Capability of Justice
Amartya Sen’s Capability Approach and its Application as a Framework for Global Justice

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Abstract

This thesis assesses the Amartya Sen’s Capability Approach as a theory of global justice. Sen proposes a new paradigm for human development, having expansion of human capability as the moral norm for individual and institutional actions. Sen’s paradigm-shifting theory is tested first as a theory of social ethics; and then as a theory of global justice, taking into account globalization’s challenges to theories of justice. The theory’s known application – UNDP’s Human Development Index and other initiatives – is also scrutinized, aiming to determine whether this application is an accurate translation of the capability approach into reality. On a theoretical point of view, the thesis reveals that what started as a simple interpersonal comparison method can be considered as an efficient theory of global justice, provided that minor proposed amendments are taken. On a practical point of view, the thesis points out that the application of Sen’s capability approach is a weak normative representation of the theory, which urges to be reengineered. The thesis calls for a radical expansion of HDI, both in the components of the index (it should urgently have a component for political freedom) and in its unit of comparison. Rather than comparing just nations, human development indexes should target most actors in the global scenario: organizations, NGOs, institutions of global governance and so on.
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Introduction

For decades, the idea of development has been identified with economic growth. Gross Development Product (GDP), a worldwide index for economic progress, has been used to determine whether a nation was developed or not. However, identifying development with economic wealth reduces our humanity to crumbs. Human development should be concerned with human’s real final goals: being happy, living the good life, and being free.

A moral issue emerges when our final goals are confused with economic progress. Examining GDP by sector can be misleading. A rise in GDP frequently comes with cutbacks in human development. One example is environmental issues: when a large oil tanker sank off in Alaskan shores in 1990’s, the local GDP was sensibly raised due to the contraction of diverse companies to clean the region. Or the issue of healthcare: in the weird GDP accounting, a society of ill people is more developed than a society of healthy people. While the first deals with heavy expenditures on health, the second does not call for such expenses. As a result, GDP for the ill-people society will be raised through health expenses. Illness, rather than health, can raise the GDP. Another example is natural resources: transforming natural resources into marketable products is one of the great ways to raise GDP. But GDP calculation does not account for the value of that natural resource which is been spent. So irrational devastation of natural resources can also raise the GDP. In all these examples, people’s real needs – to be healthy, to be free, and live in a protected environment – were not important. The trend has been towards GDP enhancement, rather than humanity enhancement.

A famous Brazilian economist, Ladislau Dowbor, came up with an interesting allegory for the problem of GDP. He says: “GDP measures, in a way, the car speed. It does not measure where we are going, it only says whether we are going fast or slow. It does not solve essential problems we want to follow up with: what are we producing? How much does it cost? What is the environmental loss of this
production? Raising speed without knowing the route simply does not make any sense.”

To be fair with our very human needs, it is necessary to understand human development in a broader fashion. Being rich, just accelerating the car is not enough. We want to know (and decide) where we are going. We want to eat the food that suits our taste, we want to have an education and a decent job, we want to spend time with our friends, we want to be respected, and we want to be able to raise our kids.

Understood strictly as economic growth, development is not for human purposes, but for economic purposes. Human beings in these circumstances are reduced to economic agents, whose importance is measured solely by the amount of economic resources they can generate or interchange. But human agency is much broader than economic agency. Humans are humans because they are agents in so many different ways: social agents, freedom agents, politic agents, development agents and so on. It is thus moral negligence to trim human nature down to its economic component.

Amartya Sen, an Indian philosopher and Nobel Prize winner in economics, was one of the first theorists to account for this moral negligence and challenge the economic paradigm of development. He developed a particular view of development, committed to capability enhancement, or to the progressive removal of unfreedoms in people’s lives; called the Capability Approach. Sen’s Capability Approach (SCA) was firstly presented in the book Inequality Reexamined, from 1992, and then reviewed and extended in his newest Development as Freedom (1999). However, I believe a great bedrock of Sen’s values is expressed in a previous book, from 1985: On Ethics and Economics.

Sen recognized that a really human-driven development would be concerned with people’s freedom to do what they rationally find important in their lives. Development can be seen, he argues, “as a process of expanding real freedoms that people enjoy… Focusing on human freedoms contrasts with narrower views of development, such as identifying development with the growth of gross national product, or with the rise in personal incomes, or with industrialization, or with

1 Dowbor 1999, p. 3.
technological advance, or with social modernization.”2 Together with Sen, a number of authors, of whom Marta Nussbaum is particularly influential, are tributary to the Capability Approach, albeit advancing different interpretations.

This thesis will test SCA as a theory of global justice. Can this seducing view of human development be translated into normative consequences for a globalized world? Would this translation work? Is it feasible? What is the best way to do this translation? I believe it is important to scrutinize SCA for two reasons. First, because of its innovative content and innovative propositions for justice. Second, because SCA is one of the rare philosophic theories concretely applied in the real world. The theory has been practiced mainly through the Human Development Index (HDI), produced by the United Nations Development Program (UNDP), but also as an ethical framework for diverse other initiatives shaped by Institutions of Global Governance. Since the theory has been applied, its normative impacts are also real, and already available for ethical assessment.

The thesis starts with an overview of SCA, where three aspects of the theory are approached: its founding values and motivation; the terminology commonly used by Sen; and its place within the contemporary political philosophy debate – side by side with utilitarian, libertarian and Rawlsian views on justice. The second chapter deals with diverse criticisms raised alongside the theory, especially the ones that are concerned with SCA as a theory of social ethics. Authors like Des Gasper, Ananta Giri and Ingrid Robeyns, for example, bring some elucidative questioning over Sen’s theory, and help us determining whether it can be understood as a theory of social ethics.

From national justice to global justice is the theme of the third chapter. Here, implications of globalization to theories of social ethics are presented. SCA is tested against these implications, and seems particularly comfortable with the context of a globalized world. We will see that, although some theoretical limitations emerge, they do not compromise the theory’s strength for global justice issues. Rather, I will argue, the theoretical lacunas are for the sake of an extended audience Sen wants to reach.

2 Sen 1999, p. 3.
Finally, the fourth chapter is dedicated to SCA’s application in the real world. HDI and other initiatives, although based on Sen’s ethics, do not manage to accurately translate the theory into practice. Taking a step further, this chapter proposes some ideas to apply Sen’s theory, which are more accurate and loyal to its underlying moral values.

Believing that a just world is possible, and believing that the mind shift expressed in the capability approach is reasonable, I hope with this thesis to contribute to a better understanding of human development. Each person (especially decision-makers/policy designers, which can affect lives of millions of people) has a moral obligation to consider human development in its full potential. Actions in this context should be embedded with clear visions of justice for every affected person. Agreeing with Sen, achieving justice is all about taking the right route of development.
1. Capability Approach: An Overview

This overview will provide an understanding of Amartya Sen’s Capability Approach (SCA) as a reasonable alternative to assess human development. As we have seen, SCA is a huge shift in the understanding of development, from an exclusively economic to a more human perspective. Where does this innovative perspective come from? What foundations does it rest upon? What is its place in the contemporary political debate?

I will first argue that three references are particularly important for the development of Sen’s theory: welfare economics background, Aristotle’s view of ethics, and the recent liberal debate of political philosophy. Secondly, SCA will be positioned within the political philosophy debate, side by side with contemporary political traditions such as Utilitarianism, Rawlsianism and Libertarianism. Thirdly, this overview will include SCA’s terminology and basic concepts, which are unquestionably vague in some cases. A clearer notion of concepts like capability, functioning, freedom, agency, and well-being are essential to deal with Sen’s theory. Let’s start, then, by fleshing out the foundations of SCA.

Motivation and Foundations

Sen’s Capability Approach suggests that freedom is the ultimate value upon which human beings should base their decisions and doings. The right action would thus be the one that enhances freedom for the agent and others concerned. Personal decisions as well as social decisions should aim at expanding people’s freedom and capability to do what they have reason to value for themselves.

The theory has a great reach both in economic and political philosophy. Indeed, his main motivation seems to be reducing the allegedly constructed gap between these subjects. Sen brought dialogue between them: the problem of defining development, before confined into economics, is now part of the contemporary political philosophy debate. On the other hand, economists have now to read a bunch of philosophers that talk about conception of human beings to create reasonable theories and policies.
But upon which foundations does Sen build his theory? I argue that the background for his CA rests mostly in three influences: the ideas from the welfare economics tradition, which he brought to the normative discussion, his Aristotelian understanding of the human being, and his assessment of other justice theories from the liberal tradition. I will take each of these in turn.

**Welfare Economics**

When one thinks about economics, one reflects, *a priori*, on the market system, creation of wealth and commercial relations. Claims for social justice, protection of people’s rights and equality are, one may think, to be analyzed and processed by other fields of knowledge: these are things for politics, philosophy, sociology or psychology.

Nevertheless, in his book *On Ethics and Economics*, Sen performs a very careful study on the origins of economics, which objects to any narrow or immediate thoughts about it. He argues that economics has two well-defined origins, “both related to politics, but related in rather different ways, concerned respectively with ‘ethics’, on the one hand, and with what may be called ‘engineering’, on the other.”

The ethics-related tradition, so the argument goes, can be verified, for example, in Aristotle. In the *Nicomachean Ethics*, Aristotle recognizes the field of economics as a part of the “master art” of politics. The engineering-related tradition, in its turn, is concerned with “primarily logistic issues”, related to the means through which we will achieve our ends: from functioning of the markets to tariff regulations to land classification.

For Sen, the modern understanding of economics was narrowed to its engineering feature, and economic studies that valued to some extent the other origin, ethics, fell in disbelief. The ethical foundation of economics was detached from the “mainstream economics”, and became what is known today as welfare economics. Consequently, for Sen, welfare economics is nothing else than economics in its broad understanding:

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3 Sen 1987, pp. 2-3.
5 Sen 1987, p. 45.
In classical political economy there were no sharp boundaries drawn between welfare economic analysis and other types of economic investigation. But as the suspicion of the use of ethics in economics has grown, welfare economics has appeared increasingly dubious. (...) For example, ideas about the response of labor to wage incentives are brought into welfare-economic analysis of, say, wages policy or optimum taxation, but welfare-economic ideas are not permitted to affect the incentive problem itself. Welfare economics has been something like an economic equivalent of the 'black hole'—things can get into it, but nothing can escape from it.\(^6\)

So, in the same way as economics has lost its “ethical arm”, so the concept of development has lost its (originally important) concern on “the opportunities that people have for good living.”\(^7\) Economics also “has tended to move away from focusing on the value of freedom to that of utilities, incomes and wealth.”\(^8\) Indeed, attributing prime value to freedom is then a return to the classic origins of economics.

The study of economics should not only be concerned with pursuit of wealth. It must also take into account what we would want wealth to. Wealth is not an end in itself, but an instrument to achieve a greater end: happiness, or self-fulfillment. Economics then must be concerned both with human motivation (how should one live?) and with social achievements (what is the good for man?). Those questions would tell us more about the final ends we seek. Accordingly, Sen argues, “there is no scope in all this for dissociating the study of economics from that of ethics and political philosophy.”\(^9\)

Welfare economics is Sen’s main intellectual and academic background. His commitment to welfare economics is explicit in most of his works. Indeed, his objective in books like *Development as Freedom*, *Inequality Reexamined* and *On Ethics and Economics* seems to be the reduction of the gap created between the fields of ethics and economics. The capability approach is a corollary of this objective.

**Aristotle**

There is a great overlap between Aristotle and Sen. The core ideas of the capability approach proposed by Sen can be tracked in the works of Aristotle, particularly the *Politics* and the *Nicomachean Ethics*. The tribute Sen pays to Aristotle is clear in passages like “The approach of functionings and capabilities developed in these

\(^6\) Ibid., p. 29.
\(^7\) Sen 1999, p.24.
\(^8\) Ibid., p. 27.
\(^9\) Ibid., p.27.
works can be seen as having something in common with Aristotle’s analysis of functions…”\textsuperscript{10} or “The concept of ‘functionings’ which has distinctly Aristotelian roots, refers to…”\textsuperscript{11}

Wealth, as the core subject of study for economics, makes no sense if we do not think about it as an instrumental value, since our final value, our main goal is not wealth per se, but something else. For example, in Book I, chapter 7, Aristotle states:

“Well, happiness more than anything else is thought to be just such an end, because we always choose it for itself, and never for any other reason. It is different with honor, pleasure, pleasure, intelligence and good qualities generally. We do choose them partly for themselves (because we should choose each one of them irrespectively of any consequences), but we choose them also for the sake of our happiness, in the belief that they will be instrumental in promoting it.”\textsuperscript{12}

Everyone wants happiness. But we can go further and ask what is happiness in Aristotle’s account. Happiness seems to emerge from idea of human function; and the way humans perform it: “If we take a flautist or a sculptor or any artist… his goodness and proficiency are considered to lie in the performance of that function. (...) And if every function is performed well and rightly… the conclusion is that the good for man is an activity of the soul in accordance with virtue.”\textsuperscript{13} A virtuous function will be a proper one, or one lead by rational principles.

We can read in Aristotle’s writing a manual to live the good life, to perform virtuous functions, to be rational. We should, for example, be moderate in our appetites. We should acquire happiness “by moral goodness and by some kind of study or training…”\textsuperscript{14} Aristotle to some extent determines what is the good life, and how to acquire it. It is arguable that Sen has borrowed this Aristotelian conception of the human being, together with the idea that “the good life” is a specific one: where all individuals are free to reasonably choose his or her ends.

Sen’s commitment to Aristotle comes to the surface when we study the strategy Sen used to integrate Aristotelian thoughts in his arguments. Repeatedly, he connects

\textsuperscript{10} Sen 1999, p. 64.
\textsuperscript{11} Ibid, p. 75.
\textsuperscript{13} Ibid., p. 16.
\textsuperscript{14} Ibid, p.21.
Aristotelian ideas to arguments drawn by known economists, in particular Adam Smith. Two passages in this context are illustrative:

The focusing on the quality of life and on substantive freedoms, rather than just on income and wealth, may look like something as a departure from the established tradition of economics... But in fact these broader approaches are in tune with lines of analysis that have been part of professional economics right from the beginning. The Aristotelian connections are obvious enough (Aristotle’s focus on ‘flourishing’ and ‘capacity’ clearly relates to the quality of life and to substantive freedoms, as discussed by Martha Nussbaum). There are strong connections also with Adam Smith’s analysis of ‘necessities’ and conditions of living.\(^{15}\)

or

Indeed, the Aristotelian account of the human good... was explicitly linked to the necessity to ‘first ascertain the function of man’ and then proceeded to explore ‘life in the sense of activity’ as the basic block of normative analysis. Interest in living conditions is also strongly reflected... in the writings on national accounts and economic prosperity by pioneering economic analysts, such as... It is also an approach that much engaged Adam Smith...\(^{16}\)

I am not discussing whether Adam Smith or other economists had Aristotle as a reference; I am rather trying to identify how Sen (re)integrates the ethical discourse in economics, and why. In his effort to narrow the gap between ethics and economics, Sen appeals to Aristotle in order to justify economic decisions. One may not deny Sen’s efforts and precision in putting ethics and economics together. To this move, he mainly bases his ethical-sided arguments in Aristotle, and reinserts them in economic theory.

One should acknowledge, though, that the voice of an economist is the louder than that of a philosopher in Sen’s capability theory. He indeed inserted concerns and concepts typically pertinent to sociology, anthropology and psychology into the field of economics. Nevertheless, as argued by Gasper\(^{17}\), Sen’s real aim is to attract audience from those other realms of science (and even from a more general public) for his theory. Gasper remembers Apthorpe, who in this point is very incisive:

“Apthorpe, a well-known anthropological voice in development studies, queries the understanding of ‘human’ and ‘social’ shown in the UNDP work. He argues that the global Human Development Reports have been dominated by economists – Sen, ul Haq, Streeten, Jolly, Stewart, Anand and others – who have (again) considered themselves

\(^{16}\) Sen 1999, p. 73.
\(^{17}\) See for example Gasper 2002.
omnipotent. In this view, this reflects an economic-dominated world. While the use of the term ‘human’ gives a warm feeling, it can divert us from social and political analyses.”

Following Apthorpe’s line of thought, Sen’s commitment to Aristotle results in an important implication: it makes the economic discourse more powerful, by adding to it concepts – and, obviously, the esteem – of the Aristotelian ethics.

In my view, Sen’s move to reintegrate these fields of knowledge is morally valuable, especially if he aims at a paradigm-shift for human development. For paradigms to shift, it is indeed necessary to involve diverse audiences in the discussion. To a certain extent, Sen was rhetorical and used specific strategies to attract diverse audiences. These strategies, however, do not compromise the moral values of his theory. Rather, they reinforce them. Sen understands the concept of human development exactly as the integration of diverse fields of knowledge, in a wider sense of what it is to be human.

Having introduced the main foundations and motivations for Sen’s Capability Approach, we can now turn to the terminology of SCA, exploring some of its basic concepts.

**Terminology: purposeful vagueness or purposeful strategy?**

At first glance, the concept of capability – central to understanding the capability approach – seems simple and easy: capability is a reflex, a representation of freedom. Nevertheless, a deeper analysis will certainly bring some confusion to Sen’s readers, mostly because of the vagueness in important concepts under his approach, such as freedom, well-being and agency.

The conceptual structure of the capability approach is built upon distinctions and sub-distinctions. These subtle distinctions, by trying to bring some light to the concepts, end up confusing them. Des Gasper is a great critic of Sen in this regard. His analyses are coherent and highlight both the confusion among the terms used by Sen and his “hidden objective” of reaching a greater audience. Let me then contextualize the use of these concepts in Sen’s approach, with special attention for the concepts of functioning, capability, freedom and agency.

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**Functioning**

The best way to start is to flesh the concept of *functionings*, in short actions, activities. For Sen, functionings are “*constitutive* of a person’s being, and the evaluation of well-being has to take the form of an assessment of these constituent elements.”\(^{19}\) Our being is formed by our actions and activities. If we achieve well-being, it is because our functionings lead us to that condition. In Sen’s account, humans are because they can function, take action, do something. I believe an easy understanding of functionings is identifying with the meaning of verbs. Verbs express actions, activities, doings, so they express functionings. Whatever one does is one’s functionings. For example, functioning to walk, to breath, to write, to dance, to ride a bicycle and so forth.

Functionings can vary “from such elementary things as being adequately nourished, being in good health, avoiding escapable morbidity and premature mortality, etc., to more complex achievements such as being happy, having self-respect, taking part in the life of the community, and so on.”\(^{20}\)

For Des Gasper, a known author on ethics and development, the understanding of functionings is not so clear and easy. He argues that, besides activity, functionings also sound like “*outcomes* of the activity (including non-conscious activities) and in fact a series of stages. Functionings can mean (a) an achieved state (like being without malaria), (b) a conscious action to achieve the state (taking a malaria pill), (c) internal bodily processes/activities (converting pill to guard against malaria), and (d) activities consequent to the achieved state (like living longer)… The functionings space also spans all time periods: so the language of functionings covers both (1) health now and (2) a long life.”\(^{21}\) This is a reasonable criticism, but I do not see how can this broad understanding of functionings compromise the theory. If functionings are actions, they will cover all kind of activities, conscious or not, present or not. Gasper attempts to highlight the ambiguity of the term in its usage by Sen, and this is clear. But on the other hand, to straighten the understanding of functionings in one or some of the meanings above would create even more confusion.

\(^{19}\) Sen 1992, p. 39.
More controversial, I would argue, is that while Sen insists in denying a value, judgment or prioritization to functionings, he recognizes different values for different functionings; for example by distinguishing *elementary functionings* and *more complex functionings*. Some functionings may be regarded as more important than others, because their absence will prevent other functionings to take place. For instance, it is impossible to exercise the functioning of riding a bike without being healthy. Also, to actively participate in the community’s life, we need to be well fed and nourished.

In the other hand, some functionings are intuitively condemnable, and should be avoided: functioning to kill an innocent person, to destroy the environment or to be corrupt. Without a clear valuation of functionings, the status of such condemnable actions is the same found in positive, developing ones.

Instead of a normative parameter, Sen provides a very wide-ranging idea to differentiate “good functionings” and “bad functionings”: the idea of reasoned choice, or reasoned valuing. He constantly refers to “functionings we have reason to value,” “choices we have reason to value,” “life-style we have reason to value”\(^{22}\) and so on. Now, what does he mean by functionings/choices/life-styles we have *reason to value*? Which functionings would we have reason to value, and which others we would not have reason to value? If person A has reason to value X, does it mean that person B will also have, necessarily, reason to value X? Unfortunately, Sen provides no straightforward answer to these questions. Probably because having a clear answer for that would lead, inexorably, to some sort of normative parameter of valuing functionings, and this goes against Sen’s rhetoric of impartiality.

Sen does not attempt to prioritize functionings. He expressly does not establish parameters to value functionings, in an alleged respect to cultural diversity. Even though, his denial is more rhetorical than concrete: some normative content in Sen’s theory is easily discovered.

The idea of reasoned valuing clearly lies in the Aristotelian foundation of Sen. We have seen that happiness for Aristotle is achievable through “moral goodness and by

\(^{22}\) Sen 1992 and Sen 1999, among others.
some kind of study or training”23 (and not by chance). Aristotle claims that human beings should flourish; they have a potential to be fulfilled, and this potential will be realized in seeking and valuing happiness. It is sound to interpret “functionings we have reason to value” as functionings that will develop and improve persons, will complete and fulfill human beings.

Though we may have different conceptions of an improved human being (thus, persons A and B will not necessarily value x), we will, with reason, value the things that expand our abilities that make us more complete human beings. Auto-destructive actions, in this context, cannot be considered as reasoned functionings.

I propose we consider functioning as actions, activities we have reason to value. I understand Gasper’s concern in differentiating activities from the outcomes of activities, but I believe this concern will not compromise our understanding.

**Capability**

While functioning is what we actually do, capability is the set of alternative doings we have. To illustrate simply, let’s imagine a person, Mary, who has a car, a motorcycle and a boat. If this person needs to go to a friend’s house, she can drive her car, ride her motorcycle or pilot her boat. Going by car, motorcycle and boat is her set of alternatives (her capabilities). The type of transportation she chooses to use is her functioning, her realization, and her achievement. That’s why Sen defines capability as “reflecting the person’s freedom to lead one type of life or another.”24 Mary has the freedom to go by car, motorcycle or boat; she has the capability to travel with either means.

In another example, a youngster has just finished his secondary studies in a prestigious school. Now, he may choose his course in college. In case he already knows what to study – say, engineering – he has the capability to choose, among the universities where engineering is taught, the one that best fits his expectations. In case he is still uncertain on what profession to take on, he has the capability to be a doctor, a lawyer, a dentist or a philosopher. So, in opposition to achieved functionings (being

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23 Aristotle 2004, p. 21
a lawyer, dentist etc.), capabilities can be understood as potential functionings (potential to be a lawyer, dentist etc.)

Although these illustrations are simplistic, they can help bringing some clarity to the concept of capability. Sen is actually concerned with more fundamental capabilities, such as being free from curable diseases, escaping premature mortality or participating in the decisions of one’s community.

Gasper will claim that many notions are imbedded in the term capability. He argues for example that the everyday meaning of capability is related to “capacity, skill, ability, aptitude; we can call this S-Capability (S for skill and substantive).” But Sen took a "more abstract meaning of capability: the set of life-paths attainable for a given person. We can call it O-Capability (O for options and opportunities…)" Although Sen uses capability mostly in this abstract meaning (O-Capability), Gasper maintains that he also refers to S-capability, as an appeal to more human connotations, aiming to influence wider audiences.

In my understanding, the meaning of S-capabilities is very close to the meaning of functionings. Thus, if Sen uses both S- and O-capability notions in the same term, he indeed merges the concepts of capability and functionings. Health for example, is at the same time a functioning (being health) and a capability (capability to be free from diseases).

For this monograph, I will use Capability as O-capability, just as described by Gasper. I propose this use because it seems important for Sen to differentiate functionings and capability. According to Gasper, if Sen uses capability to mean O-capability and S-capability (which is very similar to functionings), he would be mixing the concepts of functioning and capability, and this would lead us to a huge confusion.

26 Ibid., p. 446.
Freedom

While clearly central in Sen’s theory, the concept of freedom is quite vague and broadly defined. If we found the concepts of functionings and capability a bit vague, we will have even more obstacles to clearly understand what Sen means by freedom.

In different parts of his work, Sen sets different meanings to the concept of freedom. For example, in *Inequality Reexamined*, he defines freedom as the “alternative set of accomplishments we have the power to achieve”\(^{27}\). One could read this quote as “functionings we have the power to achieve” or even “functionings we have the capability to achieve” without being wrong. Later in the same book, he states that capability reflects freedom. In *Development as Freedom*, he first claims that freedom should be “seen in the form of individual capabilities to do things that a person has reason to value.”\(^{28}\) and then “Capability is thus a kind of freedom: the substantive freedom to achieve alternative functioning combinations (or, less formally put, the freedom to achieve various lifestyles).”\(^{29}\)

It is usually a hard task for political philosophers to define the concept of freedom, and Sen is not an exception. Nevertheless, it is reasonable to point out that freedom is a term that gives us “warm feelings”, to use Apthorpe’s words. It has a strong impact in a sensible “humanitarian” reader. I believe that, to some extent, Sen uses the term in a rhetorical manner, as a strategy to address a greater and varied audience. Now, for this rhetorical use a clear and well-defined content is not essential.

In any case, we can have an idea on what meaning Sen assign to freedom, by studying some of its aspects. The first aspect I find important is the multiple roles freedom plays in our lives and well-being. Sen argues that freedom comprises both an instrumental role and a constitutive role in achieving well-being. The second aspect to be studied is how to achieve freedom, or how is freedom (or unfreedom) expressed in our lives and well-being. Here, it will be important to examine freedoms of processes and opportunities. Thirdly, it is important to consider the relation between freedom and agency. Freedom is constitutive of human well-being and is also constitutive of

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\(^{27}\) Sen 1992, p. 34.  
\(^{28}\) Sen 1999, p. 56.  
\(^{29}\) Ibid., p. 75.
human agency – our role as an agent (and not a patient) in our own lives and in our societies’. These aspects of freedom will be studied next, starting with the multiple roles of freedom in the achievement of well-being.

Sen argues that individual freedom has two distinct roles in human’s lives and the way they seek well-being: intrinsic (constitutive) and instrumental roles. He writes:

“In this approach, expansion of freedom is viewed as both (I) the primary end and (II) the principal means of development. They can be called respectively the ‘constitutive role’ and the ‘instrumental role’ of freedom in development. The constitutive role of freedom relates to the importance of substantive freedom in enriching human life. 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 to with being literate and numerate, enjoying political participation and uncensored speech an so on.”

The argument for the intrinsic role of freedom in our well-being goes like: if one is free, one’s well-being is automatically enhanced. The more freedom one has, the more well-being she will enjoy. Take for example a situation where Anna values the function of riding her bicycle. Her well-being will then be enhanced if she rides her bike, and diminished if she does not. In other words: her well-being will be partly dependent on her capability to ride the bike, her freedom to do it. Being free to ride her bike is, for Anna as important as riding it. In this context, it is reasonable to ask whether freedom and well-being are identical concepts. To that question, Sen would probably answer by saying that those are distinct concepts, but not independent.

The instrumental role of freedom refers to freedom as a means of achieving well-being, and not as a part of it. Being free enhances the capability set of a person, making one more full of opportunities than an un-free person. Person A for example is happier than person B because she is free. On top of that, because she is free she also enjoys many more opportunities than person B (for instance getting a job, getting educated etc). In this example, person A is benefiting both from the constitutive role of freedom (being free) and its instrumental role (being more able to get a job because she is free).

So, while other liberal political theories consider freedom exclusively as a means to resources, Sen stresses that freedom has both an instrumental (constructive) value and

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30 Ibid., p. 36.
an intrinsic (constitutive) value in the building of our well-being. The very fact of having freedom is already a plus in one’s well-being; it automatically enhances well-being. At the same time, having freedom will make it easy for a person to achieve well-being in other instances of life (such as being healthy, participating in community and so on).

By considering freedom in both its roles, Sen determines that the good life one can live is a free life, one in which freedom represents self-fulfillment and can help us to achieve greater freedoms. With this move, Sen extended the understanding of the concept of freedom. This extension is a distinct feature on Sen’s approach, and shaped a lot of its normative implications.

The second aspect of the meaning of freedom within SCA relates to the achievement of freedom. We achieve freedom by removing unfreedoms. And Sen argues that “Unfreedom can arise either through inadequate processes (such as the violation of voting privileges or other political or civil rights) or through inadequate opportunities that some people have for achieving what they minimally would like to achieve (including the absence of such elementary opportunities as the capability to escape premature mortality or preventable morbidity or involuntary starvation).”

Here again Sen objects to other political liberal theorists, by stating that they either confine their attention to processes (“as so-called libertarians sometimes do, without worrying at all about whether some disadvantaged people suffer from systematic deprivation of substantive opportunities”) or to opportunities (“as so-called consequentialists sometimes do, without worrying about the nature of the processes that bring the opportunities about or the freedom of choice people have”). It becomes then another distinctive feature of Sen’s approach, to consider (i) freedom as removal of unfreedoms and (ii) unfreedoms arising in both processes and opportunities.

In (i), freedom is been used in its negative sense. One could understand negative freedom as “freedom from.” Freedom from malaria, premature morbidity, and so on. Positive freedom, on the other hand, can be understood as “freedom to.” Freedom to ride a bike, to have a child, to participate in the community's life. The use of freedom

31 Ibid., p. 17.
in the positive sense is verified when Sen talks about agency, which we will discuss just next.

In (ii), we assume that individuals are part of a society, and that this society has some structures to organize individuals. One can only conceive the existence of processes and opportunities since one has institutions that define and shape how these processes and opportunities may function. But we are not only present in this society and these institutions, we are part of it, it depends on us as much as we depend on it. So, whether doing something or staying at home, we are always helping shape the society we live in. That’s the importance of Agency.

As an example, lets take John, who is disabled. Let’s say all his rights are secured, and thus he doesn’t suffer discrimination for been disabled. But, if John wants a job, he will not have the same opportunity to get it as Mary, who is able-bodied. In this context, John finds no process unfreedoms in his seek for well-being, but he finds opportunity-unf Freedoms. All the same, Mary may have a better opportunity to get the job than John, but, say, by being a woman, she suffers violations of her rights and integrity. She then has not opportunity unfreedoms, but has to deal with process unfreedoms.

For this monograph’s purposes, the concept of freedom will be mainly understood as a combination of well-being and agency. It will also be understood to embrace its instrumental role. We may also expand our understanding of freedom for its negative sense (removal of unfreedoms) as well as its positive sense (achievement of freedom through agency).

**Agency**

The notion of agency regards initiative and activeness in achieving the kind of life one has reason to value. One may have the opportunity to do something, say, create a political radio station, but if this person do not embed this opportunity with his agency, he will never achieve it. A political radio station will not be brought ready and working. Instead, one has to use both opportunities and agency to built it. Opportunities or capabilities are valueless if we do not put in practice, realize it, and make it happen. One may have the desire to have a radio (in other words, one could consider having a radio to be valuable) and the money to do it. But one does not
achieve the good life of having a radio if one does not sign the check, plan and act to
do it. Agency is thus important to authenticate the value of capabilities.

Beyond authenticating or confirming the value of our capabilities, agency can also
result in creating more capabilities, for one and for others. Say John has agency and
sufficient resources to start the mentioned political radio station. After having it
working, John starts to receive telephone calls both from listeners and local
politicians. He realizes that the fact of having the radio working provided him with
the capability to influence in local politics. All the same, John needs many employees
to built and run the station. He is automatically creating the capability of having a
valuable job for others (his employees). Having a job, employees can further enhance
their capabilities by having money to buy groceries, by learning the skills of how to
work in the radio and so on. So, ahead of one’s own individual well-being, agency is
related to the well-being of others. Not all actions are (directly or indirectly) aiming
exclusively to one’s own well-being. Agency can be driven to our own egoistic well-
being as well as to others’ well-being. For example, participating on communities’
decisions and politics can, at the same time, enhance individual well-being and
others’.

Well-being is then not the same thing as Freedom, to answer the question posed
above. Freedom is part of well-being as much as agency: “There is a differentiation…
between a person’s ‘agency freedom’ and ‘well-being freedom’. The former is one’s
freedom to bring about the achievements one values and which one attempts to
produce, while the later is one’s freedom to achieve those things that are constitutive
of one’s well-being.”

Some freedoms will arise without need for agency, and some other freedoms will
require agency to be realized. Imagine a country under colonial rule, and the
colonizing country guarantees health care for all its citizens. All citizens can then
count on the public health service without having to do so much for it. But, if a citizen
has reason to wish for his country to be independent (meaning: if this citizen wants to
enjoy some more freedom than the “given”), he will have to find ways to participate
or start an independence movement, using his agency. Sen writes:

Understanding the agency role is thus central to recognize people as responsible persons: not only are well or ill, but also we act or refuse to act, and can choose to act one way rather than another. And thus we – woman and men – must take responsibility for doing things or not doing them. It makes a difference, and we must take note on that difference.\(^{33}\)

In Sen’s Capability Approach, the notion of agency is essential. It is how we express our reasoned want for change, for better life conditions, for greater justice. The role of agency has huge impacts in the world we live in: in the protection of the environment, in family planning, in the enhancement of political rights and freedoms for people\(^{34}\).

*Agency* will be defined, literally with Sen as “what a person can do in line with his or her conception of the good,”\(^{35}\) a person’s capacity to change the environment and conditions of her (and others’) life.

**Well-Being**

This concept is, going back to Aristotle, the final goal we seek: every human action, if reasoned, will lead to well-being. But, what is this final goal? To respect the Aristotelian roots of Sen’s approach, it is necessary to understand well-being as a situation in which individual potential flourish and become concrete. Once the resources needed to perform one’s *function* are available, then one is free to perform it with excellence, and if she does so (if she is agent enough to do so), she will, also, achieve well-being. *Well-being* will simply be understood as our final goal, in line with Aristotelian propositions.

Sen uses the concepts mostly in a broad and vague way. It is arguable that this shows some fragility in Sen’s theoretical framework, creating confusion for cautious readers (such as Gasper). It is also arguable that his vagueness is a rhetorical strategy, in an attempt to influence a wide public – by defining his concepts through appealing terms, such as capability and freedom. In my view, it is important for Sen to address a large audience with his writings, in order to expose and gain support for his new paradigm of development.

\(^{33}\) Sen 1999, p. 190  
\(^{34}\) For detailed empirical studies and arguments on the impact of agency, refer to Sen 1999, Chapter 8.  
\(^{35}\) Sen, 1985, p. 206.
However, this comes with a price: vagueness in some central concepts. Now, since this new paradigm of human development has been launched and gained considerable support (including from organizations that hugely influence lives of people around the globe – such as the World Bank and IMF), it is possible to take a step back and fill the conceptual lacunas left in SCA. To a great extent, filling in these gaps is the goal of this thesis.

**Capability Approach and Liberal Theories of Justice**

As made clear by Dworkin, Kymlicka and others, the liberal tradition share the very basic notion of equality as a foundational value: “… each theory shares the same ‘egalitarian plateau’ – that is, if each theory is attempting to define the social, economic, and political conditions under which the members of the community are treated as equals…”

Sen also explicitly states that any contemporary ethical theory has this component of finding some sort of equality among human beings. “Every plausible defendable ethical theory of social arrangements tends to demand equality in some ‘space’, requiring equal treatment of individuals in some significant aspect – in terms of some variable that is important in that particular theory.” The question “equality of what” which is the foundation of his book *Inequality Reexamined*, inquires as to the ideal aspect to consider equality.

This is quite a challenging task, since we all are different human beings, and different in many aspects. There are many aspects in which we can be compared. Different theories will attempt to achieve equality through one of these aspects. Choosing a determinate aspect for equality will probably generate inequality in other aspects: “demanding equality in one space – no matter how hallowed by tradition – can lead one to be anti-egalitarian in some other space, the comparative importance of which in the overall assessment has to be critically assessed.”

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38 Sen 1992, p. 130.
39 Sen 1992, p. 16.
Thus, liberal normative theories will have to select the similarities among us that are reasonably just and fair; and will have to consider all human beings equal in some aspect. On which aspect to base our equality (in which space, to use Sen’s word), is with effect one of the most differentiating aspects among ethical theories.

Sen wants to place his theory within the theoretical framework of liberal theories of justice, sharing with philosophers – like Rawls, Nozick and Bentham – the will to find an adequate space of comparison to equality. This move is important in order to resemble the economic discourse with the ethical/philosophic discourse. If Sen succeeds in attaching his theory to this philosophical tradition, then he also succeeds in transforming his ideas on welfare economics – so far comprising the field of economics only – in philosophical ideas.

While sharing the wishes and needs of political philosophers, Sen seldom agrees with their answers to the question: equality of what? The spaces of comparison highlighted by major liberal theories are not adequate in Sen’s account. Thus, he suggests the space of freedoms – or capabilities – as a more satisfactory egalitarian background. Criticism and disagreement expressed in Inequality Reexamined falls basically upon prominent contemporary political philosophy traditions: utilitarianism, Rawlsianism and libertarianism schemes of equality. Utilitarians will advance that the amount of utility (happiness, or desire-fulfillment) should be the space of comparison to equality. Rawls suggests equality of freedoms and social goods, or resources. Libertarians, on their side, will say that we shall be equal in our rights. We will now take a look at each of these tendencies in political philosophy.

**Utilitarianism**

Utilitarians believe that utility is the ideal space of comparison between individuals. Utility is, then, the basis for evaluating our actions and doings. In principle, an action will be ‘good’ if it produces or maximizes utility for its agent and every other person affected by that action; and will be ‘bad’ if it reduces utility. All the same, “in this
utilitarian view, *injustice* consists in aggregate loss of utility compared with what could have been achieved.$^{40}$

Nevertheless, the meaning of utility is dynamic, even among Utilitarians. Sen writes: “In utilitarianism’s classical form, as developed by Jeremy Bentham, utility is defined as pleasure, or happiness, or satisfaction, and everything thus turns on these mental achievements. (...) In modern forms of utilitarianism, the content of ‘utility’ is often seen differently... as the fulfillment of desire, or as some kind of representation of a person’s choice behavior.”$^{41}$

Sen argues that utility is weak as a space for interpersonal comparison. As we search for utility, so the argument goes, we may generate a bunch of injustices in other spaces. These ‘unconsidered spaces’ cannot be put aside in the construction of a normative theory of justice. A good illustration of these unconsidered spaces is the rights of minorities. Picture, for instance, a Catholic minority living in an Islamic country. Lets imagine that, for the sake of the Islamic majority’s happiness, the country decides to ban Catholic pleading. Overall utility in this case has been raised (more people would be happy – the Islamic majority), and thus this society can be considered just in a utilitarian view, despite violation of Catholics’ right to plead.

Another illustration is the situation occurred in the Americas during slavery. A powerful white majority was very happy to have low cost labor to run their production. At the same time, a black minority had their rights and freedom repeatedly violated. In utilitarian’s account, this situation could be considered fair, since the happiness of the majority is an overall higher utility.

Besides the excruciating unconsidered spaces utilitarian theories bare, Sen also noted that utility is a very relative concept when it comes to individual, case-to-case analysis. The problem of adapted preferences is a serious objection to having utility as the primary realm of justice. This problem deals with mental “conditioning”: deprived people may be conditioned to desire according to their possibilities, rather than according to their real desires. Sen writes:

$^{40}$ Ibid. p. 59.

$^{41}$ Sen 1999, pp. 56-57.
Our desires and pleasure-taking abilities adjust to circumstances, especially to make life bearable in adverse situations... The deprived people tend to come to terms with their deprivation because of the sheer necessity of survival, and they may, as a result, lack the courage to demand any radical change, and may even adjust their desires and expectations to what they unambitiously see as feasible. The mental metric of pleasure or desire is just too malleable to be a firm guide to deprivation and disadvantage.42

Albeit standing these tribulations – for example, the neglected spaces of justice and the problem of adapted preferences – it is important to acknowledge that utilitarianism offers some attractions. Sen writes about two “merits” of utilitarian theories in his book Development as Freedom. Firstly, utilitarian theories are consequentialist: no action is in itself right or wrong; our actions may be assessed by its consequences. They can be right or wrong depending on whether its consequences add or subtract utility.

Second, utilitarian theories are concerned with people’s well-being. Considering utility either as a mental state (as proposed by the classic Utilitarians) or as desire fulfillment (according to the modern Utilitarians), the ideas of happiness and completion of human being are concerned. The right or just action will be the one that causes happiness or completion for the greater number of people. If happiness or desire fulfillment is the paradigm to judge a good or just action, then we are obviously taking well-being into account. Similarly for Sen, well-being is our final goal as human beings. One may disagree, with Sen, that utility is the adequate measure for well-being. Nevertheless, one has to agree that utility is a reflection (notwithstanding imperfect and weak) of human well-being.

Rawls

Rawlsian theory of justice will consider equality in the spaces of individual liberties and social goods (or primary goods). This is demonstrated by John Rawls’ two famous principles:

First Principle: Each person is to have equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.

Second principle: Social and economic inequalities are to be arranged so that they are both:

a) to the greatest benefit of the less advantaged, and

b) attached to offices and positions open to all under conditions of fair equality of opportunity.\textsuperscript{43}

Inequalities mentioned in the second principle are to be evaluated by the access to social primary goods, “which are all-purpose means that every person is presumed to want, as they are useful for a sufficiently wide range of ends.”\textsuperscript{44} An elucidative example of a social good is income and wealth. Prima facie, all persons should have access to the same amount of income. Item b is a proviso, guaranteeing different access to income according to the position a person may have, provided this position is acquired through fair competition.

Sen will raise two criticisms on this theory: its deontological status and the limitation of social goods and liberties as normative basis to assess inequality. The deontological characteristic of Rawlsian justice theory is revealed by the social contract argument. This argument hypothesizes a situation before the organization of the society, in which people would be able to mold, to form the society they would prefer to live. This situation is the original position: the position where the society and its values begin, the position where no one has anything more or less than others, in sum, a position where people are at a large extent identical. To picture this position, Rawls uses the idea of the “veil of ignorance”. Behind this veil, every human being is identical, “ignoring” differences such as wealth, income, race, disabilities, talents etc. Behind the veil of ignorance, everyone would choose to have a fair distribution of social and natural goods. Differently from social goods, natural goods cannot be directly distributed. But under the veil of ignorance every person would have the same amount of it.

If a social contract argument is used, then every action may be judged right or wrong according to the terms and definitions of that contract, regardless of its consequences. If action A violates the contract terms, then it is wrong; if it addresses the contract, it is right. The consequences of action A (e.g., bringing more happiness) simply do not matter for its judgment. For Sen this is a problem: “To ignore consequences in

\textsuperscript{44} Robeyns 2004, p. 6.
general, including the freedoms that people get – or do not get – to exercise, can hardly be an adequate basis for an acceptable evaluative system.\footnote{Ibid, p. 66.}

Any deontological or contractual theory of justice would contrast with Sen’s given importance to the consequences of our actions.

The second objection raised by Sen is upon the normative content of Rawls’ theory, which is based on equal distribution of basic liberties and primary goods. Sen’s criticism acknowledges that different people will need different amount of resources (or income, to simplify) to achieve the same well-being. For example, take two persons, A and B. They both earn the same amount of money, but person A suffers from a chronic disease that require a very expensive daily medication. Although they earn the same money, person A is disadvantaged because a great part of her income has to be spent on medication. In this situation, person B will probably have a greater well-being that person A – being able to convert his income directly to the life-style she values. Handicapped or mentally ill people face similar situation. Indeed, most of our differences as human beings\footnote{Sen defines a range of those differences: “Human beings differ from each other in many different ways. We have different external characteristics and circumstances. We begin life with different endowments of inherited wealth and liabilities. We live in different natural environments – some more hostile than others. The societies and the communities to which we belong offer very different opportunities as to what we can or cannot do. The epidemiological factors in the region in which we live can profoundly affect our health and well-being.” (Sen 1992, p. 20).} will affect the way we will convert our income to well-being. Here, the \emph{conversion} of resources into well-being is at hand.

We are different both (i) in the ends we seek and (ii) in our power to convert resources into freedoms. Rawls is only concerned with the former, taking the later out of game. This can be verified by Rawls’s second principle (item b): fair equality of opportunity cannot be granted if a disabled person receives equal treatment to an able-bodied person – the able bodied would certainly be privileged. The very same criticism against Rawls seems to be summarized by Kymlicka in his book \textit{Contemporary Political Philosophy}: “[The difference principle] is insufficient in not providing any compensation for natural disadvantages; and it is an overreaction in precluding inequalities that reflect different choices, rather than different circumstances. We want a theory to be more ambition-sensitive and less endowment-
insensitive than Rawls’s difference principle.”

Without noting the difficulty of conversion factors, a social ethics theory will be an effective theory of justice.

Rawls, in his turn, criticizes Sen’s approach, stressing that it has too much normative content. Rawls “argued that that the capability approach entails a comprehensive notion of the good, in contrast with political liberalism of justice as fairness… The capability approach relies on a particular conception of the valuable ends in life, and therefore do not respect the diverse comprehensive views of the good life that citizens of a plural society might endorse.”

For Rawls, SCA determines a lot of principles. These principles, he argues, come solely from Sen’s particular view of the good life, committed to Aristotelian values. Throughout his theory, Sen proposes that his view of life would be better for every person, thus not giving enough attention to the diverse good life views people may have. Sen’s particular view of the good life prescribes that individuals should:

- Enjoy freedom to seek her well-being and to be an agent;
- Be equal to all other human being when comparing the amount of freedom and capabilities each one has;
- Have her capability set expanded, will flourish, will develop, will fulfill herself; and
- Value things in accordance with her reason.

Rawls argues, then, that Sen’s theory is perfectionist, by entailing an ideal notion of good to all. But does this perfectionism compromise Sen’s liberal values? Is Sen less liberal for being perfectionist? These questions will be discussed further on.

So, while the contract feature and the focus on primary social goods are criticized aspects of the Rawlsian theory of justice, Sen acknowledges the importance and strength of Rawls’ arguments. Indeed, there has been a huge discussion between Rawls’ supporters (also called Resourcists) and Sen’s supporters, about whether primary goods are really a weak standard to make interpersonal comparisons.

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49 This discussion is very clear, for example, in Pogge 2002.
authors, like Ingrid Robeyns, suggest that both approaches could even be combined, if we make slight adaptations in each theory:

[The] capability inputs also include all Rawlsian primary goods, together with some other social primary goods that Rawls’s critics have suggested to add, such as leisure and care... We would carefully scrutinize the social, environmental and personal conversion factors. If one of those conversion factors can be argued to lower the conversion of income (or other primary goods) into valuable capabilities, then this could possibly provide a claim for either extra resources, or other social policies or public goods (such as ramps for wheel chair users, child care facilities for parents, effective anti-racist social policies and so forth).  

Although Sen is very attracted by Rawls’ idea of social primary goods, it is clear why he suggests using capabilities as a better standard for interpersonal comparisons, or a better guidance to human life: it avoids the conversion’s problems. Also, the deontological status of Rawlsian theory is not appreciated by Sen, who insists that evaluate actions without evaluating its consequences, would be a flawed exercise.

**Libertarianism**

On a similar note, Sen will criticize libertarians for their deontological standing. Libertarians such as Robert Nozick sustain that rights are prior to any other standard when dealing with inequality: since people are entitled to the same rights, they are equal. Sen argues: “[T]he entitlements that people have through the exercise of these rights cannot, in general, be outweighed because of their results – no matter how nasty those results may be.” People may have all civil rights secured, but having no food on their table. The point against priority of rights seems to be that the scope of rights to which we are entitled does not embrace all our needs and wants. For example, Sen and Drèze found out in their *Poverty and Famines* that great famines would happen without people’s rights being violated. Sen believes we need some stronger parameter to evaluate inequality.

**SCA position in Contemporary Political Philosophy**

Sen shares the needs and desires of prominent contemporary philosophers, thus borrowing from their framework to design his theory. Still, normative contents

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51 Sen 1999, p. 65.
advanced by Sen, or in other words, his answer to the question: “equality of what?” is a distinctive aspect of his theory within political philosophy tradition.

When dealing with the *space in which (in)equality should be measured*, Sen emphasizes the notion of capability as a fair base of comparison. He argues, for example, that capability is more adequate than primary goods because it flees the problem of conversions. Capability is also more adequate than the notion of utility, since the former cannot support the idea of adapted preferences.

Regarding the **type of evaluation**, Sen is confident that actions should be judged by their consequences, rather than its intrinsic moral or deontological value. The consequentialist approach in Sen’s theory fits his notion of development, acclaimed in *Development as freedom*. For him, development “consists of the removal of various types of unfreedoms that leave people with little choice and little opportunity of exercising their reasoned agency.”\(^\text{52}\) Development is a *process* that *aims* at unfreedom removal. Our actions shall result in unfreedom removal to be considered fair. His idea is somehow that fairness is conducive to development, to well-being. This proposition is not supported in a deontological point of view, where consequences are unimportant, and the moral value of an action may be assessed by its intrinsic, principled norm.

Finally, Sen’s CA can be considered as *perfectionist*, since it entails a notion of the good life based in Aristotelian roots. The table below summarizes key-concepts to understand the insertion of Sen's CA in political philosophy framework:

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\(^{52}\) Sen 1999, p. xii.
With those three elements – welfare economics, Aristotle and the recent liberal theories of political philosophy – Sen is in the position to propose his approach: we shall primarily value our freedom to be and do what we value. Freedom is the best tool we have to achieve well-being, to live the good life we believe is more suitable for us. The ultimate concern on our lives as humans is to have well-being, and this is reachable through freedom. Sen advocates that his capabilities approach will have a more straightforward focus on well-being than other theories in the liberal tradition, basically by declaring that freedom is intrinsically important for well-being, and not just an instrument to achieve it.

I believe there is meaningful moral substance in Sen’s theory, leading to important normative implications. Upon this theoretical framework, many of the current practices – for example measuring inequality or assessing the reasons of poverty – could be changed, leading to a better world in which we could live: “While that analysis has been mainly conceptual, it has some direct bearing on matters of practical concern. The analysis has been substantially motivated by that connection.” He theoretical considerations could maybe be converted into policies, connecting them to better practices.

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This first chapter revealed important motivations and foundations of SCA. Also, basic important concepts were fleshed out and defined. The second chapter will assess SCA as a theory of social ethics, to verify whether SCA can be deemed as a domestic theory of social justice.
2. A Social Ethics Theory?

Theories of social ethics attempt to guarantee justice by identifying a reasonable space of interpersonal comparison and distributing it in a fair way. This space may be utility for Utilitarians, primary goods for Rawlsians, and negative freedom for libertarians. As seen, Sen believes the adequate space of comparison is capability.

This chapter will analyze how Sen proposes a national society should be organized. Beyond the elected space of comparison (capability), he sets some normative procedures for a society that respects and aims at enhancing its members’ capabilities. First, Sen’s proposal for social ethics will be studied. Then, prominent criticism to his theory of justice will be presented.

Sen’s Social Ethics

As we know from Aristotle, individuals only flourish completely if they live in a good and just society with other human beings. Once there are two or more persons interacting, we must consider some norms for their coexistence. And we must acknowledge that the products and arrangements of their interaction will serve both persons. In our contemporary world, indeed, we are constantly interacting (directly or indirectly) with millions of people. We are constantly contributing to and benefiting from social products and arrangements.

A just society is a necessary instrument for individuals to achieve freedom, or to enhance their capability. If one does not live in a just society, she may not have the chance to choose her representatives, she may not be free to perform the kind of job she desires, she may not be entitled to have three children as she has always wished. Or even worse, she may not be free to stay alive, as frequently occurs in cases of high criminal rates, genocide or poor health system.

To grasp Sen’s idea of the just society, we have to imagine a society comprised of human beings with a valuable life, and understand prohibitions and promotions by social arrangements in this society. Just as freedom and capability are constitutive of our well-being, it can also be seen “as being constitutive of the goodness of the society which we have reason to pursue.” The freedom each person enjoys is thus
“directly important for a good society.” Not surprisingly, the just society is primarily constituted by freedom, aiming at extending its peoples’ capability.

I will argue here that Sen provides at least four essential attributes to define his idea of social ethics and social development:

1. Importance of institutions and social arrangements;
2. Prime value of freedom (in its multiple roles) and capability, both for individuals and institutions;
3. Role of equality – especially in freedoms’ distribution, and
4. Idea of development as conducive to justice.

Let’s study these in turn.

**Institutions: structures for human interaction**

Normative theories on social ethics have application for individuals as much as in the greater society. For Sen, our social arrangements are mostly developed and secured through institutions:

> Individuals live and operate in a world of institutions. Our opportunities and prospects depend crucially on what institutions exist and how they function. Not only do institutions contribute to our freedoms, their roles can be sensibly evaluated in the light of their contributions to our freedom. To see Development as Freedom provides a perspective in which institutional assessment can systematically occur.

While individual agency will secure some freedoms, social arrangements (institutions) and their *function* will be responsible for securing other kinds of freedoms. For example, Paul’s agency can guarantee his capability to choose the profession he wants to develop. But, to choose his representatives, his agency is not enough. Besides his own agency, Paul will need certain social arrangements (such as an electoral system and a organized state) to achieve the capability to elect his government.

Ideally, institutions (social arrangements) are representations of individual’s choices and will. Thus, if a group of people thinks it is important to have a common health

system, this group will create the institutions and structures necessary for that. If this
group also thinks it is important to have a common forum to decide shared issues, it
may create a government and a legal framework that allows this forum to work. This
means that institutions are, together with individuals, agents in the social context.

One individual’s action can affect other individual’s life: one person can try to kill
another person as well as try to help in an emergency situation. In both cases, this
person’s action will deeply affect another person’s life. Institutions operate and affect
people’s lives in a similar way. Transnational companies for example may pollute a
river that is essential for the subsistence of a community, affecting the lives of people
living in this community. Reversely, NGOs working on health can advocate for
cheaper treatment for HIV/AIDS, positively affecting the lives of HIV infected
people.

Institutions are for Sen the underlying structure for people’s interaction. There are
many sorts of institutions: “political and social organizations, community-based
arrangements, non-governmental agencies of various kinds, the media and other
means of public understanding and communication, and the institutions that allow the
functioning of markets and contractual relations.”

After recognizing the existence and agency power of diverse institutions, it is
reasonable to ask which are the valuable institutions for society. Sen is unambiguous
in his answer to that: be it a government, a company, an NGO or simply a community
council; an institution will be valuable if it is democratic.

While individuals seek freedom, institutions should seek democratic systems to
operate. Next section will explain the instrumental importance of freedom to the well-
being of a society as a whole.

**Freedom: Capability for individuals, democracy for institutions**

We have seen that freedom has intrinsic/constitutive value to the well-being in SCA.
The broader set of capability one has, more well-being one will enjoy. For Sen,
freedom is also important in the social context, where it has an instrumental value.

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56 Sen 1999, p. 284
Sen identifies five types of instrumental freedoms, which help attaining well-being in the social level:

1. Political Freedoms (“opportunities that people have to determine who should govern and on what principles”, possibility to criticize authority, have freedom of political expression, free press, etc.);
2. Economic Facilities (opportunity to use economic resources to consumption, production or exchange);
3. Social Opportunities (“arrangements that society makes for education, health care and so on, which influence the individual’s substantive freedom to live better.”);
4. Transparency Guarantees (“freedom to deal with one another under guarantees of disclosure and lucidity. When that trust is violated, the lives of many people – both direct parties and third parties – may be adversely affected by the lack of openness.”), and
5. Protective Security (“to provide a social safety net for preventing the affected population from being reduced to abject misery, and in some cases starvation and death.”)\(^{57}\)

A democratic society, in Sen’s account, would provide its citizens with most of these instrumental freedoms. His famous argument, that no famine ever happened under a democratic government, is the better illustration of Sen’s commitment to the value of democracy: “This is because famines are extremely easy to prevent if the government tries to prevent them, and a government in a multiparty democracy with elections and free media has strong political incentives to undertake famine prevention.”\(^{58}\).

A democratic society is achieved only with democratic institutions. Democratic societies exist when democracy and freedom are the norm for people’s interaction, and the norm for all institutions in that society. This would include government and other kinds of institutions, from language and culture to associations, NGOs, and private companies. So, democracy is more than the modus operandi of an election or of the majority rule, it is a system where people are be able to exercise their reasoned

\(^{57}\) Sen 1999, pp. 38-40

choice, a system where people have the capability to actively shape their own destiny. In other words, it is a system that promotes and values the enhancement of each person’s capability, of each person’s freedom.

Democracy is unquestionably important in the process of development. It should be the norm for individuals’ interaction because it plays three important roles in enhancing individual capability:

First, political freedom is a part of human freedom in general, and exercising civil and political rights is a crucial part of good lives of individuals as social beings. Political and social participation has intrinsic value for human life and well-being (...). Second, democracy has an important instrumental value in enhancing the hearing that people get in expressing and supporting their claims to political attention (including claims of economic needs). Third... the practice of democracy gives citizens an opportunity to learn from one another, and helps society to form its values and priorities. Even the idea of "needs," including the understanding of "economic needs," requires public discussion and exchange of information, views, and analyses. In this sense, democracy has constructive importance, in addition to its intrinsic value for the lives of the citizens and its instrumental importance in political decisions.  

The first role makes democracy a part of human freedom, because it allows social participation, and persuades people to actively take part in their society’s development. The second role is to allow voice to each and every individual in a society. With democracy, people are able to express their needs and disappointments, for example through free opposition parties and free press. Political freedom and freedom of expression secure, for example, that famines do not occur. Finally, the third role of democracy is to form, shape and educate citizens. The collaborative characteristics of democracy allow citizens to better understand their needs, and to learn with others experiences and so on.

It is reasonable to conclude that, while individuals seek capability enhancement for well-being, societies seek democracy for justice.

Equality

Differently from other theorists who claim equality in the distribution of goods or utility, Sen will claim for the equal distribution of freedom. Equality considerations are important because

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[T]o have any kind of plausibility, ethical reasoning on social matters must involve elementary equal consideration for all at some level that is seen as critical. The absence of such equality would make a theory arbitrarily discriminating and hard to defend. A theory may accept – indeed demand – inequality in terms of many variables, but in defending those inequalities it would be hard to duck the need to relate them, ultimately, to equal consideration for all in some adequately substantial way.

If a theory is not concerned with equality, it cannot claim to be morally plausible. In the limit, it cannot be considered a social ethics theory. Now, it is true that one of Sen’s major references, Aristotle, did not attach such an importance to the meaning of equality, and Sen acknowledges it. But his assurance in the importance of equality is unshakable, and in Development as Freedom he even criticizes his Aristotelian foundations. He states that “personal freedom for all is important for a good society… Aristotle wrote much in support of the former proposition, but in his exclusion of women and slaves did little to defend the latter.”

Development as conducive to justice

For Sen, the ideal just society is achieved when the capability of its members is enhanced to the greatest extent. To get there a society must develop: it must pass through the process of unfreedom removal. Once a society has achieved development, it has already achieved justice. He writes: “enhancement of freedom is both the main object and the primary means of development”.

This seems to be the main point of his Development as Freedom: to imbricate development and freedom. A society should not aim at absolute justice at once (this would be utopic and unrealistic). To be just, a society may simply seek development: by having development, it will also achieve justice.

The idea of development as conducive to justice is attractive and feasible. Justice for Sen is better defined as a process than as an end result. So, even seriously unjust societies, once having started the process of development (of unfreedom removal), can already be considered just to some extent. This feature offers an encouraging feeling that it is possible to achieve justice.

61 Ibid, p. 53.
Is Freedom enough? Criticisms to Sen’s social ethics theory

Sen’s Capability Approach has been criticized and complemented within diverse fields of study, such as economics, political philosophy, psychology, sociology and development studies, among others. Already in chapter 1, we have seen that the terminology used in Sen’s work is sometimes quite puzzling, leading to completely different interpretations. The concepts of capability, freedom, agency and well-being, albeit having vital importance in the theory, are far from clear even to the most dedicated reader.

I will argue next that the strongest arguments contesting SCA target its weak definition of freedom. Two lines of criticism will be particularly important: the first asking whether the normative content of Sen’s CA is enough to base a social ethics theory, and the other challenging Sen’s understanding of society.

Do we want unlimited freedom?

Martha Nussbaum, in her version of the Capability Approach, asks Sen which capabilities should we prioritize. She argues that, by not defining a set of capabilities that are essential for societies’ well-being, Sen barely attaches some moral substance in his concept of freedom. She writes:

\[\text{I think [Sen’s framework] do not take us very far in thinking about social justice. They give us a general sense of what societies ought to be striving to achieve, but because of Sen’s reluctance to make commitments about substance (which capabilities a society ought most centrally to pursue), even that guidance remains but an outline. And they give us no sense of what a minimum level of capability for a just society might be... The view is suggestive, but basically silent.}^{62}\]

Sen acknowledges that some capabilities are more important than others in diverse parts of his work. In Inequality Reexamined, for example, he writes: “It is certainly clear that some types of capabilities, broadly conceived, are of little interest or importance, and even the ones that count have to be weighted vis-à-vis each other.”^{63}

However, he denies setting a “list” of necessary capability one needs to achieve well-being.

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*62 Nussbaum 2003, p. 35.  
He implicitly recognizes that services such as public education, health care and nourishment security are important for to achievement of well-being in any society. In passages such as “For example, society may be seen as having a special responsibility to make sure that no one has to starve, or fail to obtain medical attention for a serious but eminently treatable ailment.”\(^{64}\), or “Similarly, the creation of social opportunities, through such services as public education, health care, and the development of a free and energetic press, can contribute both to economic development and to significant reductions in mortality rates,”\(^{65}\) that can be found repeatedly in his books, Sen clearly recognizes the prime importance of those essential capabilities, but rhetorically drains their importance.

Nussbaum stresses that Sen’s attachment to any moral substance is vague and unbinding, leading to an incomplete theory for social justice. But for Sen, endorsing a list of essential capabilities – even a flexible, subject to changes and unfinished one, such as proposed by Nussbaum – would threaten peoples’ freedom of choice. His position strengthens the role of agency and self-determination in the process of expanding freedoms. Each individual, or each society, should be able to reasonably determine the good set of capability to achieve well-being. A ready to use list would, in Sen’s view, fade away people’s capability to determine their needs and fight for them.

Thus, apart from some examples of important capabilities, the only moral guidance one can extract from SCA is the idea of reasoned choice: capability we have reason to value. It is clear, though, that some capabilities should not be valued at all, even if regarded as reasonable. One may have reason to value his capability to kill or harm others, but this is not enough to allow (and maybe protect) one’s freedom to do it.

Examples of those are not rare: capability to violate others’ rights, capability to pollute and so on. For instance, a company that produces food may have strong reasons to use pesticides and insecticides (enhance production, enhance profit, avoid lack of food and so on), yet this may not be enough justification for the harmful consequences this kind of production may result in (environmental degradation and

\(^{64}\) Sen 1995, pp. 70 71. Emphasis added.
health problems for consumers, for example). Nussbaum writes: “the freedom of industry to pollute the environment, though cherished by many Americans in the name of the general good of freedom, seems to me not among those freedoms that should enjoy protection; beyond a certain point, the freedom to pollute is bad, and should be constrained by law.”66

In my understanding, Sen’s unwillingness to attach moral guidance in his idea of capability is problematic, especially if one wants to find a model for social justice in his theory. Being vague in his definition of freedom and capability, he avoids defining what a just society should be. What would a theory of social justice be without a definition of the just society? Not much.

However, I do not agree that SCA is morally empty. As seen in the first chapter, Sen bases his notion of good in Aristotle, through the idea of well-being. Also, previous sections of this chapter have made clear that his idea of just society is actually linked to the values of institutions, freedom and equality. Otherwise, Rawls and other resourcists would not blame Sen for having too much normative content (or subscribing to a specific notion of good). So, the fact that Sen did not set a list of essential capabilities does not mean that he did not value some capabilities more than others. Neither does it mean that his theory is morally empty.

Instead, his reluctance to endorse a set of capabilities is again rhetorical, possibly to attract a greater audience, as seen before. Now, here I agree with Nussbaum. It is contradictory to deny having normative content and yet providing a comprehensive guidance through simple “unimportant” examples. Why does not Sen admit that his theory embarks a notion of good? His argument, that prioritizing capability inherently limits others’ capability to make a choice, does not fully address this sort of question.

I believe Sen could admittedly have given more guidance in his normative content, without compromising the importance of individual/social agency. The fact that capabilities related to health and education are more important, or at least more basic than, say, riding a bike, is quite clear: without health and education, one probably will not be able to ride a bike.

66 Nussbaum 2003, p. 44.
Had he elaborated and clearly defined his concept of freedom, his theory would not be vulnerable to the criticism discussed. This could be done simply by specifying, on the one hand, *essential capability for achievement of well-being* (Sen actually did it, albeit through examples and uncommitted statements); and on the other, *limits to individual/social capability*, based for example on the harm some capability may cause to others. As noted by Gasper: “freedom as the ability to achieve more and more is insufficient if the freedom of others is not considered. Sen is strongly oriented to this point but… his version of capability approach does not help much here.”

I believe John Mill’s idea of freedom limitation, described in his book *On Liberty*, could provide an interesting complement to SCA in this point. Mill suggests that one’s liberty is limited by the liberty of others. Thus, the liberty to kill another person would not be legitimate, since it violates the other person’s liberty to stay alive. Going back to Nussbaum’s example, if an industry pollutes the environment to produce its goods, this pollution certainly violates the freedom of nearby communities or individuals, who have the freedom to live in a healthy environment.

Sen’s divergences with Mill are known: the first considers the later as a prominent theorist of the utilitarian perspective. Sen, as we have seen, criticizes utilitarianism, since the space of (in)equality comparison advanced by Utilitarians is simply utility. However, Mill’s idea of liberty is not contaminated by his later writings on utilitarianism. Rather, he has a very useful concept of freedom, which links liberty in the one side and harm to others in the other. Mills states:

*The Liberty Principle* is, that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.

Using Mill’s idea of liberty, I argue, would not compromise fundamentals of SCA. Sen’s idea of freedom as (i) conducive to well-being and as (ii) part of well-being (or, in other words, the intrinsic and instrumental roles of freedom in well-being achievement) becomes stronger, rather than compromised, if merged with Mill’s idea

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of freedom limitation. Providing a sort of limit to individual freedom would be a strong device in SCA, helping define which capability should the just society encourage its people to choose. To me, it seems reasonable to apply Mill’s idea of liberty – limited by the harm liberty may cause to others – in SCA. This application would grant the capability approach with a more tangible guidance and a stronger moral content. At the end of the day, one’s well-being will never be morally legitimate if it corrupts the well-being of others in the same community.

The purpose of this argument is not to determine the best solution for the problem that I call “unlimited freedom.” Rather, it wants to elucidate a possible way to go for it. Clearly, the merging I am proposing between SCA and Mill’s ideas of freedom is not a complete solution. First because the context in which Mill describes his idea of freedom is not the same context in which Sen describes his. Mill is mostly inserted in the discussion of positive and negative kinds of freedom, initiated by Isaiah Berlin. Sen in his turn is trying to consider freedom as the paramount value for interpersonal comparisons. Furthermore, Mill’s concept of freedom, balanced with the idea of harm to others, is still vague. Questions like “which kind of harm should one consider when assessing actions of liberty” or “how to value one’s liberty against others harm?”; are of ultimate importance to develop a clearer idea of freedom. Nevertheless, having a device to limit one’s freedom would certainly result in clearer concepts of freedom and capability within SCA. Mill’s development of freedom limitation, based in the harm one’s liberty can cause to others’, seem to be a good starting point for the development of this device.

**Need for social responsibility**

The second criticism I find important when considering SCA as a social ethics theory is regarding Sen’s account for human interdependence. Authors like Des Gasper, Ingrid Robeyns and Ananta Giri have noted that Sen’s theory has a weak understanding of human interdependence, leading to moral individualism. It considers individual choice as paramount, regarding other important aspects of human life – such as values of family, culture and community – as secondary or instrumental. Moral individualism, so the argument goes, can compromise the construction of a society aiming at development and capability expansion.
Before analyzing the argument advanced by the critics, it is important to grasp how Sen incorporates human interdependence in his theory. Within SCA, human interdependence is mainly expressed in three ideas: the importance of institutions (or social arrangements); the importance of agency, and the distinction between sympathy and commitment.

Institutions are symbols of human interdependence. For Sen, institutions have an important instrumental role in the achievements of individual well-being. We have seen that institutions such as government, community, family and culture are very important to individual well-being achievement within SCA. Social arrangements provide people with social opportunities and political freedom, that secure many of the most important capabilities needed for a reasoned life: capability to be fed and healthy, capability to choose representatives, capability to exchange goods in the market system and so on. Without the facilities provided by social arrangements, one would find it difficult to maintain her basic capabilities, or even to survive.

Agency is another important aspect of human interdependence. An individual who is an agent “acts and brings about change, and [her] achievements can be judged in terms of her own values and objectives, whether or not we assess them in terms of some external criteria as well.”\(^{69}\) As agents, individuals take initiative to enhance his/her freedom and to help others enhancing theirs. Thus, agency is another prominent way through which individuals relate to each other, help each other, and depend on each other. As Sen writes in the very first pates of Development as Freedom: “There is a deep complementarity between individual agency and social arrangements.”\(^{70}\)

Finally, the distinction between sympathy and commitment also provides room for considering human interdependence in Sen’s theory. He distinguishes those two concepts as follows:

\[\text{[We] must distinguish between two separate concepts: (i) sympathy and (ii) commitment. The former corresponds to the case in which the concern for others directly affects one's own welfare. If the knowledge of torture of others makes you sick, it is a case of sympathy; if it does not make you feel personally worse off, but you think it is wrong and}\]

\(^{69}\) Sen 1999, p. 19.
\(^{70}\) Ibid., p. xiii.
you are ready to do something to stop it, it is a case of commitment. I do not wish to claim that the words chosen have any very great merit, but the distinction is, I think, important.\textsuperscript{71}

Sympathizing or committing to another person’s conditions means being affected by them. Here, again, the idea of human interdependence is at hand. However – and here we enter into the critics’ argument – although commitment is indeed a concern by others’ well-being, people may only eventually feel committed to others. Critics like Giri and Gasper will argue that a strong account for interdependence would imply that, since we live in society, we should necessarily be concerned (committed) with other’s well-being.

A good example to illustrate this argument is the child drowning in a pond shallow, as proposed by Peter Singer in his Practical Ethics\textsuperscript{72}. Lets imagine a woman walking by a park, well dressed for her lecture. She then sees a child drowning in a shallow. Should she help this child, getting her clothes wet and been late to her lecture? To answer this question in Sen’s terms, she would help the children only if she feels commitment and/or sympathy by the child’s condition. If this woman lacks this sympathy or commitment, she could well leave the child to death. Is this morally acceptable? Is it possible to completely separate what the woman feels and what the child feels?

Giri, for example, argues that the strict separation between what one feels and what other feels is morally deficient. She argues that Sen’s conception of sympathy and commitment is linked to an idea of sacrifice, but “in order to realize human well-being, there is a need to go beyond this dualism between self-regarding activity and other-regarding activity, beyond egotism and altruism. Other-regarding activity is not solely self-sacrificial, it is also self-nurturing. But Sen looks at other-regarding activity primarily through the prism of self-sacrifice.”\textsuperscript{73}

Rather, she suggests that relationship with others could

\[\text{[be] viewed as a process of self-expansion or discovery of one’s wider connected self. Here we can have in mind not only mysticism but also what a fellow rationalist}\]

\textsuperscript{71} Sen 1977, p. 326.
\textsuperscript{72} Singer 1993, p. 252.
\textsuperscript{73} Giri 2000, p. 1006.
philosopher Habermas writes: ‘I think all of us feel that one must be ready to recognize the interests of others even when they run counter to our own, but the person who does that does not really sacrifice himself but becomes a larger self. Thus the relationship between the recognition of one’s interest and the interest of the other is not only one of sacrifice of interest.’

Giri points out that it makes no sense to distinguish between sympathy and commitment. The sense of commitment should always be existent in a society, be it a local, national or international one. Gasper writes: “Like Adam Smith, Giri concludes, therefore, that sympathy sustains commitment rather than the two being mutually exclusive categories as conceived by Sen.”

Giri and Gasper make clear that an expanded notion of responsibility to others must be present in individuals within a society. It is important, to use Gasper words, that “The interdependence between people in society has such an importance that all actions that have consequences in others’ lives require reasoning. Not only reasoning upon one’s freedom to do that action but upon the responsibility of that action’s causes.”

Being a free person, provided with necessary capabilities to live her life of choice, one needs to take into account the consequences of her freedom to others, both in the positive and in the negative aspects. For example, a simple action of creating a radio station can contribute positively with other people’s capability (by, for example, providing them with information). In the other hand, the simple action of polluting a river, may have a negative impact in other people’s capability (for example by preventing them to have clean water to drink). Individual freedom in a social context is morally senseless if not balanced against the consequences to other people’s lives.

To address this notion of social responsibility, Gasper suggests an approximation between Sen’s CA and the care ethics approach:

Care ethics, notably feminist care ethics, links ethnography, social theory, ontology, and moral reflection. It considers care at several levels and in many contexts: as a family of attitudes, commitments, and emotions; as skilled practice, by persons in diverse set of institutions. People are understood as socially embedded actors, not as parent-less

74 Ibid.
75 Gasper 2007, p. 73.
The values of care (...) include attentiveness, responsiveness and responsibility.\(^{76}\)

Giri in her turn, advocates for an approximation between SCA and the discourse theory, which she regards as having a strong commitment with the condition of others.

In my view, Sen’s account for human interdependence is indeed weak. Again, his vague idea of freedom – lacking at large a notion of responsibility, does not guarantee that more freedom to some will result in more freedom to all. Sen writes:

*Without the substantive freedom and capability to do something, a person cannot be responsible for doing it. But actually having the freedom and capability to do something does impose on the person the duty to consider whether to do it or not, and this involves individual responsibility.*\(^{77}\)

It is important, thus, to consider the moral commitment to individual responsibility, but nothing is mentioned regarding social responsibility. Still, SCA has room for a better definition of freedom, which could include a stronger account for social responsibility. His writing leaves room for this theoretical improvement. For example: “To counter the problems we face, we have to see individual freedom as social commitment.”\(^{78}\)

I think that, albeit having clear intentions of addressing social commitment and social responsibility, Sen does not clarify how one should balance her freedom against her responsibility to the freedom of others. This balance may only be clear in cases of undeniable commitment, such as the responsibility of a mother to her child, or the responsibility present in family ties.

Again, his notion of rationality, as presented in his On Ethics and Economics, clarifies that a reasoned choice may well refer other-regarding interests.

*The self-interested view of rationality involves inter alia a firm rejection of the ‘ethics-related’ view of motivation. Trying to do one’s best to achieve what one would like to achieve can be part of rationality, and this can include the promotion of non-self-interested goals which we may value and wish to aim at. To see any departure from self-*

\(^{76}\) Gasper 2007, p. 76.  
interested maximization as evidence of irrationality must imply a rejection of the role of ethics in actual decision taking.\textsuperscript{79}

We \emph{may} have reason to value an action that is non-self-interested. That is what I find problematic, agreeing with Giri, Gasper and others. Rather, to have a strong sense of interdependence and responsibility, we \emph{should} be concerned to others, at least while assessing the results of our actions.

I argue that the underlying values of SCA require this notion of commitment to be expanded. Back in Aristotle, for example, we have seen that well-being is only possible for full human beings, and human beings can only be full once they live and function in society. In this context, it is not morally acceptable to function and act only for one’s well-being; it is morally necessary that each person functions and acts for his/her own and for the society where he or she lives. Be it a village, a province, a country or the whole world. Adam Smith, as explained by Giri, does not distinguish sympathy and commitment. Rather, he understood sympathy as a result of commitment.

An expanded notion of commitment would grant every person, institution, company or government a share of responsibility for social development, social freedom. Without this expanded notion of social responsibility – in other words, with a weak account for human interdependence – SCA is not helping much in a conception of the just society.

\textbf{A Social Ethics Theory?}

The capability approach came into play as a method to make interpersonal comparisons. As seen in chapter one, this method considers capability, rather than utility or social goods, as an effective space to assess interpersonal disparity. This approach, then, sets paramount value to the concepts of freedom and capability.

We have seen in this chapter that SCA also determines, to a large extent, which society a human being with a reasonable life should live: a society that will praise equality, capability enhancement for its individuals, and democracy as the leading value for institutions. Only such a society, Sen argues, would be just and fully account

\textsuperscript{79} Sen 1995, p. 15. Emphasis added.
for the potential of its members. But, by categorically defining what is a just society, Sen is automatically transforming his interpersonal comparison’s method into a social ethics theory.

As a theory of social ethics, SCA is vague, especially in defining freedom, which is its ultimate important value. Even though Sen made a huge contribution to social ethics, by shifting the space of interpersonal comparisons from utility and primary goods to well-being; he failed to clearly define his concept of freedom, so essential for the achievement of well-being.

Prominent criticism to SCA have incidence on Sen’s idea of freedom. Some as Nussbaum have stressed that “One cannot have a conception of justice that says, simply: ‘All citizens are entitled to freedom understood as capability.’”\(^8^0\) She argues that not all freedoms are inductive to human development: “all societies that pursue a reasonably just political conception have to evaluate human freedoms, saying that some are central and some are trivial, some are good and some are actually bad.”\(^8^1\) Thus, some capabilities are more important than others, some should be guaranteed, while others avoided. In other words, SCA lacks an evaluation of capabilities, to determine which ones should a society should strive for, and which should it get rid of.

Other critics, as Gasper and Giri, have underlined that Sen’s notion of human interdependence is problematic. While insisting that individual freedom should be translated into social commitment, Sen never explained how should one prioritize non-self-regarding actions in her choices. Giri suggests that a strong commitment to human interdependence requires a more elaborated idea of the responsibility one has with one’s society. For example, even if I have the capability to pollute a river, I should not be free to do it, since it may deeply affect others’ capability. Again, the vague definition of freedom advanced by Sen opens room for such criticism.

I think Sen’s theory indeed lacks an elaborated notion of freedom. Regarding the first criticism, I argued that Mill’s principle of liberty (one’s liberty is limited by other person’s liberty) could be an interesting complement to SCA, without compromising

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\(^8^0\) Nussbaum 2003, p. 46.  
\(^8^1\) Ibid., p. 45.
its foundations. Mill’s principle would help setting a limit to human freedom, based in the consequences it may have to other people.

I also endorsed the second criticism, agreeing that an expanded sense of social responsibility is essential for a social ethics theory. Considering social responsibility, together with freedom, as guiding values for human actions is an important add to Sen's theory, and an insurance that one’s freedom will not be undermined by other people’s actions.

The point is that viewing development simply as freedom enhancement may not be enough. First because unlimited freedom certainly results in harm to others. And second because the simple acknowledgement that individuals should use freedom reasonably does not guarantee that individuals will honor their necessary responsibility for others. Individuals should not kill others, even if they have reason to do it. All the same, institutions should not harm or compromise (albeit indirectly) opportunities to others. Even removing unfreedoms of some people may impose unfreedoms to others, creating a loss in overall social justice.

One needs to balance freedom in one side of the scale and responsibility in the other. The “responsibility proviso” (theme for another whole monologue) guarantees that one’s freedom is not undermined by other’s freedoms, that one institution may not harm others, even if they have reason to do it.

My thought is that Sen’s theoretical framework can be considered as a social ethics theory, and can be improved with few theoretical adjustments. SCA supports such complements and can be further elaborated with them. Sen came up with some groundbreaking ideas for the assessment of justice, and contributed a lot in this discussion. He provided us with a magnificent starting point, one that deserves to be continued. This monograph, to a great extent, tries to built on Sen’s theory, elaborate it, and give it more sense in the world we live in.
3. From Social Ethics to Global Justice

It is demonstrated that SCA works as a general theory of social ethics. Now, can it survive the hostility of the globalized world? Is SCA a valid social ethics theory to deal with the difficulties and injustices of globalization? I will from now scrutinize Sen’s Capability Approach as a theory of global justice. First, let’s examine the challenges globalization commonly poses to theories of justice in general, making use of diverse authors that have studied this topic. We will see that SCA is to a great extent invulnerable to these common challenges. However, going one step forward, I will identify specific obstacles SCA has to face in order to be a fair and effective theory of global justice.

Globalization’s Challenges to theories of justice

Dealing with justice at the nation-state level is different from dealing with justice in a globalized world. While nation-states have governments, an organized and legitimate form of managing society within its boundaries; the globalized world is somehow anarchical: it has no central institution with legitimate power to control and organize its various actors. Global relations overcome boundaries, linking distant people, and resulting in mutual influences. Things happening in Brazil may influence society in Japan and India, and vice-versa. The role played by national governments in guaranteeing a just society for people has now to be shared between various players in the scenario: global institutions and people from different parts of the world. To be reasonable in a global instance, a social ethics theory has to deal with many actors and many interactions.

In contrast, at the nation-state level, justice can be assessed to a large extent simply by scrutinizing national governments. Other actors (all sorts of institutions and people) will also be agents of national justice, but their agency is one way or another limited by the government’s prerogatives. If there is a just government, it means that just people voted for a just representative and made it legitimate. From this point on, a great part of each individual’s agency is transferred to the government in charge.

The government is then responsible to act with all this “agency impetus” it received from its citizens. If a country has for example an unjust group (say a skinhead group
whose objective is to kill all homosexuals) or an unjust person (say a rapist), its government is responsible for dealing with this group/person, and keeping society free from their possible harm. The monopoly of force, together with the rule of law grants this country’s government power to arrest this group, for instance. With the amount of agency a national government deals with, it is inexorable that the justness or unjustness of its society will mostly derive from the government’s actions. Thus, a theory of justice designed for the national level can be quite effective and successful if it is mainly concerned the government’s procedures and policies.

What I call globalized world is the corollary of the globalization process we are passing through. Globalization refers to social processes that happen in an international/global scale, contrasting with social processes happening in the level of nation-states. The reach of an action in Brazil – which only a few years ago was mainly circumscribed to Brazilian boundaries – can now have a wider impact. Movements like MST (no-land rural workers’ movement) can influence similar movements in other countries and raise the attention of international media to the struggle in Brazil. Families in many parts of the world can follow the MST’s advocacy and struggle, and support this movement.

Globalization involves a great number of aspects of our lives: globalized economy makes an ordinary T-Shirt more traveled than the people who wear it. Global tourism has created destinations in exotic places, from China’s Great Wall to Serengeti’s Buffalo Migration. Global communications allow us to instantly participate in events in the other side of the world without leaving our offices. It can also make a rich European suffer with the misery in Malawi or India. And so on.

Now, what does a theory of justice need to have a global reach? What should it account for in a globalized world? What should it be concerned with? Certainly it may not be solely concerned with procedures and policies of a “global government,” since this structure does not even exist (structures of global governance are still young and have legitimate agency in very limited aspects). I will argue that the globalized world offers two main challenges (using Göran Collste terms) to social ethics: first, it requires sensitivity to the importance of a plurality of agents in the processes to bring development and justice. Second, it requires the idea of state sovereignty to be transformed and re-conceptualised. Let’s grasp those challenges next.
Plurality of Agents

Some theories of justice suggest that global justice happens solely in the relation between governments, ignoring other agents (individuals, national and international institutions, etc.). In contrast, other theories suggest that multiple relations of multiple agents build up global justice. While at the national level assessing justice can mean simply assessing the government, in global instances assessing justice is assessing the actions of a number of agents.

Thomas Nagel elucidated this point in his paper *The Problem of Global Justice*, where he distinguished the notions of cosmopolitan justice and political justice. The cosmopolitan conception of justice “derive from an equal concern or a duty of fairness that we owe in principle to all our fellow human beings, and the institutions to which standards of justice can be applied are instruments for the fulfillment of that duty (...) It is a concern for the fairness of the terms on which we share the world with anyone.”82

The political conception of justice, on the other side, establishes sovereign states as the only instance to shelter justice. This means that once justice is achieved within each country’s borders, global justice is attained. The main concern of justice is in this case not with fellow human beings, but only fellow citizens. Nagel maintains that, in the political conception, “sovereign states are not merely instruments for realizing the pre-institutional value of justice among human beings. Instead, their existence is precisely what gives the value of justice its application, but putting fellow citizens of a sovereign state into a relation that they do not have with the rest of humanity.”83

Sen also drew some attention to this point. He proposed the notions of grand universalism and particularism in social ethics theories. The idea is quite similar: grand universalism would have “an ethical stature that draws on its comprehensive coverage and non-sectarian openness… It can speak in the name of the whole of humanity in a way that the separatism of national particularist conceptions would not allow.”84 On the other hand, in the particularist conception, “demands of global

82 Nagel 2005, p. 119.
83 Ibid., p. 120.
justice – in so far as they emerge – operate primarily through person-to-person relations, which some may see as central to an adequate understanding of the nature and content of global justice.”

It seems reasonable to identify in the one side Nagel’s cosmopolitan justice with Sen’s grand universalism (call it cosmopolitan/universalist) and in the other Nagel’s political justice with Sen’s particularism (political/particularist).

If one attempts to assess whether the world is just or unjust, one’s conclusion will radically differ when using cosmopolitan/universalist or political/particularist conceptions. To illustrate this, let’s imagine a world where all countries are perfectly just within its borders, but huge inequality exists between them. For supporters of the political/particularist conception, this world would be perfectly just, as for the cosmopolitan conception it would be unjust. For justice to take place in the cosmopolitan view, this world should be assessed by its multiple actors rather than governments or nations only.

Sen supports none of these approaches. He suggests a third conception of justice, which he calls plural affiliations. This approach is “neither ambitious and un-institutionalized as the grand universalism… nor as separatist an restrictive as national particularism (even when supplemented by international relations).” His alternative approach must account for the multiple identities we may have. For example, a Swedish doctor may be concerned with his compatriots’ well-being as much as she is concerned with starving populations in Africa and Asia. This same person can also be concerned with her fellow doctors and their image in the media. Here, we see a person with three different identities: Swedish, doctor, and world citizen. Indeed, those multiple identities may well be conflicting. In Sen’s account, a theory of global justice should take these different identities seriously.

However, I argue, his alternative position – plural affiliations – can be considered as a weak grand universalism. A typical grand universalist would require consideration of all actors in the global scale, while Sen’s alternative is to consider different actors in

\[\text{85 Ibid., p. 41.}\]
\[\text{86 Ibid., p. 42.}\]
the global scenario, but not necessarily all of them. His position is clearly nearer grand universalism than particularism.

Furthermore, I fully agree that the grand universalist project is more reasonable than the particularist. The unregulated and uncontrolled actions of peoples and institutions in the world generate an impact that cannot be explained simply by actions of governments. To restrict the idea of justice to that of government’s actions is to ignore the greater part of human interaction and injustices.

It seems to me that the multiplicity of agents in the globalized world can be summed in five groups, which must be accounted in a theory of global justice:

- Persons: individual actions, possibly impacting other people, institutions and governments
- Governments: actions and policies of governments obviously affect its citizens’ lives. It also can influence other governments, other institutions and people outside its boundaries.
- Global/Regional governance institutions: UN and its agencies, World Bank, IMF and others, whose actions usually have a global impact
- Economic Institutions: companies, enterprises etc, which act within countries and are able to deeply affect people’s lives.
- Interaction Institutions: all other institutions, NGOs, associations, etc.

A theory of global justice that ignores those players is not be concerned with the justness or unjustness of institutions like the World Bank (WB) and International Monetary Fund (IMF) and their structural adjustment programs, with the justness or unjustness of Shell in Nigeria and whether a patent-based price for anti-HIV drugs charged to poor countries is fair. It would certainly be a flawed theory of justice, since it would be blind to most of world’s unfreedoms and injustices.

I believe Sen would agree that an inclusive approach to global justice is necessary. Diverse parts of his work, especially in *Development as Freedom*, are dedicated to the action of global institutions like WB and IMF. Besides, as seen in chapter 2, the agency of social arrangements (institutions) is an essential attribute for the justness of a society. In my understanding, SCA, as a weak cosmopolitan/universalist theory, accounts for the actions of the major players in global scenario.
Reconceptualization of Sovereignty

The growing influence of multiple agents in people’s lives is radically transforming the idea of sovereignty. Issues that before pertained solely to the realm of national governments are now decided and executed by supra national institutions. Governments still have their importance in internally organizing and managing society. But when it comes to relations and processes that involve people in different countries, the capacity of national governments is drastically reduced, in a way transferred to institutions that operate in the global scenario.

A good example is the issue of agricultural subsides. Say there is a global market for cotton, where producers from the US, China and Brazil compete. If US government decides to aid its producers by offering them subsidized seeds, land and machinery; producers in other parts will not be able to produce cotton for the same prices, since they have to pay full price for seeds, land and machinery. Non-US producers will probably not sell enough of their production to make profit and sustain their business. Now, besides mimicking US (i.e., granting subsides as well), what could governments in China and Brazil do? Very little. In this context, there would be, at least, impoverishment of non-US cotton producers. Here it is clear that the capacity of national governments to manage their internal issues is reduced, transformed by actions of other national governments.

An alternative would be to report the US subsidy to the World Trade Organization, who will decide upon the case and maybe able to impose a restriction to US subsidies. In this again, the sovereignty of national governments is transferred: US decisions have to be filtered and (un)authorized by a supra-national organization such as the WTO.

The transformation of national sovereignty has been discussed by many authors. Saskia Sassen, for instance, provides an interesting discussion in her book *Loosing Control?*, where she raises a very interesting example of sovereignty transformation linked to the growing concern for human rights:

*Certain components of the state’s authority to protect rights are being displaced onto so-called universal human rights codes... While the national was and remains in many ways the guarantor of the social, political, and civil rights of a nations people, from the 1970s on we see a significant transformation in this area. Human rights codes have become a somewhat autonomous source of authority that can delegitimize a state’s particular...*
Social arrangements of globalization (the market system and human rights codes, among others) have in a way “stolen” part of national government’s sovereignty. The heavy hand of global structures over governments is even more evident if developing nations are observed. For instance, the market of international aid, with its conditions and obligations, to a large extent coerce national government’s actions, clearly reducing its capability to command. In Mozambique, for instance, more than 60% of the national budget is provided by a pool of donors which decide the areas where money should be invested. It is reasonable to argue, then, that 60% of Mozambican national government’s sovereignty has been transferred to this pool of donors.

If this is so, it is crucial that theories of global justice account for the transformations of national sovereignty. Strangely, though, ethical discussion sensibly ignores such transformations, suffering from “methodological territorialism”. Göran Collste emphasized this point in his paper *Economic Globalization and Global Ethics*. He writes:

> Modern theories in political theory and political philosophy have to a large extent adhered to the seventeenth- and eighteenth- century philosophical concepts of the social contract: the nation was the natural political community. As a consequence, to this day the discussion about justice has often been limited to a specific territory, that is, the nation. However, in the context of globalization, it has become crucially necessary to question both these restrictions. It is now urgent that ways be found to frame economic decisions within a global reach, and equally urgent to work out a theory of global justice.

A great part of global justice theories intuitively consider nations as “the natural politic community”. But when dealing with globalization, many other actors come to play and, as seen, national governments’ sovereignty is transformed. The idea of natural political community must be widened (from nations to the Globe) for an effective theory of global justice.

Sen considered many aspects of the globalization process in his theory. Understanding the moral consequences of this process was probably what brought about the innovative approach he produced. Living in the epicenter of the

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*Sassen 1996, pp. 28-29.*
globalization process, Sen could only develop a theory that tackles what was known as inefficient in other theories of global justice. By presenting his position regarding the particularist/universalist conceptions of global ethics, Sen overcomes both moral challenges imposed by globalization to political philosophy.

**Globalization’s challenge to Sen Capability Approach**

Threats presented by globalization to the ethical contents of theories of global justice do not seem to scare SCA. However, Sen’s theoretical lacunas demonstrated last chapter are in a way amplified with the ethical consequences of globalization.

Let’s first take the problems raised when considering SCA as a theory of (domestic) social justice, and transpose them to the context of globalization. Sen’s idea of freedom (unlimited and undefined as put forward by Sen) will be scrutinized, together with the matter of human interdependence (or social responsibility) under globalization rule.

Second, it is surprising to note that, albeit praising democracy in national governments, Sen does not make this requirement for institutions of global governance. Sen does not mention the need for democracy in *international governance institutions* (such as WB, UN and IMF, or even smaller transnational organizations, that affect many people’s lives), while not legitimating undemocratic *national governance institutions*.

**Redefining freedom for greater social responsibility**

The first issue to be recalled is the vagueness of the concept of freedom in SCA. The weak definition of freedom advanced by Sen deeply affects his perspective on global justice. I believe it opens room for the occurrence of what can be called “reverse development.” Unlimited freedom allows some individuals or institutions to harm others, in the name of their freedom of choice. Now, many of the decisions taken under this arrangement are eligible to create reverse development. Diverse global agents may take these unjust decisions: governments, organizations, and individuals.
If Sen’s “particular approach to development” is “seen as a process of expanding substantive freedoms people have,” the idea of reverse development would be the decreasing of capability (freedoms) people have. According to Sen, contraction of people’s capability is expressed by reduction of health capabilities, nutritional capabilities, and choice capabilities. It is also reduction of participation in community decisions, or reduction of democracy.

Now, some capabilities are pervasive to human development as a whole, for example polluting the sea, or charging inflated prices for HIV antiretroviral drugs, or being corrupt in governance institutions or so many others.

To illustrate this point, we can remember the example of the company that pollutes the river in order to produce their goods. If on the one side is may raise the overall economic performance of the region where it operates, then on the other it may be harming communities that make their living out of the river. Another example is a society where an oppressive majority undermines capability from minority people is producing reverse development.

In both examples, not only the global agents are been unjust, but also taking steps backwards in human development. A government or company that reduces its community’s capability produces a society of unfreed people, underdeveloping itself. Instead of allowing people to flourish, it is motivating people to live the life they may not have chosen for themselves, it is motivating people to be passive/oppressed instead of agents of change, responsible for their lives and societies. A global agent (a government, an organization, a company, an individual) that promotes reverse development is an unjust agent at all.

The morality of SCA cannot tolerate reverse development (the whole point of the theory is to expand people’s capability in order to expand justice), thus Sen should express a stronger point against this idea. However, as seen before, by defining the concept of freedom with such vagueness, he leaves enough room for reverse development to happen. He does not even mention in his writings the possibility of reverse development due to abuse of the use of freedom.

88 Sen 1999, p. 297
In my opinion SCA lacks a greater sensibility against reverse development. It is necessary, I insist, to complement SCA with a theoretical device that limits people freedom, preventing harm to others. My idea in chapter two was to make this complement on the grounds of Mill’s liberty principle. The necessary theoretical work to harmonize the two theories is not in the scope of this thesis, though. To envision possible ways to make SCA more complete is, rather, one of its main points. In this line of thought, I believe two recent UN initiatives could also complement SCA (probably easily than Mill’s principle), serving as a means for an enhanced sense of social responsibility. Those initiatives are the UN Global Compact and a resolution called Responsibility to Protect.

The UN Global Compact, self-defined as “the world's largest voluntary corporate responsibility initiative”, is supported by ten principles that, correctly applied, guarantee sustainable and just business worldwide. The principles are based in the main resolutions took under UN, mainly in the themes of Human Rights, Labour standards, environmental sustainability and corruption fighting:

*Principle 1: Businesses should support and respect the protection of internationally proclaimed human rights; and*

*Principle 2: make sure that they are not complicit in human rights abuses.*

*Principle 3: Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining;*

*Principle 4: the elimination of all forms of forced and compulsory labour;*

*Principle 5: the effective abolition of child labour; and*

*Principle 6: the elimination of discrimination in respect of employment and occupation.*

*Principle 7: Businesses should support a precautionary approach to environmental challenges;*

*Principle 8: undertake initiatives to promote greater environmental responsibility; and*

*Principle 9: encourage the development and diffusion of environmentally friendly technologies.*

*Principle 10: Businesses should work against corruption in all its forms, including extortion and bribery.*
The very existence of the UN Global Compact is a concrete sign that companies worldwide acknowledge their own responsibility before people, and somehow undertake it. The sensibility for greater social responsibility seen in this initiative is not clear in Sen’s writings, and could then become an interesting complement to the theory, tackling Sen’s weak position on social responsibility.

Another possible way to solve this matter of unlimited freedom, is a recent UN initiative called The right of Humanitarian Intervention. Based on the document Responsibility to Protect, it is a clear example of the global community’s regard to unjust and oppressive states. This resolution gives the international community legitimate right to intervene in states where human rights are widely violated by government. The idea surfaces from the realization that the concept of sovereignty is being transformed:

"[there] is a necessary re-characterization involved: from sovereignty as control to sovereignty as responsibility in both internal functions and external duties."

Thinking of sovereignty as responsibility, in a way that is being increasingly recognized in state practice, has threefold significance. First, it implies that the state authorities are responsible for the functions of protecting the safety and lives of citizens and promotion of their welfare. Secondly, it suggests that the national political authorities are responsible to the citizens internally and to the international community through the UN. And thirdly, it means that the agents of state are responsible for their actions; that is to say, they are accountable for their acts of commission and omission. The case for thinking of sovereignty in these terms is strengthened by the ever-increasing impact of international human rights norms, and the increasing impact in international discourse of the concept of human security.

Indeed, theoretical components for both these initiatives are similar to the morality found in SCA. I believe SCA framework recognizes this initiative, assuming that capabilities of an unjust state or company can undermine a community’s development.

A clear moral conflict emerges once both strict state sovereignty (in other words: unlimited capability to government) and people’s entitlement to capability expansion are valued. There is a requirement for the legitimate intervention in sovereign states, in cases of reverse development.

Complementing SCA with Mill’s liberty principle (more focused on individual action) and with the mentioned UN’s initiatives (focused on institutional agents: governments, companies, organizations) would strongly bind the theory with its real
values of human development and freedom. A successful theory of global justice requires a more elaborate and complete conceptualization of freedom and shared social responsibility, including clear boundaries to split development-conducive freedoms from the opposite, reverse-development-conducive ones.

**Democracy: really universal?**

Another issue that compromises SCA effectiveness as a theory of global justice is the differentiated requirements for democracy in national and global instances. While thoroughly defendant of democratic systems in national governments, Sen does not mention the undemocratic procedures practiced by most of global governance institutions, from which the United Nations and its agencies, WB, IMF and WTO are paradigmatic examples. He has written about various practices of these organizations, especially the policy guidance they make available to countries. But he was silent for example on the ways the representatives of these institutions are chosen – through strikingly undemocratic and non-inclusive processes.

The World Bank for instance “is like a cooperative, where its 185 member countries are shareholders… By tradition, the Bank president is a U.S. national and is nominated by the United States, the Bank's largest shareholder.”89 The IMF, as a fund, follows the same model: countries are quotists. But, while the WB president is an American, the IMF president is by tradition a European. Other senior positions, that include most of the policy designers for member or assisted countries, are also chosen by appointment with questionable criteria. In the UN, the secretary general is also selected under appointment. Albeit some diversity is been noted in the secretary’s selection (Ban-Ki-Mon, the present secretary, has Asiatic origins, as Kofi Annan, the former, had African ancestry), the strange privilege of the permanent seat-holders in the Security Council is proof that a particular club of nations rule most of the institution’s actions.

If Sen has tried so hard to reveal the multiple roles of democracy in enhancing people’s capability, how come he is so silent of such undemocratic practices in global governance institutions? Is it because democracy is only important within national

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89 World Bank 2008, p. 16.
borders? Obviously, under SCA’s framework it would be difficult to defend such hypothesis. Having institutions that affect so many lives in so many different places ruled by a tiny club of special countries evidently brings moral complications.

Under Sen’s morality, considering that democracy should be placed solely in the realm of national governments is senseless. If the concepts of well-being, freedom and capability expansion are valued as fundaments for social ethics, the concept of sovereignty cannot bare moral force. Albeit Sen did not highlight the importance of democracy in global governance institutions, this desideratum is quite clear along his writings.

He acknowledges, for example, that all social arrangements influence in people’s capability; and the key importance of democracy in building just societies with free persons are examples, among many other arguments, that Democracy is universal and must be present on all social arrangements.

It is demonstrable that SCA is sensible to democracy both in national and in global instances. Two lines of thought can demonstrate this: first, the fact that dealing with unfreedoms and development constrains is not only a duty of governments, it is also responsibility of all sorts of social arrangements. On this regard, Sen writes, for instance:

Hunger relates not only to food production and agricultural expansion, but also to the functioning of the entire economy and – even more broadly – the operation of the political and social arrangements that can, directly or indirectly, influence people’s ability to acquire food and to achieve health and nourishment. Furthermore, while much can be done through sensible government policy, it is important to integrate the role of government with the efficient functioning of other economic and social institutions – varying from trade, commerce and the markets to active functioning of political parties, nongovernmental organizations, and institutions that sustain and facilitate informed public discussion, including effective news media.  

Second, that the adequate functioning of global governance institutions requires that democratic processes be in place within them:

Systematic empirical studies (for example, by Robert Barro or by Adam Przeworski) give no real support to the claim that there is a general conflict between political rights and economic performance. The directional linkage seems to depend on many other circumstances, and while some statistical investigations note a weakly negative relation, others find a strongly positive one. If all the comparative studies are viewed together, the

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90 Sen 1999, p. 162.
hypothesis that there is no clear relation between economic growth and democracy in either direction remains extremely plausible. Since democracy and political liberty have importance in themselves, the case for them therefore remains untarnished.

Democracy has multiple roles in enhancing people’s freedoms and capability. Thus, all agents that in any way represent people or affect their lives should be founded and supported by democracy, especially governance institutions. It makes no sense in my view to profess democracy in national governments without ensuring that it will also be applied in global governance structures.

The point is not to discuss whether global governance institutions are requirements for global justice or not. They just exist – together with hunger, natural disasters and cases of success and failure in public policy – and so it is import to account for their practices in a global justice theory. It is important that they are considered as agents in the global arena. As such, they are subject of demands for justice. They are also responsible for the enhancement of people’s capability and thus must have democracy as a guiding value.

The urgency and necessity of democratic systems in global governance institutions is so evident that Sen’s motionlessness in this discussion is difficult to grasp. His immobility in this issue can only be regarded as his strategy for attracting greater audience, to succeed in shifting the paradigm of human development. A stronger position for democracy in global governance structures would certainly result in confrontation with those structures. In the end of the day, it is due to the acceptance of such structures that SCA had the chance to be implemented in the real world, through UNDP’s Human Development Index. Otherwise, it would probably never become practice. So, probably Sen’s quietness is purposeful: a strategy to have his theory more accepted.

Thus, I believe Sen is deliberately quiet regarding the need for democracy in global agents; it is not actually a conceptual failure in his theory. Lets call it an omission, a part of the Capability Approach that deserves further development.

Now that the theory has been accepted, implemented and consolidated, I believe it is urgent to go further in the paradigm change. Without the fear of rejection, the theory can now loudly than ever express and enforce its original values – for example, the importance of democracy in any social agent. This thesis objective is to call attention
for these “forgotten” values in SCA, and to replace it into the discourse of human development.
4. Human Development Index: Lost in translation

Differently from other theories of justice, SCA has been applied in the real world, mainly through the Human Development Index (HDI), from the United Nations Development Program (UNDP). HDI assesses countries with regard to the level of human development its citizens enjoy. The measurement is based on three components: literacy rates, reflecting people’s knowledge; life expectancy, reflecting people’s capability to live a healthy life and; purchasing power, based in the country’s GDP and reflecting people’s capability to economically achieve a valuable life.

Although Human Development Index is not a full application of SCA, it is unquestionably based on Sen’s ethics. First because it follows Sen’s ideas about human development, which should be measured by the ability people have to live a valuable life rather than merely by a country’s income. The introduction of the first Human Development Report elucidates this:

*Technical considerations of the means to achieve human development - and the use of statistical aggregates to measure national income and its growth - have at times obscured the fact that the primary objective of development is to benefit people. There are two reasons for this. First, national income figures, useful though they are for many purposes, do not reveal the composition of income or the real beneficiaries. Second, people often value achievements that do not show up at all, or not immediately, in higher measured income or growth figures: better nutrition and health services, greater access to knowledge, more secure livelihoods, better working conditions, security against crime and physical violence, satisfying leisure hours, and a sense of participating in the economic, cultural and political activities of their communities. Of course, people also want higher incomes as one of their options. But income is not the sum total of human life.*

Second, because Sen personally contributed with Maybug Ul Haq to originate the HDI. He was advisor in the UNDP for the creation of the first Human Development Reports, which had HDI as a key component.

However, I argue that the translation of SCA into practice through HDI is problematic. Although it envisions an innovative approach for human development in alignment with Sen’s ideas; it does not persuade the paradigm-shifting one can dream with in Sen’s writings. It indeed fails to shift the attention from economic development to human development.

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91 UNDP 2008, p. 4.
In my view, two characteristics prevent HDI from being a really valuable moral reference for human development. These characteristics are the unit of evaluation (countries), leading to methodological territorialism; and the lack of an evaluation for political freedom. Let me first analyze the methodology of HDI, and then proceed to its lacunas.

**HDI methodology and territorialism**

The index has countries’ performances as the basic unit of assessment, leading to the idea that national governments are the only accountable agents for the enhancement or declining on people’s capability. This structural commitment to the idea of nation makes HDI tributary to methodological territorialism. How can a “non-territorialist” theory be applied as an a priori nation-based system of evaluation? As seen, methodological territorialism is not morally sustainable under Sen’s framework.

Having nations as the basic unit of assessment – the final output is presented as a ranked list of countries – threatens the morality of SCA. Assessing human development under the realm of nation means stronger concern on government actions (since governments are legitimate bearers of nation’s decisions). So, if a country has low rates of longevity it is implicit that this country’s government has not been doing enough on public health and other social goods’ policies. However, other factors, as well as contingent situations like presence of natural disasters, may also have an influence and responsibility in this result. Sometimes, development constrains are not to be solved by isolated action of one country; but by coordinated actions of many countries, through their governments and other institutions.

To illustrate, take the human development situation in Mozambique and in Southern Africa. According do HDI, if Mozambique has comparatively low rates of longevity, Mozambican government is to blame for its probable negligence or inefficiency in dealing with public health. Now, if Southern Africa (as a group of countries) has aggregated low rates of longevity, who is it to blame? Member governments? SADC (Southern Africa Development Community)? The international community, for not providing necessary aid? Or simply the HIV/AIDS pandemic? The point I want to make is that arbitrarily taking nations as units of assessment for human development poses an unfair responsibility over governments, while other agents (or phenomena)
that influence the assessment are not accounted. The example above shows that, when considering a region rather than an isolated country, it is more difficult to find “who is it to blame” for the regrettable situation.

Paradoxically, Sen clearly acknowledges the importance of various agents in the process of capability expansion:

*The social commitment to individual freedom need not, of course, operate only through the state, but must also involve other institutions: political and social organizations, community-based arrangements, non-governmental agencies of various kinds, the media and other means that allow the functioning of markets and contractual relations. The arbitrarily narrow view of individual responsibility – with the individual standing on an imaginary island upheld and unhindered by others – has to be broadened not merely by acknowledging the role of the state, but also by recognizing the functions of other institutions and agents.*

Reinforcing the state’s sovereignty may compromise the achievement of important values within SCA. The ethical bedrock of SCA is based in people’s well-being, which is partially composed by freedom. If a clear claim challenging state sovereignty is not in place, states that violate people’s freedom or are negligent on the possibility of expanding people’s capability, may just continue with violations and negligence. Under a situation of legitimized unfreedom, for example, people may not have channels to interfere in state’s actions.

Now, once the value of sovereignty becomes less important than the aim of expanding people’s capability, the global community (if organized in a democratic way) can – and actually should, according to SCA framework – interfere and protect people from state-caused unfreedoms. As noted by Sassen, a great problem of theories of global justice is the fact that they try to address the “two equally different regimes for the protection of human rights and the protection of state sovereignty…”

In my interpretation, a full application of SCA would place values like the human rights higher than the value of sovereignty. If global governance institutions became indeed committed with the enhancement of peoples’ capability (say through the fully implementation of the Universal Declaration of Human Rights), governments that violate those rights would be threatened by the influence of these institutions. So, if a

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93 Sassen 1996, p. xvi.
government denies developing its society, by neglecting the removal of people’s unfreedoms, this government should be changed – even if this change involve a temporary undermining of this country’s sovereignty.

In my view, placing an overwhelming burden of responsibility in the sphere of national governments has at least two pervasive effects for a global justice theory: (i) it reinforces the idea that national governments are legitimate and adequate shelters for justice, thus reinforcing the idea of national sovereignty and; (ii) it excuses all other players from their duties and responsibilities before the peoples and societies they affect, leading to an unrestricted – and maybe unreasonable – freedom to institutions of global reach. It creates room for a flawed and narrowed interpretation of SCA. The results shown by HDI are corollary of a number of processes and influences from diverse institutions and phenomena; hence its methodology should not imply that national governments are the only to account for it.

This is not surprising. Contemporary political philosophy has been timid in confronting the value of sovereignty. Even within cosmopolitan approaches to justice (where national boundaries are not considered moral, but arbitrary divisions) the claim against state sovereignty is not fully undertook. For example, Marta Nussbaum, in the development of her version of the capability approach, states: “… it is part of the view [of capability approach] that state sovereignty, grounded in the consent of people, is a very important part of the whole package.”

Under ideal conditions, where a government is democratically elected there is no point in threatening its sovereignty, even because adequate democratic governments will not, on principle, abuse its citizen’s rights. But the situation in undemocratic states is quite different. A clear case study is Zimbabwe. Although Robert Mugabe and his fellows in ZANU-PF claim that elections in the country are transparent and fair, the reality as reported by international observers (not permitted to observe the last polling, in 2008) is not so sweet. Capability deprivations in the country are widely known and broadcasted by the international media. Inflation is bumping officially at

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94 Nussbaum 2003, p.43.
165,000% a year – some say it is really around 9 million percent.\textsuperscript{95} Income of most families is not enough to buy a loaf of bread.

Other examples mushroom all over, especially in least developed countries. Recent ethnic conflicts in Kenya and South Africa brought to memory the massacre in Rwanda, which happened as the international community passively watched the number of deaths growing to almost 2 million. Are these deprivations justified? Do they stand less important than the convention of state sovereignty? I believe not. In my reading of SCA, it requires this value of sovereignty to be reviewed.

The social ethics substance available in Sen’s theory requires a wider normative impact than the one found in its HDI application. To be consistent with the claims of SCA, its application would have to be more expressly in favor of ethical assessment for all actors in the global arena. Instead, it praises state as a major agent for enhancing people’s capability, or for the development and delivery of justice.

We have seen that once a social arrangement (be it a global governance institution, a multinational company or a civil society organization) impacts lives of people, it should be accounted for the justness or unjustness of this impact. The responsibility of enhancing people’s capability must, in other words, be shared between states and other actors.

I assume that a reasonable first step for this responsibility distribution is to assess global agents (organizations, companies, institution of global governance) with the same tools used for assessing governments: development and transparency indicators. For example, Transparency International’s Corruption Perception Index (see next), typically directed to governments, could be applied also to institutions and companies with global reach. Say for a company, scoring low in such an index would mean less profits or stained image in the media. This would bring a normative impact on the actions and concerns of this company, enhancing its perception of responsibility before people it affects.

Assessment indexes could additionally emerge from UN Global Compact’s ten principles to evaluate the moral commitment of the influential organizations worldwide. If those principles are really important to the public opinion, it could result in a world of institutions struggling to be more just, struggling to provide the best conditions for the expansion of people’s capability.

**Consideration of political freedom**

Besides falling into methodological territorialism, HDI does not put forward important normative content found in SCA. Specifically, I maintain, HDI does not account for political freedom. In addition to measuring economic performance, longevity and education levels, HDI could easily assess countries by the level of political freedom it provides to its citizens.

One could argue that political freedom is embedded in the HDI results: a more efficient nation obviously grants more political freedom to its citizens. Sen’s famous statement, that no hunger ever happened under a democratic government, corroborates this line of thought. If the country is going well in other instances (economic performance, longevity and education levels, for example), it is clearly a democratic nation.

But, imagine an authoritarian government from a resourceful nation. This government provides reasonable levels health care and education for its citizens, and achieves a good economic performance. This country would score high in present HDI’s assessment system. Under SCA assessment, though, this country may not score so well. This government may have policies to defy people’s freedom (such as censored media and not transparent systems of election). Albeit providing basic social services and having a strong economy, this country may be experiencing reverse development, if individual freedoms are denied. The country you just imagined exists. Arabic countries, particularly, demonstrate a huge discrepancy between HDI performance and democratic performance. The opposite also occurs: allegedly democratic countries perform poorly in HDI performance, such as Asian and African countries (see table below).

Democracy has multiple roles in building development for a community. It is actually one of the pillars of Sen’s social ethics theory. There are several surveys on
democracy carried out by independent research institutes. Transparency International, for example, publishes yearly the CPI – Corruption Perception Index, which “ranks 180 countries by their perceived levels of corruption, as determined by expert assessments and opinion surveys.”96 Another survey, with quite a different methodology, is the Economists’ Intelligence Unit’s Index (EIUID) of Democracy. This index “is based on five categories: electoral process and pluralism; civil liberties; the functioning of government; political participation; and political culture. The five categories are interrelated and form a coherent conceptual whole. The condition of having free and fair competitive elections, and satisfying related aspects of political freedom, is clearly the basic requirement of all definitions.”97 How come, then, is this concept not included in the HDI?

Looking at the chart below, it is easy to visualize how differently a country can score in HDI and political-based indexes:

<table>
<thead>
<tr>
<th>Country</th>
<th>Rank Economists Intelligence Unit’s Democracy Index (out of 167)</th>
<th>Rank HDI 2007/2008 (out of 177)</th>
<th>Discrepancy (EIUID - HDI)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qatar</td>
<td>144</td>
<td>35</td>
<td>-109</td>
</tr>
<tr>
<td>Kuwait</td>
<td>136</td>
<td>33</td>
<td>-103</td>
</tr>
<tr>
<td>Saudi Arabia</td>
<td>161</td>
<td>61</td>
<td>-100</td>
</tr>
<tr>
<td>Oman</td>
<td>145</td>
<td>58</td>
<td>-87</td>
</tr>
<tr>
<td>Bahrain</td>
<td>125</td>
<td>48</td>
<td>-77</td>
</tr>
<tr>
<td>Cuba</td>
<td>126</td>
<td>41</td>
<td>-85</td>
</tr>
<tr>
<td>Belarus</td>
<td>130</td>
<td>64</td>
<td>-66</td>
</tr>
<tr>
<td>Singapore</td>
<td>86</td>
<td>25</td>
<td>-61</td>
</tr>
<tr>
<td>China</td>
<td>140</td>
<td>81</td>
<td>-59</td>
</tr>
<tr>
<td>Hong Kong</td>
<td>79</td>
<td>71</td>
<td>-8</td>
</tr>
<tr>
<td>Lesotho</td>
<td>64</td>
<td>138</td>
<td>74</td>
</tr>
<tr>
<td>Mozambique</td>
<td>98</td>
<td>172</td>
<td>74</td>
</tr>
<tr>
<td>Taiwan</td>
<td>33</td>
<td>108</td>
<td>75</td>
</tr>
<tr>
<td>Papua</td>
<td>61</td>
<td>145</td>
<td>84</td>
</tr>
<tr>
<td>Botswana</td>
<td>37</td>
<td>124</td>
<td>87</td>
</tr>
<tr>
<td>South Africa</td>
<td>32</td>
<td>121</td>
<td>89</td>
</tr>
<tr>
<td>Benin</td>
<td>73</td>
<td>163</td>
<td>90</td>
</tr>
<tr>
<td>India</td>
<td>36</td>
<td>128</td>
<td>92</td>
</tr>
<tr>
<td>Mali</td>
<td>81</td>
<td>173</td>
<td>92</td>
</tr>
<tr>
<td>Serbia</td>
<td>56</td>
<td>156</td>
<td>100</td>
</tr>
</tbody>
</table>

*Sources: UNDP96; The Economist97.*
The huge discrepancies between these indexes demonstrate how influential a component of political freedom in HDI would be. Negative discrepancies represent countries that, relatively, perform well in democracy, but poorly in human development. Positive discrepancies mean countries that go well in human development but are not democratic.

It would radically change the rank of countries as it is today. It is known that policy makers care a lot about these indexes, as they are references for the countries’ development. The chart elucidates how important it is to include political freedom as a component of the HDI.

The indexes mentioned here could easily be adapted to fit HDI’s procedures, and become a component in HDI’s assessment. It would be a great step towards a better translation of SCA into practice. In my view, this step must be urgently taken, to express the comprehensive consequences of the ethics underlying SCA.
Conclusion

Amartya Sen’s position of paradigm shifter was not easy. First, on the theoretical side, he had to confront economists and philosophers, demonstrating that the issues of human development are better addressed once the gap between them is narrowed. To economists, he urged that the conception of human development must be as wise as our human condition, and not simply identified to economic progress. A fully human perspective of human development is concerned with people’s well-being, peoples freedom to make their choices and to live the life they understand is better for them. To philosophers, Sen brought to reality a theory of justice that can survive under our present world’s contingencies, and demonstrated that a theory of global justice needs not be only an utopist exercise. Instead of building justice models for imaginary or perfect societies, Sen urged to identify the concept of development to the concept of justice. So, as humans develop they are necessarily becoming more just and vice-versa. Justice needs not be ready for delivery, it can be constructed together with the society we want to live in.

Second, on the practical side, he needed support from economists, philosophers and as large of an audience as possible to make his innovative theory known and accepted. Making the theory attractive and fulfilling for a huge audience resulted in crucial concepts – such as freedom, capability and agency – being admittedly vague. It succeeded: the capability approach earned Sen a Nobel prize in economics; it is widely studied and perfected in academic circles around the world; and, more importantly, most people are now convinced that economic progress is way too limited to translate our endeavors and values as human beings.

Throughout this thesis, Sen’s theory was assessed as a theory of global justice: whether the ethical guidance contained in his main books could put forward a full solution for the matter of justice in today’s global society. I argued that it could, despite minor flaws, be considered a remarkable framework. These flaws – namely the vague meaning attributed to the concept of freedom and the weak account for human interdependence – are in my view rhetorical rather than theoretical. Sen was unclear in these aspects to gain support from greater audiences, thus succeeding in shifting the paradigm of human development.
Take for example the concept of freedom. Strictly, the only full definition of freedom found in SCA goes around: freedom is what we should expand in order to develop. Other definitions presented in the theory are admittedly partial and dependent of many other concepts, such as well-being and agency. Now, expansion of freedom is too vague. We have seen that some kinds of freedom are not beneficial for development. Some kinds may even have harmful normative effects, such as freedom to pollute or to kill. Expansion of freedom is surely a paradigm for human development, but some sort of limitation to freedom is also healthy. Sen does not say a word regarding harmful types of freedoms, which should reasonably be contested.

Had he cropped (or limited) the wide concept of freedom, he would certainly have a more objective view on the issue. However, he would leave most of his audience out of the discussion. It is due to reaching so many people in so many different areas of knowledge that SCA could indeed shift the paradigm on human development. For Gasper, this “strategic vagueness” compromised the very fundamentals of SCA. In my view, his strategy was accurate. Now that the new paradigm has been launched and accepted, it is time to review and perfect the capability approach, by filling fundamental concepts with the objective content that was left behind.

Perfecting SCA was, to a great extent, the purpose of this thesis. After demonstrating that SCA can be an effective theory of global justice (chapters one, two and beginning of chapter three), by the end of third chapter I advanced some ideas to fill in its theoretical lacunas. The concept of freedom, I argued, could be completed with Mill’s Liberty principle, which is concerned with the consequences of one’s freedom in other person’s lives. The weak account for social responsibility could be enriched with a return to Adam Smith, where there is no difference between commitment and sympathy. For Sen, differently, those two concepts are clearly different, and one may or may not be committed to the suffering of other people.

Finally, in chapter four, we analyzed the practical application of SCA, through UNDP’s Human Development Index. I here argued that, although some ethical background from SCA was inherited by HDI, most of its really innovative moral guidance was left behind. Thus, the theory’s translation to practice is, as of today, problematic. In my view, it is urgent to expand HDI, making it account for ethical matters such as political freedom and shared responsibility for justice. A component
for political freedom, for example, is imperative in order to express one of the capability approach’s most important values: the freedom to participate in the decisions of one’s community. This could be implemented easily I think, using existent indexes such as the Corruption Perception Index.

Another important step, I argued, is that all agents in the global scenario, and not only national governments, should be targeted by HDI and other human development indexes. Transnational organizations, global governance institutions, NGO’s and so on, are responsible instances for justice, only to the extent of the impact they cause in other people’s lives. So besides nations, HDI (and the alike) should measure their contribution for human development. At some point, decision making within those institutions would have to account for the importance of these indexes: if not for the moral commitment, then for the consequences these indexes can bring to the organizations’ moral image.

As we know, the new “Development as Freedom” or “Justice as Development” pathway pointed out by Sen is long, and the philosopher has taken only the first steps. This thesis hopes to contribute to a fuller understanding of human development, in this same pathway: one that is committed to our wise and diverse humanity. The way forward, I think, is to produce concrete alternatives for the expansion of human development indexes. The ideas advanced in this thesis may be seen as a reasonable beginning for development these alternatives.
Works Cited


SINGER, Peter. *Practical Ethics*. Cambridge: CUP.

