Nussbaum on Sen

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Capabilities
• People are able to do and to be what they have reason to value.
• Adaptive preferences (adjust to second-class status) – preferences are because of unjust background conditions
• Gender justice or social justice if we make claims about fundamental entitlements

Critiquing Utility
• It is inadequate to capture the heterogeneity and noncomensurability of the diverse aspects of development.
• It fails to take account of the fact of adaptive preferences,
• Though it gives us an idea of what processes do for people, yet it biases the development process in favor of the status quo, when used as a normative benchmark.
• It suggests that the goal of development is a state or condition of persons (e.g., a state of satisfaction).
• And, thus understates the importance of agency and freedom in the development process.

Critiquing equality of resources
• Equality of resources falls short because different individuals need different resources to come up to the same capability to function.
• They also have different ability to convert resources into functionings.
• Literacy – male vs female – public policy.

Capabilities and Rights
• Capabilities, like human rights, supply a moral and humanly rich set of goals for development, in place of “the wealth and poverty of the economists,” as Marx so nicely put it (Karl Marx 1844).
• Rights are male centric and have ignored
  – Right to bodily integrity
  – Right to be free from bodily violence at home
  – Right to be free from sexual harassment at work place.

Capabilities and Rights: Theoretical Reasons (1)
• Language of capabilities gives important precision and supplementation to the language of rights:
  – Basis of claim to rights can differ – rationality, sentience, mere life
  – Are rights prepolitical or artifacts of law
  – Are rights for individuals or for groups
  – Are rights side-constraints on goal performing actions or part of social action
  – If there is a right then whose duty is it to provide it
  – Rights to what? Achieved well-being, resources or opportunities and capacities with which one can make choices about one’s life span, …
Capabilities and Rights: Theoretical Reasons (2)

- Negative liberty (prohibition against interfering state action) as against affirmative rights (impediment by non-state actors are also violative).
- By focusing on what people are actually able to do and to be it can address inequalities that women suffer inside the family, in resources and opportunities, educational deprivations, failure of work to be recognized as work, insults to bodily integrity.
- It is not strongly linked to one particular cultural and historical tradition (European enlightenment).

The Central Human Capabilities-1

- 1. Life. Being able to live to the end of a human life of normal length; not dying prematurely, or before one's life is so reduced as to be not worth living.
- 2. Bodily Health. Being able to have good health, including reproductive health; to be adequately nourished; to have adequate shelter.
- 3. Bodily Integrity. Being able to move freely from place to place; to be secure against violent assault, including sexual assault and domestic violence; having opportunities for sexual satisfaction and for choice in matters of reproduction.
- 4. Senses, Imagination, and Thought. Being able to use the senses, to imagine, think, and reason – and to do these things in a "truly human" way, a way informed and cultivated by an adequate education, including, but by no means limited to, literacy and basic mathematical and scientific training. Being able to use imagination and thought in connection with experiencing and producing works and events of one's own choosing, religious, literary, musical, and so forth. Being able to use one's mind in ways protected by guarantees of freedom of expression with respect to both political and artistic speech, and freedom of religious exercise. Being able to have pleasurable experiences and to avoid nonbeneficial pain.

The Central Human Capabilities-2

- 5. Emotions. Being able to have attachments to things and people outside ourselves; to love those who love and care for us, to grieve at their absence; in general, to love, to grieve, to experience longing, gratitude, and justified anger. Not having one's emotional development blighted by fear and anxiety. (Supporting this capability means supporting forms of human association that can be shown to be crucial in their development.)
- 6. Practical Reason. Being able to form a conception of the good and to engage in critical reflection about the planning of one's life. (This entails reflection for the liberty of conscience and religious observance.)
- 7. Affiliation.
  - A. Being able to live with and toward others, to recognize and show concern for other human beings, to engage in various forms of social interaction; to be able to imagine the situation of another. (Protecting this capability means protecting institutions that constitute and nourish such forms of affiliation, and also protecting the freedom of assembly and political speech.)
  - B. Having the social bases of self-respect and nonhumiliation; being able to be treated as a dignified being whose worth is equal to that of others. (This entails protections of nondiscrimination on the basis of race, sex, sexual orientation, ethnicity, caste, religion, national origin.)

The Central Human Capabilities-3

- 8. Other Species. Being able to live with concern for and in relation to animals, plants, and the world of nature.
- 9. Play. Being able to laugh, to play, to enjoy recreational activities.
- 10. Control Over One's Environment.
  - A. Political. Being able to participate effectively in political choices that govern one's life; having the right of political participation, protections of free speech and association.
  - B. Material. Being able to hold property (both land and movable goods), and having property rights on an equal basis with others; having the right to seek employment on an equal basis with others; having the freedom from unwarranted search and seizure. In work, being able to work as a human being, exercising practical reason, and entering into meaningful relationships of mutual recognition with other workers.

The List

- Open ended allowing for on-going revision and rethinking.
- Abstract and general allowing space for specifying and deliberation by respective constituents of basic structure.
- Free-standing "partial moral conception" only in the political domain.
- Capability and not functioning (pluralism).
- Liberties that protect pluralism.
- Justification versus implementation.

Differences with Sen

- Sen's reluctance to make commitments of substance.
- No sense of minimum level of capability.
- HDI compared attainment in education, health; but on the question of what minimum level there is silence.
Capabilities vs Social Contract

• One basic fundamental difference is that assuming everyone as free, equal and independent undermines the fact that people are different (gender differences) and hence, respecting the others strong point of view (for instance, neglecting the relevance of care). As a result women’s work has not been accounted.

References

http://www.ingentaconnect.com/content/rouledo/rfc2003/00000000/00000002/art00005

For a critical discussion of Nussbaum see,
http://cje.oxfordjournals.org/cgi/reprint/ben027v1