Standard of Living," 99---100, 109.

99. Ibid., 99.

100. Ibid.

101. Ibid., 100.

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102. Sen, “Justice: Means Versus Freedoms,” 114; and Sen, “The Standard of Living,” 109.

103. Sen, “The Standard of Living,” 109.

104. For an argument that Los Angeles’s smog problem is due “unplanned, sprawling, privatized growth” that features private cars and clogged highways and the lack of public transportation and parks, see Harold Meyerson, “In L.A., Visibility and a Vision,” *Washington Post*, January 11, 2006, A 21.

105. I thank David Wasserman for helping me develop this point.

106. David A. Crocker, “Functioning and Capability: The Foundations of Sen’s and Nussbaum’s Development Ethic, Part 2,” 163.

107. Sen, “Elements,” 335.

108. Sen, “Elements,” 332.

109. Sen, “Elements,” 332.

110. See Sen, “Elements,” 332-33, n. 29. This focus on capabilities as real opportunities (which refer to personal and environmental features) enables Sen to distinguish his view from sophisticated “resourcist” theories that emphasize “access to resources” rather than merely resources as such. It may be, however, that when “access to resources” is included in features of the social environmental (as seems to be the case with government provisioning such as “public health care”), then Sen’s view and that of sophisticated resourcists converge.

111. Sen, “Elements,” 338.

112. Sen, “Well-being, Agency and Freedom,” 200.



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113. Nussbaum, "Aristotelian Social Democracy," 217.

114. See Crocker, "Sen and Deliberative Democracy."