

Critique of Alternatives*

In the three chapters of Part Two, I analyze, evaluate, and begin to strengthen the ethical dimensions of the capability orientation to international development. The two leading practitioners of this orientation—Amartya Sen, its originator, and Martha Nussbaum, a leading proponent—have made novel and influential contributions to the several dimensions of a development theory-practice, which I distinguished in Chapter 3.¹ Their development ethics are situated, as such ethics should be, in the context of dialectical interaction with other elements of a development theory-practice. These include the conceptual definition and empirical investigation of development as well as policy recommendations for achieving development and overcoming underdevelopment. What we view as worth promoting, as intrinsically valuable, will make a difference in both causal analysis and policy recommendations. One reason for the importance of these two versions of the capability orientation is that they fruitfully link, without confusion or fusion, those elements in development theory and practice that have been unfortunately

* This chapter is a thorough revision of the second section of "Functioning and Capability: The Foundation of Sen's and Nussbaum's Development Ethic," *Political Theory* 20, 4 (1992): 584---612, and *FloreCIMIENTO humano y desarrollo internacional: La nueva ética de capacidades humanas*. (San José, Costa Rica: Editorial de la Universidad de Costa Rica, 1998), 9---59. I gave papers from which the published essays were derived at the International Development Ethics Association Workshop "Ethical Principles for Development: Needs, Capacities or Rights?" Montclair State University (1991), the World Conference of Philosophy, Nairobi, Kenya (1991), and the Universities of Costa Rica, National Autonomous University, and the University of San Carlos (Guatemala). I received helpful comments from Des Gasper and Verna Gehring.

and even disastrously separated.

My concern in this and the next two chapters, however, is with the way in which Sen and Nussbaum answer many of the fundamental ethical questions related to development, questions that I identified and discussed in Chapter 2. In the present chapter I analyze, compare, and evaluate how Sen and Nussbaum criticize alternative ethical perspectives: commodity approaches, utilitarianism, and basic needs. In the next two chapters, Chapters 5 and 6, I analyze where Sen and Nussbaum agree and where they differ with respect to the orientation's fundamental ethical concepts of functioning, capability, and agency. Moreover, I evaluate the merits and weaknesses of these two versions of the capability orientation and begin to work out a version that learns retains the virtues of each without their respective shortcomings. Taken together the three chapters of Part II will be a useful setting for Parts III and IV, in which I further strengthen, apply, and extend the capability orientation.

Methodology: Digging for Foundations

What, Sen asks, is “the right approach to development”?² More specifically, what should be our most fundamental *ethical* category or categories by which developmental “rightness” might be determined. To answer this question, says Sen, is to establish the “foundation” for an ethic in contrast to that ethic's principles or their application.

We must be careful about the precise sense in which Sen and Nussbaum are

“foundationalists.” The foundation that both are seeking is not “a knockdown proof of something from some fixed area of external fact.”³ That is, they are not trying to ground or deductively derive an ethic from some metaphysics of nature or from what they call an “externalist”⁴ account of a transhistorical human essence. Such a foundationalism would depend on a metaphysical or scientific realism that purports to give a “God’s eye view” of the way things, including human beings, essentially are or should be. It would seek to transcend human discourse and to be “radically independent of our actual choices, our self-understandings, our hopes and loves and fears.”⁵ Rather, what is needed is an “internalist”⁶ foundationalism that aims to surmount the dichotomy of absolutism or objectivism and relativism. The former aspires to nonhistorical Truth, and the latter settles for prevailing local or provincial truths.⁷ We start “digging”⁸ from *within* human experience and discourse and engage in an evaluative inquiry about what things we do and should count as intrinsically worthwhile in our human lives. We stop searching when we find, through “cooperative critical discourse”⁹ (Nussbaum) or “public discussion” (Sen) what sorts of ethical concepts best interpret these objects of intrinsic value:

Any moral theory would have to begin with some primitive diagnosis of value . . . I accept fully that one has to dig for foundations, but there is a substantial issue involved in deciding where to stop digging.¹⁰

Sen’s and Nussbaum’s “foundationalism,” then, returns to the questions (and some of the answers) of classical Greek *eudaimonia*. How should human beings live their

lives?¹¹ What should we mean by human and communal well-being? What *sorts* of things are intrinsically good for human beings and not just instrumentally valuable, such as economic growth or efficiency? Is happiness the ultimate goal or is it a by-product of, some evidence for, or at odds with intrinsic value? Are commodities such as food or income intrinsically good, or are they good only because they lead to something else? What is this something else? What are the bearers of intrinsic values? In what ethical space or spaces should we operate? Have we come to the end of the line when we talk of economic growth in income, meeting certain needs, or respecting certain rights? Or can one find more fundamental ethical categories?

This ethical inquiry proceeds by a cross-cultural extension of Rawlsian “reflective equilibrium.” In this pursuit, we seek to balance considered judgments and ethical principles through reciprocal, dialogic scrutiny of proposals.¹² We strive, individually and communally, for consistency and harmony among our ethical beliefs and desires: “What the individual comes to see more clearly is a conception of the good that he receives from society and according to which he intends to live in a society; the communal agreement is arrived at as a result of the reciprocal scrutiny and clarification of different individual proposals.”¹³

Important for Nussbaum in this shared inquiry is critical reflection on “stories of communal self-definition and self-clarification.”¹⁴ These narratives, originating from various communities, address and help us reflect on the ethical (rather than metaphysical) boundaries between humans and gods, on one hand, and between humans and beasts, on the other. Sen differs from Nussbaum in at least two respects. Although on occasion he

draws critically on traditional narratives, such as the Bhagavagita, Sen is more apt to enter into dialogue with and scrutinize earlier thinkers, such as Adam Smith, popular wisdom, and personal anecdotes in order to arrive at the foundational ethical concepts that are both internally consistent and matches his (and other people's) most confident and considered judgments. Second, as I shall argue later, especially in Part IV, Sen, unlike Nussbaum, ascribes a robust role to each group (local, national, global) publicly deliberating and democratically deciding which freedoms and other goals are important, how they should be prioritized in relation to each other, and how they should inform policy formation.

This difference between Sen and Nussbaum is not insignificant, but for the present it is more important to see that both thinkers reject not only ethical "proofs" from metaphysical or self-evident starting points but also uncritically appealing to popular wisdom or the values of common people. Both Sen and Nussbaum would reject those investigators, such as David Clark, who seek "scientifically" to ground an ethic by an uncritical appeal to ordinary people's values.¹⁵ One problem, of course, is that no agreement exists on many value issues and even if there were consensus, Hume was right in arguing that moral philosophers cannot derive an "ought" (what is good or right) from an "is" (what people believe is good or right). Nussbaum, following Aristotle, seeks the most reasonable view of human flourishing through comparing, sifting, and *critically assessing* both popular and philosophical views. She offers an ideal of the humanly good life as both following from her engagement with past and present views and as a proposal for further cross-cultural debate.¹⁶ Sen contends that prevailing beliefs and values are

often the result of unscrutinized tradition; indoctrination, by which dominators make allies of their victims; or the adaptation of preferences in order not to expect too much from a threatening and miserly world. Sen avoids these risks—without appealing to a “pre-set” list of valuable capabilities—by arguing on moral grounds that groups should democratically deliberate and decide matters of values and public policy.

In one essay in the late 1980’s, Nussbaum embraced a second method of ethical inquiry, which, she asserted, applies to some but not all ethical principles. The ethical investigator can advance general norms by showing that they are presupposed in the very practice of shared critical inquiry. To engage in this sort of inquiry is to “self-validate”¹⁷ certain norms—such as mutuality and practical rationality—that define the activity. One cannot deductively demonstrate these norms without begging the question and presupposing them in the procedure. But any attempt to disprove these norms, by means of argument and critical dialogue, shows that the critic respects the norms informing the dialogue. This “self-validating argument”¹⁸ does not provide a knockdown proof, for, as Aristotle saw, the critic is always free to walk away from (or change) the communal inquiry and the form of life in which it is embedded. Instead, the strategy is to appeal to beliefs and practices to which most of us are already committed. The practice, then, of communal ethical inquiry is supposed to have a “self-validating structure,” and this structure “commends” what issues from inquiry as “a good basis for further ethical investigation.”¹⁹ However, if the supposedly “self-validating” exercise ultimately depends on what people already believe, it would seem either to have the same defects as Clark’s uncritical appeal to ordinary views or, if the appeal were to critically scrutinized

judgments in reflective equilibrium, then it would be but another form of the method of reflective equilibrium. That Nussbaum has not employed this argument again is probably wise.

Analytic Ethical Approaches: Analysis and Assessment

Sen and Nussbaum propose, based on the method of critical and cross-cultural dialogue and reflective equilibrium, that the best general category for human well-being is the ethical “space” or “metric” of human functionings and capabilities. It is important to note, in anticipation of Chapters 5 and 6, that Sen differs from Nussbaum in distinguishing human agency from human well-being, whether well-being achievement (functioning) or well-being freedom to achieve (capability). Sen stresses that humans are authors of their own lives as well as creatures whose lives can go well or badly (by virtue of luck or agency, their own or that of others). For Sen, then, the best normative foundation is that of human achievement, of which human well-being and human agency are two kinds, and the freedom to achieve, of which well-being freedom and agency freedom are the two kinds. Once we get to these two kinds of achievement and freedom, we are at the level of intrinsic value. That which is intrinsically valuable for human beings provides the basis for inquiry into instrumentally valuable means. For Nussbaum, these human achievements are valuable functionings and capabilities to function, which include a capacity for practical reason and control, and she believes can and should be put into fixed list. Let us see how Sen’s and Nussbaum’s agreements and disagreements

about normative foundations emerge from their assessments of leading alternative answers.

The Commodity Approach: The Crude Version

One way to define fundamental ethical categories is to identify certain market commodities, or, more generally, material goods or resources as intrinsically good or ethically basic in some other way. Income, (per capita) gross national or domestic product (GNP or GDP), and economic growth (in goods and services or living standards) were early favorites of postwar development economists and development practitioners. Despite a chorus of critics, economic growth continues to dominate development theory and policy formation. Let us call this version the “crude” commodity approach. This perspective has, argues Sen, both strengths and weaknesses. It correctly understands that development does not occur without material prosperity. People cannot *be* at all, let alone have well-being or a good life, without having certain goods in certain amounts. Moreover, commodities can be evidence for as well as causes (and consequences) of valuable human functionings. The commodity approach’s good idea goes bad, however, insofar as it transforms mere means into ends. The result is what Sen calls, following Marx, “commodity fetishism.” Instead of focusing on what goods “can do for people, or rather, what people can do with these goods and services,”²⁰ the commodity approach often collapses into a valuation of goods *themselves* as intrinsically good. So what? Sen and Nussbaum offer four criticisms.

First, Sen and Nussbaum appeal to our considered judgments that commodities are not good in and of themselves but only by virtue of their relationship to—what they do *for*—human beings or what human beings can do *with* them:

A person's well being is not really a matter of how *rich* he or she is. . .

Commodity command is a *means* to the end of well being, but can scarcely be the end itself.²¹

Commodities are no more than means to other ends. Ultimately, the focus has to be on what life we lead and what we can or cannot do, can or cannot be.²²

The basic idea used by the Aristotelian conception to argue against this [commodity or resource approach] is the idea that wealth, income, and possessions simply are not good in themselves. However much people may actually be obsessed with heaping them up . . . , what they have really, when they have them, is just a heap of stuff. A useful heap, but a heap nonetheless, a heap that is nothing at all unless it is put to use in the doings and beings of human lives.²³

Except for misers who seem to prize their money for its own sake, most people have reason to value even their prized possessions because of what their treasures do for

them—for instance, afford enjoyment—or what they can do with their treasures.

A second criticism is what I call the “interpersonal variability” or “one-many” argument.²⁴ Due to variations among individuals, the same commodity either may help some and harm others or may promote the well-being of some a lot and of others only a little. Although food intake normally will enhance human functioning, it will kill the person choking on a fish bone. To function well, Milo the wrestler needs, on the one hand, more food than the infant and the disabled and, on the other hand, less food than a wrestler of similar size but stricken with parasites.²⁵ Pregnant or lactating women have different nutritional requirements than they did before the conception or birth of their children. The usefulness of one and the same commodity varies among persons or the same person at different times. A concept of human well-being that focuses on goods rather than persons inevitably neglects the “variable conversion” of goods into valuable human functionings and capabilities:

In getting an idea of the well-being of the person, we clearly have to move on [from commodities and characteristics of commodities] to “functionings,” to wit, what the person succeeds in *doing* with the commodities and characteristics at his or her command. For example, we must take note that a disabled person may not be able to do many things an able-bodied individual can, with the same bundle of commodities.²⁶

What explains this variable convertability? Sen distinguishes many factors, both

personal characteristics and environmental features, which result in one commodity, for example, a kind of meat or medicine, having such different impacts on individuals “beings and doings”:

(1) metabolic rates, (2) body size, (3) age, (4) sex (and, if a woman, whether pregnant or lactating), (5) activity levels, (6) climatic conditions, (7) presence of parasitic diseases, (8) access to medical services, (8) nutritional knowledge.²⁷

A third criticism makes the last point in societal rather than individual terms. An exclusive focus on commodities or resources easily leads to a kind of cultural relativity or conventionality. For example, the clothing that promotes basic functioning of being protected from the elements differs in the rain forests of Costa Rica and the tundra of Alaska. Sen makes the same point with respect to the valuable capability of appearing in public without shame.²⁸ He frequently cites Adam Smith’s remark about the indispensability of a linen shirt for such public appearances in eighteenth-century England.²⁹ One would be hard pressed even to find a linen shirt in twentieth-century Costa Rica, let alone be publicly shamed for appearing in public without one. The important point is that the capability orientation can retain the notion of a culturally invariant (absolute) core to both well-being and deprivation while at the same time construing any *specific* means of provisioning as relative to historical and cultural contexts.³⁰ But also the same human functioning can be promoted, even in the same

society, by various goods or differing packages of goods. Sen calls this phenomenon “a *many-one* correspondence”³¹ between commodities bundles and given functions or capabilities. Being adequately nourished can result from radically different diets. Being in good health can be promoted by different proportions of good food and preventive or curative medical care. This simple but profound idea, following from the means/end distinction, is one basis for resolving the impasse—referred to in Chapters 2 and 3—between universalists and relativists or particularists.

Nussbaum, drawing on Aristotle, states a fourth criticism of the commodity approach. Not only are goods neither ultimate ends nor invariant means to such ends; they also can be bad when we get too much of them. More or bigger is not always better. Too much of a good thing can be bad.³² Goods and the hunger for them often make people excessively competitive, domineering, arrogant, and engender “a mercenary attitude toward other kinds of good things.”³³ This attitude can go so far as to result in what Nussbaum calls “a commodification of parts of the self,”³⁴ in which market transactions and legal proceedings concerning rape treat women’s bodies as commodities. In this connection, one might also mention body building and beauty contests as well as the increasing use of steroids and cosmetic surgery. It is clear that a crude commodities approach gives us no basis for deciding—as individuals, families, communities, or polities—what is enough, what is too much, and what is just right. In Chapters 7, I return to this issue and argue that the capability ethic can be useful in guiding individuals in making consumption choices and communities in establishing consumption policies.

The Commodity Approach: The Rawlsian Version.

A much more sophisticated version of the commodity perspective is that which John Rawls developed until his death in 2003.³⁵ Seeking to measure personal advantage or enlightened self-interest and to make interpersonal comparisons, Rawls proposed a theory of what he calls “social primary goods,” among which income and wealth have a certain centrality. Rawls’s theory of primary goods, however, differs in important ways from the crude commodity view. Neither in *A Theory of Justice* nor in his subsequent writings did Rawls hold that his primary goods are *intrinsically* good. In fact, an essential part of Rawls’s liberalism and what he calls “anti-perfectionism” is the claim that questions of ultimate or inherent goodness are, within limits specified by his theory, to be viewed as matters of individual choice rather than governmental concern. Yet Rawls did offer a list of primary goods as playing an important role in his theory of “justice as fairness.” This role, at least at first blush, seems to rule out consideration of those human capabilities and functionings that Sen and Nussbaum judge to be *the*—or, at least, *one*—appropriate “space” for a social ethic. Let us look briefly at Rawls’s complex theory of primary goods and the points of difference that have emerged not only between Rawls, on one hand, and Sen and Nussbaum, on the other, but also between Sen and Nussbaum.

A Theory of Justice lists “social primary goods” as “rights and liberties, powers and opportunities, income and wealth” and “self-respect.”³⁶ These goods are supposedly what all rational individuals want regardless of their ultimate goals in life: “Other things

equal, they prefer a wider to a narrower liberty and opportunity, and a greater rather than a smaller share of wealth and income.”³⁷ Rawls offered this list of goods not as what people should desire and governments should promote as ultimate. Instead, he proposed the list as “a thin theory of the good” that can be employed in his justificatory device of the “original position” to motivate his rational contractors as they choose principles of justice. The primary goods tell us what these parties desire and count as their rational advantage. The list also provided Rawls with criteria for a person’s “legitimate claims” and thereby enabled him to make interpersonal comparisons with respect to how “well off” people are. In Rawls’s approach, the concept of the right is prior to the good in the sense that a conception of justice, allegedly chosen by the parties in the original position, provides a fair framework within which people choose and pursue their *own* conception of the good. Unlike what he calls a “perfectionist” theory of justice, Rawls’s own theory does not propose a “thick concept of the good,” an ultimate concept of human excellence, which a government should promote and for which people should aspire.³⁸

In his more recent writings, Rawls sought to dispel the notion that in *A Theory of Justice* he was attempting to deduce his principles of justice from some morally neutral concept of rationality coupled with an empirical theory about what people everywhere in fact want. Rawls’s later writings stress that the primary goods, still to be used to derive the principles of justice, are themselves to be justified as required by our conceptions of citizens as free and equal “moral persons” capable of taking part in social cooperation:

These goods, we say, are things that citizens need as free and equal

persons, and claims to these goods are counted as appropriate claims.³⁹

Primary goods are singled out by asking which things are generally necessary as social conditions and all-purpose means to enable human beings to realize and exercise their moral powers and to pursue their final ends (assumed to lie within certain limits).⁴⁰

What, precisely, is Rawls's concept of socially cooperating moral persons and his revised list of the primary goods allegedly needed by such persons? For Rawls, moral persons are "characterized by two moral powers and by two corresponding highest-order interests in realizing and exercising these powers."⁴¹ First, moral persons have the capacity for and interest in a "sense of justice," that is, the understanding and acting from principles of justice. Second, moral persons have the capacity and desire for forming, revising, and rationally pursuing a conception of the good. Citizens in a "well-ordered society" view themselves and others as moral persons. They also cooperate with each other insofar as they comply with the shared conception of justice and, within its constraints, decide on and pursue their own good. These constraints rule out authoritarian societies and conceptions of the good based on domination and servility. To be free and equal, citizens must have (minimal levels of) certain primary goods. Rawls's earlier list is now slightly expanded to include the following: "basic rights and liberties," such as freedom of conscience and political liberties; "freedom of movement and free choice of occupation against a background of diverse opportunities;" "powers and prerogatives of

offices and positions of responsibility;” “income and wealth;” and “the social bases of self-respect.”⁴²

In this “thin theory of the good,” Rawls calls income and wealth “all-purpose means” and designates the remaining items as “features of institutions.”⁴³ We democrats, said Rawls, assume that these items are instrumentally good as means required for democratic citizenship. That is, within the fair limits set by justice, we assume that free and equal moral persons will need each of these goods to advance their final ends. It is up to citizens—not the state or philosophers—to decide on their own ultimate goals.

Rawls called his later theory, with its stress on the ideal of moral personhood and democratic citizenship, a “political conception” of justice. Assuming the fact of irreducible diversity—with respect to conceptions of the good—in a democratic society, Rawls rejects as utopian any “comprehensive” and “general” moral doctrine. A doctrine is comprehensive when it includes a conception “of what is of ultimate value in human life;”⁴⁴ it is general when it applies not only to the public sphere but to other areas of life as well. By contrast, a political conception of justice, of which “justice as fairness” is the favored example, is an “overlapping consensus” of and for free and equal citizens. The consensus concerns instrumental goods and distributive principles that are relevant solely for the political realm. The right is prior to the good in that “the principles of ‘political’ justice set limits to permissible ways of life”⁴⁵ and personal conceptions of intrinsic good. Given the facts of ideological diversity, a government that made the good prior to the right would have to promote one and only one conception of the good and make distributions on that basis. But, for Rawls, this “promotion” unacceptably would

necessitate a coercive use of state power and thereby violate people's freedom to decide on their own final ends.

Hence, in Rawls's version of the commodity approach, the moral space of commodities is affirmed not as the "site" of final ends but rather as a "platform" of means indispensable for realizing certain democratic ideals, including the ideals of social cooperation and autonomous choice. Assuming these ends and means, Rawls proposed public principles of justice—for and only for the political domain—as a fair framework that constrains each citizen in her decision of her final ends (which may or may not include the values of political participation and autonomous choice).

How do Sen and Nussbaum assess this subtle and complex Rawlsian perspective? On one hand, Sen applauds Rawls's "far reaching theory of justice" for having "contributed greatly to a radical regeneration of modern political philosophy and ethics."⁴⁶ He expresses an "enormous" personal debt to Rawls and even says that his own view is but "one possible extension of the Rawlsian perspective."⁴⁷ In particular, Sen agrees with Rawls's arguments that utilitarianism (1) reduces the person to "the place in which that valuable thing called happiness takes place,"⁴⁸ and thereby fails to do justice to human agency, and (2) implies that to maximize utility, those with gourmet tastes should receive more income than those with "cheap" tastes.⁴⁹ By contrast, Rawls's democratic citizens have responsibility for choosing personal ends consistent with the justly available primary goods. Finally, Rawls's "'principles of justice' safeguard the 'priority' of individual liberty, subject to similar liberty for all."⁵⁰ (Rawlsian liberty is negative in the sense of freedom *from interference* by others or the state). Hence, Sen

concludes, “the Rawlsian theory of justice has, in fact, done much to draw attention to the political and ethical implications of individual freedom.”⁵¹

Despite his admiration for Rawls’s intention and achievement, Sen finds serious shortcomings in Rawls’s theory of justice, especially in his concept of social primary goods. First, Sen, followed by Nussbaum, applies to Rawls’s theory a variant of his (Sen’s) “individual variation argument”:

Making comparisons of the primary goods different people have is not quite the same as comparing the freedoms actually enjoyed by different persons, even though the two can be closely related. Primary goods are *means* to freedom, but they cannot represent the *extent* of freedom, given the diversity of human beings in converting primary goods into the freedom to pursue their respective objectives.⁵²

Rawls’s theory of primary goods, argues Sen, would be a good way to judge people’s “advantage” and make interpersonal comparisons if people were quite similar. However, in fact “we *are* diverse in *different* ways.”⁵³ Rawls, however, fails to do justice to “*interindividual* variation” in the relation between primary goods and “the freedom to pursue ends”⁵⁴: “Variations related to sex, age, genetic endowments, and many other features give us unequal powers to build freedom in our lives even when we have the same bundle of goods.”⁵⁵ Hence, equality in holding Rawlsian primary goods “can go hand in hand with serious inequalities in actual freedoms enjoyed by different persons.”⁵⁶

For someone who cannot walk, the freedom to move about and, more generally, being able “to lead the life that he or she would choose”⁵⁷ will require more income or resources than will the same freedom for a “normal” person. Freedom in the comprehensive, positive sense is not merely—as in negative freedom—“the absence of restraints that one person may exercise over another (or the state or other institutions may exercise over individuals).”⁵⁸ Positive freedom includes the absence of other kinds of restraints, such as poverty and ignorance, and the presence of options that people have reason to value. Rawls’s focus on primary goods, coupled with his negative concept of liberty, neglects the positive freedoms people “actually enjoy to choose between different ways of living that they can have reason to value.”⁵⁹ Justice must concern not just primary goods and negative freedoms; it must also concern the *extent* of positive freedom to achieve. Justice includes a concern for “the *overall* freedom to achieve” that includes both negative freedom and an “equality of effective freedoms.”⁶⁰

Rawls, Sen concedes, is not completely “ignoring”⁶¹ the special needs of the disabled, old, and ill but is unfortunately “postponing”⁶² their treatment. If the reason for such postponement is that these problems are uncommon, both Sen and Nussbaum insist that such defects and accidents are widespread.⁶³ If, argues Nussbaum, the reason is that the physically handicapped are not fully cooperating members of society, this would seem inconsistent with Rawls’s stress on citizens as *moral* persons.⁶⁴ Rawls appears to believe that the problem of individual variation can be handled after the basic contract and during the legislative or judicial stages of his “four-stage sequence.”⁶⁵ But if so, then the fact that different people might have greater and lesser abilities to influence the later

stages implies that these differences would be more appropriately considered in the original contract.⁶⁶ Finally, Sen and Nussbaum stress that one finds many morally significant variations among people beyond differences due to defect or accident. These differences include such things as unequal social power or entitlement, which Rawls's analysis largely overlooks.⁶⁷ Such injustices can be uncovered and sometimes removed if we focus not merely on commodities but on what impedes or promotes their equal conversion into capabilities. Both resources and access to them are necessary as means. But because people are diverse and diverse in different ways, the moral space in which justice is discussed must focus on the freely-chosen conversion of accessed resources into valued ways of doing and being.

Second, both Sen and Nussbaum argue that Rawls moved into the "space" of capabilities but did so in an incomplete, vacillating, and misleading way. Recall that in his more recent writings Rawls explicitly defended his primary goods by arguing that they are necessary for moral personhood and social cooperation. In turn, moral personhood involves the capacity for autonomous choice of one's basic goals. Rawls, then, argues Sen, "is really after something like capabilities," for "he motivates the focus on primary goods by discussing what the primary goods enable people to do."⁶⁸ More specifically, Rawls's critique of utilitarianism appears to presuppose something like Nussbaum's notion, which she employed in the 1990s and subsequently dropped, of the "separateness of persons."⁶⁹ Similarly, Rawls in effect is endorsing at least one human capacity, that of capability to choose, albeit as an ideal presupposed in democratic practice rather than a "final end." Furthermore, Rawls often listed "the social sources of

self-respect” as one of his primary goods, and this description suggests that self-respect, if not a commodity itself, has an institutional source. However, Sen argues, Rawls also said that the primary good in question is “self respect” as such, “an ability to achieve”⁷⁰ a certain sort of personal functioning. Finally, Rawls included such noncommodity goods as liberties, rights, opportunities, and (most recently) “absence of physical pain” on his list of primary goods. Although Rawls was inclined to speak of these items—except for the last one—as “features of institutions” rather than persons, Nussbaum suggests that Rawls’s expansion of the list beyond income and wealth showed that he is groping toward a notion of human capabilities.⁷¹

Rawls replied only to Sen’s first criticism, but his response is relevant to both objections. The “individual variability” argument is vitiated, said Rawls, because it presupposes the very thing that Rawls’s *political* conception was intended to avoid, namely, a comprehensive and general moral doctrine. Sen and Nussbaum respond to Rawls’s counterargument in two interestingly different ways, and this difference, I believe, is based on a significant difference in their versions of the capability ethic.

Sen accepts Rawls’s premise that we need a *political* conception of justice, that is, one that people can agree to regardless of substantive differences with respect to their concepts of the good life. Even so, Sen defends “actual freedom” or “capability for choice” by arguing that it is *not* part of a “comprehensive” moral conception, that is, one proposing an ultimate and universally valid conception of the good and responsible life. Sen contends that Rawls misunderstood Sen’s objection and Sen’s own view of “the *actual freedoms* enjoyed by different persons—persons with possibly divergent

objectives—to lead different lives that they can have reason to value.”⁷² Sen insists that his employment of actual freedoms rather than commodities does *not* presuppose a particular comprehensive doctrine: “Capability reflects a person’s freedom to choose between alternative lives (functioning combinations), and its valuation need not presuppose unanimity regarding one specific set of objectives (or, as Rawls calls it, ‘a particular ‘comprehensive doctrine’).”⁷³ One reason that Sen sometimes stresses capability rather than actual functionings is precisely that we often value highly the freedom for a particular achievement or way of living without valuing very highly (or at all) that functioning or way of life. One may believe religious liberty is important without valuing this particular religious way or life or indeed any such life.

Sen’s point is that Rawls’s primary goods, including the good of negative freedom, should be viewed as *means* to a positive freedom that makes possible the choice of various ways of living and diverse conceptions of ultimate ends. Whatever conception of the good life is offered, it is better—due to individual variability—to operate in the space of positive freedom or capability than of that of primary goods (or of exclusively functionings).

Moreover, Rawls’s objection still fails to address adequately the problem of disabilities. For an unacceptable implication of Rawls’s doctrine of social primary goods is that, due to convertability deficits mentioned earlier, “a disadvantaged person may get less from primary goods than others *no matter what comprehensive doctrine* he or she has.”⁷⁴

Furthermore, with respect to persons with disabilities, Sen can say that Rawls

drew the line between liberty and non-liberty at an arbitrary point because he excluded from his concept of basic liberties the freedom of movement of the person who cannot walk. Such a person's freedom is enhanced not only when people refrain from preventing her from walking but also when she is provided with wheel chairs, curb easements, and elevators. Once we expand the notion of liberty to include positive as well as negative liberties, we are still far from a comprehensive or general moral view. Sen is not prescribing how to weigh specific negative and positive liberties, nor, within the latter is he elevating walking let alone trekking and being "on the road again" as essential elements in the humanly good life.

This is not to say that Sen's view is morally neutral, for, as I will discuss later, both pure utilitarianism and pure libertarianism are excluded by Sen's "capability space." But neither, for that matter, is Rawls's theory completely doctrine-neutral, for authoritarianism and Nietzschean perfectionism are inconsistent with Rawls's assumption that the parties in the original position are forging a conception of fair terms of cooperation for free and equal moral subjects or citizens. Sen's "capability-based assessment of justice" is more determinate than Rawls's theory because, if Sen is correct, his own perspective also rules out nonauthoritarian views, such as Rawls's, that fail to endorse positive liberty and make adequate room for the ideal of agency. Such exclusions, however, still would leave room for a vast range of different combinations of goods and functionings that different individuals and communities might choose or have reason to value.⁷⁵

Even within the overall perspective of social commitment to individual freedom, there can, of course, be distinct views of the relative weights to be attached to different aspects of freedom, e.g., negative and positive freedoms respectively. An acceptance of that general perspective must not be seen as closing the door to differences of views on the relative weights.⁷⁶

It is not that Sen is rejecting the possibility or desirability of citizens or theorists going further, within capability space, and working out a more determinate conception of “the” good life. Increasingly, however, Sen recognizes that there are two approaches to the problem of selecting, ranking, weighing, and trading off various ways of living: (i) social choice and (ii) philosophical prescription. In social choice, members of a group engage in a social choice exercise and, even though they still disagree on many basics, forge an agreement on what to do. One social choice exercise is that of democracy, and in Part IV, especially in Chapter 9, I argue that the ideal and practice of deliberative democracy fits with and enriches Sen’s normative commitments and is compelling in its own right. In philosophical prescription, the philosopher assumes or seeks to discover or construct *the* conception of the good human life. Sen correctly recognizes that Nussbaum is doing just that:

People do, of course, have different aims. Whether at a deep and sophisticated level a shared set of general objectives can be fruitfully

assumed is an important question that has been addressed in the Aristotelian perspective by Martha Nussbaum.⁷⁷

Regardless whether Nussbaum's or similar projects are ultimately successful, however, "it is important to recognize that interpersonal comparison of capabilities are not rendered impossible by the absence of an agreed 'comprehensive doctrine'."⁷⁸ We can make some headway in social ethics by finding the right moral space and thereby excluding not only authoritarian views but such incomplete and one-sided views as welfarism, with its exclusive stress on utility, libertarianism, with its sole focus on negative liberty,⁷⁹ and Rawlsian theory, with its failure to acknowledge positive freedom.

Nussbaum responds to Rawls's counterargument in two ways, both of which are different from Sen's argumentation. Nussbaum's strategy has taken two very different forms. In her work before *Women and Human Development*, Nussbaum interpreted Rawls's moral theory as—contrary to his intentions—a comprehensive and ultimate conception of the good but one that Nussbaum contended was significantly incomplete. In *Women and Human Development*, by contrast, Nussbaum accepts that Rawls has offered a *political* conception of justice and a non-comprehensive or non-ultimate conception of the human good. Nussbaum then argues that Rawls's conception can be improved upon by her own equally "political" (non-metaphysical, non-ultimate) but more adequate view. I now examine each of Nussbaum's strategies.

In her earlier strategy, rather than following Sen and defending "actual freedom" or "choice" as *relatively* doctrine-neutral, Nussbaum bit the bullet and argued that

Rawls's ideals of autonomous choice and sociality were *themselves* part of his (liberal) conception of the human good. Rawls, argued Nussbaum, cannot defend his own theory of primary goods without himself assuming a comprehensive and superior conception of good human functionings and capabilities. Rawls cannot evaluate his primary goods as having worth without himself presupposing a thick theory of good living, without taking "some stand about what functions are constitutive of human good living."⁸⁰ If income and wealth are needed to be a moral person and citizen, then the capacity for personal and political choice and the ideal of cooperative living are being urged as part of the good life, at least in the *political* domain. Once this point is accepted, then, in Nussbaum's initial view, we can debate whether *other* sorts of capabilities, as powers of the person, should also be part of our conception of human flourishing—not only in the political domain but also in nonpolitical domains, such as in families and religious communities. The philosopher's job, then, is (i) to describe what it really means to live a fully human or flourishing life; and (2) in the light of this ultimate conception of the good, to prescribe the responsibility of every political (and nonpolitical) community. In what does that responsibility consist? In guaranteeing that every one who so chooses be able to achieve *the* flourishing human life.

In this first strategy Nussbaum offered her complex norm of human flourishing as a "thick, vague" conception of the good. She described it as a thick conception because her goal was to propose a universally valid concept of good, essential, or flourishing humanity. She described her norm, however, as "vague" for its general outlines permitted and even required that each group specify the norm in its own way.

In her subsequent and current strategy, Nussbaum abandons the project of coming up with an ultimate, nonpolitical (in Rawls's sense) conception of the good life and instead embraces Rawls's project of a *political* conception that citizens in fact do or could accept in spite of their different commitments on ultimate values. However, she still differs from the later Rawls on two key points. First, she offers her now *political* vision of the good life as relevant for members of *any* community, whether democratic or not. Second, whereas Rawls argues that at the content and justification for the *political* conception should come from "public reason"—that is, from the conceptions accepted by or acceptable to the (majority of) members of the community—Nussbaum gives to the philosopher the job of formulating and defending the political conception of the good human life, which then should be embodied in every political community's constitution.

If we depart from Rawls's views, should we choose Sen's or Nussbaum's (or some other) strategy in criticizing Rawls sophisticated "commodities" perspective? Originally I argued that both Sen's criticism and Nussbaum first strategy have their place, but they must be seen as operating on different levels.⁸¹ Sen, I argued, is "carving out," to trade in shovels for knives, "capability space." Nussbaum, I contended, is arguing that we should fill in or elaborate that space with a definite list of "capabilities" that include but go well beyond Rawls's two moral powers and his ideal of social cooperation. On my original interpretation, the responses of Sen and Nussbaum to Rawls, then, presuppose two sorts of moral inquiry that take place on distinct levels of ethical determinateness. On this reading, Sen identifies the general moral space of functioning and capability; and then Nussbaum fills in the picture by identifying those "central functional capabilities"

that are (allegedly) necessary and sufficient for the good human life.

Perhaps because Sen and Nussbaum have sharpened their views since my original essay in 1992, I now see an important difference between, the ways Sen and Nussbaum, on either of her two strategies, respond to Rawls and identify and rank capabilities and functionings. Sen, as we shall see in more detail in the next chapter, is not opposed to all listing of valuable functionings. What he sometimes expresses as “reluctance”⁸² in searching for and at other times forthrightly rejects is “one pre-determined canonical list of capabilities, chosen by theorists without any general social discussion or public reasoning.”⁸³ Why? Because Sen contends that such a list would take freedom and responsibility away from individuals and communities to decide for themselves, to be authors of their own lives: “To have such a fixed list, emanating entirely from pure theory, is to deny the possibility of fruitful public participation on what should be included and why.”⁸⁴ Nussbaum, in contrast, fears that a political community, whether democratic or not, may fail to guarantee for all citizens what she takes to be the optimal capabilities. To establish this guarantee philosophically, she argues for her list; to secure the guarantees institutionally, she argues that the list should be embodied in a society’s constitution. In later chapters I evaluate and try to resolve this controversy.

The Welfare (Utilitarian) Approach

The commodities approach, whether crude or Rawlsian, overemphasizes goods and neglects people. The welfare approach, of which utilitarianism is a prime example,

overemphasizes people's mental states and neglects other aspects of their well-being. The welfare approach does advance beyond the commodity approach by interpreting human well-being and good development as a feature of persons themselves.⁸⁵ It goes astray, however, by paying exclusive attention to but one aspect of human well-being, namely, welfare interpreted as utility. Utility, however interpreted, is an incomplete conception of individual well-being and fails to yield an appropriate concept of human equality.

In objecting to welfarism, Sen focuses his criticism on two of the three components of the utilitarian moral theory that undergirds much of neoclassical economics and development economics and continues to function as a dominant outlook in philosophical ethics. Sen distinguishes these three features of utilitarianism as follows:

(1) *Consequentialism*: The rightness of actions—and (more generally) of the choice of all control variables [e.g., acts, rules, motives] —must be judged entirely by the goodness of the consequent state of affairs.

(2) *Welfarism*: The goodness of states of affairs must be judged entirely by the goodness of the set of individual utilities in the respective states of affairs.

(3) *Sum-ranking*: The goodness of any set of individual utilities must be judged entirely by their sum total.⁸⁶

Sen is sympathetic to a broadly conceived consequentialism, especially if it is able to accommodate rights-respecting *actions* in the states of affairs to be evaluated.⁸⁷

What he finds morally problematic in utilitarianism is its welfarism and its method of sum-ranking. I now consider what Sen finds deficient in the former and later take up his criticism of the latter.

Sen recognizes that welfarism⁸⁸ comes in different forms depending on whether individual utility is interpreted as pleasure or happiness (a mental state), desire fulfillment (a person getting what she wants), or (informed) choice between options. For our purposes, it will suffice to concentrate on Sen's evaluation of the happiness and the desire-fulfillment interpretations.⁸⁹

Sen identifies two fundamental shortcomings in welfarism. First, welfare, in any of the three interpretations, is not the only thing that is valuable.⁹⁰ Welfarism conceives of humans as no more than loci or "sites"⁹¹ of certain mental states or the gratification of desires. This angle of vision unfortunately abstracts from what Sen calls the "agency aspect"⁹² of the person. Humans are not only experiencers or preference satisfiers; they are also judges, evaluators, and doers. They decide on and revise their conceptions of the good as well as satisfy desires based on those conceptions. They form intentions and act on them, sometimes alone and sometimes in concert, and thereby sometimes change the world and themselves. And these basic aims, as I discuss in detail in Chapter 5, often go well beyond the agent's pursuit of utility and are even at odds with utility or any other conception of well-being or "personal advantage."⁹³

With Sen's concept of agency, unfortunately neglected or de-emphasized by many interpreters, Sen is trying to do justice to a Kantian emphasis on autonomy.⁹⁴ Agency and well-being are, for Sen, two fundamental and irreducible normative

dimensions of being human. Sometimes the two coincide as when I decide and act to protect or advance my own well-being or when I make my own self-interest or passivity the only thing that matters. But agency and well-being can also diverge: a hunger striker or soldier risks his well-being (a component of which is his happiness) when what he chooses as a higher cause may result in a lessening or destruction of his well-being. It should be noted, and I return to this point in subsequent chapters, that Nussbaum, although she recently has employed some agency rhetoric, has no *concept* of agency in her normative arsenal because she believes she captures all that is important in Sen's concept with her own concepts of practical reason and control. In later chapters I criticize her arguments and argue that the absence of a concept of agency helps account for her reservations about democracy and democratic deliberation.

Second, Sen has powerful arguments that "utility does not adequately represent well-being."⁹⁵ Even if we restrict ourselves to the well-being aspect of human existence, a "metric of utility" is often a markedly poor reflection of personal well-being or deprivation. Sen does allow that being happy can be evidence for and even a component of well-being⁹⁶ and (being capable of) happiness is one part of well-being.⁹⁷ Everything else being equal it is better to be happy than miserable. Sen even goes so far as to call the mental state of being happy a "momentous functioning"⁹⁸ and "momentous achievement."⁹⁹ But happiness or desire fulfillment certainly is not sufficient for well-being and is woefully inaccurate as a complete measure of well-being.

To make his case, Sen offers, what I called in 1992, his "small mercies argument."¹⁰⁰ People, contends Sen, may be seriously deprived and yet be quite cheerful.

If they do not expect much from life, they may take great joy in whatever “small mercies” happen to come their way. Such a “small mercies” outlook occurs in Ralph Waldo Emerson’s essay “Experience,” in a passage apparently unknown to Sen:

I am grown by sympathy a little eager and sentimental, but leave me alone and I should relish every hour and what it brought me, the potluck of the day, as heartily as the oldest gossip in the bar-room. I am thankful for small mercies. I compared notes with one of my friends who expects everything of the universe and is disappointed when anything is less than the best, and I found that I begin at the other extreme, expecting nothing, and am always full of thanks for moderate goods If we will take the good we find, asking no questions, we shall have heaping measures.¹⁰¹

It must be admitted that Emerson is trying to get his readers to recognize that it is the everyday and ordinary (“on the highway”), rather than academic “analysis,” that is the source of life’s good things.¹⁰² Sen is worried, however, that it is precisely philosophical, political, or religious ideas that often mentally condition those who are objectively deprived—deprived of even Emerson’s “moderate goods”—to accept and find justification for one’s deprivation.¹⁰³ Given the influence of such “notions of legitimacy and correctness,”¹⁰⁴ very poor people adjust their aspirations and desires to the little that is feasible;¹⁰⁵ “induced by hopelessness,” they make “defeatist compromises with harsh reality.”¹⁰⁶ Given a sufficiently low level of aspiration and high level of

accustomed misfortune, a person not surprisingly is overjoyed by “small mercies” and “his heart leaps up whenever he sees a rainbow in the sky.”¹⁰⁷ Sen observes: “In some lives small mercies have to count big.”¹⁰⁸ Instead of one’s subjective mental state reflecting objective deprivations, those “deprivations are gagged and muffled.”¹⁰⁹

The hopeless beggar, the precarious landless labourer, the dominated housewife, the hardened unemployed or the over-exhausted coolie may all take pleasures in small mercies, and manage to suppress intense suffering for the necessity of continuing survival, but it would be ethically deeply mistaken to attach a correspondingly small value to the loss of their well-being because of their survival strategy.¹¹⁰

‘He that desires but little has no need of much’ may well be good advice for contentment and for coming to terms with a harsh reality. But it is not a formula for judging well-being. Nor is it a recipe for social justice.¹¹¹

One result of this “false consciousness” is that “acute inequalities often survive precisely by making allies out of the deprived.” Sen continues: “The underdog comes to accept the legitimacy of the unequal order and becomes an implicit accomplice.”¹¹² Another consequence of the pervasiveness of what Jon Elster calls “adaptive preferences”¹¹³ is that social ethicists should be wary of uncritically appealing to the values of poor and deprived people. Clark makes precisely this mistake, even though he

accurately explains Sen's small mercies argument.¹¹⁴ I argue in Chapter 9 that deliberative democracy offers a way that both takes seriously people's judgments but subjects them to collective rational scrutiny.

One can be happy or satisfied, then, yet lack wellness of being. The other side of this dialectical coin is that people may have well-being and even opulence (be "well off") and yet be unhappy and frustrated;¹¹⁵ their unfulfilled desires may be for rare Rioja wines and a top-of-the line Mercedes. I return to this issue in Chapter 7, when I examine whether the capability approach can generate a reasonable ethics of consumption.

Finally, although discontent does not necessarily reflect well-being, it sometimes should be evaluated positively; grievances about an unjust social arrangement may be an important ingredient in individual self-assertion, collective action, and social progress.¹¹⁶

Together these considerations show the moral deficiencies of welfarist and utilitarian methods of moral "accounting" and interpretations of individual well-being. Human well-being cannot be identified with utility; and, for Sen, the human good cannot be identified with well-being. To make these identifications is to baptize deprivation as well as international and national injustice. What we need is a perspective that is concerned with what people are able to do and be—where being happy and getting satisfaction is only an aspect of well-being and being able to be happy or get what one desires is only *one* valuable capability among others.¹¹⁷ Nussbaum puts it well:

The Aristotelian takes desire seriously as *one* thing we should ask about, in asking how well an arrangement enables people to live. But she insists

that we also, and more insistently, ask what the people involved are actually able to do and to be—and, indeed, to desire. We consider not only whether they are asking for education, but how they are being educated; not only whether they perceive themselves as reasonably healthy, but how long they live, how many of their children die; how, in short, their health *is*.¹¹⁸

Basic Needs

The basic needs approach (BNA) to international development, as worked out in the 1970s and 1980s by development economists and policymakers such as Paul Streeten, Frances Stewart, and Mahbub ul Haq, draws “attention, in an immediate and powerful way, to the importance of the type of life that people are able to lead.”¹¹⁹ It is, argues Sen, both an important breakthrough and a perspective in need of a deeper and more secure “foundation.”¹²⁰ Sen offers his capability approach as just such an improved needs approach.

What does Sen find attractive about the BNA? The BNA criticizes those approaches that define development in relation to the economic growth—even the *equitable* economic growth—of commodities or utilities. Economic and societal development, says the BNA, is a matter of human well-being, which in turn is a function of meeting certain basic or human needs. We cannot really say that a society is developed unless it provides the opportunity for all its citizens to meet their basic needs. Streeten

and his colleagues put it eloquently in 1981: “A basic needs approach to development attempts to provide the opportunities for the full physical, mental, and social development of the human personality and then derives the ways of achieving this objective.”¹²¹

Sen also defends the BNA against the objection that economic growth and meeting needs are mutually exclusive, that a basic needs perspective inevitably reduces a country’s economic growth and material prosperity. Sen’s response is threefold. First, economic growth is an important means and not an end in itself. Second, although necessary or at least helpful, economic growth is not enough. Economic growth can take place without basic needs of the majority being satisfied, for instance Brazil in the 1980s or Saudi Arabia in the 1990s; and a country, such as Costa Rica, can have modest economic growth and do well in meeting the needs of its citizens. Third, the “needs versus growth” controversy, properly understood, is not one of meeting needs versus economic prosperity but one of satisfying needs now versus meeting them in the future—*both* of which require economic goods as a means.¹²²

Although strongly sympathetic, Sen also makes five criticisms of the BNA, which I term as follows: (1) the foundations criticism, (2) the individual variability criticism, (3) the social interdependence criticism, (4) the minimality criticism, and (5) the passivity criticism. I analyze and evaluate each.

The Foundations Criticism. Sen’s first criticism of the BNA is that it lacks an adequate foundation. Again, this does not mean that the BNA has failed to produce a conclusive or transcendental justification for itself; for, as argued above, Sen is rightly

satisfied with the fallibilistic justification provided by wide reflective equilibrium. To lack a foundation, rather, means that the BNA has left needs hanging, intuitively plausible but both conceptually ambiguous and argumentatively unsupported (as a nonreducible moral category). The BNA has failed to resolve the “unsettled question” of what, among conflicting interpretations, should be meant by the appeal to needs. Is need satisfaction important because of the mental state of *satisfaction*? This answer would fall back into welfarism. Is meeting needs reducible to providing people with certain amounts of commodities? If so, then the BNA becomes a new version of commodity fetishism, with the attendant defects discussed above. The BNA has often failed to consider whether the category of needs is morally ultimate. What Sen is trying to get at, I believe, is that the BNA has failed to clarify the nature and variety of needs and to justify (basic) needs as a moral category more fundamental than commodities, utilities, human flourishing, or rights.¹²³

Sen argues that the BNA can advance by explicitly raising the question of foundations and answering it by interpreting needs as capabilities. The focus must be on certain intrinsically valuable human achievements and capabilities such as “being healthy, being well-nourished, being literate. . . [and] being able to freely choose to lead a particular life.”¹²⁴ If we interpret basic needs as intrinsically valuable functionings (and capabilities to function), we will have a concept of human well-being that is morally appropriate, conceptually fundamental, and operationally practical. We will be able to accomplish the original aim of the BNA without falling back into either commodity fetishism or utility subjectivism.

In response to Sen's 1983 paper,¹²⁵ Paul Streeten, one of the key architects of the BNA, explicitly raised the "foundational" question for the BNA: "Do basic needs refer to the conditions for a full, long and healthy life, or to a specified bundle of goods and services that are deemed to provide the opportunity for these conditions?"¹²⁶ Indicating a difficulty in answering his question, Streeten continues: "Very little is known about the causal links between the provision of specific items, the capacity to meet certain needs, and the achievement of a full life."¹²⁷ In contrast, Sen's capability ethic, interpreting basic needs precisely *as* actual freedoms or capabilities, conceives these freedoms as part of the *content of human well-being* rather than the *conditions for* or *means to*, a full or flourishing life.¹²⁸ Sen would approve of Streeten's willingness to question commodities as bedrock. Sen, however, would urge Streeten to penetrate more deeply and construe meeting one's needs as having freedoms to pursue functionings that one has reason to value.

The Individual Variability Criticism. In fact, according to Sen, the BNA has often collapsed into a commodities approach and hence is subject to the criticisms of "commodity fetishism," that is, an exaggerated or exclusive stress on commodities. The human *need* for food has tended to be replaced by a focus on the *food* needed. Although the BNA recognized in principle that different amounts of the same commodity were needed by different individuals, it tended operationally to define "basic needs" in terms of (certain amounts of) food, water, shelter, and hospital beds. Sen especially underscores what I called earlier his "interpersonal variability argument:" "My main difficulty has been with the way basic needs are typically defined in terms of needs for *commodities*,

and *that* I think is a mistake . . . because of the enormity of interpersonal variations in converting commodities into capabilities.”¹²⁹ Moreover, according to Sen, the BNA largely neglected what he called the “many-one correspondence” between commodities and capabilities: even in the same individual, the same functioning often can be achieved by more than one bundle of goods and services. The BNA, then, has not been able to exorcise fully the ghost of commodity fetishism. This failure, Sen appears to imply, is traceable to the *theoretical* failure of the BNA to carve out a distinctive space for the concept of needs. It may be, however, that a nuanced needs approach can meet Sen’s criticism by carefully distinguishing need-satisfiers from the needs met.¹³⁰

The Social Interdependence Criticism. Sen’s third criticism of the BNA, the “social interdependence argument,” is rather tentative and undeveloped. A BNA will stress human needs for certain commodities. Even with respect to the need for food, it will be difficult to specify a bundle or amount of food stuff *absolutely* or in a culturally and individually invariant way. The problem is only compounded when we move to such important social capabilities as being able to appear in public without shame or take part in community life. These sorts of achievements and capabilities make essential reference to the actions or judgments of *other* people. The commodity requirements for certain capabilities are not just a matter of matching a certain (amount of the) commodity with an isolated individual but must take into account “social interdependence.”¹³¹ A particular person’s capability to appear in public without shame will make essential and substantial reference to the culturally relative judgments or evaluations of other social members concerning what counts as acceptable apparel. For example, Sen correctly sees that one

“needs” more (and different) consumer goods in an affluent society than in an impoverished one.

In this criticism, Sen impales the BNA on the horns of a dilemma. Either the BNA collapses into a commodities approach (with respect to certain capabilities) or it does not. If it does, then it will not be able to specify the commodities in a culturally invariant way. The linen shirt required to avoid public shame in eighteenth-century England will not do the job in twentieth first-century Los Angeles. If the BNA takes the other horn, however, then “the needs of commodities may not be absolutely specifiable at all.”¹³² By contrast, Sen claims, we can specify absolute or culturally invariant deprivation and achievement in terms of functionings or capabilities. Unfortunately, Sen provides no argument for this contention, and it may be that needs and capabilities would be in the same boat with respect to either quantitative measurement or qualitative conception. How, for example, would we describe let alone measure invariant physical functioning with respect to body weight and “nonstunted” stature of Pygmies and Watusi? It seems optional whether we say that Pygmies and Watusi need adequate body weight and stature (or the relation between the two) or we say that one of their valuable functions is having adequate body weight and stature (or the relation between the two). We may be able to say with equal justification that all people have a universal need for X *or* that all people have a universal capability for X, where X in either case is sufficiently general as to permit different concrete specifications in different cultural contexts. If there is a difference that makes a difference between needs talk and capabilities talk and one that favors the latter, that difference would appear to lie elsewhere.

The Minimality Criticism. Sen's fourth objection to the BNA goes like this:

Because people have all sorts of needs from trivial ones to urgent ones, the BNA makes a distinction between basic and nonbasic needs and then interprets *basic* needs in terms of quantitative *minima* of the commodities—such as food, water, shelter—required to meet those needs. The focus is on meeting “minimum needs and no more.”¹³³ Apart from the problem just discussed of falling back on commodities, Sen finds—depending on how the phrase is interpreted—two additional defects in this focus on a “minimum needs and no more.”

One meaning of BNA's concept of “minimal needs and no more” is that only *physical* needs are what count. Here physical needs would be those needs which food, health care, and shelter meet. One difficulty here, in addition to the overly narrow conception of well-being, is that the “haves,” whether individuals or nations, easily can get the mistaken notion that their moral responsibilities end when minimal levels of physical needs are satisfied regardless of whether or not there are such things as opportunities for other valuable functionings, such as social and political participation, avoiding humiliation, and having self-respect. Humans do not live by bread alone; nor do they have reason to value merely good physical functioning. A focus on “basic needs and nothing more” lends itself to an excessive contraction of the concept of well-being and of moral responsibility. If the focus is on “*equality* of capabilities,”¹³⁴ then we go well beyond the norm of physical survival to that of being able to live a long, adequately nourished and adequately healthy life. The problem here, of course, is that many BNAs affirm the equal or even superior importance of nonphysical needs.¹³⁵ Just as Sen correctly wants to include more than

physical capabilities in his concept of a life that goes well, so BNA advocates often embrace a good deal more than meeting physical needs.

Second, even if a robust notion of basic needs is employed, Sen argues that there is a second problematic meaning of “basic needs and no more.” On this rendering, there is a sharp distinction between *basic and nonbasic* needs. Alternatively put, a *threshold* exists for need-satisfaction, and getting people in poor countries to or over this line is the exclusive concern of development agents. The targets of development action are only those individuals who fall below the line and those *poor* countries, some percentage of whose citizens fall below the line.

Sen judges this view of BNA as a “familiar” but “unfair” caricature of the BNA, one that insists on one application of the approach to the unfortunate exclusion of other applications. Sen seeks to rescue the BNA from this caricature and limited application. First, the BNA is incomplete in failing to offer a way to distinguish the minimum level. Second, regardless of how many individuals fall below some poverty line, it is most urgent to seek improvement in the lives of those who are *most below* the threshold and more urgent to help those who are more below than those who are less so.¹³⁶ Otherwise, development agents may count as unqualified success those efforts that enable those just below the line to move just above it. But such success may do little to alleviate the *depth* of a group’s deprivation. Third, sometimes it may be impossible to meet even the minimal needs of the neediest people, but that fact does not end social responsibility. It may be more urgent to reduce the shortfall of the neediest in relation to the—for them—unreachable threshold than getting the less needy (closer) to the threshold. Those most

needy might receive proportionately more assistance so as to better close the gap between their level of need satisfaction and threshold. Four, even if the proportions or absolute numbers on either side of the threshold stayed the same, an emphasis on meeting minimal needs may deflect development agents from reducing gaps within the top sector, within the bottom sector, or between the top and the bottom (both *within* and *between* nations), especially when such inequalities make the most needy even needier. Hence, a BNA caricature “may lead to a softening of the opposition to inequality in general.”

Given these deficiencies in the idea of “minimum needs and no more,” Sen calls not for rejecting the BNA altogether but for seeing it as “just one application of a more capability approach,” an approach that can also be employed to address such questions as the depth of poverty, those unable to reach the threshold, and inequalities within and between rich and poor countries. In any case, it would be a mistake to construe Sen’s minimality criticism as Sen’s rejection of the very idea of a threshold (or the related distinction between the basic and the non-basic, whether needs or capabilities). What Sen rejects, as we have seen, is a “concentration on just the minimum requirements.” I committed this error in my 1992 article “Functioning and Capability” when I claimed that Sen rejected and had good reason to reject the idea of a threshold (and the related idea a distinction between basic and nonbasic needs) and correctly replaced it with the ideas of *degrees* of advantage or well-being construed as degrees of valuable capabilities in individuals or (on average) in countries and other groups.¹³⁷ I now believe that I was wrong both in interpreting Sen and on the substantive issue.

It is true that, to my knowledge, Sen does not use the term “threshold” (until a

2004 discussion of “threshold conditions” which freedoms/capabilities must have “to qualify as the basis for human rights”¹³⁸). This fact has led Martha Nussbaum mistakenly to assert that Sen does not employ the *concept* of threshold.¹³⁹ In “Equality of What?”, however, Sen answers the question raised in the article’s title with the answer “equality of ‘basic capabilities’: a person being able to do certain basic things.”¹⁴⁰ Twelve years later he defines a “basic capability” as “the ability to satisfy certain elementary and crucially important functionings up to certain levels.”¹⁴¹ Two components are involved in this conception. First, the basic capabilities include both “elementary” ones, those that are (largely) physical and not substantially dependent on socially variable conventions, and those more complex (socially interdependent) freedoms that are also “crucially important ones”:

The substantive freedoms include elementary capabilities like being able to avoid such deprivations as starvation, undernourishment, escapable morbidity and premature mortality, as well as the freedoms that are associated with being literate and numerate, enjoying political participation and uncensored speech and so on. In this constitutive perspective, development involves expansion of these and other basic freedoms.¹⁴²

Second, a basic capability is the ability to realize *a certain amount or level* of an elementary or “crucially important” functioning. Hence, this aspect of the conception of

basic capability clearly yields a *threshold*, even a quantitative threshold.

An important reason for Sen's affirming the idea of *basic* capability or a certain amount of an especially "important" freedom is such ideas map nicely onto and arguably helps justify the ideal of human or basic moral rights:

Some of the relevant freedoms can also yield straightforward notions of rights. For example, minimal demands of well-being (in the form of basic functionings, e.g., not to be hungry) and of well-being freedom (in the form of minimal capabilities, e.g., having the means of avoiding hunger), can well be seen as rights that command attention and call for support.¹⁴³

The importance of human rights relates to the significance of the freedoms that form the subject matter of these rights. Both the opportunity aspect and the process aspect of freedoms can figure in human rights. To qualify as the basis of human rights, the freedoms to be defended or advanced must satisfy some "threshold conditions" of (i) special importance and (ii) social influenceability.¹⁴⁴

Part of what Sen appropriates from the BNA, then, is the notion of a threshold. A responsible government protects and promotes everyone's human or moral rights in the sense of ensuring, among other things, that those social members who *can* cross the line with respect to valuable functioning and choose to do so will be so empowered. It is wise,

I believe, to retain BNA's use of threshold and a basic/nonbasic distinction as long as we do not neglect that there are good reasons not to pay *exclusive* attention to the threshold and merely getting people to or over it. But, whether we emphasize basic needs or basic capabilities, we should be concerned not just with people's being empowered to cross a threshold of well-being but also with the *depth* of deprivation and the *gaps* between those at various levels of capability achievement or need satisfaction.

What Sen has not shown in his minimality criticism, however, is that the BNA must be viewed as but one application of the capability approach rather than a free-standing normative perspective. It is unclear why Sen does not leave open the possibility that proponents of the BNA might both reject the *caricature* of BNA and still retain the language of need satisfaction rather than capability or capability achievement. Perhaps Sen is ultimately worried that needs language invariably connotes passivity.

The Passivity Criticism. Sen's fifth and final reason for transforming a needs-based ethic into a capability ethic concerns what I call "the passivity criticism":

'Needs' is a more passive concept than 'capability,' and it is arguable that the perspective of positive freedom links naturally with capabilities (what can the person *do*?) rather than with the fulfillment of their needs (what can be *done for* the person?).¹⁴⁵

Sen concedes that the needs perspective is rhetorically appropriate for development aid to dependents such as children, the ill, and the severely disabled. The

very old should also be added to this list. Development workers must do certain things to meet the needs of beneficiaries who, unfortunately, are—at least temporarily—unable to help themselves. Increasingly Sen expresses his point not in relation to the concept of capability but by appeal to his equally fundamental norm of agency (and empowerment).

It is good that individuals and communities are authors of their own lives, that they make their own decisions and have an impact on the world rather than be chess pieces moved by others or by natural events. Because we live in a world that frequently threatens autonomy, an adequate ethic should distinguish between this norm of *agency*, in which individuals decide for themselves and make a difference in the world, and *well-being* (both capabilities and functionings), which may be the result of luck or the action of others. Good public action respects, promotes, and restores people's agency as well as expanding opportunities for well-being. Most adults, right now, and children, in the future, are assumed to be moral agents, and genuine social development aims to provide the conditions in which they *themselves* can select and acquire valuable capabilities, including that of substantial choice. As I have anticipated and shall argue in detail, Sen's emphasis on agent-centered development, with its emphasis on democracy and human rights, becomes even more pronounced in his latest writings, especially *Development as Freedom*.¹⁴⁶

It is clear that Sen's norm of agency implies the limitations of any need-based development orientation in which poor people and nations are viewed as helpless beneficiaries of donor assistance. Something is amiss when development schemes impose

valuable capabilities and functionings on passive recipients rather than empower beneficiaries to acquire and exercise those capabilities themselves. This is one reason why Sen's capability approach supplements well-being (capability and functioning) with agency and balances the opportunity and process aspects of freedom.

However, just as Sen increasingly recognizes that capabilities and functionings without agency are insufficient, so a BNA can include on its list of basic needs such things as a need for self-help and autonomous choice. To meet or fulfill other basic needs can then be interpreted as "empowering" the recipients—with various sorts of aid—to meet their meta-need of autonomous, self-reliant action and thereby develop themselves and their societies. With the right sort of rhetorical recasting, the "passive" connotations of the BNA can be replaced with expressions that suggest "recipient" agency, without denying the liberating role that external help may play. Such recasting, however, requires that the BNA explicitly expands its list of "basic" needs well beyond its favorites— "material," "biological," or "subsistence" needs—and includes and perhaps emphasizes a *need* for autonomy or self-determination. Philosophers Gillian Brock and Soren Reader do exactly that:

Someone might worry that needs-centered ethicists are likely to be paternalistic, since if we focus on meeting the needs of others, we may be inattentive to their own capacities, desires, and preferences. Sophisticated beings like persons, have complex needs like a need for autonomy, a need to be enabled to meet their own needs, and a need to have at least some of their non needs-based preferences recognized. Moral agents who fail to

take account of such needs when they are crucial, would fail to give people what they need.¹⁴⁷

If either a need-based approach or capability approach can yield a useful notion of (but not fixation on) a threshold as well as a conception of the self as agent, we must still ask whether a concept of needs has any role that cannot be played (or played as well) by Sen's notions of concepts of capability, functioning, and agency. Here we receive some help from Nussbaum.

Nussbaum argues that there are two non-reducible roles that concept of need plays in a capability ethic. First, humans *need* to develop their nascent valuable capabilities into mature ones. Their “undeveloped,” implicit, or embryonic capabilities are “*needs* for functioning.”¹⁴⁸:

The Aristotelian conception . . . begins from the intuitive idea of a being who is neither a beast nor a god. This being comes into the world (the single world there is, the world of nature) characterized both by certain basic powers and by amazing neediness—by rich neediness, we might say, borrowing a phrase from Marx, in the sense that the very powers of this being exist as needs for fulfillment and claim, for their fully human development, rich support from the human and natural world.”¹⁴⁹

A need is satisfied when these implicit or potential capabilities become explicit or

actual capabilities:

On this account, B-capabilities [Nussbaum's term for undeveloped or potential internal capabilities] are *needs* for functioning: they give rise to a claim because they are there and in a state of incomplete realization. They are conditions that reach towards, demand fulfillment in, a certain mode of activity. If that activity never arrives, they are cut off, fruitless, incomplete. As Aristotle insists, their very being makes reference to functioning; so without the possibility of functioning, they are only in a shadowy way even themselves.¹⁵⁰

As she makes clear, Nussbaum's appeal to needs here is not to subjective desires or preferences or to some inner drive or tendency to "self-actualization" By "needs for functioning" she seems to mean that we *should* value and promote the development of our own and other's good potential capabilities and then realize them in functioning. Talk of our human *need* for *actual* capabilities and *actual* functionings is a way of saying that actuality is prior to possibility in the ethical sense that (i) actual capabilities are more valuable than merely latent ones and (ii) actual valuable capabilities refer forward to functioning and, hence, "have a claim to be assisted in developing, and exert that claim on others, and especially, as Aristotle saw, on government."¹⁵¹ This is not to say that valuable capabilities or freedoms are not also valuable in themselves nor that government should force its citizens to function in certain ways. It is to say, however, that "if

functioning never arrives on the scene they [valuable capabilities] are hardly even what they are.”¹⁵²

It is not that the concept of need formulates some value-neutral fact about our being that biologically drives toward functioning or entails a personal or social duty. Rather, our cross-cultural human self-interpretations are such that we deem ourselves obliged to promote the acquisition and realization of certain capabilities or freedoms (in ourselves and others). And we view it as especially tragic when a young person, full of promise, dies before having the chance to develop and realize her excellent powers and seize her opportunities. To say that people have a need to develop themselves is to say that it is good, choice-worthy, and even obligatory that people acquire actual (and not just potential) capabilities and have the opportunity to realize them in functionings. Sen, I believe can and should accept this point as one ingredient in a concept of personal and social responsibility. Where Sen and Nussbaum will differ however, and here I side with Sen, is over whether the philosopher or the community itself should decide on the good potentials or valuable opportunities.¹⁵³ I return to this issue in the next and latter chapters.

Nussbaum gives the concept of need a second role; she argues that valuable human capabilities are acquired and displayed precisely in relation to certain human needs in the sense of lacks and limits. A good athlete presses against and makes her human limitations recede. But to extinguish deficiencies and limitations altogether—for instance, by gaining infinite speed by divine steroids—would eliminate both competition and the competitor. The same is true of virtue and responsibility. Without various vulnerabilities like death, we would not have the capability or freedom to be courageous

in the face of our eventual demise. Without various deficiencies in ourselves and others, we would not have responsibilities to aid others and improve ourselves.

Sen has not really taken up these questions, but it seems clear that his intent is to push freedoms and capabilities as opportunities as far as he can without resorting to other concepts like the concept of need.¹⁵⁴ Sen's theory of actual freedom would be more comprehensive and humanly nuanced, however, if he followed Nussbaum and viewed humans not only as capable of valuable functions but also in *need* of certain powers and opportunities in a context of human limits, vulnerabilities, and standard threats. The agent's decisions of how to grow and function—of how to develop, do and be—are to be made not just in relation to resources and opportunities but in relation to certain human deficiencies, disabilities, vulnerabilities, and expected threats that we must struggle against in humanly appropriate ways. Nussbaum is on the right track when she realizes that—as important as the concepts of capabilities and basic capabilities prove to be—important uses still exist for the language of needs. Because humans are needy in certain ways, it makes sense to say that – given our human limitations-- without certain capabilities or freedoms our lives are likely to go very badly. And given our human vulnerabilities, certain powers and freedoms give us the chance for—as well as being components of—our lives going well.

Taking up Nussbaum's two suggestions for a nonreducible role for needs within a capability orientation we arrive at a twofold conclusion. First, the idea of "*rich neediness*" points to our responsibilities to realize those potential and actual freedoms that are valuable. Second, a concept of human *neediness* formulates those human

limitations and vulnerabilities in relation to which certain powers and freedoms enable us to press against our limits, often avoid serious harm, and have a chance to live well.¹⁵⁵

Concluding Remarks

To summarize, Sen and Nussbaum identify—sometimes in similar ways and sometimes in different ways—both strengths and weaknesses of fundamental ethical categories employed in four ethical perspectives for assessing national and international development. Commodities, both crude commodities (income, goods, services) and Rawlsian social primary goods, are necessary but insufficient either for positive freedom and adequate functioning. Utility at best captures part of a life going well but at worst justifies severe deprivation and inequality. A basic human needs approach is concerned that development benefits human beings in ways that go beyond their subjective preferences and satisfy certain fundamental needs. This perspective, however, sometimes falls back on commodities or utilities, fails to clarify and defend its basic assumptions, and may employ language excessively susceptible to various kinds of misuse. On the other hand, as Nussbaum sees, there may be roles for the concept of needs within a capabilities approach, and Sen’s agency and capability approach may not advance clearly over improved versions of the basic needs approach. Implicit in Sen’s and Nussbaum’s assessments of commodities, utilities, and needs are their own normative concepts of capability (Sen and Nussbaum) and agency (Sen) to which we now turn.

NOTES

1. For a discussion of the way in which Sen and Nussbaum—sometimes together but more often separately—contributed prior to 1992 to each of the seven components of the capability theory-practice of development, see David A. Crocker, “Functioning and Capability: The Foundations of Sen’s and Nussbaum’s Development Ethic,” 584---88.

2. Amartya Sen, “The Concept of Development,” in eds. Hollis Chenery and T.N. Srinivasan, *Handbook of Development Economics*, Vol. 1 (Amsterdam: North Holland, 1988), 19.

3. Martha Nussbaum, “Aristotle on Human Nature and the Foundations of Ethics,” in J. Altham and R. Harrison (eds.), *World Mind and Ethics: Essays on the Ethical Philosophy of Bernard Williams* (Cambridge: Cambridge University Press, 1995), 25. [Get page.](#)

4. Martha Nussbaum and Amartya Sen, “Internal Criticism and Indian Rationalist Traditions” in *Relativism, Interpretation and Confrontation*, ed. Michael Krausz (Notre Dame, IN: University of Notre Dame Press, 1989); and Martha Nussbaum, “Human Functioning,” *Political Theory* 20: 202---47.

5. Nussbaum, “Human Functioning and Social Justice.”

6. Nussbaum and Sen, “Internal Criticism and Indian Rationalist Traditions”; and Nussbaum, “Human Functioning and Social Justice.”

7. This “internalist” conception of ethical inquiry, truth and objectivity draws on Nussbaum’s critique of Plato and interpretation of Aristotle in Martha Nussbaum,

Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy (Cambridge: Cambridge University Press, 1986), as well as on Hilary Putnam's distinction between externalist and internalist realism. See, Hilary Putnam, *Realism with a Human Face* (Cambridge, MA: Harvard University Press, 1990); "Pragmatism and Moral Objectivity," in *Women, Culture, and Development*, ed. Nussbaum and Glover, 199--224; and *The Collapse of the Fact/Value Dichotomy* (Cambridge: Harvard University Press, 2002).

8. Sen, *Resources, Values and Development* (Oxford: Blackwell, 1984), 310.

9. Martha Nussbaum, "Therapeutic Arguments: Epicurus and Aristotle," in *The Norms of Nature: Studies in Hellenistic Ethics*, eds. Malcolm Schofield and Gisela Striker (Cambridge: Cambridge University Press, 1986), 62.

10. Sen, *Resources, Values and Development*, 310. The metaphor of digging leaves something to be desired. On one hand, the image suggests a builder getting down to bedrock in order to erect a building on a firm foundation. Such an independent and preexisting grounding unfortunately suggests the very externalism that Sen and Nussbaum wish to avoid. On the other hand, the activity of digging suggests an archaeologist excavating ancient ruins of which only the foundations remain. As such, the metaphor hardly conveys the idea of the basic concepts of a living moral outlook. I owe this point to discussions with Les Blomberg.

11. Sen, *On Ethics and Economics*, (Oxford: Blackwell, 1987), 2--4; Nussbaum, *Love's Knowledge: Essays on Philosophy and Literature* (Oxford, New York: Oxford University Press, 1990), 23--29, 172--76; and "Human Capabilities, Female Human Beings," 61-104; 180.

12. See my *Praxis and Democratic Socialism: The Critical Social Theory of Marković and Stojanović* (Atlantic Highlands, N.J.: Humanities Press; Brighton, Sussex, England: Harvester Press, 1983), chap. 6; John Rawls, *A Theory of Justice*, rev. ed. (Cambridge, MA: Belknap Press of Harvard University Press, 1999), 42---45; John Rawls, *Justice as Fairness: A Restatement*, Erin Kelly, ed. (Belknap Press of Harvard University Press, 2001), 29---32.

13. Nussbaum, “Therapeutic Arguments: Epicurus and Aristotle,” 61.

14. “Aristotle on Human Nature and the Foundations of Ethics,” 13. [Get page](#)

15. David Alexander Clark, *Visions of Development: A Study of Human Values* (Cheltenham, UK: Edward Elgar, 2002), 33.

16. Nussbaum, “Aristotelian Social Democracy,” *Liberalism and the Good*, eds. R. Bruce Douglass, Gerald R. Mara, and Henry S. Richardson (New York, 1990), 203---52; 219; “Human Capabilities, Female Human Beings,” 80; and *Women and Human Development* (Cambridge: Cambridge University Press, 2000), especially chap. 2.

17. “Aristotle on Human Nature and the Foundations of Ethics,” 17.

18. Ibid.

19. Ibid., 21---2.

20. Sen, *Resources, Values and Development*, 510.

21. Amartya Sen, *Commodities and Capabilities* (Amsterdam: North Holland, 1985), 28.

22. Nussbaum, “Aristotelian Social Democracy,” 210.

23. Nussbaum, “Aristotelian Social Democracy,” 210.

24. Amartya Sen, *Resources, Values and Development*, 511; *Commodities and Capabilities*, 26; “Well-being, Agency and Freedom: The Dewey Lectures, 1984,” *Journal of Philosophy* 82, 4 (1985): 199; “Freedom of Choice: Concept and Content,” *European Economic Review* 32 (1988), 277; “The Standard of Living” in *The Standard of Living: The Tanner Lectures on Human Values*, eds. Amartya Sen, J. Muellbauer, Ravi Kanbur, K. Hart, and Bernard Williams (Cambridge: Cambridge University Press, 2000), 16; *Inequality Reexamined* (Cambridge: Harvard University Press, 2002), 8, 36---38; 109---12; *Development as Freedom* (New York: Knopf, 1999), 67---74, 90---94; Martha Nussbaum, “Aristotelian Social Democracy,” 211; *Women and Human Development*, 60--61.

25. Milo the wrestler, rather than a newcomer in the World Wrestling Federation, was an Athenian athlete made—perhaps unduly—famous by being featured in Aristotle’s *Nicomachean Ethics*, 1106b3 and Nussbaum, “Aristotelian Social Democracy,” 211.

26. *Ibid.*; Sen, *Commodities and Capabilities*, 10.

27. Sen, “Well-being, Agency, and Freedom, The Dewey Lectures, 1985,” 199; see also *Development as Freedom*, 70-71

28. Sen, *Resources, Values and Democracy*, 27, 332---38. See also *Inequality Reexamined*, 115---16; and *Development as Freedom*, 71---74.

29. *Ibid.*, 335.

30. Sen, “The Standard of Living,” 18; *Resources, Values and Democracy*, 333 and essay 14. See also *Inequality Reexamined*, 115---16; Sen, *Development as Freedom*, 89; Nussbaum, “Non-relative Virtues: An Aristotelian Approach,” *Midwest Studies in*

Philosophy 13, 32---53; *Women and Human Development*, 105.

31. Sen, *Resources, Values and Democracy*, 512.

32. Nussbaum, "Aristotelian Social Democracy," 210.

33. *Ibid.*, 256, n. 20.

34. Nussbaum, "Human Functioning," 42.

35. See John Rawls, *Theory*, 54---55, 78---81; "Kantian Constructivism in Moral Theory: The Dewey Lectures 1980," *Journal of Philosophy* 77, 9 (1980), 515---72; "Social Unity and Primary Goods," in *Utilitarianism and Beyond*, eds. Amartya Sen and Bernard Williams (Cambridge: Cambridge University Press, 1982), 159---85; "Justice as Fairness: Political not Metaphysical," *Philosophy and Public Affairs* 14 (1985), 223---51; "The Idea of an Overlapping Consensus," *Oxford Journal of Legal Studies* 7 (1987), 1---25; "The Priority of Right and Ideas of the Good," *Philosophy and Public Affairs* 17 (1988), 251---76; "The Domain of the Political and Overlapping Consensus," *New York University Law Review* 64, 2 (1989), 233---55; *Political Liberalism*, 2nd ed. (New York: Columbia University Press, 1993, 1996), 178---90; *Justice as Fairness*, 168---76.

36. Rawls, *Theory*, 54. In the initial edition of *Theory* (1971), Rawls's list includes "powers" (*Theory* [1971] 62).

37. *Theory* (1999), 348.

38. *Ibid.*, 22, 230---31, 285---92, 347---48.

39. Rawls, "The Priority of Right," 257.

40. Rawls, "Kantian Constructivism," 526.

41. Rawls, "Kantian Constructivism," 535.

-
42. Rawls, *Political Liberalism*, 181.
43. Ibid.
44. Rawls, "The Priority of Right," 252.
45. Rawls, "The Priority of Right," 251.
46. Amartya Sen, "Individual Freedom as a Social Commitment," *New York Review of Books* 37, June 14, 1990, 49---54.
47. Sen, *Resources, Values and Development*, 339; See Sen, "Equality of What?" in *Tanner Lectures on Human Values*, vol. 1, ed. Sterling M. McMurrin (Salt Lake City: University of Utah Press, 1980), 218; *Inequality Reexamined*, 75---79; *Development as Freedom*, 63---65.
48. Sen, *Resources, Values and Development*, 308.
49. Sen, *Resources, Values and Democracy*, 279---80.
50. Sen, "Individual Freedom," 52.
51. Ibid.
52. Ibid. See Sen, *Inequality Reexamined*, 81---87; *Development as Freedom*, 72---76; Nussbaum, *Women and Human Development*, 65---70, 88---89.
53. Amartya Sen, "Justice: Means Versus Freedoms," *Philosophy and Public Affairs* 19, 2 (1990), 121. See also *Inequality Reexamined*, 85---87.
54. Ibid., 120; Sen, *Inequality Reexamined*, 85.
55. Ibid., 121; Sen, "Equality of What?" 215---16; and Sen, "Individual Freedom," 52.
56. Sen, "Justice: Means Versus Freedoms," 115; *Inequality Reexamined*, 85---

86.

57. Sen, "Individual Freedom," 49.

58. Ibid.

59. Sen, "Justice: Means Versus Freedoms," 115.

60. *Inequality Reexamined*, 86.

61. Sen, "Equality of What?" 216.

62. Amartya Sen, *Choice, Welfare and Measurement* (Oxford: Blackwell; Cambridge: MIT Press, 1982), 30.

63. Sen, "Justice: Means Versus Freedoms," 116; Nussbaum, "Aristotelian Social Democracy," 211; and Nussbaum, "Human Functioning" 46.

64. Nussbaum, "Aristotelian Social Democracy," 211.

65. Rawls, *Theory*, 171---76.

66. Sen, "Justice: Means Versus Freedoms," 117, n. 18.

67. For Sen on economic and social inequality, see *On Economic Inequality*, 2nd edn. , with a substantial annexe "After a Quarter Century" by James E. Foster and Amartya Sen (Oxford: Clarendon Press, 1997); and *India: Development and Participation*, 2nd ed. (Oxford: Oxford University Press), especially, xiv---xv, 1---5, 54---56, 69---71, 343---45, and 352---58. In fairness to Rawls, it should be noted that a strain exists in *Theory* in which Rawls recognizes and seeks to mitigate the fact that unequal power and advantage result in the unequal *value* of primary goods such as liberty; See *Theory*, 244---46 and Alan Gilbert, "Equality and Social Theory in Rawls," *A Theory of Justice*, *Occasional Review*, (8/9) (1978), 92---117. Norman Daniels tries to strengthen

the Rawlsian approach's ability to deal with both physical disability and unequal social power by emphasizing, more than does Rawls himself, Rawls's principle of "fair equality of opportunity." See Norman Daniels, "Equality of What: Welfare, Resources, or Capabilities?" *Philosophy and Phenomenological Research* 50, Supplement (Fall 1990), 273---96.

68. Sen, *Resources, Values and Democracy*, 320.

69. Nussbaum, "Human Functioning," 45.

70. Sen, *Resources, Values and Democracy*, 32

71. Nussbaum, "Aristotelian Social Democracy," 249 n. 73. See *Women and Development*, 65---70.

72. Sen, "Justice: Means Versus Freedoms," 112.

73. Sen, *Inequality Reexamined*, 83. Cf. "Justice: Means Versus Freedoms," 117.

74. Sen, *Inequality Reexamined*, 83.

75. See Sen, "Justice: Means Versus Freedoms," 114. Discussions with Lawrence Crocker helped me clarify Sen's notion of positive freedom and his critique of Rawls.

76. Sen, "Individual Freedom," 54.

77. Sen, "Gender Inequality and Theories of Justice," 269.

78. Ibid.

79. Sen, "Individual Freedom," 54.

80. Nussbaum, "Nature, Function, and Capability: Aristotle on Political Distribution," *Oxford Studies in Ancient Philosophy*, 6, suppl. vol. (Oxford: Clarendon Press, 1988), 152; and "Aristotelian Social Democracy," 214, 227, 248 n. 73.

81. David A. Crocker, "Functioning and Capability: The Foundation of Sen's and Nussbaum's Development Ethic," 599.

82. Amartya Sen, "Human Rights and Capabilities," *Journal of Human Development*, 6, 2 (2005): 157.

83. *Ibid.*, 158.

84. *Ibid.*

85. Sen, *Commodities and Capabilities*, 23.

86. Sen, *Resources, Values and Development*, 278. See also *Inequality Reexamined*, 73--75; and *Development as Freedom*, 58--60.

87. See Amartya Sen, "Consequent Evaluation and Practical Evaluation," *Journal of Philosophy*, 97, 9 (2000): 477--502.

88. Conceptual confusion often results not only because economists have at least three different interpretations of "welfare" but also because economists and others often use the terms "welfare" and "well-being" interchangeably. As we shall see, Sen sharply distinguishes his concept of well-being from the concepts of welfare and utility. This confusion is compounded in Spanish because one term, "*bienestar*," is used to translate both the English "welfare" and "well-being." Hence, Spanish readers are understandably confused when Sen offers a non-welfarist concept of well-being.

89. Both Sen and Nussbaum appreciate that certain forms of philosophical utilitarianism—for instance, those emphasizing informed or enlightened preferences—have departed significantly from the pure preference theory of economic utilitarianism and are approaching the "capability perspective." See Sen, *Commodities and*

Capabilities, 24; *Inequalities Reexamined*, 43, n 15; Nussbaum, *Love's Knowledge*, chaps. 2 and 3; and "Human Functioning," 41. See R.B. Brandt, *Theory of the Good and the Right* (Oxford: Clarendon, 1979); James Griffin, *Well-Being: Its Meaning, Measurement and Moral Importance* (Oxford: Clarendon, 1986). It is beyond the scope of the present study to analyze and evaluate whatever gaps remain between philosophical utilitarianism and the capability ethic.

90. Sen, *On Ethics and Economics*, 4.

91. Amartya Sen and Bernard Williams, "Introduction," *Utilitarianism and Beyond*, ed. Amartya Sen and Bernard Williams (Cambridge: Cambridge University Press, 1982), 4.

92. Sen, "Well-being, Agency and Freedom," 169.

93. Sen, *On Ethics and Economics*, 58--59.

94. In my 1992 article "Functioning and Capability," 600, I noted Sen's agency-based criticism of utilitarianism, but I failed to recognize sufficiently the importance that Sen gave—as early as the 1980s and early 1990s—the concept of agency.

95. *Ibid.*, 47.

96. Sen, *Commodities and Capabilities*, xi.

97. Sen, "Well-being, Agency and Freedom," 195--96.

98. *Ibid.*, 200.

99. Sen, *On Ethics and Economics*, 60. Following Aristotle, Nussbaum conceives of pleasure as supervening on activity rather than, as Sen is inclined to, as a separate and special functioning. See Nussbaum, *Love's Knowledge*, 56--58, 108--113. After citing

Sen's endorsement of happiness as a "momentous functioning," David Clark surprisingly and mistakenly, I believe, faults Sen for not affirming the importance in ordinary lives of the pleasures that may derive from such activities as playing and watching sports, watching television, hanging out with friends, and wearing fashionable clothes (Clark, *Visions of Development*, 39---48). Sen acknowledges the importance in most people's lives of various kinds of mental states, such as happiness and pleasure. However, as the "small mercies argument," to be discussed next makes clear, the experience and search for pleasure can hide ways in which pleasure either camouflages or causes ill-being.

100. Crocker, "Functioning and Capability," 601.

101. Ralph Waldo Emerson, *The Complete Essays and Other Writings of Ralph Waldo Emerson*, edited by Brooks Atkinson (New York: Modern Library, 1940), 351.

102. In his comments on a draft of my original *Political Theory* article, Tracy Strong urged this interpretation of Emerson.

103. Sen, "Well-being, Agency and Freedom," 188

104. Sen, "Gender Inequality and Theories of Justice," 2.

105. Sen, *Resources, Values and Development*, 309.

106. *Ibid.*, 512.

107. Sen, "Equality of What?" 217.

108. *Ibid.*

109. Sen, "Well-being, Agency and Freedom," 191.

110. Sen, *On Economics and Ethics*, 45---46.

111. Sen, *Resources, Values and Development*, 34. See also "Well-being, Agency,

and Freedom,” 191, *Inequality Reexamined*, 6---7, 55, *Development as Freedom*, 62---63; “Elements of a Theory of Human Rights,” 328---29.

112. Sen, “Gender and Cooperative Conflicts,” in *Persistent Inequalities*, ed.

Irene Tinker (New York: Oxford University Press, 1990), 126.

113. Jon Elster, *Ulysses and the Sirens* (Cambridge: Cambridge University Press, 1979).

114. Clark, *Visions of Development*, 33.

115. Sen, “Well-being, Agency and Freedom,” 196; and Nussbaum, “Aristotelian Social Democracy,” 213.

116. Sen, *Resources, Values and Development*, 512.

117. Sen, “Equality of What?” 211; see Sen, *Resources, Values and Development*, 318, *Inequalities Reexamined*, 53---55; and *Development as Freedom*, 58---62; and Nussbaum, *Women and Human Development*, Chap. 2.

118. Nussbaum, “Aristotelian Social Democracy,” 213

119. Sen, “The Standard of Living,” 24. See Paul Streeten, with Shavid Javed Burki, Mahbub ul Haq, Norman Hicks, and Frances Stewart, *First Things First: Meeting Basic Needs in Developing Countries* (New York: Oxford University Press, 1981); Frances Stewart, *Planning to Meet Basic Needs* (London: Macmillan, 1985), and “Basic Needs Strategies, Human Rights and the Right to Development,” *Human Rights Quarterly*, 11 (1989): 347---74; Jerome M. Segal, “What Is Development?” Working paper DN-1 (College Park, MD: Institute for Philosophy and Public Policy, 1986); and in Verna V. Gehring and William A. Galston, eds., *Philosophical Dimensions of Public*

Policy, Policy Studies Review Annual, 13 (New Brunswick, NJ and London: Transaction, 2002), 211---219; Peter Penz, “The Priority of Basic Needs: Towards a Consensus in Development Ethics for Political Engagement,” in Ken Aman (ed.), *Ethical Principles for Development: Needs, Capacities or Rights?* (Upper Montclair, NJ: Institute for Critical Thinking, Montclair State University, 1991), 35---73; Manfred Max-Neef, “Development and Human Needs,” in *Real life Economics – Understanding Wealth Creation* eds. Paul Elkins and Manfred Max-Neef (London: Routledge, 1992), 197-213; Sabina Alkire, *Valuing Freedoms*, 11---15, 157---63; Des Gasper, *The Ethics of Development: From Economism to Human Development* (Edinburgh: Edinburgh University Press, 2004), chap. 6. Important accounts of needs-centered ethical or political theory, include David Wiggins, “Claims of Need,” in *Morality and Objectivity*, ed. Ted Honderich (London: Routledge, 1985); David Braybrooke, *Meeting Needs* (Princeton: Princeton University Press, 1987); Nancy Fraser, *Unruly Practices* (Cambridge: Polity Press, 1989); Len Doyal and Ian Gough, *A Theory of Need* (London: Macmillan, 1991); Gillian Brock, “Braybrooke on Needs,” *Ethics*, 104 (1994): 811---23; *Our Responsibilities to Meet Others’ Needs*, ed. Gillian Brock (Lanham, MD: Rowman and Littlefield, 1998); Gillian Brock and Soran Reader, “Needs-Centered Ethical Theory,” *Journal of Value Inquiry*, 36 (2002): 425---34.

120. As early as 1973, Sen himself had argued for the superiority of a needs framework over other currently available options: “In this book my emphasis has been primarily on needs, and the analytical framework presented here is biased in that direction” (*On Economic Inequality*, 104). As late as 1981, Sen describes his own

emerging view as “a version of a needs-based approach” (*Resources, Values, and Development*, 301).

121. Streeten et al., *First Things First*, 33

122. Sen, *Resources, Values and Development*, 515. Cf. Penz, “The Priority of Basic Needs.”

123. Perhaps, the failure to “ground” needs and the tendency to define them in terms either of commodities or utilities are due to the referential structure or “relational formula” of our concept of needs: person A needs X in order to Y. It is easy to slide from the need for X either to X itself—what is needed—or to Y—the purpose for which it is needed. See David Braybrooke’s canvassing of the “charges against the concept of needs” in *Meeting Needs*, chap. 1.

124. Sen, “The Concept of Development,” 16---17.

125. Sen, *Resources, Values and Development*, essay 20

126. Streeten, “Basic Needs: Some Unsettled Questions,” *World Development* 12, 9 (1984), 974.

127. Ibid.

128. Later I distinguish between Sen’s norm of well-being and Nussbaum’s “thicker” norm of the full life or human flourishing. In “Needs-centered Ethical Theory,” *Journal of Value Inquiry*, 36 (2002), 430, Gillian Brock and Soran Reader say that “a need is basic if satisfying it is necessary for flourishing to be possible.”

129. Personal correspondence from Amartya Sen, February 3, 1991

130. See Alkire, *Valuing Freedoms*, 157---63; and Manfred Max-Neef,

“Development and Human Needs,” in Paul Elkins and Manfred Max-Neef (eds.), *Real life Economics – Understanding Wealth Creation* (London: Routledge, 1992), 197-213;

Gasper, *The Ethics of Development*, ch. 6.

131. Sen, *Resources, Values and Development*, 514

132. Sen, *Resources, Values and Development*, 514.

133. Ibid., 515

134. Ibid.

135. Max-Neef, “Development and Human Needs;” and Abraham Maslow, Abraham, *Motivation and Human Personality*, 2nd. ed. (New York: Harper & Row, 1970).

136. Sen, *Inequality Reexamined*, ch. 7; James Foster and Amartya Sen, “‘On Economic Inequality’ after a Quarter Century,” annexe to Amartya Sen, *On Economic Inequality*, enlarged ed. (Oxford: Oxford University Press, 1997), 168---70.

137. David A. Crocker, "Functioning and Capability: The Foundation of Sen's and Nussbaum's Development Ethic," 605---606.

138. Sen, “Elements of a Theory of Human Rights,” 319.

139. Nussbaum, *Women and Human Development*, 12.

140. Sen, “Equality of What?” 218. See also, Amartya Sen, *Resources, Values and Development*, 297; “Well-being Agency, and Freedom,” 217.

141. *Inequality Reexamined*, 46, n. 19.

142. Sen, *Development as Freedom*, 36.

143. Sen, “Well-being, Agency, and Freedom,” 217. Cf. Brian Orend’s conception of

human rights in relation to a complex normative and threshold notion of “having vital interests in a minimally good life,” (Brian Orend, *Human Rights: Concept and Context* (Peterborough, ON: Broadview 2002), 62---65.

144. Sen, “Elements of a Theory of Human Rights,” 319; see also, 318---30.

145. Sen, *Resources, Values and Development*, 514.

146. Sen, *Development as Freedom*, 11.

147. Brock and Reader, “Needs-Centered Ethical Theory,” 431---32. See also n. 120 above for the writings of Doyal and Gough, Max-Neef, and Gasper.

148. Nussbaum, “Nature, Function, and Capability,” 169. See also Nussbaum, “Human Capabilities, Female Human Beings,” 88.

149. Nussbaum, “Aristotelian Social Democracy,” 243. Footnote in quotation omitted.

150. Nussbaum, “Nature, Function, and Capability,” 169. See also Nussbaum, “Human Capabilities, Female Human Beings,” 88.

151. Nussbaum, “Human Capabilities, Female Human Beings,” 88.

152. Ibid.

153. At this juncture, I leave open whether the question, which I address in the next chapter, of whether capabilities are best understood as (potential) inner powers (Nussbaum) or substantive opportunities (Sen).

154. See Bernard Williams’ probing of whether there is some concept more basic than capability: “The Standard of Living: Interests and Capabilities,” in *The Standard of Living*, 101.

155. See Brock and Reader, "Needs-Centered Ethical Theory," 430---33.