

Human Capabilities and Collectivist Justice

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ABSTRACT

The capability approach to justice, made popular by Amartya Sen and Martha Nussbaum, has been a stalwart of the human development literature for the last 30 years, and its core ideals underwrite the United Nations' Millennium Development Goals. This dissertation offers a new version of the approach, rejecting many of its ideological commitments to liberal-democratic humanism and replacing them with more distinctly collectivist and communitarian ones. It contends that the capability approach, when used as a theoretical framework for global development, need not contain almost any ethical normativity with regard to a definition of "justice, and indeed it is much more functional when it endorses a moderate ethical relativism. The argument proceeds in four steps. First, it shows that all existing versions of the capability approach are ideologically committed to a specific kind of liberal humanism, which its proponents consider universalist but that is actually quite provincial. Second, it argues that collectivist critiques from prominent capability theorists in the last decade have been misunderstood and their recommendations unheeded, a fact that this dissertation attempts to rectify. Third, it offers a properly collectivist account of group capabilities and group self-determination, which can do all the normative work that individual capabilities and agency perform in the approach's original versions. Finally, it introduces the notion of public objective capabilities, which justifies a higher deference to collective self-determination at the expense of some individual freedom and equitable participation in democratic polity. The overall goal of this new collectivist version of the approach is not to reject the worth of capability as a metric of global justice, but rather to reinforce it. A collectivist "capabilitarianism" shows that capability is so well suited to global development work that it can function across diverse political realities, without the ideological constraints of a liberal humanism that is widely accepted in the Global North but whose cross-cultural appeal has been far overstated by its proponents.

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GENERAL AUDIENCE ABSTRACT

For much the 20th century, development aid to the deeply impoverished nations of the Global South has taken the form of humanitarian assistance. Development projects have been motivated, first, by a humanist principle that all people everywhere deserve basic human rights and freedom from want; and, second, by the widely accepted belief that the Global South is entitled to receive vast reparations after centuries of colonial exploitation. Together, these two views have made development work the near-exclusive province of liberal humanists, and so most development projects are designed to advance ideological positions that are popular in Western democracies: individual freedom, fair opportunity, social equality, and fair political representation. But while the liberal-humanist ideology is perfectly valid on its own merits, it is neither the only nor the best available normative framework to underwrite development work. This dissertation argues that development workers—international NGOs, transnational activists, and various humanitarians—should design projects that incorporate a communitarian, morally particularistic, and non-liberal (but not *illiberal*) ethic that respects the collective self-determination of groups without requiring the affirmation of free agency for individual persons. This proposal follows some recent collectivist shifts in the literature on Amartya Sen's capability approach to justice, which is explicitly or implicitly adopted by many development projects based in the Global South. An increasing number of critics in the last decade have argued that the approach's liberal-humanist foundations hinder rather than promote its usefulness in eradicating systemic poverty while respecting local communal values. This dissertation sides with these critiques and takes them a step further, suggesting that development workers who endorse the capability approach should pay more attention and give more respect to the determinations of groups as opposed merely to individuals.

Dedication

Fausto D'Amato – May 7, 2007

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Chapter 1

Introduction: The Capability Approach to Global Justice

The international system of humanitarian and development assistance has always needed to balance its guiding moral principles with those of aid recipients. Seemingly harmless actions like providing shelter or healthcare often present deep dilemmas to aid workers. The ethical mandates of their (private or public) donor agencies may be at odds with the beliefs of the populations that they serve and assist; their ignorance of local politics may cast them as unwitting allies in genocidal campaigns, as in the case of Rwandan refugee camps in Zaire; multi-national corporations based in the Global North may use NGOs to increase the reliance of developing nations on neoliberal business models that subjugate them; and so forth. Some humanitarians meet these challenges by remaining as apolitical as possible in the name of neutrality, while others posit specific agendas in the name of “peace-building” or “development.” Among the latter, many follow the guidelines set by Indian economist Amartya Sen’s capability approach to global development and distributive justice, a theoretical framework that has proven popular since the 1980s and that has provided the methodological basis for the United Nations’ Millennium Development Goals.

In this dissertation I argue that capability-minded aid workers—humanitarians, development workers, ethnographers, international NGOs, transnational activists—should design their projects after a modified version of Sen’s original approach, one that deemphasizes its commitment to democratic-liberal humanism in favor of a more socially collectivist, morally particularistic, and moderately relativistic ethic. They should not

make development aid contingent on its recipients' adherence to certain humanitarian principles, such as individual freedom and democratic decision-making; nor should they prioritize those principles in the theoretical frameworks that inform their work. Instead, aid workers should strive to prioritize the ethical-political *collective* determinations of aid recipients, conceptualizing themselves as servants of Other-determined capabilities and not as leaders or liberators.

Most development approaches are committed to specific ideologies: libertarian, authoritarian, liberal, neoliberal, Marxist, anarchist, etc. Each ideology posits necessary and sufficient conditions for the attainment of justice, which is rightly considered the main goal of development assistance. Sen and those who followed in his wake, especially American philosopher Martha C. Nussbaum, conceive of 'development' as an increase in people's substantive freedoms, so they argue that the two principal requirements of justice should be individual free agency and equal participation in a democratic polity. Some collectivist versions of the approach, such as the one proposed by Belgian ethicist Séverine Deneulin, give more weight to group capabilities and the public will, even as they continue to hold freedom for all individuals in high regard.

My own version is similarly communitarian. Unlike Sen's, it does not require that all persons participate in public life as democratic free agents on roughly equal terms. Unlike Nussbaum's, it does not claim that certain ethical values are universally right and essential to the human form of life, nor does it identify capabilities as human rights. Instead, a collectivist capability approach defends a reasonable moral particularism based on a communitarian account of social identity, so it views ethics as (at best) objective or intrasubjective as opposed to universal. For the same reason, this sort of approach is

moderately relativistic and only weakly normative about the necessary and sufficient conditions for justice. It removes much of the ideological superstructure and normative overhead from the more humanistic versions of the approach, and prioritizes situated and localized views of capability that respect the collective values of their determinants. The resulting approach is normatively thinner, but not for this reason weaker—indeed, I will argue that this is exactly the kind of theoretical framework that is best suited to perform development work in the Global South.

1.1. The capability approach

In “Equality of What?” (1980), based on his Tanner Lectures at Stanford in 1979, Amartya Sen described ‘capability’ as a qualitative measurement of global economic equality. His goal was to create an approach to development economics that did not rely on the two dominant paradigms of that era: the utilitarian indicators of welfare (GDP, wealth, productivity, growth) and their liberal counterparts inspired by the work of John Rawls (primary goods, resources, political rights). The notion of capability was designed as a context-sensitive and justice-oriented alternative focused on people’s actual ability to improve their condition within the specific social settings of their lives.

A person’s capability is the set of all functionings (life paths, goals, ambitions, needs, desires, wills, relations, etc.) that are freely and realistically available to that person. It is the actually existing, reliably available, and safely exercisable freedom to make choices about the direction of one’s life: or, in Sen’s terms, it is a person’s substantive freedom. Capability thus stated can be mistaken for opportunity, agency, or even a human right to

political freedom. While it does have something in common with those ideas, it also stands apart in significant ways.

For one, capability entails the ability to live: a person has a higher capability the more she is physically and psychologically able to live long and well. Food and water insecurity detracts from capability, as do most physical and mental disabilities. Other negative influences include short life expectancy, high infant mortality rate in one's society, social or political persecution or oppression, living in a war zone, having a genetic predisposition to disease within one's population, and many more. Secure and long-lasting health is a critical prerequisite of capability, for without it everything else becomes harder or impossible to achieve.

Second, capability entails the freedom to self-determine one's life paths: a person has a higher capability the more she is substantively free to choose for herself what her life will be like. At a minimum, this freedom has to be guaranteed legally, such as when it is enshrined in a constitutional document, but also it has to be actual and not only nominal. For example, a person whose caste or family lives in subservience to another is less substantively free than a person in a casteless society, and thus has a lower capability (on account of social status, if nothing else). In the ideal situation, a person is both legally and actually free to choose among life paths without fear of repression or persecution from the state or society, and thus enjoys a high substantive freedom.

Third, capability entails the actual realistic availability of functionings: a person has a higher capability the more functionings she can actually choose from and the more varied those are. It is insufficient to guarantee that people be able to choose if there is little that they can choose from. A person born in extreme poverty "can" choose whether to die or

continue struggling, or whether to starve or turn to crime or emigrate; or a woman in a repressive patriarchal society “can” choose to submit or to be persecuted; but these choices are not good enough, according to Sen. A variety of functionings must be actually available for people to choose from. These must be available not just in theory but also realistically; i.e., without requiring superhuman heroism or placing oneself in mortal danger in order to be attained. For example, the functioning of emigrating to Europe or the United States to build a better life for oneself is nominally available to everyone everywhere, but realistically available only to certain citizens of certain countries.

Notice that measurable statistical realities such as wealth and income still play a role on this approach, if for no other reason than increasing one’s capability usually requires reasonable access to water, food, shelter, and sanitation, and money is instrumental in procuring those. But wealth is not as relevant in societies without structures that enable citizens to convert it into wellbeing safely and reliably. Well-meaning citizens of the Global North who endorse a “just give them the money” approach to development—large cash transfers to the Global South with little or no intrusive aid—tend to ignore that currency is only useful in the presence of reliable economic networks, which is not the case in countries overrun by systemic poverty where the nearest store or clean water well is a hundred miles and a war zone away. Though money helps, and though the Global North does have a duty to give money to make up for past abuses, equating money to an automatic increase in life quality is a serious error.

Notice, further, that the requirement that many and varied life paths be available does not by itself recommend any one lifestyle over any other. This is a sensible worry because the capability-based concept of development may be seen as suggesting a pluralistic

lifestyle in the tradition of Western capitalist societies, which would be a kind of cultural imperialism. But this need not be the case. Which life paths ought to be available depends on what people actually want according to their existing cultures and traditions. A society where people can realistically become astronauts may be more technologically advanced than one without a space program, but not more developed. Whatever the standards may be for the realization of life paths, those paths must be realistically available and social institutions must be designed to facilitate their achievement. On this account, not all industrialized capitalist societies are necessarily well-developed, while some economies that rely on subsistence farming may well be. So the central desideratum remains unchanged even as the contingent circumstances of its instantiation vary greatly. In short: the requirement of many and varied life paths should not be mistaken for the argument that simpler equals less developed. That is exactly the mindset that a capability-based view of development seeks to oppose.

The upshot is that capability must be guaranteed for development to take place, so development workers should seek to increase the capabilities of their aid recipients. This process is obviously political, for the features of capability just outlined require various socioeconomic transformations. Thus, Sen's concept of development is political in two ways: it is quantitatively involved in the power structures of aid recipients and it is qualitatively ideologically non-neutral. Indeed, the most important influence of the capability approach in development economics is its redefinition of the main concepts of that field: poverty and justice. Poverty is the lack not only of material wealth but also of substantive freedom or capability, and justice is simply the absence of poverty thus

defined. Indeed, the most accurate way to reduce the capability approach to one core concept is that poverty is unjust and people have the right not to be poor.

1.2. Beyond the capability approach

On the view just presented, development is justice, justice is freedom, and freedom is capability. But whose freedom and whose capability, and on whose definition of justice? Sen emphasizes the freedom of individual persons, for the individual is the locus of moral importance and the possessor of a special agency, the capacity to act and choose according to her rational will. But this may be troubling from some other political perspectives. Even though the basic liberal-democratic values are shared in some form by almost everyone on Earth (Appiah 2007; 2008), from an institutional standpoint they have been the near-exclusive province of the well-fed and well-housed citizens of the Global North (Rorty 1996). An account of development that prioritized these values may either be unpopular or require imposition, which would defy the purpose of the approach and encourage the detailed specification of “lists” of basic capabilities without which life is not even fully human at all, a highly dubious sort of essentialist universalism.

Fortunately, the capability approach does not *require* an ideological commitment to democratic liberal humanism, even if it has often been proposed that way and even if most capability theorists define themselves as liberal humanists. I contend that the approach is viable across diverse political realities and that it should include a more communitarian ethical framework. Development work may increase capability in any way that its beneficiaries determine on their own accord, not seeking to engineer an ideal society but merely assisting in procuring the capabilities that are internally collectively

chosen as worth pursuing. This differs from Sen's approach both substantively (those capabilities need not include equal freedoms or value everyone's agency in the same way) and also procedurally (the process by which capabilities are chosen and assessed need not be democratic or egalitarian). So development work should increase capabilities by its beneficiaries' lights even if the resulting arrangements were non-liberal or illiberal, a possibility that is at odds with the classic versions of the approach. As David Miller (2007) puts it, the goal of global justice should be to help people pursue social justice according to their own definitions of it, for there is no defensible universal definition of social justice.

A moderate collectivist shift in this general direction is already taking place in the capability literature. The objection that Sen and Nussbaum disregard communal deliberations that were not reached democratically has become more popular, which reveals a discontent with the approach's ethical and methodological individualism. In the last decade, a growing number of authors (Stewart 2005; Ibrahim 2006; Deneulin 2006, 2008; Deneulin & McGregor 2010; Migheli 2011; Ibrahim, Volkert, and Davis 2013; Murphy 2014; Khader 2016) have argued that capabilities are attained by supporting the collectives that promote them and opposing those that do not, regardless of which capabilities people find valuable or which collectives they find good; and, indeed, it should not be the business of capability theorists or development aid workers to define the criteria for 'valuable' and 'good.' But none of these objections are sufficiently normatively thin, nor do they embrace a moderate ethical relativism or a communitarian ethic based on moral particularism. These are the contributions that my work will offer.

1.3. Collectivist capabilitarianism

Following Ingrid Robeyns (2016), in this dissertation I will refer to the capability approach as *capabilitarianism*, “to underline its breadth yet highlight its ultimately normative character” (397). Consequently, all capability theorists, development economists, philosophers, and anthropologists who defend a capability approach to global development and justice can be called *capabilitarians*, as opposed to utilitarians, welfarists, or resourcists. As I have explained, both Sen and Nussbaum are for the most part liberal, democratic, essentialist, and individualistic capabilitarians, while the authors in the previous section fall on a more communitarian and collectivist spectrum, as do I.

My argument for the merits of a collectivist capabilitarianism is articulated over the next eight chapters. I begin, in Chapter 2, with a review of the conceptual bases of dominant contemporary development paradigms, focusing on their recommendations about the political involvement of aid workers with their recipients. Development aid is typically distinct from humanitarian aid. The latter focuses on urgent situations (like famines or disasters) that require immediate attention, and as such it can afford to be less involved. But development is necessarily political, and thus requires a deeper engagement with associations like governments, legislative bodies, and law enforcement. Depending on their degree of cultural immersion, development projects can be *de facto* exercises in social engineering, which is where they derive most of their power but also where they encounter their biggest ethical dilemmas. Here I argue that the capability approach is uniquely suited to avoid most of the problems that have plagued other popular approaches to development, in no small part due to its context-sensitivity.

Chapters 3 and 4 jointly analyze the collectivist objections to capability that have been raised in the last 10-15 years, first from the perspective of Sen and Nussbaum (who refute them) and then from the perspective of their proponents. In these chapters I place special emphasis on how these objections reject the two defining features of classic capability approaches: their methodological individualism and ethical universalism. As concerns individualism, both Sen and Nussbaum have always acknowledged the approach's potential to engage with groups or collectives, and even if both have eventually turned away from that option, their work yet contains arguments that are useful to the more communally minded capabilitarians. Thus, there is some hope for reconciliation on this account, and even the classic approaches can be useful to a collectivist capabilitarianism. However, there is more disagreement on the matter of ethical relativism. Sen has never equipped his approach with a normative ethical theory, while Nussbaum has reinforced hers through virtue ethics in the Aristotelian tradition. And even though virtue is among the least universalist ethical theories, she has used it to create a fixed list of basic or essential human capabilities. Since the early 1990s, this has been a major point of contention between the Sen-inspired and the Nussbaum-inspired capabilitarians; Sen himself has reiterated his disapproval of the excessive universalism of Nussbaum's list as recently as 2011. For this reason, many collectively-minded capabilitarians have been more tolerant of Sen's approach than Nussbaum's.

Chapter 5 completes the critique of the Sen-Nussbaum approaches by analyzing their views of justice in the context of traditional liberalism. To say that capabilitarianism is a "liberal" approach is not to say that it follows the ethical normativity of contemporary liberalism. In fact, Sen's first foray into ethics was an objection to Rawls' difference

principle (1976), and capabilitarians have debated Rawlsian liberals in the political philosophy literature for the past two decades. Through analyzing these debates, I highlight the features of capabilitarianism that are properly identified as “liberal,” while at the same time remarking on the differences that separate it from the more rights- and resource-oriented liberalisms. Even though there are prospects for reconciling the two theories, ultimately that is not my concern in this work. All I argue is that despite its affinity in some areas, the capability approach need not be liberal—which, of course, is a necessary condition for it to be something else.

Chapter 6 explains how a communitarian ideology can support the capability approach. It can do so, first, by endorsing moral particularism, the view that human ethics is primarily situated: we derive general and universal values by extrapolation from our local moral landscapes, and not the other way around. A defense of moral particularism can then support a metaphysical view of the moral self as necessarily embedded in its social contingencies, as opposed to the unattached and abstract entity posited by some liberals. This moral particularism grounded in a social view of the self can, in turn, support a communitarian argument against common liberal accounts of agency. As agency is rarely if ever detached from its sociopolitical circumstances, the very notion of “free” individual agency should be suspicious, so here I discuss alternatives that are more relevant to collectivist and communitarian values.

Free individual agency was one of Sen’s two necessary conditions for justice, the other being the exercise of democracy as public reason. This is the subject of Chapter 7, which relates Sen’s democratic arguments to the communitarian literature on the topic. Democratic capabilitarianism is most germane to societies that traditionally value public

reason or demonstrate a recent impetus toward it, while it is ineffective and unjust when imposed from the top as a philosophically justified procedural constraint. Here I borrow from Michael Walzer's (1977; 1980) popular argument that people deserve to have a state that is "their own" more than one that is free and democratic. For most communitarians the value of collective self-determination takes priority, often to the point of discarding individual freedom and egalitarian democracy as necessary conditions for justice.

Chapters 8 and 9 explain and defend in great detail my version of collectivist capabilityarianism. I argue that my approach differs from both Sen's and Nussbaum's on four indicators—neutrality, impartiality, consent, and engagement—based on the methodological tools from Chapters 2 and 3. Following Walzer, I defend an account of ethical objectivity based on the notion of intra-subjective agreement, which entails that I define 'objectively wrong' as "wrong for these people at this time." I then use this moderately relativistic account to defend the notion of public objective capabilities. All that a collectivist approach requires is that capabilities be chosen and assessed through the self-determining deliberations of a social group, even if not everyone within it played an equal part in those deliberations, and even if the resulting capabilities should not serve the interests of everyone. Finally, I conclude by discussing some principled limits to collective self-determination (such as in cases of genocide or enslavement) and give some recommendations for how capability-oriented development workers can operate in the direction of global justice.

Chapter 2

Development as Capability

As already mentioned, Amartya Sen (1980) originally described ‘capability’ as a qualitative measurement of global equality alternative to traditional utilitarian or welfarist indicators. But it was not until his 1988 paper, “The Concept of Development,” that capability became an *approach* proper. There he suggested that a systemic study of how human capability is chosen and valued, along with the weights and rankings that people may attribute to it, could provide a more nuanced picture of the idea of development. Even just intuitively, we should expect significant diversity in those valuations, as people’s beliefs vary with their socioeconomic circumstances. But this fact merely reinforces the need for an appropriately context-sensitive approach:

One of the difficulties in adequately characterizing the concept of development arises from the essential role of evaluation in that concept. What is or is not regarded as a case of ‘development’ depends inescapably on the notion of what things are valuable to promote. [...] These foundational questions are ultimately quite important for the concept of development, and it is precisely in that context that the capability approach provides a different strategy of assessment, more clearly geared to the evaluation of living as such rather than merely of the happiness generated by that living. (Sen 1988: 20)

Nevertheless, capability theorists have rarely engaged with the literatures on humanitarian action, global aid, famine relief, and development work. This is no doubt due to a difference in scope as well as goals. Many development and humanitarianism theorists are anthropologists, historians, and sociologists, while many capability theorists are philosophers or economists. So even though much theoretical affinity exists, seldom has

it translated into academic overlap, with publications about development and about capability mostly appearing in different journals, with different goals and different audiences (with the notable exception of the *Journal of Human Development and Capabilities*, which is however recent). As a result, there has been no comprehensive capability-based discussion of the dominant conceptual paradigms of the development literatures.

This chapter attempts to bridge that divide. I argue that some popular accounts of capability (as proposed by its most prominent theorists, including Sen, Martha Nussbaum, Sabina Alkire, and Ingrid Robeyns) can solve some serious outstanding problems for the contemporary international aid industry (as identified by *its* most prominent theorists, including Michael Barnett, Fiona Terry, Thomas Weiss, and James Ferguson). A common critique of the dominant development paradigms is that they are fundamentally flawed and need a radical conceptual overhaul. I do not think it is necessary to go that far, but their ideological grounding does need revision, and this is precisely what the capability approach can supply.

A capability-centered assessment of development requires, first, that development work should continue emphasizing openly political and directly engaged efforts to transform the unjust power structures responsible for human suffering; and, second, that it should embrace a kind of ethical neutrality and remain as ideologically nonaligned as possible. These two recommendations are only seemingly contradictory. Properly sensitive development work must push for socioeconomic reform in the direction of justice and, at the same time, remain neutral with regard to the ethical values of the

communities that it serves. This, I believe, the capability approach is uniquely suited to achieve.

In the first section I analyze various definitions of the notion of development and their place within the international aid system as a whole. Though some of these distinctions are semantic and not substantive, development work is best conceived of as a subset of humanitarian practice or aid work more generally. In the second section I present some influential critiques of the contemporary development industry and draw out some common themes and problems. Finally, in the last section I discuss Sen's argument that the concept of development should incorporate capability, and that development itself should be defined as an abundance of capabilities.

2.1. Conceptual bases of the dominant development paradigms

2.1.1. Definitions

I begin with some crude distinctions between development and humanitarianism on the basis of broad goals, general areas of involvement, and the nature of the involved parties. Following Peter Redfield and Erica Bornstein, we may say, for starters, that development is concerned with the "human good through an imagined future," while humanitarianism "emphasizes the physical (and increasingly the psychological) condition of suffering people above all else"; and the human rights discourse and practice sit somewhere in the middle, seeking to right past wrongs through philosophical and legalistic applications of justice. Even more generally, for Redfield & Bornstein "we might divide the aid world by professional expertise, noting that economists long played

a lead role in development, that lawyers established a subspecialty in human rights, and that doctors and nurses have deep ties to humanitarianism” (2011: 5-6).

This quartering of the international aid space, simplistic as it is admittedly, helps us to conceive of development and humanitarianism not as two different enterprises but as emphases on different aspects of the same goal, which is roughly to do good in the world or to help those who ask for it. This subdivision comprises a few stated or unstated claims of priority. For example, what matters most to humanitarians is to end suffering (“if somebody’s drowning, you save them”: Redfield 2013: 13), for either secular or religious reasons. Conversely, the endgame of development is more closely connected with the attainment of long-lasting and sustainable justice or peace, and as such it is more concerned with state- and world-building than with immediate suffering. Surely the two converge in important ways: the ultimate goal of development may well be to reduce suffering in the long run, and humanitarians may see the alleviation of suffering as one way to till the soil for justice to grow in the future, so again this is a matter of emphasis and degree rather than nature.

We can obtain a less crude definition of the types of international aid work by paying attention to their ethical, political, and ideological commitments. For example, Michael Barnett and Jack Snyder (2008) identify four types of humanitarian action based on its degree of political involvement and the scope of its practical commitments:

	Apolitical	Political
Modest	“Bed for the night” unqualified short-term relief in emergency circumstances	“Back a decent winner” deploy resources to achieve a stable bargain that will halt gross violations
Ambitious	“Do no harm” provide relief and minimize negative side effects	“Peacebuilding” eliminate root causes of conflict and promote a stable system

Table 1 – Kinds of aid

Thomas Weiss (1999) proposes a more detailed spectrum according to the nature and degree of the humanitarians’ involvement in four areas: consent of recipient population, neutrality with respect to existing sides, impartiality among aid recipients, and engagement with the local political systems. The resulting classifications range from a classicist approach that mandates relief without entanglement to a solidarity-based approach that recommends fuller participation.

Similarly, Craig Calhoun (2008) speaks of a minimalist approach as “simple charity,” the process of patching things up as they come up; as opposed to a maximalist or development-based approach, or “pre-political charity,” which focuses on improving human lives in order to avoid crises in the first place (‘pre-political’ does not mean ‘apolitical,’ but the opposite: to intervene politically to address the root causes of whatever might end up causing crises if left unchecked). Individually or together, the three subdivisions just reviewed supposedly encompass the entirety of international aid work, from the immediate medical assistance of international nongovernmental organizations (INGOs) like Médecins Sans Frontières to the more heavily politicized or state-sponsored efforts of UNICEF.

Another way to categorize global aid work is not only on the basis of its quantitative political involvement with local institutions and power structures, but also on the qualitative content of its preexisting ideological commitments. Consider, for example, this passage from the 2015 report on the state of the system by ALNAP (Active Learning Network for Accountability and Performance), a watchdog INGO that comprises several representatives from all constituent areas of the humanitarian sector:

One set of actors [in international aid] is concerned with reaffirming and strengthening the core humanitarian principles of impartiality, neutrality and independence, while others are urging diversification and inclusion of different moral frameworks from which to pursue humanitarian action, such as local religious and cultural values, or broader peacebuilding goals. (ALNAP 2015: 108)

These core humanitarian principles are the Red Cross values of humanity, impartiality, neutrality, and independence, which have been and remain popular since the mid-19th century (Jennings 2007; Barnett & Weiss 2008; Allié 2011). The worry is that since most contemporary international aid is financed by donors based in the Global North, and since it stands under the legal and sometimes military protection of the United Nations, it risks becoming a “vector of values and interests that are not universally shared in the places where [aid] intervenes” (Collinson & Elhawary 2012).

So a qualitative subdivision of the international aid space necessarily pays more attention to what aid workers believe, why they do what they do, and whose money they spend (and therefore whose agendas they advance). Some humanitarians cling to the old Red Cross values as a response to the ideological conflicts of interest that they believe would arise absent a sufficient neutrality; while others insist that all humanitarian work is by definition non-neutral, no matter how unbiased the intentions behind it may attempt to

be. I will return to this subdivision in each of the next two sections, since a discussion of values is obviously most relevant to my ethical arguments.

2.1.2 Development

Where is “development” in all this? Calhoun uses that word to identify the more politicized approaches. Weiss and Barnett & Snyder do not use it at all, though their concepts of “solidarity” and “peacebuilding” as the most involved forms of aid come fairly close. This involvement being discussed here is supposedly political and ideological, not practical. In fact, development work is often *less* directly involved “on the ground.” For example, Jennifer Rubenstein (2015) understands development in terms of its practical separateness from the work of most international NGOs: only large-scale INGOs do development work in addition to providing humanitarian aid, and typically those that do development “do not face the challenges associated with working on the ground in conflict zones or allocating resources between emergencies and non-emergencies” (23). This is not to say that development projects are utopian flights of fancy that never have to contend with reality. Once again, we must be careful not to dichotomize development and humanitarianism, either in their practical applications (for both states and INGOs sponsor both humanitarian and development programs) or in their theoretical underpinnings (for development work seems to entail at least *some* humanitarian work, though the opposite need not be true).

Any discussion of development must include Gilbert Rist’s self-termed “scandalous” definition from *The History of Development* (1997):

‘Development’ consists of a set of practices, sometimes appearing to conflict with one another, which require — for the reproduction of society — the general

transformation and destruction of the natural environment and of social relations. Its aim is to increase the production of commodities (goods and services) geared, by way of exchange, to effective demand. (13)

This definition is in line with high political involvement as a trademark of development work, but at the same time it bears a strong criticism of the ideological commitments of the actually existing contemporary development industry (see also Rist 2007 for why he thinks his decade-old argument is still relevant). Rist believes that in addition to a set of practices, development is also a belief, a cornerstone of the “religion of modernity,” inextricably tied to the paradigm of economic growth as indicative of progress and of the assumption that less industrialized societies are simply lesser; in short, that the development industry is a natural extension of global capitalism. On this view, to “do” development means to destroy social relations and the environment, for destruction of what is already there is a first step toward the creation of what will be there (Rist 1997: 21-4).

The only significant commonality in these discussions of the nature of development is that it is teleological in a way that no other aid work is. While all international aid is goal-oriented (the end of suffering, a sufficient quality and availability of medical care, adequate food security, etc.), development envisions a self-sustaining future characterized by something like justice, or what Redfield & Bornstein had called a vision of what the human good should look like in a future state of affairs. If this is what development is at its core, then it is no surprise that it is so ideologically laden and that it would prescribe specific ethical and political choices as “fair” or “just,” or that development workers should be fluent in the language of human rights, as they often are.

But this is not just a matter of semantics. Rist (1997: 69-73) traces one prominent contemporary use of the word ‘development’ back to the famous Point Four in Truman’s 1949 inaugural address, where the president juxtaposed the United States to underdeveloped countries. Under the Marshall Plan and the growing international cooperation efforts in the postwar period, the old paradigm of “savages to civilize” would be gradually replaced by that of “victims to help,” whose countries are no longer barbaric but now underdeveloped or undeveloped (or, in today’s favored euphemism, developing). As a result, Rist argues, the new idea of development became infused with the familiar ideology of economic growth at all costs that is a cornerstone of capitalism.

Many contemporary authors have moved beyond that view of development as the global arm of capitalism, but their views do remain extremely value-laden, some emphasizing development’s sociopolitical content and others its socioeconomic features. For example, Judith Blau, Jenniffer Santos, and Chelsea Sessoms (2009) propose to measure a country’s development across dozens of subjectively selected indicators, what they call the “Decent Society Index”:

A Decent Society is one in which all its members are committed to advancing equality and nondiscrimination, advancing the welfare of everyone, preserving social and cultural pluralism, and protecting vulnerable groups and people. Moreover, a Decent Society is one that promotes democracy, an equitable economy, environmental sustainability, and actively promotes peace. A Decent Society is one in which the government supports the advance of human rights and the common good through laws, policies and programs. (61-2)

Obviously, Sen (1988) too argues that development should be equated not only with productivity or growth but mostly with people’s actual wellbeing. He has been

notoriously reluctant to give cut-and-dried conceptual definitions, but it is still clear what he thinks that the essence of development should be:

Ultimately, the assessment of development achieved cannot be a matter only of quantification of the *means* of that achievement. The concept of development has to take note of the actual achievements themselves. The assessment of development has to go well beyond GNP information, *even when* the other difficulties referred to earlier (such as distributional variation, presence of externalities and non-marketabilities, imperfect price mechanisms, etc.) were somehow overcome. (Sen 1988: 15)

Of course, the “go well beyond” part is the capability approach.

It is difficult to find views of development that fall on the neutral side of the spectra proposed by Weiss, Calhoun, and Barnett & Snyder. The take-home point of this discussion should be that while some humanitarian interventions may be relatively uninvolved with the sociopolitical lives of their recipients (and even then, they rarely are), the same is impossible for development work. It would be hasty to *define* development as political action aimed at long-term poverty relief, but it has been mostly understood that way: an intervention aiming to produce sustainable change in a society’s political and economic realms.

2.2. Critiques of the development paradigm

2.2.1. Problems with development

Recall Rist’s concept of development as the destruction of social relations and the environment to foster growth. Development done this way often produces disastrous outcomes, as growth “takes place only at the expense of [...] human beings” (Rist 2007: 489). For his part, Rist proposes a radical redefinition of development from a positive

buzzword to a toxic idea born out of a very particular ideological conception of economics and human life. But for all his insights into what development means, Rist's argument is primarily one of cultural perception and meta-analysis. Sen agrees with Rist on a few superficial claims, such as the fact that development pays too much undue respect to its inheritance from neoclassical economics and would benefit from more context-sensitivity. Similar critiques of development paradigms come from within specific ideologies. For example, Marxist authors typically accuse the development industry of acting as a foreign arm of capitalist and neoliberal interests (Chomsky 1999; Chibber 2015; McGoey 2015).

But the most common critique of development is simply that it does not work. For example, Thomas Dichter (2003) reports that while the international development industry has spent over \$1.7 trillion in the second half of the 20th century, it has little to show for it, as more people live in extreme poverty today than ever before (but recent data from the World Bank¹ disputes some of these figures). Dichter thinks that the problem is that development has become an industry, a “dev biz,” because every industry, no matter how good its intentions, is ultimately concerned with its own survival above all else. Perhaps more importantly, development is the sort of problem that does not seem to be solvable with industrial or technical effort: “The problems of development are far too complex for any organized and deliberate effort to solve in any lasting way. Development is not a set of obstinate problems the way cancer is but a historical process that cannot really be engineered or controlled” (Dichter 2003: 9).

¹ <http://www.worldbank.org/en/news/press-release/2013/04/17/remarkable-declines-in-global-poverty-but-major-challenges-remain>

This view is popular among critics of the contemporary development industry. James Ferguson (1990) attributes the failure of development to the unforeseen circumstances that affect its efforts and projects. But instead of recommending more context-sensitivity to avoid setbacks, Ferguson calls into question the goals themselves of the development industry and its confidence in such goals:

outcomes that at first appear as mere “side effects” of an unsuccessful attempt to engineer an economic transformation become legible in another perspective as unintended yet instrumental elements in a resultant constellation [of control] that has the effect of expanding the exercise of a particular sort of state power while simultaneously exerting a powerful depoliticizing effect. (21)

No matter how well intentioned or carefully planned, development projects always clash with “unacknowledged structures and chance events,” resulting in unintended but clearly discernible power structures. Ferguson thus calls the development industry an “anti-politics machine,” not because it is or should be apolitical, but because it postures as apolitical while in fact replacing local politics with machinations that are inherently less knowledgeable and less predictable. Too many development projects assume that political facts like poverty and resource allocation are detachable from power structures, while in fact they are not. Even without Ferguson’s Foucauldian framework (development seen as the modern decentralized branch of what Foucault called governmentality), one may still agree with his and Dichter’s main conclusion: that the “dev biz” serves its own purpose while remaining blind to the necessarily localized, situated, and non-generalizable power structures that it encounters, often with disastrous consequences.

These accounts of development as a historical process do not assume that history cannot be affected, nor that well-intentioned people are powerless before the tide of its

forces, nor that human beings somehow exist outside of history. Rather, the idea is that some specific people (development workers) exist outside of some specific histories (those of their aid recipients) and believe that they can change them, while in fact they will always be unable to affect them in the desired ways. Little can be done to modify the course of such complex processes without being completely and directly involved in them—and, I might add, without having one’s own long-term interests threatened by change, unlike many humanitarians who have readily available “exit strategies.” Thus, according to these authors, the very concept of development assistance is doomed from the start, for it already assumes that one assists from without.

At the same time, these critiques do not dismiss the limited success of other kinds of global and international aid. Short-term humanitarian efforts like disaster and famine relief have often proved more successful than long-term development work. Dichter’s main complaint, after all, is that the development industry’s overly confident reliance on measuring and indicators is misplaced precisely because development as a historical process takes too long and branches too wide for any set of indicators to reveal anything truly useful about it. The same need not true of short-term efforts that posit less ambitious goals (though, as shown in the previous section, one should not always equate humanitarian relief with “short-term” and development work with “long-term”).

2.2.2. Problems with humanitarianism

While these problems are specific to development, humanitarians in general are also plagued by some of them. In *Empire of Humanity* (2011), Michael Barnett outlines five “enduring tensions” that have characterized humanitarian practice in the 20th century and

into the 21st. First, he argues, humanitarianism is “a creature of the world it aspires to civilize” (9), meaning that it mirrors the spirit of the times in which it is delivered.² Second, there is no such thing as humanitarianism “as such”: the industry is far too fragmented to identify it as a movement with a single ethic and unified goals. Third, humanitarian ethics are “simultaneously universal and circumstantial”: contemporary humanitarians may believe that their ethical foundations are absolute and universal (peace, justice, democracy, human rights, and so on), while in fact those are products of ideological predispositions contingent to this particular time period. Fourth, humanitarianism embodies a strange paradox of emancipation and domination: recipients are considered too weak to help themselves and in need of emancipation, but at the same time humanitarian practice is inherently dominating, “a form of governance” and thus of power. Fifth and finally, humanitarianism has a twisted relationship with so-called moral progress, for “any ‘-ism’ that arrives with promises of progress must be closely watched for signs of domination over those whose lives are supposed to be bettered” (2011: 9-13).

Similarly, Alex de Waal (2007; 2010) argues that humanitarianism is necessarily plagued by certain recurring problems, what he calls the humanitarians’ tragedy: “There is the individual cruelty of failing to do good at the margin. There is the cruelty of compromising dearly-held principles. And there is the cruelty of feeding dreams of an alternative but unattainable reality” (S130). Unlike “escapable” cruelties, which depend on isolated failings of a project or aid effort and that are in theory improvable through better relief technologies, the aforementioned cruelties are “inescapable,” meaning that

² For this reason, Barnett identifies three distinct ages of humanitarianism motivated by three overarching cultural paradigms: the imperial age (colonialism & commerce), the neo-humanitarian age (nationalism & development); and the liberal humanitarian age (peace & globalization). The contemporary dev biz is stuck somewhere between the second and the third, depending on its level of politicization and ideological involvement.

they are intrinsic to humanitarian practice. Some of these problems concern the givers of aid more than the recipients, but others concern everyone involved.

These problems are mostly conceptual, but there are practical ones too, such as what Fiona Terry calls the paradox of humanitarian action. Often, humanitarian intervention “can contradict its fundamental purpose by prolonging the suffering it intends to alleviate” (2002: 2), for example by sheltering the culprits of the Rwandan genocide and unintentionally turning refugee camps into bases from which they could launch their attacks. By remaining uninvolved, humanitarians risk being manipulated by political forces that they do not understand and whose actions result in even more suffering. Notably, Terry does not end up condemning the humanitarian system as a whole, but merely suggests that it should follow a minimization-of-harm principle and that humanitarians should remain vigilant about potential paradoxes in their work (2002: 243-245). This is precisely what Dichter and Ferguson also warn against: the temptation of reacting to setbacks by fine-tuning future interventions, which often turns out to be a delusional expectation.

2.3. Summary

Based on this brief survey of the critiques to the development and humanitarian industries, I can identify four general problems with international aid. As I mentioned, I am more interested in long-term politicized projects, those that could be termed “development,” so while the issues that I raise below affect all kinds of aid, my discussion of them focuses most strongly on development.

First: the neglect of local political economies; or, more in general, the unwillingness or the incapacity of aid workers to understand their target environments and thus to effect sensible and culture-sensitive change. Partly this is because culture is just difficult to understand without long-term exposure (see, e.g., Agger 1997; Hilhorst 2003). But it is also because too many aid workers either believe they know when in fact they do not or, in the best of cases, believe they can deliver technical solutions based on generalizations and measurements that rarely turn out to be accurate. These problems may be symptoms of the fundamental unreliability of the development paradigm, or (*contra* Dichter and Ferguson) they may indicate a need for better development engineering.

Second: the self-serving interests, both cultural and economic, of the international aid industry. The aid industry is a massive enterprise whose primary goal is self-preservation. Mired in the time-wasting and overhead-inflating intricacies of political lobbying and public relations, many in the industry have lost sight of the goal of aid, be it humanitarian or development-oriented. This applies to participants at all levels, from donors who prefer to stay remote to the nurses and teachers and volunteers “on the ground,” who must satisfy donor-established goals or meet their publication deadlines (Tvedt 2006). So even an activity like development, other-centered by definition, in the final analysis becomes “about us.” After all, if Rist is right, as long as development is centered on capital and done by capitalists, it will function in the essential modes of capitalism.

Third: the savior complex of the Global North. To be sure, the North does have a duty to assist the deeply impoverished peoples of the Global South, but when this duty is improperly understood, characterized, and deployed, it becomes a form of self-serving aggrandizement with little bearing on the suffering of millions; and the philo-capitalist

tendency to identify development as economic growth only compounds this problem. I will discuss this issue in detail in Chapter 9.

Fourth: the colorblindness of aid work. The Global North often views the Global South as an “Other” in need of rescuing, thus engaging in a humanitarian variant of what Edward Said (1979) calls Orientalism. Aid workers fail often to understand themselves as Northern citizens in Southern societies, rich among poor, whites among coloreds, privileged among the oppressed. As a result, the savior complex is also a white-savior complex that casts the Global North in the dominant role of active aid-givers and the Global South in a submissive role of passive and helpless recipients (Cole 2012).

All of these problems are exacerbated by the non-neutrality of the idea of development, which is always already ethically biased and ideologically aligned. On the one hand, this is unavoidable, for the very idea of development is and will always be political. On the other hand, the problem is less its bias than the content of such bias. This is why approaches like capability can bring novel perspectives: it is not because they are unbiased, but because their biases are better defensible and more appropriate.

As already mentioned, Amartya Sen (1988) characterizes development as significant increases in people’s actual wellbeing and life quality. Traditional wellbeing indicators such as GDP, GNP, productivity, industrialization, mortality, and fertility say very little about the actual distribution of resources or the different abilities of people to convert them into a better life quality. Thus, Sen argues, our assessment of a society’s development ought not to correspond only with its economic growth, but also with its citizens’ actual welfare. This wellbeing is not to be measured in outcomes (again such as wealth), but in capability, namely their free agency and actually free opportunity to make

choices and direct the course of their own lives without undue hindrance or fear of repression or persecution. A developed society is one where as many people as possible have a high wellbeing measurable in terms of capability.

It may help to conceptualize Sen's general argument in this form: (1) Development is freedom. (2) Capability is freedom. (3) Development is capability. Obviously this is not a syllogistic truth, but it illustrates the train of thought of theorists who view capability and development as speaking to the same issues and resting on similar moral intuitions, and thus who encourage communication between the two literatures. Sen's first book-length work on capability, *Development as Freedom* (1999), as well as many papers before and since, all emphasize the importance of this relationship.

On the one hand, this idea is not starkly different from the other definitions reviewed in the previous sections, especially if we agree with the Rist-Ferguson-Dichter critiques of development paradigms. Sen merely argues that there is more to development than traditional economics can measure and that development goals ought to be set accordingly, and all those authors would agree. Moreover, Sen's definition is in line with what Barnett & Snyder call "peacebuilding" and Calhoun calls "pre-political charity." On the other hand, Sen's idea offers a development indicator that is both context-sensitive and readily universalizable (i.e., translatable across diverse socioeconomic and sociopolitical realities). Also, it offers normative recommendations for how capability is to be achieved; that is, through the practice of democracy as public reason, which development workers should use as a theoretical guideline to design and guide their efforts. Although Sen is reluctant to call his approach a "theory," it is systematic enough that it can be used as a full-fledged theoretical framework.

In the next chapter I analyze the capability approach in detail, focusing on two features that underwrite every major version of it from the last 40 years: its commitments to ethical universalism and to methodological individualism. According to all but a few prominent capabilitarians, true development can only take place by respecting the individual freedom of all human beings, as well as their participation on equal terms in democratic systems of public reason. In chapter 4 I will end up critiquing these versions of the approach, arguing that the concept of development need not be entangled with these specific normative commitments, so I will need to analyze them in detail first in chapter 3.

Chapter 3

Individualism, Universalism, and Capability

Amartya Sen's and Martha Nussbaum's classic accounts of capability share two fundamental features: methodological individualism and ethical universalism. They are individualistic because their main focus is the individual person, who is the subject endowed with agency and thus the possessor of capability; and they are universalist because their conception of justice is grounded in the argument that certain virtues and values, like the freedom to direct one's life, are universally good and should transcend local preferences. These ideological commitments have established the approach's popularity among development economists and human rights scholars across various international aid sectors, but they have also attracted criticism from those who do not share Sen's and Nussbaum's foundational moral intuitions.

In this chapter I discuss first how both Sen and Nussbaum, despite nominally respecting local traditions and communities more generally, nonetheless endorse a solipsistic view of capability, in full keeping with the liberal-humanistic traditions in Western political philosophy. As such, they relegate societies, groups, institutions, cultures, and traditions to the role of enablers or facilitators of capability for individual persons. Second, I show how "capability" has always been defined so that it would be inherently committed to ethical universalism, and thus how the capability approach is designed to dismiss collectivism as intrinsically unjust. This universalist commitment takes the form of an uncompromising virtue-essentialism in Nussbaum's version, though Sen himself and other capabilitarians have disagreed with her on that account.

Once I have analyzed these two ideological pillars of the approach, I will proceed to criticize them in Chapter 4, though my arguments are already sketched in this chapter. I do not think that individualism and universalism as a whole are mistaken, and I am especially sympathetic to their role in humanism generally. But I question their monopoly on capabilities, which I believe would benefit from more collectivist and morally particularistic foundations. This is also a call for theorists of diverse stripes—Marxists, libertarians, social conservatives, etc.—to engage with the approach, which until now has been the near-exclusive province of liberal humanists.

3.1. Methodological individualism

“Individualism” and “collectivism” as broad ideological and methodological paradigms do not stand on opposite ends of a spectrum, necessarily irreconcilable and mutually unintelligible. Their differences are mostly in emphasis, not in nature, so capabilities need not “commit” to either. In fact, both Sen and Nussbaum acknowledge the importance of the relation between individual capabilities and the social contexts of their existence. But this recognition rings hollow, as both greatly downplay the importance of collectives. I show how in the next two subsections.

3.1.1. Sen

Sen argues in *Development as Freedom* (1999):

There is a deep complementarity between individual agency and social arrangements. It is important to give simultaneous recognition to the centrality of individual freedom and to the force of social influences on the extent and reach of individual freedom. To counter the problems that we face, we have to see individual freedom as a social commitment. (xii)

By “social commitment” he means that the valuation of capabilities—which ones are more worthy of being pursued, which relative weights they receive within a value system, and so on—is a social exercise to be performed by groups in society, not a solitary one confined to the privacy of one’s mind. After all, the goal of capability valuation is to arrive at something like a consensus reached through “public discussion and a democratic understanding and acceptance” (Sen 1999: 76-81).³ In *The Idea of Justice* (2009), then, he refutes even more directly the objection that the capability approach suffers from methodological individualism, which he defines as the idea that personal agency is or should be detached from the social influences around it:

the capability approach not only does not assume such detachment, its concern with people’s ability to live the kind of lives they have reason to value brings in social influences both in terms of what they value (for example, ‘taking part in the life of the community’) and what influences operate on their values (for example, the relevance of public reasoning in individual assessment). (244)

This is the same claim as in *Development as Freedom*. It argues that “society” is important to the capability approach because it shapes our actual life practices and the manner by which we come to hold our ethical beliefs. Then of course people act in accordance with their individual beliefs and exercise personal agency, but that fact by itself “does not make an approach methodologically individualist”; to say otherwise is to illegitimately invoke “any presumption of independence of the thoughts and actions of persons from the society around them,” and the capability approach makes no such invocation (Sen 2009: 245).

³ Sen’s insistence on *democratic* public engagement is at the core of his understanding of the individual-collective relation. I will discuss the role of democracy for capability in chapter 7, as this is a complex issue that goes well beyond the purpose of the current discussion of individualism.

Despite Sen's lucid appreciation for the complexity of the individual-collective relation, his emphasis does rest strongly on the former. The role of collectives is merely instrumental to the increase of capability for their individual members, who remain the primary moral subjects. It is their choices, their free agency, and their wellbeing that Sen's capability approach deems worthy of protection, not in any way the welfare of the collective or the protection of its common will:

[The approach] inescapably focuses on the agency and judgment of individuals; they cannot be seen merely as patients to whom benefits will be dispensed by the process of development. Responsible adults must be in charge of their own wellbeing; it is for them to decide how to use their capabilities. But the capabilities that a person does actually have (and not merely theoretically enjoys) depend on the nature of social arrangements, which can be crucial for individual freedoms. (1999: 288)

So even though collectives nurture the socioeconomic conditions favorable to the development of capabilities, the *summum bonum* remains the exercise of individual agency and judgment and the attainment of personal wellbeing. Sen is clear about this when he rejects, through Marx, the notion that there exists an abstract 'society' apart from the acts and thoughts of its individual constituents: "it is individual valuation on which we would have to draw, while recognizing the profound interdependence of the valuations of individuals who interact with each other" (2009: 246). So Sen counters methodological individualism as an objection by standing his ground and committing even more deeply to methodological individualism as a legitimate position, which he believes is not a problem but an essential constituent of the capability approach as he envisions it.

3.1.2. Nussbaum

Nussbaum's early-1990s research in the capability approach moves beyond Sen's by spelling out in detail what he intentionally left vague: a list of ten basic capabilities (plural), ten areas of human life where capability (singular) in Sen's sense must be guaranteed for justice to exist. This list amounts to a Rawlsian overlapping quasi-consensus of cross-cultural ethical principles, a near-universal agreement on which capabilities should matter and why. Likewise, Nussbaum abandons Sen's noncommittal moral strategy by thickening the approach's normative ethical framework with Aristotelian virtue ethics.⁴ These revisions to Sen's work are important to understand Nussbaum's account of the individual-collective relation, because despite being even more sensitive than Sen to the importance of groups for capability valuation, her emphasis remains strongly individualistic and fully in line with the liberal-humanist tradition.

Nussbaum first ventured into capabilitarianism by developing a "thick vague" theory of the Good in her earliest published work on the topic, "Human Functioning and Social Justice" (1992). Therein she argues:

[O]nce we identify a group of especially important functions in human life, we are then in a position to ask what social and political institutions are doing about them. Are they giving people what they need in order to be capable of functioning in all these human ways? And are they doing this in a minimal way, or are they making it possible for citizens to function well? (214)

These "especially important functions" are nearly universally agreed upon, she argues, for there exists "a broadly shared general consensus about the features whose absence

⁴ Another important difference is her repeated engagement with the human rights literature, which I discuss in §3.3.

means the end of a human form of life” (215). In a just society, people should be capable of achieving all of these functions, regardless of how many have in fact achieved them. Thus, just as Sen did, Nussbaum too emphasizes the availability of opportunity to attain an outcome more than its actual attainment.

But then she does specify the substantive content of these essential life functions, unlike Sen, who prefers to leave them open to contingent decision. She terms them “basic functional human capabilities” in the 1992 paper and simply “basic capabilities” from 1993 on. These include bodily integrity, education, free expression of feelings, control over one’s political environment, and a positive relationship with nature, among others.⁵ She argues that her list finds wide agreement across different cultures, the same “general consensus” she believes that all people share about the essential features of the human form of life. The list, says Nussbaum,

will command a very wide consensus, and a consensus that is fully international. Its very close resemblance to other similar lists worked out independently in parts of the world as divergent as Finland and Sri Lanka gives some reason for optimism about consensus. On the other hand, unanimity is not required; [...] The aim is, simply, to achieve enough of a working consensus that we can use the list as a basis for [political reflection]. (1992: 223)

This sort of overlapping consensus need not be actually existing or formally declared, but it does need to be defensible whenever people do engage in cross-cultural conversation. And Nussbaum believes that it can be so defended, precisely because the list of capabilities and its underlying conception of the Good are sufficiently vague to engender widespread agreement.

⁵ Many similar lists by exist: see Alkire (2002; 2005) for discussions of Nussbaum’s and a dozen more.

Nussbaum's emphasis on an overlapping consensus on capability is crucial to understanding her account of the individual-collective relation. Capabilities are not individual constructs or the sole province of personal preferences, but a specific social partitioning of the space of the Good. Then it just so happens that this partitioning is in fact remarkably similar across cultures, which is where her universalist argument derives its force. Indeed, the very reason that these capabilities are universally agreed upon is because nearly all human societies believe them to be essential for human life. This does not mean that the list is static and inflexible, though, and there is wiggle room in how each capability is defined, chosen, assessed, publicized, and operationalized: "the list is continually being revised and adjusted, in accordance with my methodological commitment to cross-cultural deliberation and criticism" (Nussbaum 1997a: 277). So not only is the choice of capabilities itself influenced by social forces, but so is their actual instantiation in the world.

Despite this, the idea that capabilities (though socially influenced) are features of individuals remains a constitutive feature of Nussbaum's argument just as it was for Sen's. Capabilities are not features of groups, but of single persons, and the ultimate goal of the approach is the increase of substantive freedom for each human being (Nussbaum 1997a: 290-294). The role of free individual choice, specifically, is as central for Nussbaum as it is for Sen:

The guiding thought behind this [approach] is, at its heart, a profoundly liberal idea, and one that lies at the heart of Rawls's project as well: the idea of the citizen as a free and dignified human being, a maker of choices. Politics here has an urgent role to play, providing citizens with the tools that they need, both in order to choose at all and in order to have a realistic option of exercising the most valuable functions. The choice of whether and how to use the tools, however, is

left up to the citizens, in the conviction that this choice is an essential aspect of respect for their freedom. They are seen not as passive recipients of social patterning, but as dignified free beings who shape their own lives. (1997a: 292)

This is a clear exposition of the liberalism inherent in the capability approach (though in Chapter 5 I will show that the approach only incorporates a very specific kind of liberalism). The emphasis on free choice and opportunity derives from the approach's main desideratum: to guarantee that each citizen will both play a key role and have the final say in the determination of her life goals and their attainment. Then surely capability theorists must discuss which social arrangements are best suited to achieve this desideratum, but that does not make their approaches any more collectivist or sensitive to the demands of communities over individuals. Indeed, both Sen and Nussbaum see this necessary individualism as an essential feature of their approaches.

Let us take stock of the discussion so far. Despite the differences, both Sen's and Nussbaum's versions of the capability approach share much common ground regarding the relation between individuals and collectives.

First: capabilities are features of persons. They are owned by individuals, and while Sen does recognize the possibility of collective, social, or group capabilities (2009: 244), these are at best skills or option sets that require practical group efforts, like "China can declare war" or "Finland has improved its economy." As such, they are irrelevant to the approach at large.

Second: the evaluation of capabilities depends on specific social contexts, even if ultimately they are owned and expressed by individuals. Collectives such as families, groups, communities, and even "society" in general influence individuals as they attempt to figure out how they value which capabilities and why. It is for this reason that Sen

analyzes the idea of justice in such depth, and that both Sen and Nussbaum assign such a key role to democratic processes in the assessment and deliverance of capabilities.

Third: individual agency is the moral core of the idea of capability. As discussed previously, one's capability is higher the more one is actually and freely able to choose among realistically available options. For both Sen and Nussbaum, individual agency is non-negotiable and inherently tied to what capability in fact is. My disagreement with this point comprises the bulk of my critique of their notion of capability, which I will expound in Chapter 4.

Fourth: capability is desirable to possess in and of itself, for it is inherently morally valuable and essentially constitutive of human wellbeing. While it is also instrumental to other goods, such as health or happiness, it has intrinsic worth in itself. And in Nussbaum's case, who lists a finite set of capabilities, no one capability may be sacrificed to the benefit of any other, for they are all intrinsically valuable the same way. That being said, societies can weigh them in different ways or give priority to some over others, but again only if it is so deliberated through democratic processes that leave no voice unheard.

Fifth and finally, Sen's capability approach is both "thinner" and "vaguer" than Nussbaum's, though both are founded on what Nussbaum calls a "thick vague" theory of the Good. His approach is thinner because he does not suggest a set of ethical principles to support it, while Nussbaum grounds hers in a version of Aristotelian virtue ethics; and it is vaguer because he prefers not to specify a finite list of capabilities, leaving that specification to each collective or society. As I have shown, this does not entail that Sen's work is collectivist or non-liberal, but surely there is more room to work within it than

within Nussbaum's, which is more strongly ideologically committed. This is why, as I have said, most collectivist or philo-collectivist capabilityarians prefer to engage with Sen's version of the approach.

I turn now to the second shared feature of Sen's and Nussbaum's capability approaches: their reliance on ethical universalism as a foundation of the idea of justice, from which capability stems and of which it is the main metric. Methodological individualism and ethical universalism need not follow from each other, but in both Sen's and Nussbaum's approaches they are in fact mutually reinforcing, as the value of "personal freedom" stands at the core of their moral program.

3.2. Ethical universalism

By itself, the concept of life-quality or quality of life is committed neither to universalism nor to particularism: it is merely a requirement that someone's life respond to certain desiderata, and if it falls short of them, then it is not as good a life as it could or should have been. But whose life is being discussed? A particular person's life? A generic human life *qua* human as opposed to non-human? And are these life-quality criteria assumed to vary socially, maybe even individually, or to be identical for everyone everywhere? Are only certain criteria identical, and if so, which ones and on which grounds? And are *those* grounds shared by everyone? And so forth.

With regard to these questions, the position known as ethical universalism posits that at least some life-quality standards stand apart in important respects and therefore are always desirable for human beings, either a priori (in principle) or a posteriori (as a matter of fact). Conversely, ethical particularism posits that life-quality standards are

intrinsically local and have no global or general applicability, even as some of them do happen to be shared across cultures. This debate is crucial to capability theory, for as a qualitative approach focused on human wellbeing it posits that one's capability is closely related to the ideal quality of their life. We may say, indeed, that capability *is* the promise of the possibility of a higher quality of life. So how ought we to decide the criteria by which to assess this quality?

Nussbaum and Sen dedicate their first co-edited volume to the issue of choosing these criteria. In *The Quality of Life* (1993), they frame this discussion as a debate among many options standing between the two extremes: a universal account of life-quality standards that cuts across all cultures or a particular account that respects all local traditions. A universal account has the “power to stand up for the lives of those whom tradition has oppressed or marginalized,” but often at the cost of great “epistemological difficulty” (for it is unclear how these supposedly universal norms will be grounded) and of “the ethical danger of paternalism” (and with it the unwelcome dismissal of local meanings and traditions just to “get with the program”). On the other hand, a particular account is epistemologically clearer and has a proper respect for difference, but at the cost of remaining blind to structures of injustice and oppression, which are hard to criticize “without thinking about human functioning in a more critical and universal way” (Nussbaum & Sen 1993: 4).

In other words, the problem is whether we can assess life-quality criteria *inter-culturally* (and, if so, whether that assessment is sufficiently meaningful for a workable theory of global justice); or whether we must defer to *intra-cultural* criteria (and, if so, whether that deference is a strength or a weakness of the resulting theory).

3.2.1. Sen

Sen has rarely discussed ethical universality in these terms. He is fully aware that his view of development as capability and capability as freedom has a universalist character, but he thinks that the key value at stake—the freedom to steer the course of one’s life—is sufficiently shared across cultures to ground the capability approach. In a (far too short) section of *Development as Freedom* (1999), he refutes the common objection that values such as freedom and democracy are the sole purview of the Western world. He argues that they can be found in the cultural heritages of many traditions, from the East Asian to Indian to Islamic. Nor is “toleration for [religious] heterodoxy” a Western phenomenon, since “the only world religion that is firmly agnostic, viz. Buddhism, is Asian” (Sen 1999: 231-246).

While this does not entail that freedom, democracy, and toleration are universal values in any philosophically valid sense of the word, it does mean that they are and have been present in most cultural traditions in some form. More importantly, it means that we should not be quick to dismiss their importance for the capability approach based on the (imperialistic) belief that non-Western countries have “Asian values” (Sen 1999: 227). At most, we can say that values such as freedom, democracy, and toleration are institutionalized and prioritized in today’s Western societies more prominently than they are in today’s non-Western societies (and even then mostly on paper rather than in fact), but this is a far cry from saying that non-Westerners are culturally blind to freedom, or are not ready for it, or have no use for it. (One *can* argue that certain oppressive societies will not be “ready for freedom” until a sizeable freedom-loving nation arises within them, but that is a different argument—one that I analyze in detail in Chapter 8). But instead of

ethical universalism in these terms, Sen has discussed more often the idea of ethical objectivity, which is similar but importantly distinct.

Some background is needed before continuing. In the simplest terms, something may be called universal if it is the same everywhere and could not be different, while it may be called objective when it could have been different but happens to be the same everywhere. This is similar to the distinction that philosophers attach to the meanings of logical necessity (what is so and must be so) as opposed to logical contingency (what is so but may not have been so). For example, it is necessary that a bachelor be an unmarried adult male, whereas it is contingent that I myself am a bachelor. But when we speak of an ethical value as being universal, we often do not mean that in the strong sense of logical necessity, but in the weaker sense of “objective” or “intersubjective,” meaning that everyone does in fact hold that value in high regard, without the additional claim that that value “necessarily exists” or “could not have been different,” or even that “is inscribed in the very fabric of nature,” or something to that effect.

A proper appreciation for this distinction is important, for it lets us clarify that the supposed ethical universalism of some versions of the capability approach is in fact an ethical objectivism.⁶ Even the stauncher universalists within the capability tradition, such as Nussbaum, only go so far as to claim an intersubjective agreement among the world’s peoples and cultures on the matter of basic capabilities. Incidentally, this view of objectivity as intersubjectivity makes things easier for the particularist view. It is easier to argue that a supposedly objective value is not objective than to argue that a supposedly universal value is not universal. Disproving objectivity-as-intersubjectivity requires (non-

⁶ No relation to Ayn Rand’s so-called “objectivist philosophy,” which is akin to what we call ethical egoism.

trivial, plentiful) a posteriori counterexamples, while disproving universality requires a priori argumentation. I will discuss this matter more thoroughly in Chapter 8, which is entirely dedicated to collectivist accounts of ethical objectivity.

How does Sen view ethical objectivity? He endorses Hilary Putnam's (2004) argument that the search for ethical facts in nature is misguided, and that objectivity in ethics "cannot be simply a matter of truthful description of specific objects" (Sen 2009: 41). That is, Sen is a constructivist with regard to ethical meanings and values. As to which criteria or procedures should be used to arrive at objectivity, several candidates suggest themselves. Sen has often sided with an amended version of John Rawls's account of objectivity, where an ethical claim such as a value, principle, belief, or conviction is deemed objective when it survives a test of public reasoning. For Rawls, this meant that there must be reasons in defense of that claim sufficient to convince all reasonable persons. For Sen, it means that the ethical claim in question should be "likely to survive open and informed public discussion" (2009: 43) and judged on its "survivability in unobstructed discussion and scrutiny (along with adequately wide informational availability)" (2005: 160).

The key terms in this account are "unobstructed" and "informed." Sen argues that a properly informed public discussion should include impartiality or externality. He quotes Adam Smith to this effect:

We can never survey our own sentiments and motives, we can never form any judgment concerning them; unless we remove ourselves, as it were, from our own natural station, and endeavour to view them as at a certain distance from us. But we can do this in no other way than by endeavouring to view them with the eyes of other people, or as other people are likely to view them. (qtd. in Sen 2005: 161)

Similar arguments about objectivity are defended by philosophers David Hume (Blackburn 1998) and Bernard Williams (1985). For public scrutiny to be truly informed, the public must attempt to view what is being scrutinized from the standpoint of someone who does not belong to the same public. This does not mean that they should ultimately endorse the “stranger’s” viewpoint, or even agree with it in a significant sense, but they should consider it seriously and attempt to understand it (Sen 2009: 43-45). Therefore, for Sen, an ethical claim is as “objective” as it can be when it is or would be agreed upon inter-subjectively, from the perspective of a reasonable stranger.

3.2.2. Nussbaum

Nussbaum has long defended the view that capabilities are a special kind of human rights, a tradition that has always been based on some form of ethical universality, so it is no surprise that she should think of capabilities in a similar way. After all, her general philosophical positions are committed to an essentialist and universalist take on Aristotle’s virtue ethics (1992; 1997a; 1997b). Yet her view of ethical universalism as it applies to capabilities is more nuanced. In her paper “In Defense of Universal Values” (1999) she defends a view of “universals that are facilitative rather than tyrannical,” by which she means a cross-cultural account of universal values that broaden the space of opportunity for everyone rather than pigeonholing people into specific life choices (1999: 24). She proposes not a set of values that everyone must live by everywhere, but rather a minimal list of essentials that will enlarge people’s freedoms and allow them to be seen and treated as ends in full respect of their basic human dignity—i.e., in essence, a list of basic human capabilities.

Importantly, Nussbaum does not think that this is just another kind of Western paternalism over the non-Western world, for two reasons. The first is that when someone objects to a universalist view because they feel that it is too paternalist, the objector too endorses “explicitly at least one universal value, the value of having the opportunity to think and choose for oneself,” which itself is a paternalist claim (1999: 16). I believe that she is wrong about this, because that value is neither universal nor paternalistic, nor indeed much of a value at all—but again I will delay my objections until Chapter 8. The second reason is that the same values that underwrite Nussbaum’s universalist view, such as freedom and equality, are present in every culture, even if they may not receive the same approbation everywhere. Sen made the same point: “What are taken to be ‘foreign’ criticisms [of values] often correspond to internal criticisms from non-mainstream groups” (2005: 162). This is the intuitively correct argument that no culture is homogeneous, and thus that whatever proposal of universality may come from without, it will find some footing in virtually every culture.⁷

Here we must remark that Nussbaum’s endorsement of universal values carries an important qualification: “universal values are not just acceptable, but badly needed, *if we really are to show respect for all citizens in a pluralistic society*” (1999: 24, my emphasis). The reason why we should care about universal values at all is because we are trying to work out an ethical framework that will allow us to respect every citizen within a heterogeneous and multicultural society. Why care about pluralism and respect at all, in her view? As for pluralism, the answer is obvious: most societies *are* in fact pluralistic, as is the world as a whole, so a theory that calls itself universalist should be applicable to

⁷ However, this argument ignores both the *quality* of the proposal (for surely also racism and homophobia will find some footing everywhere) and its *power* (for a proposal is difficult to ignore when it is clothed in a universalist guise and comes from influential social elites).

this plurality. As for respect, the answer is more complex. Nussbaum's capabilities approach rests on the foundational (oft unspoken) moral intuition that each person should be respected as an end in itself because each person is a separate and self-contained unit. In her own words, the respect for persons as separate ends "reflects our acknowledgment of the empirical fact of bodily separateness" (1999: 24). By itself, this would be a terribly feeble basis for ethical universalism, because no one who opposes universalism seriously disputes that people are bodily separate and thus deserving of some measure of separate consideration. But of course, as I have shown, this is not Nussbaum's only reason for endorsing ethical universalism, which also rests on the fact of the intersubjectively shared appraisal of basic human virtues and capabilities.⁸

In Chapter 6, I will discuss whether Sen's and Nussbaum's different but importantly similar accounts of universality as intersubjectivity can do the normative work that they task them with. In this chapter, so far I have discussed how both their approaches are grounded in methodological individualism and ethical universalism, not because they eschew group determinations altogether, but because they harness the work of communities to ultimately serve individual interests. In the concluding section, I show how these views relate to certain popular accounts of human rights.

3.3. Capabilities and human rights

The capability approach so understood—as a methodologically individualistic and ethically universalist framework—is grounded into the same terrain as many popular

⁸ On the other hand, it is interesting to discuss how the obvious fact of bodily separateness relates to *other* obvious facts underlying *other* foundational intuitions we have about humanity; e.g., the fact that human beings are social creatures who place a high premium on group interactions and that no one is ever meaningfully separate from others, save for certain mythical hermits. I will analyze these concerns in much more detail in Chapter 4 when discussing the concept of shared and communal agency.

contemporary human rights doctrines. While capabilities are not themselves rights, the approach offers what defenders of human rights often struggle to deliver: the promise that rights will exist *de facto* and not only *de jure*, in reality and not just on paper. Rights are moral entitlements enshrined in legal guarantees, and capability seeks to secure their availability. Recent capabilitarians are reluctant to engage with the human rights literature, but Sen and Nussbaum have discussed it at length, so their arguments are useful in highlighting the scope and nature of their universalist commitments when defending the capability approach.

In “Human Rights and Capabilities” (2005), Sen poses four questions: (1) Are human rights the rights *to* capabilities? (2) Can all human rights be understood in terms of capabilities? (3) Is a list of capabilities required, as a list of human rights would be? (4) Does the view of capabilities as human rights require a commitment to universality in the face of global diversity? He answers the first question in the affirmative, arguing that if humans *qua* humans have rights at all, these should be understood as rights to “certain specific freedoms” and opportunities, which is precisely what the capability approach nourishes and protects (2005: 152-155). However, Sen answers both the second and the third question in the negative. Not all human rights can be understood in terms of capabilities, and especially not those that are concerned with “the process aspect of freedom, since capabilities are characteristics of individual advantages, and they fall short of telling us enough about the fairness or equity of the processes involved, or about the freedom of citizens to invoke and utilize procedures that are equitable” (Sen 2005: 155-156). Likewise, Sen does not think that a listing of discrete capabilities like Nussbaum’s is appropriate to the capability approach as a list of human rights is appropriate to the

human rights approach: “pure theory cannot ‘freeze’ a list of capabilities for all societies for all time to come, irrespective of what the citizens come to understand and value” (2005: 158). This makes good intuitive sense, as the language of rights often expands into legal and practical dimensions that the more philosophical language of the capability approach can afford to deemphasize.

Sen’s discussion of the fourth question is the most important for the purposes of this chapter. As discussed in 3.2.1, he considers an ethical claim “objective” when it is or would be agreed to intersubjectively through public scrutiny across diverse cultural environments. How does this relate to universalism and human rights?

The force of a claim for a human right would be seriously undermined if it were possible to show that they are unlikely to survive open public scrutiny. But contrary to a commonly offered reason for scepticism and rejection, the case for human rights cannot be discarded simply by pointing to the possibility that in politically and socially repressive regimes, which do not allow open public discussion, many of these human rights are not taken seriously at all. (Sen 2005: 160-161)

That is, we ought not to dismiss the universal force of basic human rights merely because they would not be agreed to in certain “repressive” cultural environments, just as we should not say that a law is bad just because some people break it. If all people were free to voice their views—i.e., if public scrutiny were truly public—the agreement on human rights would be more substantial. Sen has argued similarly on other occasions (1995: 279-281), as has Nussbaum (1996: 278), who thinks that a lack of enthusiasm about these matters from citizens of socially repressive nations should be taken as evidence of adaptive preferences or what the Marxists call “false consciousness,” and not of the lack of force of a claim for human rights. These views have been roundly criticized before, on

grounds that claiming adaptive preferences is fundamentally at odds with an individualistic-egalitarian impetus: either we respect people's value choices or we do not. If those value choices disagree with our notion of human rights, so much the worse for that notion, and we do not get to claim that people who disagree are "mistaken" or even "brainwashed" (Jaggar 2005).

Of course, it may well *be* that adaptive preferences exist, but that need not count against their validity, because all preferences are adaptive in some way. Sen himself acknowledges that value formation is influenced by social forces, but neither he nor Nussbaum have shown that the values of those who reject the universal force of human rights are imposed by society as opposed to simply influenced. The counterfactual argument—"they would agree if they could"—is highly suspicious on its face, not to mention that it bears the unpleasant mark of cultural imperialism. I will take up this issue again in the next chapter, which is dedicated to collectivist rejoinders to the excessively individualistic and universalist character of the traditional capability approaches.

Chapter 4

Collectivist Capability Approaches

As I have shown, the classic approaches describe capabilities as features of single persons and not of collectives or communities. Following a shift in this direction in the recent literature, in this chapter I argue that: (1) the view of capabilities as features of individuals is too narrow, for they ought to be understood as features of both individuals and groups; (2) the capabilities of collectives have a dual function as instrumentally useful in the procurement of individual capabilities and as intrinsically valuable regardless of their utility. Together, these claims warrant a systemic shift from a broadly individualist approach to a more collectivist one. By itself, the mere possibility of the existence of collective capabilities would not make the approach collectivist; but the existence of collective capabilities that underwrite, justify, and valorize individual ones definitely does. The larger the role of collectivism, the harder it becomes to argue that the approach should remain methodologically or ethically individualistic.⁹

4.1. Group capabilities

The approach's original proponents have been remarkably vague on the collectivist objections raised against their work. Sen mentions them briefly in *The Idea of Justice*:

There is indeed no particular analytical reason why group capabilities – the military strength of the American nation or game-playing ability of the Chinese – must be excluded a priori from the discourse on justice or injustice in their

⁹ In this chapter I use the terms “group,” “collective,” and “communal” capabilities interchangeably. The differences among these terms are purely lexical and not conceptual.

respective societies, or in the world. The case for not going that way lies in the nature of the reasoning that would be involved. (Sen 2009: 246)

And this reasoning, Sen continues, is twofold: first, groups do not “think” like individuals do, and thus do not have an agency or freedom in the same sense; and, second, individuals belong to many groups, and it is unduly restrictive of their free agency to arbitrarily identify them with one group. Thus, while collective capacities may indeed exist, they are not “capabilities” in the same sense of individual capabilities on which the approach is centered.

Nussbaum adopts a similar approach when identifying “collective action problems” that must be solved by groups or institutions, not by individuals, such as deciding a nation’s tax structure or its foreign policy—but even in that case, these groups “are made by people, and it is ultimately people who should be seen as having moral duties to promote human capabilities” (2009: 307). In fact, the only times when Nussbaum brings up collective capabilities is when discussing a group’s “collective duty” to ensure that its members enjoy individual capabilities, as in the above; or when she argues that some groups, such as women’s collectives, are instrumental in reaching results that benefit their members (1999: 9). But that is just the power of collective bargaining or strength in numbers, not a collective capability as an operative concept of the capability approach.

Borrowing from both Sen and Nussbaum, Michael Murphy (2014) defines group or collective capabilities as freedoms that are “only available to, and exercisable by, individual human agents working together as part of a group or collective” (323). Some of these capabilities are mere skills or capacities as in the examples discussed previously (e.g., China can declare war), but others are not. Murphy is mostly interested in the collective capability for self-determination, which

encompasses the freedom to determine the character and boundaries of the political community itself, including the criteria for membership and political participation; the freedom to establish institutional mechanisms of collective deliberation and decision-making; and, perhaps most importantly of all, the freedom to make decisions as a community in the absence of external interference or domination. (2014: 323-324)

Phrased in these terms, this is just the familiar concept of political or national self-determination, a sovereign community deciding what happens to it and its members. But Murphy's finer point is that "there is a necessary interdependence between freedom as the capability for individual self-determination and freedom as the capability for collective self-determination," for it is only within freely self-determining communities that individual self-determination becomes possible (2014: 324). A measure of collective freedom must be realized before we can procure individual freedom, and there is no point in pursuing free individual sociopolitical agency without first ensuring self-determination at the collective level.

On the one hand, Murphy, like Sen, is heavily normative about both freedom and democracy, which he thinks are foundational values for the capability approach to function and which he seeks to guarantee at the collective level and not only at the individual one. On the other hand, Murphy's notion of collective capability is not the same as Sen's. What Murphy describes is the background conditions necessary for individual capabilities, both in the sense of procurement (because they make individual capabilities possible to begin with) and in the sense of subsistence (because they allow individual capabilities to be maintained and nurtured over time).

Similar arguments have been proposed by Frances Stewart and Séverine Deneulin. Stewart (2005; 2014) argues that social groups are essential to the origination and

sustenance of capabilities for their constituent members. Group membership may increase people's capabilities in various ways, such as if being part of a thriving group improves their wellbeing or if a group allows them to increase their individual capabilities in ways that would be harder or impossible otherwise. In Stewart's words:

Assume we know what valuable and non-valuable capabilities are. Then we can look at group influences (and groups themselves) in the light of whether they promote values/preferences among individuals leading to the promotion of valuable capabilities or support choices favouring non-valuable 'bad' ones. In a simplistic way, we can then differentiate between good and bad groups according to which type of values they promote. (2005: 190)

That is, a reliable way to achieve capabilities is to support the groups that promote them and oppose the groups that do not, quite regardless of which capabilities people find valuable or which groups they find good. Of course, criteria for distinguishing valuable from non-valuable capabilities must be defended by separate arguments. The point is that *whatever* those criteria may be, the capability approach has good reason to focus on the groups that are conducive to the resulting capabilities. And while the fact that people belong to many social groups in their lives may be a complicating factor, it is also one more reason to focus on how each social influence in people's lives assists in shaping their capabilities (Stewart 2005: 198-199).

In much the same way, Séverine Deneulin (2006; 2008; with J. Allister McGregor 2010) has argued that since human beings live out their lives within certain "structures of living together," or SLTs (Ricoeur 1992), the makeup and quality of these SLTs is key to the attainment of individual capabilities. SLTs are the sum total of our social, cultural, political, and institutional arrangements, our human milieus broadly construed. Some SLTs "can have a negative effect upon the good living of [their] members, such as

structures of inequalities and oppression caused by an unequal distribution of power”; or they may explain “the successes and failures of countries to promote the capabilities that [their] people have reason to value” (Deneulin 2008: 111-112). For this reason, the capability approach ought to focus on the value of SLTs for individual capabilities.

Further support for expanding the capability approach toward collectivism comes from other academic fields. In his only paper on capability, World Bank Chief Economist Kashik Basu (2013) argues that more emphasis is due on “the role of a person’s group identity and sense of integration into society as a determinant of the person’s productivity and capability,” and that we should be “cutting ourselves free from the chord of methodological individualism” (323-326). Economist Matteo Migheli similarly argues that the scope and effectiveness of people’s capabilities depends in large part on their social capital, expressed both as the quantitative amount of their connections and their qualitative value in procuring and sustaining capabilities: “at the individual level, the wider the network, the higher the positional value of the node [...] This relational ontology is a functioning that can be achieved by those people who have the (relational) capability of entering the network. In turn, this functioning allows for new capabilities and so on” (2011: 136-137).

4.2. Sen’s rejoinder

In a way, Sen already agrees with all these arguments. As explained in Chapter 3, even on his approach social groups play a crucial role in determining capabilities and evaluating why they are worth pursuing. But he seems to believe that this is all there is to these objections, that critics such as Deneulin misunderstand his argument while

proposing a similar one in the same breath: “the misconstruction in this critique arises from its unwillingness to distinguish adequately between the individual characteristics that are used in the capability approach and the social influences that operate on them” (Sen 2009: 245). But in fact, there is much more.

For one, Sen overlooks Deneulin’s claim that collectives are inherently morally valuable, not only instrumentally useful to the creation and valuation of individual capabilities. SLTs constitute the collective capability of a community or society; they embody its socio-historical agency, its moral character, its traditions, and its culture above and beyond the preferences of its individual constituents. For that reason, SLTs are a precondition of individual capabilities (Deneulin 2008: 111-115). So while the capabilities of individual persons are important, they just would not exist at all without the collective capabilities of the groups of which those individuals are members. As such, SLTs should be a main analytical subjects of inquiry for the capability approach, at least as much as individuals are, or more. Then it remains true that certain collectives are better conducive to capabilities than others: Sen does not deny this (that claim is central to his account and it justifies his endorsement of democracy through public reason as the principal tool of capability evaluation), nor does Deneulin present it as a novel idea. Rather, her argument is that those collectives that do make it more likely for individuals to increase their own capabilities are themselves inherently valuable and should be primary subjects of the approach.

Likewise, Sen fails to give proper weight to Deneulin’s claim that SLTs are also a precondition of our choices of ethical values, meanings, and principles. Even if we may believe in the existence of universal values or absolute moral rules, rarely do the

principles by which we live out our lives arise in the abstract or take universal form. Our social identities and the power structures that affect us always influence our ethical determinations, regardless of whether we believe them to be free or independent (Deneulin 2008: 116-117). It is especially surprising that Sen never addresses these points, considering that he has made similar arguments in the past and that he seems to believe that the formation of ethical preferences like values and principles happens primarily through social interaction.¹⁰

In both cases just explained I use the term ‘precondition,’ but I do so in two different senses. SLTs are a precondition of individual capabilities in the sense that they are necessary conditions for capabilities to emerge at all: this is a political claim that explains how the capabilities of people derive from the social structures that affect them. On the other hand, SLTs can be a precondition of values in the sense that they are prior to values, for they influence and justify the principles that we hold as individuals. This is an ethical and epistemological claim, which I think is especially important because it commits the capability approach to a more strongly collectivist conception of the Good (though Deneulin herself, unlike I, does not conclude from this that capability theorists ought to embrace a communitarian ethic).

The arguments analyzed thus far do more than merely evidence the link between individuals and the collectives in which they live. That much Sen had done already, with his notion of “socially dependent individual capabilities” (2002: 85), and as I have shown

¹⁰ For example: “The exercise of freedom is mediated by [moral] values, but the values in turn are influenced by public discussions and social interactions, which are themselves influenced by participatory freedoms” (1999: 9). Or: “Preference formation through social interaction is a major subject of interest in this study” (1999: 257). And again: “the significance of norms and values in behavior patterns that may be crucial for the making of public policy. The illustrations [just presented] also serve to outline the role of public interaction in the formation of values and ideas of justice” (1999: 280).

even the most individualistic versions of the approach carve out an important role for society. Rather, the contributions of the collectivist arguments to the debate can be summarized in these five claims:

- (1) The substantive claim. Collective capabilities are not mere skills or capacities, but actual full-fledged capabilities in the same sense as their individual counterparts. That is, social groups have collective capabilities just as persons have individual ones.
- (2) The procedural claim. Collective capabilities positively determine the space of possibility for the individual ones to arise, so much in fact that it makes no sense to discuss individual capabilities without discussing the collective ones first (or, at least, in the same breath).
- (3) The first moral claim. The values of individuals and the values and meanings they ascribe to capabilities are shaped by their SLTs: the collectives in which they live. Our choices, including the choice of which capabilities we have reason to value, are influenced quite significantly by the social landscapes of our lives.
- (4) The second moral claim. In addition to having this instrumental role in shaping the values and meanings of individuals, collectives themselves are also intrinsically valuable moral subjects: they possess a socio-historical agency that mirrors individuals' personal agency.
- (5) The methodological claim. Collective capabilities are so crucial to the capability approach that its near-exclusive individualism (both ethical and methodological) is unwarranted.

To summarize the collectivist arguments in one sentence, no doubt with some loss of nuance at the expense of expediency: *the capability approach ought to be more collectivist because groups are intrinsically morally valuable too, for they possess both a socio-historical agency and a number of collective capabilities that influence their members' values, meanings, choices, and valuations of individual capabilities.*

4.3. Collective agency and capability

How does Sen's argument against collective capabilities fare against the views just presented? His main point, recall, was that groups do not have capabilities because they do not act or choose in the way that individuals do, which denies both the first and the fourth claim and casts serious doubt on the fifth.

I think that Sen is partially right on this account. While Deneulin is correct that groups have a kind of socio-historical agency, there is no need for groups to behave similarly to individuals in that regard in order to be ascribed capabilities. Capability is a relational feature, not a substantive one. A thing (be it a group or a person) does not have capability because it has agency, but merely because it is capable of action that is open to external recognition. Sen is quite correct that groups do not have capabilities like individuals do, but collectivist capability theorists need not argue in that direction at all. They merely need to argue that collectives have *some* capability, even understood as a simple capacity, and that this capacity is significant in determining the individual capabilities of its constituent members. This is what I aim to do in the remainder of this chapter.

4.3.1. The agency of groups

Just like Sen rejects the idea of collective capabilities because groups are not people, Deneulin supports it because groups are more than just sums of people:

For example, although a football team cannot exist without its constitutive elements and cannot win a match without the participation of its players, the football match cannot be reduced to the actions of its players, and the value of the actions of a football team is greater than the value of the actions of its individual members taken separately. (2008: 110)

This passage, which is crucial to Deneulin's argument, makes at least three related but importantly separate claims, though I am not certain that Deneulin is sufficiently sensitive to their distinction. (1) The *team* is more than the sum of its parts: there is something that only the team as a whole can do that individual players cannot, such as win matches. (2) The *match* is more than the sum of the actions of individual players. (3) The *value* of the team's actions is more than the value of its constituents' individual actions.

There is much literature on shared agency and how it compares to individual agency (see, e.g., Bratman 1992, 1993; Gilbert 1999, 2006; Kutz 2000). A common view (Roth 2010) is that as long as we understand agency as rooted in intentionality, groups can share at most a partial agency, since obviously they do not "think" or "intend" in the way that individuals do. But even then they can be said to act as one whenever they display an interrelatedness of participatory intentions. For example, a group of people running to take shelter from a sudden rain lacks the common intention of a dance troupe executing a series of moves (Searle 1990), so the latter has a collective agency that the former lacks. Pettit (2001; 2003) has even argued that groups may come to have a "mind" of their own, such as when their collective decisions are constrained by past ones (like their history and

traditions) or reach conclusions that do not reflect the intentional decisions of many or even any of their members.

Consider Virginia Tech as an institution. We ask whether it is something more than the sum of its individual constituents and whether it has “agency” in any significant sense of the term. While Virginia Tech “just is” the literal collection of its physical and non-physical entities, it can do as a university what none of its administrators, faculty, staff, or students can do individually: it can hold classes, receive accreditation, compete in collegiate sports, etc. And while every action taken by “the university” is actually performed by some individuals affiliated with it, those individuals often clearly display an interrelatedness of participatory intentions, such as in Deneulin’s football match example.

One could deny this fact and endorse a simple causal regress based on material reduction, but that is a pretty shallow way to think of agency. If a group has no agency merely because its actions are “just” the actions of individuals, we could also say that individual actions are “just” the results of brain physiology and its underlying chemical, physical, or quantum substrata. This sort of regress is much less illuminating for the value theorist than for (say) the philosopher of mind. It is true that a group cannot have an idea or make a decision in the way that individuals can, but it can express the ideas of its constituents through political processes and act accordingly. Even more importantly, individuals can decide to subsume their ideas or actions under the aegis of a collective will or purpose, such as when we say “we are Hokies” or “the team won the game.” Recognizing the group’s collective agency does not prevent us from analyzing some of those individual actions separately in the appropriate context *as well*, such as when a

coaching decision or a star player's performance is pivotal in winning a game. This context-sensitivity is both practical and harmless.

For the purposes of the capability approach, I think it especially useful to understand agency as tied to causality and recognition. Much like a person, a group has collective agency when its actions have causal efficacy and are recognized by other groups or persons. Interrelatedness of participatory intentions goes a long way toward causal efficacy and external acknowledgment. For example, it is quite correct to say that a labor union "went on strike" or that it "struck a deal" with management, since the actions of its members were geared toward the same purpose and effected a specific result. The New York Times "releases" a new issue each day, a restaurant "opens," a city "enforces" clean air standards, and so forth. The fact that it is convenient for us to speak in these terms should not betray the underlying causal point: no collective action could be undertaken were it not for the concerted and like-minded actions of its constituent individuals. This alone, it seems to me, is sufficient to recognize that collectives have a certain agency. There is no need to invoke metaphysical weirdness the likes of emergent consciousness or epiphenomenal deliberation, as if a group "came to life" or had "a conscious mind" arising from the smaller minds of its constituents. Nothing of the sort is required in order to be able to say that a group does things and that we should recognize it as having some agency.

4.3.2. Communal capacities

Even if the reasoning just presented seems sensible, still it does not allow us to conclude that groups have capabilities in quite the same way as individuals do. We still

need to show either that having agency is sufficient to have capability, or that the possession of capability stands apart from the notion of agency altogether. Of course, the general argument that the capability approach needs to be more collectivist does not require either of these positions. Indeed, it does not even require the existence of collective capabilities at all: we may just say that the approach is too individualistic because individual capabilities are greatly affected by social processes, without also positing the existence of collective capabilities. Be that as it may, I do think that groups have capabilities in a sense of the term that is close enough to Sen's intended notion, even if not exactly the same, and I also think that they possess capability *because* they also possess agency. These facts, in my view, justify a collectivist shift in the approach as a whole.

How do the approach's classical versions define collective or group or communal capabilities? In Sen's words:

There are genuine collective capabilities such as the capability of a world nuclear power to kill the entire population of the world through nuclear bombing. Similarly, the capability of Hutu activists to decimate the Tutsis is a collective capability since the ability to do this is not a part of any individual Hutu's life (interdependent as it is). There could be also more positive collective capabilities such as the capability of humanity as a whole to cut child mortality drastically. (Sen 2002: 85).

He also argues similarly elsewhere (2005: 162; and 2009: 282-283). But again these are not really capabilities, but rather skills, capacities, options, possibilities that only a group has the power to bring about, the same way as Virginia Tech can hold classes or win games in my examples above. What Sen is really talking about here is agency, not

capability, and it is perhaps for this reason that he ultimately denies that individual and collective capabilities (thus defined) are on equal footing.

The problem, of course, is that we ought not to define collective capabilities that way to begin with. What is a better way to do so? Deneulin never gives an explicit and univocal definition; in fact, her account of what collective capabilities are is most unclear. She refers to the collective capabilities of Costa Rica, e.g., as “the (collective) freedoms of that social group” (2008: 114). She identifies the country’s “social democratic identity” as its “strong collective capability that belongs to Costa Rican society as a whole beyond individual reach and control” (2008: 113). Later she argues that collective capabilities are the “collective structures which help people flourish” (2008: 114); the “freedoms of collective wholes” (115); the “collective processes” that are responsible for development (115); and the “necessary structures of living together” that are needed to enhance individual capabilities (120). She remarks, quoting Peter Evans approvingly, that the “capability of choosing [and acting] itself may be, in essence, a collective rather than an individual capability” (Deneulin 2008: 120). But surely, collective capabilities cannot be procedures *and* processes *and* structures *and* freedoms *and* identities, so some more clarity is needed.

Recall, from Chapter 1, that the classical versions of the approach define a person’s capability as their meaningfully free agency to choose among realistically available functionings. Can this definition apply to collectives as well? The Costa Rican society as a whole can choose between democracy or dictatorship, or other different political functionings. Surely this choice happens differently from a personal choice—interpersonal instead of intrapersonal deliberation—but the result is the same: a collective

intention to do something instead of something else. This intention need not be shared by everyone, nor most in fact, just like a personal decision need not come without remorse or second thoughts. In this sense, then perhaps there is such a thing as a “Costa Rican collective capability” merely because the country can collectively self-determine its political status.

An obvious difference is that at the individual level both the functionings and the capabilities are external to individuals, not internal. They describe a person’s relation with the society at large, because functionings are occupations or social aspirations (“doings and beings”) and capability is the freedom to achieve them within a social environment. Does this entail that, at the collective level, we should look for a group’s relation to other groups? Should we define its functionings not in relation to the existing alternatives, but in relation to what functionings other groups choose? And should we define collective capability as the freedom to achieve functionings within a given “global” environment, one made of groups instead of individual persons? That is—if the notion of individual capability describes relations between persons and groups, should collective capability describe relations among groups?

I do not think that these steps are necessary at all. Whereas individual capability is a person’s freedom to achieve wellbeing given a set of background social conditions, collective capability is a group’s agency to affect those background social conditions themselves. This kind of capability is characterized by all the features that Deneulin discusses, including most importantly its socio-historical identity and traditions. But the capability itself is not any of those features, but simply the agency to bring about social change. This is different from the capability of individuals in that the notion of

“meaningfully free agency” does not translate to the collective level—not because groups do not have agency (they do), but because the idea of “meaningfully free” entails a relation between individuals and their social environments that does not subsist among groups on the social or national or international stage. The alternative would be to say that a group is meaningfully free when it represents the wills of its members through freedom-respecting processes like individual rights and democracies. No doubt that this is a major feature of Sen’s and Nussbaum’s argument, but again this is not the same sense in which we intend “meaningfully free” at the individual level. A free country is a country where individuals have freedom; a free person is an individual who can choose among a set of realistically available options. “Free” is a mere adjective for a group, but an action-based feature of a person.

To summarize, social groups do have something like a collective agency, and it is by virtue of this agency that they can do things and make choices; i.e., they have capability. But this capability is closer to a capacity than to the full-fledged, relational property that individuals enjoy. This does not negate Stewart’s and Deneulin’s points, for it remains true that individuals’ capabilities depend on their cultural and socioeconomic conditions, and thus on their societies’ collective capabilities. But it does play down their arguments that the presence of a collective socio-historical agency entails that a group’s moral status should be akin to that of individual persons. Once more, the existence of collective capabilities analogous to individual ones is neither sufficient nor necessary to establish the need for a more collectivist capability approach. That *could* be one route to it, but as I have shown I do not think that a notion of truly collective capabilities in Sen’s original

sense of the term ‘capability’ can be defended. What, then, should be the strategy for capabilityarians with collectivist leanings?

First, the reason why there cannot be truly collective capabilities in Sen’s sense is the same reason why the approach ought to be more collectivist in the first place: the deep and inevitable entanglement of individual capabilities with the socio-historical circumstances of their contingent instantiation. Second, the approach needs to pay more attention to how social processes influence individual capabilities. Understanding that groups have capabilities-as-capacities is a crucial step in understanding how these capacities are able to influence capabilities at the individual level. In this sense, the collectivist shift that we are witnessing in the capability literature is already headed in the right direction.

A less popular element of the strategy—but, in my view, one just as essential—is to equip the approach with a stronger collectivist and communitarian ethic. So far as I am aware, that has not been done yet. Deneulin does discuss this briefly, but she stops well short of considering it as a viable venue for further theorizing. In the next three chapters, I discuss how the capability approach can be severed from its traditional sociopolitical leanings, arguing instead that it should embrace a distinctly non-liberal and non-necessarily-democratic theory of the Good.

Chapter 5

Capability and Rawlsian Liberalism

The capability approach was not originally conceived as an alternative to liberal theory. Indeed, it was not a theory of justice at all, nor an argument intended for scholars of political science and political philosophy. But as the capability literature grew in both size and scope, it became apparent that some of its normative commitments diverged from those of liberalism. In the mid-2000s, this divergence was expressed through debates between capabilitarians and the proponents of the most common contemporary form of liberalism, John Rawls' theory of justice as fairness. Arguments in defense of capability typically found fault with the universalism of Rawlsian liberalism, as well as with its excessive emphasis on primary goods and resources as the ideal metric of political justice.

Rebuttals from Rawlsian liberals typically countered either that capabilitarians missed the point of Rawls' theory entirely (the dismissive view); or that the two approaches were closer than either side appreciated (the cooperative view); or again that the two approaches spoke to different but not irreconcilable sets of issues (the compatibilist view). As a result, the philosophical foundations of the capability approach grew firmer and more reliable in this period, even as it remained clear that it was never meant to be a full-fledged theory of justice, but rather a method of inquiry and a framework for specific socioeconomic issues such as international development.

In this chapter I review this debate through the contributions of its main proponents: Thomas Pogge and Samuel Freeman on the Rawlsian side, and Amartya Sen and Ingrid

Robeyns on the capability side. The goal of my discussion is twofold. First, it draws out the features of capability that set it apart from the main liberalism of our era, showing that it does not require liberalism (of the Rawlsian kind anyway) in order to work. Second, it demonstrates how capabilitarians, for all their disagreement with Rawls, do remain generally committed to a garden-variety liberalism of sorts, which in my view need not be the case at all. In this sense, both the cooperative and the compatibilist view are on to something, for capability and justice-as-fairness are extremely similar in certain regards, even as they speak to different issues. But again, I do not mean to adjudicate the outcome of the debate, but merely to draw out the features of capabilitarianism that remain heavily committed to liberalism. Then if that also constitutes a *prima facie* argument for cooperativism or compatibilism, so be it.

Section 1 of this chapter discusses the key features of justice-as-fairness; section 2 reviews the most common capability objections to it; and section 3 discusses the prospects for the cooperative and the compatibilist positions.

5.1. Justice as Fairness

Rawls argues that the object of distributive justice is the basic structure of society, the political institutions that regulate the interactions of free and equal citizens in a democratic “cooperative venture for mutual advantage” (1999a: 3-4). The subjects of distributive justice are the citizens themselves, whose representatives, while in an original position of initial fairness, concur on a political conception of justice that all can endorse. Even if they privately endorse widely different comprehensive doctrines—religious, philosophical, traditional, historical, moral—each doctrine, if reasonable, yet comprises

the theoretical elements to support a public and political conception of justice (2001: 183). Thus, to avoid bias, citizens must focus on this “overlapping consensus” when deciding the principles of justice for society, and deemphasize their individual contingencies by hiding them away behind a “veil of ignorance” (1999a: 11). In a way, people need not agree on anything except what they find themselves agreeing upon after a process of fair bargaining. Those who hold strong considered convictions about freedom, democracy, and equality will also hold reasonable comprehensive doctrines that can support the political conception of justice (2001: §12-13).

As per Rawls’ final formulation from *Justice as Fairness: A Restatement* (2001: 42-43), the first principle chosen from the original position mandates “a scheme of equal basic liberties [...] compatible with the same scheme of liberties for all” (Equal Basic Liberties). The second principle states, first, that socioeconomic inequalities such as disparities in wealth or power must be equally accessible to all (Fair Equality of Opportunity); and, second, that they must benefit the least-advantaged members of society (Difference). All three¹¹ principles address distribution, but of different social goods. Equal Basic Liberties distributes rights on a Kantian egalitarian view of human persons as “possessing moral personality above a threshold level” that entitles them to a bare minimum of rights (Arneson 1999). Here the currency of distributive justice is strictly political, granting certain rights to persons who are sufficiently morally mature to choose them from the original position as literally indispensable for a human life. On the other hand, Fair Equality of Opportunity distributes access, limiting institutions from restricting privileged offices on the basis of unearned (dis)advantages like class, race, and

¹¹ The second principle is articulated in two parts—2b: Fair Equality of Opportunity and 2b: Difference—but these are so conceptually distinct and have generated such disparate discussions in the literature that it is reasonable to refer to Rawls’ “three” principles.

gender. Finally, Difference distributes resources and social goods, so that given a fair distribution of inequalities arrived at via the previous principles, these inequalities will work to the benefit of the least advantaged citizens. Many kinds of goods and resources may be the proper object of distribution at this stage, including portions of earned income through taxation, incentive and motivation for the poorest members of society, social benefits like recognition or entertainment, and others still.

Observe two crucial features of Rawls' approach to distributive justice. First, the distributive scheme is institutionalized, because the theory applies to the basic structure of society and not to particular groups or arrangements. By "institutionalized" and "basic structure" Rawls means law: the principles of justice underwrite the design, function, and legislation of society's fundamental institutions, including political offices, justice systems, the economy, and education. The choice of principles of justice from an original position of equality (the deliberative stage) is the first of a three-stage legislative process, which continues with an agreement on the constitutional essentials inspired by the principles of justice (the constitutional stage) and ends with the design of special, non-constitutional laws (the legislative stage). The latter stage is also when Rawls envisions the transition from "ideal theory" to "non-ideal theory," as the act of writing special laws must deal with the empirical and historical contingencies of the actual society where it is carried out.

This principles/constitution/laws three-stage arrangement is strictly hierarchical: constitutional essentials are agreed upon and justified by the same process through which the parties in the original position choose the principles of justice (Stark 2007). Indeed, this is the point of the ideas of reciprocity and publicity: just as the parties in the original

position are able to agree on the principles of justice from behind the veil of ignorance, the citizens of a society are able, using public reason, to justify to one another their support for the constitutional essentials. Special laws at the legislative stage require the same kind of general agreement, though less widespread, less publicized, and less fundamental still (Wenar 2012).

Hence, the principles of justice are neither mere moral mandates nor mere policy suggestions, but actually regulate the basic structure of society at the legal level and influence all subsequent stages. This is easy to see for the first principle: basic equal liberties are typically written into a constitution, and special laws may be struck down if they conflict with it. The second principle is guaranteed legally both by nondiscrimination laws and by arrangements that grant opportunity and help maintain opportunity fair, such as education and certain redistributions of wealth. Of course, many laws do not correspond directly to any principles of justice or constitutional essentials, such as substance prohibition or age of consent, and thus are not part of the basic structure (though they can be addressed as part of non-ideal theory).¹²

The second crucial feature of justice-as-fairness is that *the institutionalized distributive scheme applies equally to all persons*, with no regard for their individual contingencies, life paths, past histories, or preferences. That is the point of the veil of ignorance and of the political deontology after which it is designed. If individual contingencies were considered, the bargaining terms in the original position would be vulnerable to unfair bias or undue discrimination. The Kantian ideas of reciprocity and publicity reinforce this evenhanded application of the principle, as does Rawls' repeated

¹² Affirmative action is an example of a special law justifiable through the principles of justice. See Nagel (2003).

emphasis that the citizens represented in the original position are free and equal amongst themselves (e.g., 1999a: 10-12; also 2001: 18-24).

Rawls is less clear about whether a person must have satisfied Arneson's aforementioned requirement of "moral personality above the threshold" in order to benefit from the principles of justice. One might say no, because while a modicum of moral quality and intellectual prowess are required to assume the original position and *deliberate* on the principles, no such skill is necessary to *enjoy* the rights or opportunities that the principles guarantee: even those who cannot deliberate on principles, like children and the severely mentally disabled, are still entitled to their protection. Some of capability-based disagreement with justice-as-fairness focuses precisely on this issue, to which I turn in the next two sections.

5.2. Capability objections and Rawlsian rebuttals

The two main families of objections from capability theorists against Rawlsian liberals are inspired by the two features of justice-as-fairness that I just outlined. One contests Rawls' argument that a distributive scheme should apply (only) to the basic structure of society, while another objects to his metaphysical requirement of sufficient moral personhood to qualify as a legitimate participant in a distributive scheme. In this section and the next I discuss both.

Despite their broad theoretical overlap, Sen's and Nussbaum's approaches criticize Rawls in different ways. The main object of Sen's critique is that Rawlsian primary goods "take little note of the diversity of human beings" (1980: 215). While it is undoubtedly true that all human beings *are* similar in some regards—we all need air,

water, food, shelter, etc.—those are extremely basic, and Sen restricts the meaning of the word ‘primary’ to what is necessary for biological survival. Most other goods are context-specific, socially or personally constructed, and all but impossible to theorize universally. This is for two reasons. For one, keeping with Rawlsian terminology, one person’s comprehensive moral doctrine may require goods that another person’s does not, and there is no non-arbitrary way to claim that these goods are more or less indispensable; i.e., social goods are incommensurable. Obvious examples include religious needs, self-improvement, honor, social deportment, and gender roles (Sen 1980).

The second reason is that some people require more resources than others, different resources than others, or more and different manners of social or spiritual accommodation in order to live a fully realized and capability-driven existence. Institutionalized equality of opportunity, whether formal or fair, and a redistributive difference principle geared to maintaining opportunity does little good to people who are severely physically or mentally impaired, whose political or spiritual needs drive them out of public life, or who are entrusted with caring for others—i.e., the disabled, the outcast, and the burdened (Sen 1980). Far from being exceptions to the rule to be dealt with only as special cases that special laws will take care of, these persons make up sizable portions of even well-developed societies (and, of course, a majority of the human race when the misery of the Global South is taken into account).

This is especially true of the burdened, which often include women, who have been entrusted traditionally with the care for the young, elderly, and disabled. Even if that particular barrier were to break down and the task of care were allocated more evenly

across genders, *some* people would still have to care for those who cannot care for themselves, creating a class of persons who would require more and different accommodations than the non-caregivers. And even in the unlikely case that most persons were to become caregivers in some capacity, each case would be substantially different and generalizations would remain difficult. Thus at the heart of Sen's critique of the primary goods approach is the empirical acknowledgment that human persons are in fact very different from one another, not merely mentally or abstractly in their comprehensive doctrines, but also and especially practically in their actual lived lives.

Nussbaum's critique of Rawlsian liberalism is both less radical than Sen's and more rooted in normative ethics. The earliest statement of Nussbaum's views is in "Human Functioning and Social Justice" (1992), where she defends an Aristotelian essentialist "thick vague" theory of the Good that she explicitly juxtaposes to Rawls' "thin theory of the good." According to her, Rawls

insists on confining the list of the "primary goods" that will be used by the members of the Original Position to a group of allegedly all-purpose means that have a role in any conception of the human good whatever. By contrast, my Aristotelian conception is concerned with *ends* and with the overall shape and content of the human form of life. (1992: 214-215)

The "overall shape and content" includes both the minimal requirements to survive or participate in public life and what makes it "possible for citizens to function *well*" (1992: 214). Rawlsian liberals focus almost exclusively on the distribution of quantifiable resources like wealth and income, believing that more of these are always better independently of a person's chosen conception of the Good and that inequalities in their distribution are permitted only if they benefit the least advantaged. Nussbaum disagrees

first because “wealth and income are not good in their own right,” but only “insofar as they promote human functioning”; second, echoing Sen, because persons have “variable needs for resources”; and third because “impediments to functioning” go deeper than scarcity of wealth or opportunity and often encompass contingent social arrangements, mental and physical endowments, and conceptions of the Good (1992: 233).

Sen’s and Nussbaum’s objections have been discussed by two of the most prominent Rawlsian scholars, Samuel Freeman and Thomas Pogge. Both authors walk the fine line between defending justice-as-fairness and amending it to meet important criticisms raised against it. So while their views are generally sympathetic to Rawls and present some of the most convincing interpretations and apologies of his work, they are also open to reworking the theory or proposing alternatives that are sufficiently Rawls-like. Freeman (2006) takes this accommodating approach in his review of Nussbaum, while Pogge (2006) rejects Sen’s argument more strongly. In both cases, I believe, there is room for theoretical reconciliation.

Pogge offers two arguments against the objection that justice-as-fairness is merely concerned with a distribution of instrumental resources like wealth and income. First, he claims that even if the proper currency of distribution is opportunities and not wealth, the distribution of opportunities must be equitable “in the space of resources” (2006: 35), meaning that an equitable distribution of resources will go a long way toward granting equitable distribution of opportunities. Second, he argues that if this were a problem for Rawlsians (or “resourcists,” as he says), then it would plague capability theorists too, because capability too is merely a means to the end of living a flourishing life according to the “vague thick” conception of the Good (2006: 35-36).

For instance, capability theorists may address a severely disabled person in this way:

“I understand that you have a lesser capacity to convert resources into valuable functionings. For this reason, we will ensure that you get more resources than others as compensation for your disability. In doing so, our objective is that, by converting your larger bundle of resources, you will be able to reach roughly the same level of capability as the rest of us.” (Pogge 2006: 31)

Whereas the resourcist may say:

“I understand that the present organization of our society is less appropriate to your mental and physical constitution than to those of most of your fellow citizens. In this sense, our shared institutional order is not affording you genuinely equal treatment. To make up for the ways in which we are treating you worse than most others, we propose to treat you better than them in other respects. For example, to make up for the fact that traffic instructions are communicated through visible but inaudible signals, we will provide free guide dogs to the blind.” (Pogge 2006: 31)

Capability theorists counter that this argument misunderstands capability in important ways. For example, Lori Keleher (2004) thinks that Pogge’s characterization of the capability approach as requiring institutional distributions that account for people’s capacity to convert resources into opportunities is limited and has the wrong emphasis: “Pogge fails to realize that capabilities and functionings have intrinsic value [...] as he attempts to assign an equivalent, merely instrumental value to capabilities” (4). Sen himself clearly argues that certain resources, like wealth, *do* remain crucial as means, for no other reason that one cannot achieve capability without, say, food and shelter (1988: 162-164). Similarly, Ilse Oosterlaken (2013) agrees with Keleher and adds that Pogge “implicitly relies on some capability concept” in his resourcist defense (211).

Consider the traffic example. The reliance of traffic signals on visual cues, such as lights, are unjust to blind citizens because they provide insufficient street safety for them. Pogge claims that situations like these exemplify the differences between capabilityarians and resourcists. However, says Oosterlaken, in acknowledging that traffic signals are ableist, Pogge is already relying on a capability concept. Traffic lights are designed without taking into account “the full range of diverse human needs and endowments”—but that can only be called “unjust” by making specific reference to capability:

There is nothing about traffic lights as mere material artefacts in isolation that points in that direction. The problem cannot be identified without at least implicitly using some concept of a lack of capability or ‘access to functioning’ for the blind person, resulting from the interplay between specific personal characteristics and design features of the institutional arrangement in question. (Oosterlaken 2013: 212)

In other words, to call a resource distribution “unjust” one must take into account the interplay between the personal endowments of its recipients and the institutional arrangements that make the distribution possible in the first place. That is what capabilityarians suggest, and for Oosterlaken that is what resourcists like Pogge implicitly do as well.

Freeman’s Rawls-based objection to the capability approach is less substantial than Pogge’s. In his review (2006) of Nussbaum’s book *Frontiers of Justice*, he claims that capability and justice-as-fairness are more similar than Nussbaum appreciates, and that the capability approach can be used to integrate the lacunae of justice-as-fairness as concerns persons with severe disabilities. Freeman first notes that according to Nussbaum justice-as-fairness conceives of social cooperation too narrowly by focusing merely on primary goods (2006: 412). He replies that while Rawls does not address the severely

disabled directly, on Rawls' own account we still owe them the proper duties of justice: Rawls places due emphasis on the *natural duties* of persons, which include the positive duty to care for those who cannot care for themselves and the negative duty not to harm or hinder anyone (2006: 415-418). That is to say, justice-as-fairness never claims that persons who lack practical reason and the capacity for cooperative relationships based on moral equality—such as the severely mentally disabled lack—are in any way “lesser” or “inferior” and not included in the scheme of distributive justice. They are merely not included in the scheme of distribution of primary goods *as partitioned from the original position*, but nothing in Rawls' theory renders them second-class citizens or moral inferiors to able-bodied persons (2006: 419).¹³

One might rebut that the exclusion from the original position creates two classes of citizens, or that this result gives us good reason to reject the idea of an original position *in primis* because its admittance requirements of practical reason and cooperative capacity are arbitrary and rule out on purely procedural grounds certain persons who are moral equals in other regards—so much in fact that they are accepted as beneficiaries of the protections guaranteed by the principles. On the other hand, even if Freeman is right to accuse Nussbaum of overstating the non-aptness of justice-as-fairness, his own characterization of the capability approach is just as faulty. Nussbaum never argues that severely mentally disabled persons ought to be allowed into the original position. In fact, she can grant Freeman's argument that justice-as-fairness recognizes their natural rights

¹³ This also answers the question of whether the possession of a minimally adequate moral capacity is required only for deliberation from the original position or also to benefit from the protection of the principles of justice in society. Freeman seems to think that, on Rawls' account, the latter is the case: one who lacks that moral capacity (as severely mentally disabled people do) is excluded from deliberations in the original position but still reaps the benefits of those deliberations in a society whose basic structure is affected by the principles of justice.

and duties, and then insist that it is still not good enough: natural rights and duties are no good if Rawls cannot countenance persons except in terms of their baseline equalities.

In other words, when capability theorists point out justice-as-fairness's strict adherence to the moral equality of persons and its inability to concern itself with actual, contingent, and deeply unequal arrangements, Rawlsians like Freeman dig their heels in so deep that they resort to an even more basic form of moral equality. When it is pointed out that fair equality of opportunity and the difference principle are not good enough for the severely mentally disabled, Rawlsians retreat to equality of natural rights and duties, which is a broader concept and thus even less able to provide severely mentally disabled persons with the proper arrangements of justice to which they are entitled on a capability view. If this is correct, Freeman all but makes Nussbaum's point.

5.3. Cooperation and compatibility

Despite their disagreements, justice-as-fairness and the capability approach are clearly like-minded in important ways, and there have been some attempts to bridge the divide between them without dismissing or seriously amending either theory. One could claim that capability theorists are missing the point of justice-as-fairness entirely and that the latter but not the former is simply the better theory; I have already said much about why this is not the so. Alternatively, one could claim that even though the two approaches cannot be reconciled, they also need not be: they could either cooperate (e.g., if on closer analysis they end up making similar claims) or simply be compatible without cooperation (e.g., if they address separate realms of inquiry in mutually intelligible but not mutually exclusive ways). Here I survey both options. I find compatibilism more appealing than

cooperativism, but both are ultimately unnecessary, as neither approach needs the other. Justice-as-fairness and capability can either coexist or cooperate, but they need neither—a fact that allows me to argue in the next two chapters that capabilitarians can steer clear of liberalism altogether.

Ingrid Robeyns (2008), a prominent capabilitarian, discusses a possibility for cooperation by arguing that some features of the two theories are incommensurable, for “Rawls and Sen were trying to answer different questions” (411); despite this, or perhaps because of it, “it is possible to understand the capability approach and justice-as-fairness as complementary theories” (412). For example, the two theories have different real-world applicability. By Rawls’ own intention, justice-as-fairness works mostly at the level of ideal theory and runs into many more problems when transitioning to the non-ideal theory of the real world.¹⁴ Instead, the capability approach begins empirically and then theorizes and systematizes from the ground up. So on Robeyns’ optimistic view, not only are Rawls and Sen reconcilable, but they need each other (Robeyns 2008: 417).¹⁵

Similarly, bioethicist Norman Daniels (2003) suggests that justice-as-fairness can be revised in ways that would be amenable to capabilitarians if we “include health status within the notion of opportunity” (259) and recognize that severe disabilities have strong negative effects on a person’s “normal functioning” and “opportunity range” (257). According to Daniels, this would bring Sen and Rawls much closer together, in fact shifting capability discourses within the same “space of justice” as justice-as-fairness.¹⁶

¹⁴ Rawlsian scholars are also notoriously vague about the relation of ideal to non-ideal theory. See Simmons (2010).

¹⁵ But see Robeyns (2016) for an argument that not all capability theorizing *needs* to be political liberal, even if it *can* be. I will discuss this paper in more detail in the next chapter.

¹⁶ Similarly, one may argue that the difference principle’s notion of ‘least-advantaged’ is best captured not by a distribution of goods and resources, but by an account of capability, especially as concerns people

Cynthia Stark (2007) also suggests a similar way to include the needs of the severely disabled within contractarian theories like Rawls', though without explicitly referring to the capability approach. She argues that at the deliberative stage in the original position there is nothing wrong with the supposition that ideal theory applies only to "fully cooperating" persons, and a problem only arises if we retain that supposition at the constitutional and legislative stages. This is because while Rawls insists that the needs of citizens (including the severely disabled) should be met by a "social minimum" of goods and services, the social minimum is not decided from the original position but is a constitutional essential instead. So at the constitutional stage we should drop the constraint of fully cooperating persons by imagining that we may be a person whose needs require a higher social minimum, though within the limits imposed by the difference principle from the original position (2007: 137-9). A problem with Stark's account, however, is its assumption that the needs of the severely disabled will be met by a simple increase in the allocation of primary goods afforded to them, a claim that capability theorists are likely to dismiss as unduly quantitative and insufficiently context-sensitive.

One could also reverse Daniels' suggestion, attempting instead to subsume Rawls' principles of justice under the broader theoretical framework of the capability approach. For example, this could be done by considering them as entries in Nussbaum's list of ten basic human capabilities (1997a: 287-288)—the most important ones, in fact. The capability criticisms of Rawls do not claim that the principles of justice are useless or wrongheaded, but only that they are insufficient by themselves to guarantee adequate

with severe mental disabilities. That is to say, by 'least-advantaged' justice-as-fairness could mean "those who are less *capable* of converting goods into opportunity."

capability.¹⁷ But one's capability may still be increased by institutionally guaranteeing equal basic liberties, something like fair equality of opportunity, and a redistributive scheme along the lines suggested by the difference principle. After all, what capability theorists individuate as a weakness of justice-as-fairness is also one of its most attractive strengths: its ability to affect institutions by imposing procedural constraints. The capabilities on Nussbaum's list are more effective if they are made to bear on institutions, but many of them, like "play" and "emotions," can hardly be attached to or legally guaranteed by institutions, let alone by basic ones.¹⁸ Justice-as-fairness can provide the theoretical basis for the institutionalization of some principles and leave the rest to the space of capability.

These prospects for cooperation are promising, but so are the prospects for the theories to coexist in different spaces of inquiry without meaningful intersection, what Stephen Jay Gould has called "non-overlapping magisteria" (1998: 274).¹⁹ Three such spaces come to mind. For one, while Rawls was concerned with distributive justice within liberal democratic societies and he delayed treatment of international justice to *The Law of Peoples*, capability theory emerged from international political economy and development studies. So both theories are designed to address pluralism, but in unlike ways: justice-as-fairness is a theory of public consensus in a democratic society where

¹⁷ Of course, many have criticized the principles of justice themselves *without* also defending capability. For example, Charles Mills (1997) has contested the scope of the principles' application when shifting from ideal to non-ideal theory: the supposed freedom and equality of the original position ignores existing arrangements where some groups are actually not at all free or equal, but historically and culturally subordinated to others. None of these objections belong to the capability side of the debate, and to some extent they criticize the entire liberal contractarian tradition as inherently racist and sexist, so I have not discussed them in detail here.

¹⁸ But see Freeman (2007: 235-242) for a discussion of whether the family ought to be considered part of the basic structure of society, both for Rawls and in general.

¹⁹ Gould was referring to "science" and "religion" asking different questions about the human experience and thus being perfectly reconcilable, but the term works just as well for the present discussion.

citizens are politically free and equal despite endorsing widely different private conceptions of the Good, and where citizens *know* that they are free and equal and *openly* endorse common liberal values like freedom and democracy. Instead, the capability approach argues that a certain thick (if vague) conception of the Good is *in fact* shared by virtually every human being on Earth. This empirical claim is central to Nussbaum's defense of the basic capabilities, which she thinks can be individuated as "non-relative virtues" through conversation and deliberation with people from all cultures and walks of life (1995: 70-71). So on one side Rawls posits procedural constraints for public deliberation given great normative difference, and on another side Sen and especially Nussbaum posit a certain normative equality, though one that only concerns some life basics and does not go all the way down.

A second non-overlapping area is that of cosmopolitan applicability. Justice-as-fairness is notoriously unreliable as a theory of global distributive justice. Rawls himself argues in *The Law of Peoples* that a "global original position" is indefensible and that international justice ought to be regulated by different principles (1999b: §15).²⁰ Conversely, the capability approach's context-sensitivity makes it more likely to be successful in apportioning global justice among the complex relations of diverse people and peoples. By itself this does not mean that capability is the better theory at this level: the debate between the underlying normative assumptions of justice-as-fairness and capability replays at the global level among various stripes of cosmopolitan thinkers, or between cosmopolitans and communitarians. Democratic egalitarians like David Held (2010) defend global principles that are virtually indistinguishable from Rawls', even

²⁰ But see Carens (1987) for a defense of a "global original position" to (de)regulate immigration and citizenship.

without an explicitly stated commitment to the same sort of liberalism. Moderate or weak cosmopolitans like Charles Taylor (1999) and Kwame Anthony Appiah (2007) recognize only very few principles for global interaction and leave the rest to smaller communities, regulated by something akin to capability. Communitarians like Craig Calhoun (2002) and Benjamin Barber (2013) insist that only societies that are sufficiently small can identify and properly fulfill the needs of their citizens, by being more sensitive to their metaphysical and normative commitments and more capable to distribute resources according to needs and requirements that might be blurred or flat-out denied at the cosmopolitan level.

Finally, there is a non-overlapping difference in the degree to which each theory addresses reparation, not only to severely disabled or otherwise burdened persons, but also to historically disenfranchised groups. One reason why some persons find it more difficult to convert goods into opportunities has less to do with social institutions than with social arrangements. For example, the obstacles faced by racial minorities in the United States often result not so much from institutional injustice or inequality before the law, but primarily from the cultural modes of recognition and treatment enforced by the racially dominant groups. Systemic racism is less institutional than it is cultural, which is why it is so pervasive and so hard to eradicate. Being less tied to institutions, the capability approach would seem more capable of dealing with these problems, while “ideal” theorizing is best left to justice-as-fairness.

While these possibilities are tempting—by way of both cooperation and compatibility—there is of course a third option, that of separation: that the capability approach *can* cooperate or coexist with justice-as-fairness does not entail that it *must* in

order to function, nor even that it *should*. Indeed, the capability approach can be conceptualized in such a way as does not require any sort of engagement with liberalism, but rather a stark departure from its moral commitments. In the next two chapters, I show how this is both possible and desirable.

Chapter 6

Capability and Moral Particularism

Chapter 4 reviewed recent capabilitarian objections to the individualist-universalist character of the classical capability approaches, while Chapter 5 discussed whether capabilitarianism should seek reconciliation with a Rawlsian “resourcist” liberalism based on primary goods as a metric of justice. This chapter expands on both of those arguments by demonstrating that there is nothing in the concept of ‘capability’ properly understood that commands a commitment to liberalism. That all the most important capabilitarians have been self-identified liberal humanists only indicates the appeal of a general affinity, for Sen’s emphasis on individual free agency is naturally germane to the liberal focus on the inviolability of the person. But since there is no need to conceptualize capability in that way, there is also no need for capabilitarians to be liberal.

The present chapter argues that the capability approach should deemphasize individual agency and take more seriously the stated values of collectives; and, consequently, collective choices and assessments of capabilities. This is because while individual agency obviously matters, it should not be the *conditio sine qua non* of capability, the one factor without which capability is not truly capability. Recall that capabilitarianism is a moral approach, making normative recommendations about which ethical values are most important, which moral principles are worth striving for, and what it means to live a Good Life in general. For Sen and Nussbaum, individuals are the ultimate arbiters of these matters, even as their choices are moderated in and by society. But there is no need to start from individuals and understand society as an external

influence that we must reckon with: one could just as well reverse the direction of analysis and posit that the free arbitrations of individuals must be carved out from a space that is originally *social* and only in a second instance *personal*. There is little in the existing capability literature that justifies the choice of a generally individualistic starting point as opposed to a generally collectivist one. This chapter attempts to fill that lacuna.

6.1. Liberals and communitarians

Through the 1980s and early 1990s, the most prominent Anglo-Saxon political philosophers debated the ideological bases of contemporary liberalism and raised some important objections against them. The rise to prominence of John Rawls' and Jurgen Habermas' work in that period caused separate strands of criticism, first from libertarian critics (e.g., Hospers 1974; Nozick 1974) and later by communitarians (e.g., MacIntyre 1981; Sandel 1982; MacIntyre 1984); and, of course, the social-conservative discontent with liberalism is always strong (e.g., Scruton 2003). But unlike conservatives and libertarians, communitarians did embrace a largely liberal framework, even as they objected to some theses they perceived to be crucial to the articulation of liberalism in both theory and practice. Much of the debate in those years focused on these attacks by communitarians and subsequent rebuttals by liberals.

It is important, first, to recognize that liberalism and communitarianism are broad ideological spectra that do not correspond to any one moral theory or political program, and thus need ample qualification before they can be discussed. "Classical" liberals tended to prioritize the indivisible connection of personal liberty and private property, while "new" and "welfare" liberals questioned that connection in favor of some

redistribution of wealth to guarantee equitable outcomes (Gaus, Courtland, and Schmidtz 2014). But any version of liberalism posits the protection of individual freedom as the chief political value, which in turn is rooted in the unique moral status of each person. The Enlightenment-era roots of such an idea are well known. More recent incarnations of liberalism have focused on its political application in multicultural societies (Rawls 1993), its global reach in the form of “cosmopolitanism” (Held 2010), and its emphasis on economic freedom in the form of neoliberalism (Vavrus 2014).

In much the same way, ‘communitarianism’ is an umbrella term that captures many different critiques of liberalism, neoliberalism, internationalism, cosmopolitanism, globalism, and various kinds of essentialist and universalist approaches. These critiques can be categorized according to whether they focus on the moral or the political aspects of liberalism, whether they are anti-liberal or simply non-liberal, and whether they also endorse a social conservative ideology. While some communitarians are social conservatives, one can be a non-authoritarian communitarian. So just as ‘liberal’ describes a variety of views, so is ‘communitarian’ by itself insufficient to identify a moral-political ideology. Neofascists and anarcho-communists are both “communitarian” in some way, for they endorse certain collectivist views about the nature of society and its relation to the individual.

Following Daniel Bell (2016), in this section I discuss communitarianism based on its three most important departures from liberalism, namely its endorsements of *moral particularism*, of a *historical-narrative view of the human self*, and of the primacy of *localized politics*.

Moral particularism is the view that morality is first of all local, special, and circumscribed to a proximate community, and that any universal values are abstracted *post facto* from special ones and not the reverse. As Michael Walzer puts it, “maximalism precedes minimalism” and our moral lives are “thick” from the beginning (1994: 13-15). In recent times, this debate has taken the form of whether there are any human rights that are universally justifiable based on a notion of morality that is sufficiently thin to be endorsable by all. A common communitarian position on this question is that the world’s societies are too incommensurable from an ethical standpoint to be able to talk of “human” rights as such, and thus we should focus on building intercultural consensus in other ways, such as focusing on practice or conduct (Taylor 1999; Appiah 2007).

In turn, moral particularism typically reflects a metaphysical view of the self as necessarily embedded in our original social environments, so that our self-perceptions and identity claims should be seen as socio-historically situated and intrasubjective. In the words of Michael Sandel: “community describes what [people] *are*, not a relationship they choose (as in a voluntary association) but an attachment they discover, not merely an attribute but a constituent of their identity” (1982: 150).²¹ Against liberal universalists like Rawls, who describe our socioeconomic attachments as contingent and therefore irrelevant to our participation in a political conception of justice, communitarian particularists like Sandel insist that there is nothing contingent or optional about our origins. Some of these arguments explicitly reject Rawls’ idea of the original position; others emphasize the importance of seeing oneself not only as *a* person but as *this* specific person. Alasdair MacIntyre calls this latter point the “narrative” view of the self:

²¹ Similar arguments have been advanced in moral epistemology and critical theory about the inherent situatedness of human knowledge claims. See, e.g., Lorraine Code (1993), Charles Mills (2007), and Linda Martin Alcoff (2007).

[W]e all approach our own circumstances as bearers of a particular social identity. I am someone's son or daughter, someone else's cousin or uncle; I am a citizen of this or that city, a member of this or that guild or profession; I belong to this clan, that tribe, this nation. Hence what is good for me has to be the good for one who inhabits these roles. As such, I inherit from the past of my family, my city, my tribe, my nation, a variety of debts, inheritances, rightful expectations and obligations. These constitute the given of my life, my moral starting point. This is in part what gives my life its own moral particularity. (1981: 220)

These two positions—moral particularism grounded in a historical-narrative view of the self—jointly motivate various communitarian political arguments against liberalism. A popular one is that instead of deferring political authority to international or even national governing bodies, we ought to focus our justice procurements on smaller, geographically circumscribed communities, which may be occasionally as large as nation-states but are more properly limited to indigenous nations, ethnic groups, or even townships (MacIntyre 1984; Walzer 1994; Barber 1992 & 2013; Mehrotra 2008). Some of these arguments are specifically anti-globalist (Calhoun 2002; Robinson 2004; Stiglitz 2011); others are anti-cosmopolitan (Miller 2001; Nakano 2006) or target specific international arrangements, like free-market liberalism (Herman 2002; Harvey 2005) or corporate outsourcing (Dunaway 2003; Pogge 2008). The broad spectrum of views represented here—e.g., Craig Calhoun is a conservative anthropologist and Wilma Dunaway is a socialist ecofeminist—further testifies to the reach and appeal of the communitarian way of thinking.

Both the validity and the importance of the liberal-communitarian debate have been questioned beginning in the late 1990s and into the 2000s. Will Kymlicka's (1989; 2007) analysis is especially illuminating. He argues that the "debate" took place largely because many communitarian critics misunderstood the crucial theses of the liberalism of the

time, most notably the supposed demand for an “unencumbered self” detached from its worldly contingencies. But for Kymlicka, liberalism makes no such demand: it can accept the communitarian argument that society gives us particular goals and values, and then still insist that we ought to remain free to choose among them and reject them. The true value of liberalism is that no moral or political value should be immune to critical examination: the liberals’ free agency is not the absence of externally imposed values or restraints, but the freedom to recognize, choose, and reject them (Kymlicka 1989).

One may counter that Kymlicka is guilty of the same oversimplification. Communitarians do not deny people the freedom to analyze and reject any particular goals or values: they merely argue that that freedom does not exist in a void, nor is it given to everyone merely by virtue of being born and existing. Rather, it is earned and negotiated within the social environments that make up people’s lives, often through a process of sociopolitical maturation. And while surely this argument can be used to repress the freedom of arbitrarily selected people (not old enough, not smart enough, not white enough), that problem also plagues liberalism, as demonstrated by its lengthy history of oppressing indigenous peoples in the name of better “freedom” (Mills 2007). Relatedly, just as the liberal demand for an unencumbered self only applies to some stages of the political process—like Rawls’ original position—communitarians can also argue that personal free agency need not have the same importance in every aspect of every person’s life.

What we can learn from this analysis is that the liberal-communitarian divide is mostly one of emphasis and degree rather than of nature. If anything, liberals and communitarians have deeper differences about their commitments to ethical universalism.

I have already discussed this issue in Chapter 3, and in the next section I analyze it again through the framework presented by Michael Walzer in *Thick and Thin* (1994).

6.2. Thick and thin morality

At the meta-ethical level, a thin concept is an ethical term that is more generalizable than a thick one: for example, “bad” is thinner than “cruel” and “selfish,” while “justice” is thinner than “retribution” and “vendetta” (Väyrynen 2016). At the normative level, a thin value is one that can be shared by many people, ideally across different cultures. Thin values are vague, nonprescriptive, and relatively noncommittal, and values like justice, fairness, freedom, and respect are usually considered thin. They state a basic notion and its goal—justice is the value of giving each person what is properly due to them—but they do not prescribe a specific content for that goal, nor how it is to be reached and actuated in specific contexts. Conversely, thick values are highly particular in both their descriptive and prescriptive content. They often refer to a thin value, whose definition and application they specify in more detail. For instance, “complying with your family’s wishes concerning your marriage choices” is a thicker specification of the thin value of “respect.”

The fact that thick values can be described as specifications of thin values does not mean that the former are derived from the latter or that thin is “prior to” or “more basic than” thick. Indeed, communitarian authors typically reject this point and argue that values are primarily thick, whereas thinness only becomes available in certain contexts of inquiry. Walzer (1994) has argued that each society’s main values, those that receive more social publicity and are more likely to guide citizens’ lives and actions, tend to be thicker

rather than thinner, and are often highly specific to their social environments. Only in certain cases do people resort to proclaiming their values in thin forms, like during times of political struggle or national affirmation. Walzer's example is Czechoslovakia in 1968, where citizens marched carrying signs reading "freedom" or "justice." That anyone in the world could understand what those signs meant without knowing anything about the Prague Spring testifies to the existence of globally thin values, but the Czech citizens who carried those signs did have a thick specification in mind, one peculiar to their nation at that time, and it was *that* value that mattered to them.

Walzer's point, then, is that thick is both prior to and more important than thin, because most human beings do not in fact think about ethics in universals. We learn by instruction, example, and practice within our most proximate social milieus. Only later in life, and even then only in special contexts, do we come to understand that the thickly specified local values have common reference points: justice, fairness, freedom, respect, etc. (Of course, some people are taught to believe that *their own* provincial values should be shared by all and that whoever does not share them is wicked, but that is clearly different). So for Walzer we locate commonality in difference, not start with it and then diversify. There is no moral Esperanto, as it were, and while thin morality does allow for cross-cultural solidarity, it is still understood thickly within each culture, and it is that thick notion that matters most in our lives.

This account can serve as a metric to identify more substantive distinctions between liberals and communitarians. Even as both sides recognize the relative importance of both kinds of values, liberals tend to prioritize the thinner values and communitarians the thicker ones. Recent work in this field has moderated both views into more appealing

alternatives. Some modern-day liberals, like David Held (2010), posit that international communities must promote and uphold minimally decent sets of universal thin values, including the usual staples of liberalism: social justice, judicial fairness, civil rights, and electoral democracy. Modern-day communitarians, instead, typically hold that while thin universals do matter (for example as limits or general guidelines), they are far less relevant to a healthy polity than their thick specifications. Philip Selznick (2002) argues that an ethic of social responsibility and problem-centered public philosophy ought to replace the liberal near-exclusive focus on individual freedom, which has become troubling in its neoliberal forms. Similarly, Amitai Etzioni (2005) argues that societies should develop a stronger moral ecology, a communal ethic of nurture for our social environment on which it is bad to take without giving, a concept that the excessive individualism of liberal modernity fails to prioritize.

All that being said, neither Walzer nor Selznick nor Etzioni believe that communities should have the final say on all moral questions. For Walzer, as for Held, there exist minimal standards of decency that must not be violated, like protections against slavery and genocide. For Etzioni, the local obligations of members of “bad” communities (like rogue states or terrorist groups) still do not override their universal duties of basic human decency. And for Selznick, communitarians should “believe in rights-protection without rights-centeredness” (2002: 73), meaning that some values may be worth pursuing and protecting even if they do not need to be elevated to the status of universal human rights. I will discuss these limitations in more detail in Chapter 9.

Perhaps the best form of these moderate arguments is defended by Benjamin Gregg (2003), who argues for a normatively thin communitarianism. Morality has become

increasingly local in the 20th century, as fewer people claim to speak for all or that their beliefs apply globally. Unlike traditional communitarians, who sought to develop public virtues among like-minded neighbors, Gregg thinks it is sufficient to find agreement on specific public policies among people who relate weakly to one another, even as their preferred thick virtues differ. No doubt that the resulting agreement will be thinner than the virtuous consensus that like-minded neighbors would enjoy, but that is no reason for concern: the goal of a thin communitarianism is precisely to respect the fact that most people want to be communitarians locally but also want to live in a liberal society more broadly, without the need to share or generalize all the way down.

(In a way, this is similar to Rawls' idea of a freestanding political conception of justice, which citizens can support from within their respective reasonable comprehensive moral doctrines but without abandoning those doctrines. The difference, for Gregg as for Barber in the next paragraph, is that a normatively thin agreement on public policy is not foundational, nor is it the originator of social justice and fairness, nor does it need to represent the shared values of society as a whole—unlike Rawls, who restricts justice-as-fairness to the freedom-loving citizens of Western liberal democracies. This is because, for Gregg, often there are no such shared values; and even if there were, they would be as important or less important than their thick counterparts).

Likewise, Benjamin Barber (2013) argues that even though most communities do and should prioritize thick values locally, they can still cooperate in larger democratic schemes based on a thin agreement on some essentials, like the need for international collaboration to address crises that individual communities are powerless to solve. So even though thick values may be only local and not shared outside of a geographical or

cultural influence area, citizens belonging to different moral traditions can agree on just enough to work together on very specific matters—a problem-centered intercultural *modus vivendi*, as it were. But it is essential that these matters provide an immediate global or international benefit, since any agreement that exists is likely to be limited to practical matters: Barber cites global climate change and radical religious terrorism as two examples (2013: 174-180).

Once again, the thick-thin difference is one of emphasis more than nature. After all, Walzer's original distinction was not intended to be a dichotomy, but merely a way to reverse the direction of analysis that had become a staple of liberal and cosmopolitan thought. Understanding morality in terms of thick-and-thin can help clarify the relationship between moral values and the social circumstances in which they arise. The argument that morality is thick from the beginning lends more credence to the communitarian view that collective values deserve more respect and less to the liberal view that individual free agency takes priority. This is not because individual freedom is itself a thin value (although it probably is), but because the only way to guarantee it is to also guarantee a certain value-thinness throughout society—which is precisely what communitarians usually oppose.

6.3. Communitarian agency

The upshot of the last section is that while communitarians appreciate the value of individual freedom and free agency, they do not prioritize it the way that (they say) liberals do. This is because they reject the suggestion that equal and equally free agency is given to someone merely by virtue of existing. Agency must be discovered and

developed while people are part of their various social groups, where they negotiate their agencies with those of others and with their collectives' values and traditions. Both classic and contemporary communitarians support this argument, for example when they argue that free choice does not exist aside from the bonds of community that are morally antecedent to it (Sandel 1984: 86-87); or when they caution against the "lure of absolutes" with regard to moral agency or political freedom, insisting that these must be evaluated within the times and spaces of their emergence (Selznick 2002: 73-78). Walzer's popular argument against armed intervention in foreign conflicts similarly prioritizes national self-determination. Discussing the Sandinista revolution, he argues that more than living in a state free of oppression, Nicaraguans have the right to live in a state "of the Nicaraguan sort," even if that should not live up to the moral-political standards of the free West (1980: 219-222).

Here we find a viable connection with recent capability literature, because Séverine Deneulin has argued for a similar idea:

Agency is not a tabula rasa, but is itself the product of certain structures of living together. Insofar as human beings have the power to understand themselves, to interpret what they are and what they do, 'the languages needed for such self-interpretation are essentially social, and community is a structural precondition of human agency' (Mulhall and Swift 1992: 162). For example, a woman who is forced into an arranged marriage often does not have the agency to protest and rebel because the structures of living together that surround her do not provide the preconditions for her to do so. She will find her agency and ability to choose not to enter an arranged marriage only provided that, for example, the education she received at school, or government campaigns for gender equity and dignity, have given her the necessary critical skills to question the established order. In other words, she will have the individual agency to avoid arranged marriage only provided that she receives enough collective support to pursue her choice.

Exercising one's freedom of choice, like the freedom to marry the partner one wishes, will require collective action to change the structures and transform them into structures enabling individual human beings to acquire agency and exercise choice. (2008: 119)

Here too the argument is not that individual free agency is irrelevant or nonexistent, but that it is insolubly tangled with its discovery by persons, their exercise of it, and the social circumstances that facilitate or hinder its development. But does this mean that the capability approach should influence social structures in the direction of providing more and better freedom for individuals? It is unclear if this is what Deneulin means to argue. That *is* a possible conclusion, but as shown in Chapters 3 and 4 that is hardly different from what Sen has already acknowledged, namely that the capability approach is supposed to steer social institutions toward the goal of augmenting individuals' free agency.

Be that as it may, I believe that Deneulin's argument can be used to support a more markedly communitarian position than she may have intended: agency is embedded with social structures because there is no such thing as agency except in the context of those structures—indeed, there is no such thing as 'individual' agency at all. Every discussion of someone's agency must contend with the social structures that make that agency possible in the first place. Rutger Claassen (2016) has recently defended a "two-level" concept of agency, where agency is both participational (one's ability to take part in a social or cooperative structure) and navigational (one's ability to discern, choose among, and criticize various social or cooperative structures). This position understands agency not as an individual's private internal property, but as a uniquely relational property that places the individual in a special rapport with her social surroundings. Claassen

concludes that the goal of the capability approach, should be to procure for each individual the capabilities necessary to reach such a full-fledged concept of agency (as opposed to Sen's emphasis on public reason and Nussbaum's emphasis on flourishing and wellbeing).

That agency has a social component is hardly in dispute, and as we have seen both liberals and communitarians usually agree on that score. But on Claassen's view, agency is "*inherently* socially embedded" (2016: 8), meaning it is literally impossible to even cognize the concept of individual agency without making explicit reference to its social constituents. In the philosophy of language, semantic externalists believe that the meaning of terms is "not in the head" but arises from complex referential relations between internal intentionality and the real status of objects in the world (e.g., Putnam 1975). Likewise, agency on Claassen's account is found in the relation between a person's autonomy ("action") and the structure of society, including its social institutions ("practices"). So this is not merely the claim that our actions are influenced or affected by practices: it is the bolder claim that the free agency of individuals is not really "of individuals" at all.

This view of agency has an obvious affinity to the leanings of collectivist capabilityarianism. The purpose of Sen's original approach was to remove the unfreedoms that made people unable to choose among their lives' relevant functionings; i.e., to make their individual agency freer. What, then, does relational agency mean for the approach's normativity? I will analyze this question in more detail in Chapter 8, because to answer it fully I will need to first discuss how the capability approach should deal with the issue of public reason in Chapter 7. But as a preliminary answer, it is enough to say that the goal

of a collectivist approach is to help people discover their free agency according to their society's or collective's shared understanding of the notion of 'freedom,' which need not align with Sen's or Nussbaum's or anyone else's. This answer is necessarily relativistic, which is to be expected in an approach that foregoes much ethical normativity in favor of value-neutrality. But as will become clearer, relativism is not to be feared, for it constitutes the principal strength of a collectivist capabilityarianism.

Chapter 7

Democracy and Collective Self-Determination

Collectivist capabilityarianism is neither inherently democratic nor undemocratic. While it does reject Sen's argument that democracy as public reason is necessary for justice, it does not eschew democracy altogether, nor must it function undemocratically or refuse to engage with communities that do value democratic decision-making. Collectivist capabilityarianism remains mostly neutral about the frameworks that are used to choose and assess capabilities within a society, even as it does recommend a decentralized deliberative form of decision-making. Sen demands democracy because he thinks that institutionalized respect for each individual's agency is necessary for justice. But as collectivist capabilityarianism understands agency differently from Sen, there is no need to either prescribe or proscribe democratic processes.

Likewise, communitarian views are neither favorable nor adverse to democracy as a necessary requirement of justice. Some authors uphold it as the most important political value for a respectful polity, provided that it take place primarily in civil society and not at the national or governmental level (Barber 1998). Others see it as just one among many contingent historical outcomes of self-determining societies, and instead prefer to protect collective self-determination as a key value—even if it should be undemocratic or its results unjust (Walzer 1980; Miller 2007). I side mostly with the latter view, remaining largely agnostic about the importance of democracy for capability assessment, neither mandating nor condemning it. Democratic capabilityarianism is most germane to societies that traditionally value public reason or demonstrate a vivid impetus toward it in recent times, and it is both ineffective and unjust when it is imposed “from the top” as a

philosophically justified procedural constraint (such as when INGOs enforce it as a humanitarian requirement to receive development assistance).

7.1. Capabilitarian democracy

7.1.1. Classic approaches

As discussed in Chapter 3, in *Development as Freedom* Sen argues that democracy as a political value is not the exclusive invention of the Western world, because something like it can be found in many global cultures (2000: 231-233). Similarly, in *The Idea of Justice* he criticizes the popular belief that the so-called “Asian values” are undemocratic and authoritarian (2009: 322-323). But more than simply tracing a genealogy of democratic thought, Sen is interested in the content of modern-day democracies. This content, he believes, goes well beyond institutional procedures like ballots and public offices, which indeed are far more common and better developed in the West. It also includes what Rawls and Habermas have called ‘public reason’ or ‘public reasoning’: “If the demands of justice can be assessed only with the help of public reasoning, and if public reasoning is constitutively related to the idea of democracy, then there is an intimate connection between justice and democracy, with shared discursive features” (Sen 2009: 326).

The operative term here is “only.” Sen thinks that democracy as public reason is a necessary requirement of justice, and thus that less democratic societies are less just. His argument for this position is grounded in three empirical reasons. First, once again, democracy is a global tradition with global origins, and while balloting in Greece and municipal democracy in India may be among the most popular examples, they are hardly

unique. Second, democracy's global origin has inspired every major champion of democratic rights, from Gandhi to Mandela, who have often remarked on its widespread global popularity (Sen 2009: 326-332). Third, democratic checks and balances prevent human rights abuses: "no major famine has ever occurred in a functioning democracy with regular elections, opposition parties, basic freedom of speech and a relatively free media" (Sen 2009: 342). So democracy is a safeguard against major unfreedoms, and as Sen defines justice as precisely the absence of these unfreedoms, he thinks that democracy is necessary for justice. On this account, then, democracy plays a dual role, both as incentive (for states to remain accountable) and as a tool of social change (for people to remain aware and in control of their proximate social settings). For these reasons, Sen thinks that democracy is likely to conduce to human development in the countries that need it the most:

If development is understood in a broader way [than mere procedural fairness], with a focus on human lives, then it becomes immediately clear that the relation between development and democracy has to be seen partly in terms of their constitutive connection, rather than only through their external links. Even though the question has often been asked whether political freedom is 'conducive to development', we must not miss the crucial recognition that political liberties and democratic rights are among the 'constituent components' of development. (2009: 346-347)

Two features of this argument are important. First, Sen is not saying that wherever democracy is established, development follows. Unlike some libertarians (Griswold 2004), he does not believe that free markets necessarily lead to free people. Only an active and vigilant citizenry, in addition to established democratic procedures, can ensure persistent justice. This is why public reason is a crucial constituent of what Sen means by

‘democracy.’ Second, democracy is crucial for assessing the substantive freedoms that people *should* have. Simplistically, we may say that the valuation of capabilities should take place democratically through public reason. Societies determine through public conversation which capabilities they find most worth pursuing, until some intra-subjective consensus is achieved and capabilities can be institutionally guaranteed. This is precisely why Sen is opposed to listing specific capabilities (e.g., 2005: 157-160): he thinks that to do so negates the formative and constructive role of democracy as the mode by which capabilities are assessed, and thus, ultimately, come to be valued as necessary for justice.

Unlike Sen, Nussbaum has not made democratic decision-making central to her version of the approach, save for remarking in passing that capabilitarians typically also have reason to value democracy as a primary virtue: “It would be inconsistent if a defender of the capabilities approach, with its strong role for democratic politics and political liberty, were to seek an implementation strategy that bypassed the deliberations of a democratically elected parliament” (2000: 104). Nussbaum’s own approach focuses on guaranteeing certain substantive freedoms that are decided a priori as being crucial to the human life form, so it is understandable that she would deemphasize the formal role of democracy in constructing these freedoms. Still, her list of ten central capabilities does remain open to amendment, weighing, and context-sensitive applications, so it is reasonable to believe that she would view democracy as public reason as one good way—perhaps even the best way—in which that may happen.

Recent capabilitarians have qualified Sen’s argument that democratic capability assessment is necessary for justice. Their contributions can be divided into two large

groups: arguments that try to reconcile Sen's more democratic approach and Nussbaum's more philosophical one (Claassen 2011; Byskov 2015) and arguments that amend the role of democracy for capability assessment as a whole (Mehrotra 2008; Davis & Wells 2016). I survey both of these groups in the next subsection, and ultimately offer a contribution of the latter kind.

7.1.2. Contemporary views

Rutger Claassen's and Morten Byskov's arguments rest on a classic distinction between the aims of philosophy and those of democracy. The "philosopher" believes that some set of essential human capabilities can be determined a priori by analyzing what humans cannot or should not live without; this has been Nussbaum's approach. The "democrat," instead, believes that each group or community has to arrive at those determinations through social means, such as public reason; this is Sen's approach. As I have already said, the mere presence of a discrete list of capabilities does not by itself make an approach solely philosophical or undemocratic. Nussbaum's list, for example, was supposedly reached through conversation and consensus-building, even if it does not reflect the explicit outcome of a specific society with a declared intent to choose among capabilities. So the two positions are not diametrically opposite and mutually exclusive, and are best understood as ends of a spectrum.

Claassen (2011) and Byskov (2015) believe that capability theorists should use both approaches judiciously. Claassen argues: "the democratic position must incorporate at least some philosophical theorising in general and a theory of democracy in particular," even though it "presupposes that the philosophical position will bypass the democratic

process while actually it does not” (2011: 491). These two claims are mutually reinforcing. On the one hand, those who recommend that capabilities not be chosen from the philosopher’s armchair but left to each society to choose democratically must provide a theory of what that process should look like. Not all democratic processes are the same, nor do they all favor a fair or efficient decision-making process about capabilities, so the democrat needs the philosopher’s input when selecting the democratic theory that will best serve their purpose (Claassen 2011: 498).

On the other hand, the philosopher’s choice of capabilities does not really take place “from the armchair” at all. Those who take the philosophical approach to capability assessment do not behave like hermits (fully removed from the world) or kings and queens (entitled to rightful domain over the world due to the moral superiority of their theories). Rather, they ought to be leaders and model citizens, theorizing not in a vacuum but in constant engagement with the social circumstances of their human lives. And it is for this reason that those who favor the democratic approach, like Sen, should not dismiss the philosophical approach as paternalistic or detached from reality (Claassen 2011: 499-504). Ultimately, when the two approaches are used sensibly, they end up being fairly close:

the difference between the democratic position and the philosophical position becomes a gradual instead of a categorical one. It is not about leaving all of these choices either to philosophy or to democracy. Rather, the most fundamental choice(s) is (are) made in philosophical theory, and the difference is about where on the spectrum to cut off the task of philosophical theory and leave further matters to the democratic process. (2011: 497)

And the task of drawing this cutoff line falls to each capabilityarian who defends a novel capability approach.

Building on Claassen's work, Byskov (2015) argues that both "philosophy" and "democracy" unduly minimize the importance of the other side's methodology for their own goals:

proponents of the philosophical view may have overestimated the amount of philosophical theorizing that is needed. As soon as a just democratic procedure is in place, nothing stands in the way of justifying a certain selection of capabilities with reference to the democratic procedure—even if this selection does not square with the normative philosopher. Needless to say, then, that the philosophical position is prominent where theoretical input is necessary. On the practical level, meanwhile, we should resist the idea that philosophical theorizing can solve all issues relating to the application of the capability approach. When selecting capabilities, it still seems necessary to include a democratic approach. (Byskov 2015: 11-12).

This argument would sit well with both Sen and Nussbaum, whose respective preferences for democracy and philosophy yet include substantial input from the other method. Nussbaum justifies her suggestion of an *a priori* list of capabilities because she thinks that it reflects the deliberations of large numbers of people that were achieved through extensive debate; i.e., a democratic import on a philosophical approach. Likewise, Sen justifies his choice of democracy as the ideal manner of capability assessment because of his belief that democratic participation is necessary for justice; i.e., a philosophical import on a democratic approach.

While Claassen's and Byskov's arguments can be called "compatibilist," other authors have argued that the capability approach needs a different account of democracy. For example, Santosh Mehrotra (2008) thinks that while capability assessment should take place in a democratic fashion, the best way to do so is through what he calls "deep decentralized democracy." Instead of focusing only on the individual as the primary

participant in a democratic system, and instead of conceiving that system as a national one, we should focus on a more collective and decentralized level: “the complex functioning of participation the approach postulates needs to be contextualised at the level of the community—collective voice and collective action—to have operational use” (Mehrotra 2008: 414). This account is quite useful to collectivist capabilityarianism, and arguments of this sort have received ample support from some communitarian authors, as I will show in the next chapter.

Similarly, Davis & Wells (2016) argue that democratic development is one of the two main principles that should guide a non-paternalistic development assistance to the Global South, the other being free prior informed consent:

democratic development, in which the people concerned participate deliberatively in deciding what kind of development programmes they want, and thus the kind of transformations that will take place, is not only a generally good thing among others. Like free prior informed consent, it should be understood as a necessary condition for any project claiming to be part of human development approach. (361)

The reason that democracy is not only optional but required is because only a democratic notion of development “directly engages people as autonomous agents in the collective self-determination of their values and concerns” (2016: 372). So this principle protects and ensure the free agency of individual human beings, in this case through their participation in a public process of deliberation. Like Davis & Wells’ other principle that development recipients must be able to express their free and informed consent prior to any action or program taken in their name, what matters here is people as individuals, and only secondarily as members of a social group. Just like Sen did, Davis & Wells too

emphasize democracy to avoid paternalism and to fulfill the normative ethical demand that every member of a group should have some say in the group's deliberations.

7.2. Collective self-determination

In the previous section I analyzed both classical and contemporary capability arguments about the role and importance of democracy for the capability approach as a whole. In this section, instead, I discuss how these arguments relate to communitarian philosophies. It is unfortunate that there is such paucity of exchanges between the capability literature and the communitarian one, especially as capability theorists from the last decade—after Sen's *The Idea of Justice* in 2009—are speaking to the issues that have motivated non-liberal scholarship in political philosophy in the last half-century. Most communitarian authors place a great premium on the value of democracy in their political accounts, but unlike some liberals (including Sen) for whom democracy is the *summum bonum* of a just life, communitarians are typically willing to compromise or qualify their democratic views depending on socio-historical contingencies. Most famously, Michael Walzer prioritizes the participatory power of the citizenry over the conformity of social institutions to a democratic model. While desirable, the presence of formally democratic institutions is by itself less important than the presence of institutions that adequately represent a society's histories and traditions, even if these should be undemocratic.

Walzer (1980) cites the example of Algeria in 1962, where Ahmed Ben Bella and the socialists gained power after the independence war with the intention of instituting a democratic regime, only to turn repressive against their own citizens in the following years. Walzer imagines a fanciful scenario in which Swedish social-democrats could alter

the minds and hearts of Algerians through a magical drug introduced in the water supply that would ensure a functioning democracy and the end of internal oppression (clearly a metaphor for foreign intervention in Algerian internal affairs, as well as for the international disappointment as a promising North African democracy quickly degenerated into a postcolonial Reign of Terror). Should they use the drug? No, says Walzer:

They should not use it because the historical religion and politics of the Algerian people are values for the Algerian people (even though individual Algerians have not chosen their religion and politics from among a range of alternatives) which our valuation cannot override. It may seem paradoxical to hold that the Algerian people have a right to a state within which their rights are violated. But that is, given the case as I have described it, the only kind of state that they are likely to call their own. (1980: 226)

Much like in the Sandinistas example from Chapter 6, Walzer thinks that people have first of all a right to a state that is properly their own, and only secondarily to a state that is fair, democratic, or in which the voices of all citizens are heard.

One could counter that Walzer conveniently ignores centuries of oppression, which have pretty much wiped whatever social agency the Algerian people may have enjoyed at some point: what is paradoxical is not that they have a right to an oppressive state, but that anything in Algeria is any longer truly “their own” in any sense of the term. Not to mention that we should be suspicious when the interests of former colonial powers just happen to align with the instability of their former colonies. But all these arguments miss the point, for the very fact of an Algerian independence war, led by the Algerian people in defense of Algerian values (postcolonial self-determination), testifies to the existence of a truly Algerian agency. Far from being ignored, colonial oppression is the key motivating

factor in the resurgence and expression of Algerian nationalism, and thus of a state that Algerians can call “their own.” That this state then quickly became oppressive is a contingent fact: the history of violence in newly liberated colonies is long and well-documented, and often rooted in the colonial violence in which they arose (see, e.g., Fanon 1959 about Algeria specifically; Ali 2002 about the Middle East; Daiya 2008 about India; and Barrington 2006 more generally).²²

Still—why will Walzer tolerate repressive injustice merely to protect the collective capability of self-determination? It has to do with his belief that the process of gaining political rights is as important if not more than those rights themselves. From his paper “Philosophy and Democracy” (1981):

It is not only the familiar products of their experience that the people value, but the experience itself, the process through which the products were produced. And they will have some difficulty understanding why the hypothetical experience of abstract men and women should take precedence over their own history. (395)

Like the capability theorists that I discussed in the previous section, Walzer too frames this point as an idealized debate between a “philosopher” and a “democrat,” the former protecting universally right values and the latter working with actual institutions in their historical contexts. The philosopher is likely to resort to authoritarian imposition to ensure the spread and subsistence of the values that he thinks are absolutely right, while the democrat worries that this imposition would override the very spirit of local and particular self-determination: “particularity can be overcome only from the outside and

²² Obviously, postcolonial violence is almost always a direct result of colonialism itself: the violent partitioning of the colonial space by the oppressor generates what Daiya calls “violent belongings,” so that the decolonization process is almost never peaceful. But Walzer’s point is not that Algeria’s newfound self-determination is independent of colonialism, but merely that, for once, it is truly Algerian in character.

only by repressing internal political processes” (Walzer 1981: 395). In other words, injustice is the philosopher’s bogeyman, and it must be avoided even at the cost of some autonomy; while imposition is the democrat’s worst enemy, and it must be preserved even at the cost of some injustice (Galston 1989).

No doubt, part of this debate is academic. Decisions about what to sacrifice and why are made by actual people in actual circumstances, which after all is Walzer’s point. Even if we should agree with “the philosopher” that Ben Bella’s Algerian government was unjustly repressive—and Walzer does think that we should—that still would not justify an intervention in favor of justice, so long as Algerians decided that their self-determining autonomy was a capability that they cared at all to protect. Notice, also, that even the guarantee of democracy (such as if the Swedish social democrats had used their magic drug) would only ensure a procedural sort of justice: democratically elected states still make unjust democratic determinations, such as when they adopt discriminatory policies like “White Australia” and similar xenophobic movements with broad popular support (see, e.g., London 1970; Walzer 1983).

Benjamin Barber has long defended (1992; 1998; 2002; 2013) an account of democracy as direct, local, particularistic, decentralized, and developing “from below” instead of only formally guaranteed by a state. He argues that the best form of democracy belongs to civil society, a “third realm” in the tradition of de Tocqueville, neither fully private nor fully public, yet sharing the best virtues of both. “Strong democratic civil society,” as he calls it, ought to be “a communicative domain of civility, where political discourse is grounded in mutual respect and the search for common understanding even as it expresses differences and identity conflicts” (1998: 44). Other communitarians call

the same idea “civil republic” (Selznick 2002) or “republicanism” (Sandel 1996). This civil society, Barber argues, is often democratic in the most direct way. The exercise of power and the manner of its allocation are identified neither with a sovereign state (with all its procedural constraints) nor with a family or club (which are often undemocratic). Fueled by the similarities and shared intents of people who live and interact closely, democratic deliberation in civil society is most likely to be as direct as possible and as closely concerned with the wellbeing of the people.

For this reason, Barber argues that the best model for a communitarian democracy is not the country or the nation-state, but the city. Instead of focusing on large heterogeneous groups, whose public discourses are likely to be dominated either by special interests or by excessively thin public virtues, we should strive to guarantee place-based policy alternatives and economic structures. The notion of “place-based” or “place-making” is first of all geographic: people who live together have similar stakes in public life and are invested in similar problems, regardless of what else sets them apart. Physical closeness goes a long way toward creating likeness of interest. In the book *If Mayors Ruled the World* (2013), Barber analyzes eleven cases of successful mayoral governance—from Michael Bloomberg in New York City to Leoluca Orlando in Palermo, Italy—that rose above political parties and socioeconomic differences to deliver place-based governance.²³ Unlike the citizens of a country, the inhabitants of a township are in the best position to know what is best for them at a particular place and time. While of course this does not ensure substantial agreement on every issue, it is common for

²³ NYC may not be the best example, with its 8.5 million inhabitants and broad racial and socioeconomic diversities, which effectively puts it on par with some nation-states. Barber does argue, though, that smaller and mid-sized cities typically have the best success in guaranteeing place-based governance, while NYC is a fortunate outlier.

mayors to be reelected by landslide majorities regardless of their stated political affiliations. This is the simple point that the more local a government is, the more responsive it is likely to be to the needs of those whom it serves, and the model of the modern city seems to hit a sweet spot between too small (e.g., school boards) and too large (e.g., nation-states).

The obvious risks of place-based homogeneity are sectarianism, intolerance, discrimination, and lack of international cooperation. In his landmark article “Jihad vs. McWorld” (1992), Barber argues that it need not be that way, and that those who say it will are mistaking communitarianism with what he calls “jihad,” or “the Lebanonization of the world.” This is because of the crucial role of democracy in civil society, without which “civil” society is anything but, such as in statist or religious tyrannies. Barber’s emphasis in 1992 and 2002 was the Taliban; a more contemporary example is the Daesh caliphate, whose temporal aims for the creation of a Wahhabi state are exactly what place-making without democracy would look like (Wood 2015). There are obvious echoes of Walzer in this argument, for Barber’s requirement that democracy exist in a de Tocquevillean middle realm also means that it should be a part of a people’s cultural traditions.

One might object that these arguments are both elitist and grounded in the familiar terrain of colonialist Othering, since they seem to argue that the Global South is “not ready” for democracy or does not value it; which, in turn, assumes that citizens of the Global South are too “undeveloped” for such a noble ideal. Sen has done a good enough job of arguing in favor of these objections, and I agree with him on that account. But I

also do not think that these communitarian arguments are elitist in that way. Rather, they are the most realistic applications of Sen's demand for democratic capability assessment.

The cultivation of public reason in society is so demanding that it can only work in a place and at a time when democracy is broadly valued by the general public as a key sociopolitical virtue and an essential element of justice. In that regard, it is insufficient to find instances of universalist and democratic ideas in the distant past of a cultural tradition, as Sen does. Those ideas need to be current, widespread, and well developed for democracy as public reason to be able to do what Sen expects it to do, namely to guide public life in the direction of substantive freedoms or capabilities. This has not been the case with many current Middle Eastern cultures (with the exception of pre-revolutionary Iran and, perhaps, of the Arab Spring), whereas it has been and continues to be the case in much of Southeast Asia (India, Nepal, Thailand, Indonesia), whose democratic traditions are as long and as varied as their European counterparts.

However, here we must be careful not to conflate description and prescription. None of these arguments, including Sen's, are supposed to be descriptive of how things actually are, and instead they make normative recommendations about how they should be. Sen argues that democracy as public reason *should* guide capability assessment, and then he also adds that it is empirically false that democracy is not in fact valued everywhere: one may disagree with his descriptive claim, as I do, while still agreeing with the prescriptive one. Likewise, Barber's and Mehrotra's civil-society bottom-up decentralized direct democracies represent an ideal.

What are capability-based development supposed to learn from these normative recommendations? Should capability-based development push in the direction of democracy? Should it

require democracy as a *conditio sine qua non* for development assistance to even take place at all? How should we deal with openly undemocratic societies vis-à-vis delivering development assistance? When there is internal disagreement on political matters, as is often the case, should capabilitytarians be democratic activists even at the cost taking sides in otherwise internal political struggles?

These questions are the subject of Chapter 8, in which I defend a notion of public objective capabilities. My account, unlike Sen's, does not require democracy-as-public-reason as the manner of capability assessment, nor that each person's individual agency be respected fully and freely in the sociopolitical arena; but it does require that capabilities be assessed, evaluated, and decided as part of a historically situated public discourse.

Chapter 8

A New Collectivist Capabilitarianism

In this chapter I defend a concept of *public objective capabilities* inspired by Amartya Sen's and Michael Walzer's views of ethical objectivity. As I have argued, collectivist capabilitarianism allows societies to express their collective values in almost any way they see fit, requiring only that capabilities be objectively public. This may or may not include democracy as public reason in both institutions and civil society, but probably will at some stage of the process through which capabilities are negotiated.

8.1. Engagement, neutrality, impartiality, consent

Recall, first, the discussion from Chapter 2 about international aid workers' involvement in the affairs of aid recipients. Barnett & Snyder (2008) classified aid ranging from the more modest and apolitical "bed for the night" to the more ambitious and political "peace-building." Similarly, Weiss (1999) identified several approaches that differ with regard to four categories: Engagement (with sociopolitical authorities), Neutrality (among rival conceptions of the Good), Impartiality (when choosing aid recipients), and Consent (by aid recipients). A classicist approach would argue that aid should be "defined only by the needs of victims and divorced from political objectives"; while a more solidarity-based approach demands extreme partiality in "siding with the main victims" in their strife toward justice, usually with their own explicit consent but sometimes regardless of it (Weiss 1999: 2-5).

How do capability-based approaches to development fare with regard to these classifications, especially if they require democratic assessment of capabilities through

public reason? Consider the table below, which contrasts my collectivist capability approach with Sen’s and Nussbaum’s. Three plus signs indicate an approach’s strong and prioritized commitment to the value in the left-hand column, two a medium or mixed commitment, and one a weak or selective commitment:

	Sen’s capabiltarianism	Nussbaum’s capabiltarianism	collectivist capabiltarianism
Engagement	+++ <i>requires deep, long-term political involvement</i>	++ <i>primarily concerned with civil society</i>	++ <i>primarily concerned with civil society</i>
Neutrality	++ <i>normative about justice; open to capabilities</i>	+ <i>normative about justice and specific capabilities</i>	+++ <i>only normative about development</i>
Impartiality	+++ <i>requires that every voice be heard democratically</i>	++ <i>prioritizes application to disenfranchised groups</i>	++ <i>prioritizes application according to demand</i>
Consent	+++ <i>requires it through public reason</i>	+++ <i>requires it through public reason</i>	+ <i>allows for various social conceptions of consent</i>

Table 2 – Three versions of capabiltarianism

Sen’s approach is strongly normative about the demands of justice and how they ought to be met, but more or less open to a society’s actual deliberations on capabilities. His approach is also deeply entangled with political institutions, though it includes civil society too and is not merely procedural as a Rawlsian one would be. His emphasis on

democratic consent stems from the high premium that he attributes to individual self-determination. Societies should decide for themselves which capabilities to pursue and how, as long as they do so in a way that gives voice to everyone, for what matters in the final analysis is that every person's free agency is enshrined and respected in the public sphere.

Conversely, Nussbaum's approach is less politically penetrating but much more normative with regard to which capabilities are most important and should be prioritized. While it is true that even her list is open to revision, the very existence of a list indicates an intentional lack of neutrality, a feature that has been Sen's primary source of dissatisfaction with her work. The same factor also contributes to this approach's low impartiality score, as it is concerned mostly with how capability can help historically disadvantaged groups like women, minorities, and people with disabilities.

Finally, collectivist capabilityarianism differs greatly in some measures, though not in all. Like Nussbaum, I argue that the primary realm of applicability of capability should be civil society and not the state. Like Sen, I think that the approach should remain neutral about which capabilities are most valuable, though I take that neutrality even further by loosening the demands of justice altogether. Unlike both Sen and Nussbaum, I do not require a specific target or recipient group for capability, nor do I demand that capabilities be assessed democratically or through the use of public reason. This approach's most substantive feature is that it accepts non-liberal forms of consent. Since it emphasizes the self-determination of groups, it does not require that every person's voice be heard, nor that a group value or take care of all of its constituent individuals similarly. Thus, in

theory, it gives a free pass to power structures that may be judged “oppressive” and “unfree” from a liberal-humanist standpoint.

The next three sections analyze these differences in detail. I begin with Neutrality by defending an account of ethical objectivity specifically tailored to collectivist capabilityarianism. My view is a modified version of an argument offered by Michael Walzer, which in turn was inspired by Sen (who himself took after Rawls, but like in the telephone game, my account has little in common with Rawls’). Then, in 8.3, I explain how a collectivist account differs with regard to Impartiality and Consent, expanding on my view of objectivity with the notion of public objective capabilities.

8.2. Neutrality and objectivity

Perhaps the most interesting essay in *The Quality of Life* (1993), Sen and Nussbaum’s coedited anthology that popularized capabilityarianism, has little to do with actual capability. In “Objectivity and Social Meaning,” Michael Walzer argues that ethical objectivity should be understood as intra-subjective social construction of meanings and values, without any claim to universality, and thus accepting a moderate relativism. His argument begins with a metaphysical account of objects, which regardless of whether they have physical reality (e.g., a table) or not (e.g., friendship) are all socially constructed in some way. A table is a table because we say it is a table; an action or commitment counts as friendship because it is agreed upon that it does; and so on. In the tradition of most contemporary constructivists in the both the analytic and critical traditions (Agger 1997; Hacking 2000), Walzer acknowledges that things are because we say they are, regardless of what they can be scientifically proven to be as well.

All of this relates to ethics because “social construction is also moral legislation. The meanings with which we invest objects have normative consequences” (Walzer 1993: 169). The thickness of our moral world is made up of systems of constructed “rules of use and value,” which regulate the social behaviors of people with regard to their shared meanings. Importantly, Walzer does not mean that those meanings are objectively right or wrong: only our behaviors with regard to them can be objectively right or wrong. Meanings “are only objectively *there*, the objects, that is, of more or less accurate reports” (Walzer 1993: 170).

For example, in a typical modern society where human lives are construed as careers open to talents, it is objectively wrong to practice nepotism. That does not entail that construing human lives as careers open to talents is objectively right, nor that nepotism is objectively wrong. At best, it is objectively true that they are so constructed in that society, and that they are so even for those within that society who disagree—which is what makes their behavior objectively wrong when it runs contrary to that society’s shared construction of meanings. Of course, on this view the term “objective” always requires a qualifier, such as “objective for them.” If this sounds unintuitive, it is probably because it is a mistake to confuse objectivity with universality or absoluteness (see my discussion in section 3.2.1).

This argument is important for collectivist capabilityarianism. First, it supports relativism about the substantive content of socially constructed values, which contributes to this approach’s high Neutrality score. And while it is true that some objects are almost always constructed identically (food is necessary to prevent hunger, so hoarders during famines always act objectively wrongly), there are very few of those: “There is no

universal model for social construction, and the range of difference among actual outcomes is very wide. [...] Only a common necessity, like the need for nourishment, makes for sameness” (Walzer 1993: 171). And without a model outcome, it becomes difficult to criticize actual outcomes as either objectively or even universally wrong.

“Extremely difficult” but not impossible. This is the second reason why this view of objectivity matters: despite its relativism, it still allows us to criticize some social constructions as objectively wrong, as long as we ask the right questions with the right scope and recognize the proper meaning of “objective.” It also allows a collectivist capabilityarianism to not be entirely relativistic, which is a genuine concern since such an approach is designed to remain mostly neutral about the content of justice. Consider the ever-present Nazi example:

Clearly, it is possible for individuals within a society to get things wrong. [...] Within German or European or Western culture, the Nazis were an aberration, and in so far as we can make out their distributive principles—air for Aryans, gas for Jews—we can readily say that these are objectively wrong, immoral, monstrous. All the resources necessary for a judgement of this sort are already available, the products of a long history of social construction. It is a great mistake to make of the Nazis a hard case. The hard case comes when we begin to think that a long history of social construction has somehow gone awry. (Walzer 1993: 171)

This means, of course, that we would have to give up the claim that Nazism was “universally” or “absolutely” wrong, or an affront to nature, or wrong in the eyes of God, or other sweeping moral claims. We would have to settle for the more modest argument that Nazism was objectively wrong within its own context. The end result is the same (we hate it and we reject it), but its condemnation has become relativized to a socio-historical

frame of reference. This is just fine for the moderate-relativist-as-objectivist, but it may leave a bad taste in the mouth of the universalist.

As already mentioned in Chapter 3, Sen's account of ethical objectivity is not much different from the one just discussed, even if it does add important qualifications as per his view of justice. Like Walzer, Sen too believes that objectivity "cannot be simply a matter of truthful description of specific objects" (2009: 41). Instead, ethical claims like values, principles, beliefs, or convictions are deemed objective when they pass the test of public reasoning. For Rawls (1993), this meant that there must be reasons in defense of ethical claims sufficient to convince all reasonable persons. For Sen, it means that ethical claims must be able to "survive open and informed public discussion" (2009: 43), and thus judged based on their "survivability in unobstructed discussion and scrutiny (along with adequately wide informational availability)" (2005: 160).

The key terms here are "unobstructed" and "informed." Sen believes that a properly informed public debate should include some elements of impartiality and externality. He quotes Adam Smith in support of that idea:

We can never survey our own sentiments and motives, we can never form any judgment concerning them; unless we remove ourselves, as it were, from our own natural station, and endeavour to view them as at a certain distance from us. But we can do this in no other way than by endeavouring to view them with the eyes of other people, or as other people are likely to view them. (qtd. in Sen 2005: 161)

Similar conceptions of objectivity were developed by David Hume (Blackburn 1998) and Bernard Williams (1985). For public scrutiny to be truly well informed, the public must attempt to view the object of scrutiny as someone who does not belong to the same public would view it. Even if they need not endorse this idealized stranger's standpoint, or even

significantly agree with it, they ought to consider it seriously and try to understand it (Sen 2009: 43-45).

Even though Sen sees ethics as intra-subjective, unlike Walzer (and communitarians generally) he adds conditions such as unobstructed scrutiny and informational availability, viz. his argument that democracy as public reason is necessary for justice. He believes that a society is objectively just when its decisions in ethical matters (e.g., its choice and assessment of capability) have been reached through a sufficiently unobstructed exercise of public reason based on sufficiently wide informational availability. No such necessary connection between objectivity and justice exists for Walzer. Collectivist capabilityism agrees with the latter.

Consider the example of a patriarchal society where women are used as objects of exchange. For Sen, the social and political structures that segregate women are unjust because (among other reasons) they do not provide women with sufficiently unobstructed ways to participate in public reason, and often also because repressive societies have remarkably low informational availability. But for Walzer, all that matters is that the women in these patriarchal societies have “played a part in the constructive work” of the values that make it objectively right for that society to treat women as objects of exchange (1993: 173). That their participation was not on equal terms is good enough reason to argue with them or the men in their society, but it is an insufficient reason to claim that a patriarchal society is either objectively or universally unjust. Again, as in the Nazi case, to agree with Walzer is to settle for the modest argument that patriarchal societies may be aberrations of more tolerant and liberal traditions in their own local

histories, or that they are self-contradictory—if indeed they are, in which case they will need to change from within over time.²⁴

So far, I have argued that collectivist capabilitarians do not set non-neutral requirements for justice as related to objectivity. They understand objectivity on its face, as a set of shared values with a sufficiently broad geographical basis or historical heritage that guarantees the legitimacy of its construction. This has much to do with the idea of authenticity discussed in the previous chapter, when an oppressive Algerian society was nevertheless genuinely Algerian because it resulted from the will of the Algerian people, even if that will was not expressed through public reason that lived up to Sen’s standards, and even if the outcome ended up being bloody.

It may be objected, first, that this view unduly fetishizes authenticity. What does it matter that a government or policy or social arrangement “truly” reflects the character of its society? It may seem that too much respect is granted to something that may not even exist, while the suffering of people under unjust regimes is quite real. But what this objection gets wrong is that authenticity is not the end goal or the most respected value: the capability for collective self-determination is. As outsiders, *we* have no reason to value a more genuine versus a less genuine society, save for some narcissistic (and naïve) desire for kosher purity. But *they*, its inhabitants, often do, for what matters the most to most people is to be their own social architects, especially when their fates have been decided by foreigners for centuries. And should a people come to devalue that authenticity—e.g., by requesting international intervention, trading some self-determination for some peace—that too will have been their choice. As discussed in

²⁴ That, or be destroyed if they should attempt violent expansion, like Nazi Germany. No argument is needed for the claim that one should fight an opposing force. Even a fiercely relativistic theory can support that much.

Chapter 6, communitarians value self-determination above all else, albeit in a more communal and less individual sense of the term; and as discussed in Chapter 4, this sort of self-determination is properly understood as a collective capability.

Second, it may be countered that the communitarian view of objectivity is self-contradictory. We have said that women in patriarchal societies partake in the construction of the shared values that are used to disenfranchise them; that is, that they consent to be treated as objects of exchange. But one may argue that these women cannot be both subjects and objects at the same time; or that no one should be able to freely consent to their own objectification, and that they are wrong if they do; or that the contingent fact of their sociopolitical subordination makes it impossible for them to truly consent to anything, for whatever these women agree to is a result of adaptive preferences or false consciousness. As discussed in Chapter 3, Nussbaum (1997b) has argued that some women's stated support for patriarchal structures is not sufficiently freely given, and thus it is not meaningful enough. Susan Moller Okin (1989) has offered a similar argument.

Walzer rebuts this objection by simply reaffirming collective self-determination: he argues that a woman in a patriarchal society will

choose what she thinks are the better reasons [to justify her status], without any certainty as to which ones are objectively best. But we can say, and this seems to me all that we should want to say, that the choice is truly hers. [...] I see no morally acceptable way of denying the woman-who-is-an-object-of-exchange her own reasons and her own place in a valued way of life. That does not mean that we cannot argue with her, offering what we take to be better reasons for the repudiation of (what we take to be) object status. (1993: 175)

It may seem that Walzer shifts from collective to individual self-determination whenever it suits him. First he wants to respect the patriarchal society's construction of shared values as objectively right, but then he says that the woman makes a choice that is truly hers. So why respect a patriarchal society? Is it because its collective self-determination deserves respect or because its constituent individuals exercise their individual self-determination to acquiesce, and *that* deserves respect?

In fact, there is no contradiction here. We need not respect individuals' self-determination *qua* individuals: only their reasons for participating in the social construction of values within their society, whose collective self-determinations we then respect as objectively right. If a woman in a patriarchal society did *not* agree to her role as an object of exchange, we would respect that the same, even though we would not call her society unjust or objectively wrong: we would merely recognize that some individuals within her society disagree with its shared construction of values, and depending on our own values we may then decide to support that minority, advise, advocate, etc. Rather, it is the approaches that prioritize individual self-determination that have a problem with contradiction, for they may be tempted to disregard individual choices when those choices do not support personal freedom. Paradoxically, liberals are committed to arguing that people are not truly free to decide to be unfree. But collectivists can say, as I believe Walzer does, that people can support social constructions of values that in someone else's view oppress them: their support (or lack thereof) for a specific construction is less important to collectivists than the overall outcome of that construction.

This answer reflects Walzer's quasi-relativistic account of objectivity, and it sides with the "democrat" in the dichotomy between philosophy and democracy from Chapter 7. Surely it would be better if the dilemma did not exist at all, if people (like the women in question) did not have to choose between self-determination and being objects of exchange, but no doubt that reflects my belief that a liberal society is "just better" because I was raised in one and I support one. Heavily regimented non-liberal or illiberal societies eventually will have to contend with social shifts in the direction of freedom: revolutions in the late 1700s, insurrections throughout Latin America in the mid-1950s, international civil rights struggles in the 1960s, the Arab Spring in the early 2010s, etc. In those cases, there is nothing wrong with foreign influence, nor with development workers advocating for certain capabilities—so long as their implementation remains as actually, genuinely, and authentically self-determined as possible, and so long as development assistance is not made contingent on those foreign-constructed values. Arguing against Walzer, Ruth Putnam (1993) says: "better a little cultural imperialism than a lot of oppression" (182). Collectivists disagree: better a little oppression-(as-I-define-it-anyway) than a lot of cultural imperialism.

8.3. Public objectivity

The preceding section analyzed the relation of justice to ethical objectivity through a discussion of competing accounts of objectivity. This section applies those arguments to a collectivist version of the capability approach specifically, culminating in a defense of the concept of public objective capabilities.

8.3.1. Capabilities and justice

The capability approach focuses on *one* of the social constructions of shared values that take place in a society, namely its choice and valuation of human capabilities. Recall that capability (singular) is the substantive freedom to decide among realistically available life functionings, such as goals, careers, associations, relationships, etc.; and this freedom is most important in some areas of life, each described by one of several capabilities (plural). In the classical universalist accounts of capability, this freedom is attached to the individual person as a quasi-right, though its exact role in society is open to deliberation. In a collectivist approach, this freedom takes the form of communal self-determination, shifting the locus of moral relevance from a person to a group. In both cases, capability or capabilities are ultimately chosen, evaluated, and implemented in the civil and political realms. This may happen through democratic public reason (Sen); through a mixture of public reason and a priori philosophizing (Nussbaum); or with little restriction on how capability is to be chosen and assessed (collectivism).

To begin, I assume that the society in question has interest in defining its wellbeing and that of its citizens through the capability approach broadly construed. Societies whose public virtues are committed to welfarist, utilitarian, or resourcist approaches are not considered. Even if capability is the chosen metric of distributive justice, there is nothing in the capabilitarian mode of thinking that *requires* liberal-universalist normative commitments: as shown in Chapters 3 and 4, the free agency of individuals is not a constitutive component of the idea of capability. Thus, societies that think of themselves in capabilitarian terms may exist across relatively diverse political realities, bounded only by the definitional limits of the approach: authoritarian theocracies, for example, are

incompatible with capability. As discussed in Chapter 6, all versions of the capability approach are a little bit “liberal” in this sense, even as some elements may be more distinctly communitarian.

These differences in sociopolitical commitments are reflected in different modes of capability choice and evaluation. Liberal societies are likely to prioritize the enlargement of each person’s capability, or (in Nussbaum’s terms) their combined capabilities in key areas of life. This is usually achieved in one of two ways: (1) by guaranteeing that each person has an equal say in how society chooses, evaluates, and operationalizes capabilities, as in Sen’s approach; or (2) by guaranteeing that each person’s capabilities are in fact increased by institutional design, even as their input on their exact operationalization is also considered, as in Nussbaum’s approach. In both cases, citizens have roughly equal stakes in how capabilities are chosen and in how their individual capability will increase.

By contrast, a more group-oriented, collectivist, or communitarian society is likely to prioritize the protection of certain specific capabilities at the communal level. Again, this may mean one of two things: (1) the group itself possesses valuable capabilities whose protection takes priority over any accessory increases in each citizen’s individual capability, such as the communal capability of collective self-determination; or (2) the group decides, based on tradition and other public virtues, which individual capabilities are most important for its members, even if that collective decision should be reached without everyone’s input and if the resulting arrangement should favor some members at the expense of others.

8.3.2. An example

Consider this popular example, which I borrow from Ronald Green's 1986 paper "The Rawls Game" and amend to fit a discussion of capability. In the middle of the Pacific Ocean there lies a fictional archipelago, called Nacirema. Citizens of the island country of Nacirema-1 believe that individual freedom is the most important component of justice. They believe it so strongly that they think that nobody should ever be forced to do what they do not want to do, no matter how good the reason. As a result, their public deliberations only pass when total unanimity is reached. How should we assess Nacirema-1 from a capability perspective? First, 1-Naciremans are unlikely to think of justice in capability terms to begin with; or, if they do, their capabilityism is likely to give pride of place to the one capability of unrestrained personal freedom. Perhaps, as in the anarcho-libertarian tradition, they also think that that kind of freedom is the most likely guarantor of lasting justice, even if it should yield occasional unfortunate consequences. 1-Naciremans may be willing to tolerate the unpleasant "tyranny of the minority" that would result from such a system in order to protect their long-term self-interests. If that is so, then they may value one collective capability as much as or even more than the individual capability of unrestrained freedom—public order, say, or sustainable prosperity through time.²⁵

Now imagine a different version of the same country, the neighboring island of Nacirema-2, whose citizens are more willing to give up individual freedom because they wish to protect a more important capability: everyone must have a say in how the country is run, such as through balloting in a direct-democratic system or participation in a free

²⁵ Although it may be objected that those are functionings, not capabilities. I leave that open, as it has no bearing on my argument, but see Fleurbaey (2011) for a discussion of whether the approach should focus more on functioning.

but fair market. While 1-Naciremans were willing to tolerate the occasional tyranny of the minority to protect total freedom, 2-Naciremans are willing to tolerate the loss of some freedom for some people in some cases, and thus a tyranny of the majority. The most important individual capability for 2-Naciremans is public participation on free and equal terms, which they conceive as an inalienable demand of justice.

Finally, consider one last version of the same country, the island of Nacirema-3, whose citizens are willing to give up substantial amounts of individual freedom in certain areas in order to protect specific group values. They are generally committed to democratic liberalism with regard to public policy and elected officials, and they retain a healthy parliamentary bicameralism. However, they also believe that religious freedom is a vice, and they defend the importance of spiritual conformity to the Hegemony, a centuries-old doctrinal church that is also invested with significant temporal power. Openly non-Hegemonic officials are vilified; non-Hegemonic schools receive no public funding; and many cultural debates are settled in Hegemonic terms. The individual capability of free and equal participation in public life, which 3-Naciremans value in general, does not extend to the religious realm. A varied and diverse political and economic life is juxtaposed to a firmly regimented social and spiritual life. So the collective capability of religious rigor and righteousness overrides people's liberty of conscience. In Sen's terms, the people's capability is not as developed as it could be, because a major substantive unfreedom persists; in Nussbaum's terms, one of the ten basic capabilities (environmental control) is being significantly hindered, and others may be affected too depending on the Hegemony's specific content—e.g., if it mandates that

only boys may receive vocational training or that any public display of affection is immoral.

8.3.3. Analysis

First of all, we should note that all three countries may be termed ‘liberal’ in some regard, from the uncompromising libertarianism of Nacirema-1 to the institutionalized democracy of Nacirema-2 and the “parliamentary theocracy” of Nacirema-3. An obvious difference is in the role that this liberalism plays for their respective conceptions of justice. In Nacirema-1 and -2 it is fundamental, in a more principled way in the former and in a more procedural way in the latter. In Nacirema-3 it is considered valuable but not essential and not all-encompassing. Just like some areas should remain free of external interference for 2-Naciremans, and virtually all areas for 1-Naciremans, some areas should remain “free of freedom” for 3-Naciremans. Substantive liberty is an otherwise valuable capability in non-religious matters, but it becomes a threat to other (collective and public) capabilities in the area of religion, which in this country takes priority.

Second, the notion of collective capability in Nacirema-3 needs more analysis. In what sense is adherence to the Hegemony “collective” and in what sense is it a “capability”? It is collective, first, because it is the “law of the land,” both legally and historically. Compare Nacirema-3 to real-world countries where religion is similarly entangled with political power, from the more radical cases like Iran (where the clerical caste has privileged access to the judicial system) to the more moderate ones like Italy (whose constitution declares Catholicism as the official religion of the state, even if religious-based discrimination by the state is in fact rare). These countries’ intellectual

traditions make these views popular among their people, though certainly not to the exclusion of all alternatives: modern-day Iran is the product of the 1978 revolution, just like modern-day Italian politicians still debate how exactly the Lateran Treaty of 1929 should figure in the separation of church and state. Still, the existence and preeminence of a cultural value is by itself strong evidence of its historical importance. In this sense, then, the authority of the Hegemony in Nacirema-3 is a collective value.

The reason that this value is also a capability is more nuanced. Recall, from Chapter 4, that a collectivist approach does not replace individual capabilities with collective ones. Rather, it defines collective capability as a group's shared agency to affect its social conditions or structures of living together, which then give rise to individual capabilities for its members. In this way, I had argued, a collective capability is more like a simple capacity based on shared agency than a fully relational property of individuals. So in the case of Nacirema-3, the collective value of being Hegemonic is a capability in the sense that it affects the 3-Nacireman structures of living together, which in turn determine or influence the individual capabilities for 3-Nacireman citizens. In Deneulin's terms, Nacirema-3 has the collective capability of being a Hegemonic state because that is part and parcel of its socio-historical agency. In my terms, 3-Naciremans are "deprived" of some control over their sociopolitical circumstances because their yet important free agency does not override—by their own deliberation—the collective capability of being Hegemonic. Collectivists do not argue that this is no sacrifice for individuals: they merely insist that it is a sacrifice that many people are more than willing to accept, just like 1- and 2-Naciremans had to make sacrifices too.²⁶

²⁶ In none of the three Naciremas there is any indication of explicit public consent. Social contracts are rarely explicit, after all, and even when they are they rarely actually seek the free and informed consent

Surely, not everyone within these countries agrees that this is how things should be, and surely not everyone has had a say in how religious institutions like the Hegemony exercise their power over both spiritual and temporal matters. The structures that uphold the collective value of religious conformity at the expense of personal religious freedom are not “open to revision” in the way that Kymlicka (1989) says that they should be in modern liberalism. But collectivist capabilityarianism has no issue with that. The people of Nacirema-3 have “the state they deserve,” so to speak, where the notion of ‘desert’ is not meant in a meritocratic sense but in a historical one. If Nacirema-3 did not reflect the will of its constituent nation(s), it would not be the state it is. It is true that the state may not reflect the public will in a fair way, since the role of the Hegemony is not open to public deliberation. But just as surely, public reason and free elections are not the only means by which a state can be made to conform to the public will. If religious dissent were to grow, subsequent waves of repression and revolution are likely to follow, as they have in Iran, Italy, and every state that has moved toward liberalism. Hence, for the collectivist, if 3-Naciremans live in their state it is because they tolerate it, because if they did not, their state would be—and at some point, perhaps, it *will* be—a different state.

It may be objected, also, that while individual freedom is clearly understood and more or less easily representable in the polity, the idea of a group’s public virtue or collective capability is vulnerable to a number of conceptual problems. The first is that many countries are remarkably heterogeneous, containing many nations and many rivaling cultures. The second is that while it is easy to identify each person as an individual, each individual belongs to a number of groups, any one of which can be said to have public

of those who are supposed to stand under them. It may be argued that only Nacirema-2 would be chosen as quasi-reasonable from an original position of initial equality—but then again, there is no reason for non-Rawlsians to hold that fact as evidence that only Nacirema-2 is a just country.

virtues or collective capability similarly to the nation-state. I will discuss these problems in more detail in Chapter 9, for they are more directly related to that discussion, but for now suffice it to say that the collectivist argument rejects the importance of the first objection and accepts the challenge of the second.

The natural heterogeneity of social groups is no obstacle, since acknowledging the objectivity of the social construction of shared values does not require that it be “representative” or “inclusive” of all possible alternatives; and even if it did, it could easily accommodate some disagreement. As for the fact that each person belongs to many groups, it is not the job of the capabilityarian to decide in which capacities people approach their role in their society’s social constructions. Problems that arise with people’s ways to negotiate among their social identities will be practical, not principled, and most importantly they are to be resolved empirically and not a priori (not to mention that just as people are in charge of their intersectional identities, so are humanitarians in command of their own choice to engage only certain kinds of people, or people only in some of their capacities: as farmers, as members of labor unions, as women, as at-risk youth, etc.)

8.3.4. Public objective capabilities

To conclude this section, I return to the original discussion of ethical objectivity as the social construction of shared values, which for the capabilityarian means mostly the social construction of capabilities. The distinctions among the Nacireman islands should be understood as different ways to perform the social construction of capability. Regardless of the outcome and its justification, in all three cases the resulting capabilities

are both public and objective. They are public in the way explained in the last subsection, because they are properly termed collective even if not everyone participated to their determination on equal terms. And, similarly, they are objective in the way explained in section 8.2. The most counter-intuitive consequence of this is that the citizens of each Nacireman island can act in ways that are objectively right relative to their own societies. In fact, we can say even more: that all three Nacireman islands are objectively right (though not universally so) in their determinations of capabilities for their respective citizens. How so?

All citizens of each country participated in the choice, assessment, and operationalization of their individual capabilities. Not all did so on equal political footing, but that is not necessary. Like the woman in the patriarchal society who agrees to the shared values that construe her as an object of exchange, Naciremans also agree to their respective shared values even if these may not favor them, such as when 1-Naciremans are in a majority-without-unanimity or when 3-Naciremans are vilified for their non-Hegemonic religious beliefs. Most of us would agree that people often value their allegiance to society even when they do not get their way, as a child usually loves his family even as it imposes strictures that are unreasonable from his perspective, or as members of a party remain patriotic even when a candidate of a rival party is elected. Not only that, but people also typically value allegiance to their society even when they have little say in the shared values that determine whether or not they are likely to get their way in the future. In more liberally minded cultures, people's respect for and investment in public life is predicated on the assumption that they have (or think they do) the power to effect social change. Not so in more traditionalist cultures, where respect and

investment or even love does not depend on the institutionalized guarantee of civil liberties. By way of illustration, consider the standards for a “happy” marriage. Many believe that a successful union depends on the presence of stable avenues of emotional communication between partners, while others value the fact of marriage more than its quality, or the economic benefits that it brings, or the companionship at any cost, or the “whole package” despite its glaring defects.

Moreover—as already argued both in Chapter 7 and in section 8.3.3—people’s participation in the social construction of shared values is already assumed to transcend the institutional guarantee of political freedoms. Even in Sen’s approach, people’s constructive role in the determination of capabilities often takes the form of public reason, which is primarily a cultural and not a political process. And while my mere existence as a group member is insufficient to guarantee my *approval* of the group’s decisions, it is more than enough to guarantee my *participation* in its decisions. At the very least, one participates by what one chooses not to do. Every anti-Hegemonic 3-Nacireman who does not oppose the Hegemony through political action, protest, or even violence acquiesces *de facto* to the public value or collective capability of Hegemonic authority. This does not mean that non-Hegemonic 3-Naciremans are to blame for their (real or presumed) status of second-class citizens: it is too facile for the privileged to blame the underprivileged for their lack of privilege. What it does mean is that all 3-Naciremans, regardless of their religion, are active participants in the social construction of the values that make Nacirema-3 the state that it is as opposed to the one that it is not (or that it could be). For this reason, Nacirema-3 is very much “their” state, and they are

very much part of its social constructions—including, most importantly in this case, its social construction of the collective capability of being a Hegemonic state.

For these reasons, then, the capabilities of the citizens of very different states may yet be called public and objective, in the dual sense of properly collective and objectively right from an ethical perspective. Obviously, this is the point of largest departure from the normative demands imposed by both Sen and Nussbaum on their respective approaches, which is why the collectivist version scores so high on Neutrality and so low on Consent in the table from section 8.1.

There are exceptions, of course. No contemporary communitarian has defended a theory that grants incontestable discretionary powers to states, for the obvious reason that states have abused these powers in egregious ways. So even the most deferential collectivist must impose limits on collective self-determination, which typically include the condemnation of genocide, slavery, and mass incarceration. At the end of Chapter 9, I will discuss these limits in detail. I will also review the prospects for a communitarian (as opposed to a humanitarian) impetus toward global justice, because collectivist capabilityarianism needs a positive normative program in addition to a set of negative limits.

Chapter 9

Capabilitarian Global Justice

Chapter 8 argued for a collectivist capabilitarianism whose notion of justice is based not on a substantive freedom for individuals, but on a respect for the collective self-determination of groups and societies. Even then, I mentioned that collective self-determination should have exceptions in not allowing genocide, slavery, or mass incarceration. In the present chapter I discuss why that is so, and also whether the deep poverty of the Global South constitutes a fourth exception. Is global poverty a humanitarian threat so grave that our respect for a society's collective self-determination ought to be suspended or majorly qualified? This point is especially relevant because the capability approach was designed as a guideline for international humanitarian work, whose primary goal is assisting countries in deep poverty.

This chapter divides this question into two related sub-topics. (1) If one does not believe in the existence of inalienable human rights, as communitarians rarely do, how does one justify assisting the deeply impoverished Global South in the first place? What moral arguments could compel such an impetus that do not refer to universalist notions? (2) How should capabilitarians engage peoples whose values are decidedly illiberal? To what extent should development assistance—or even any assistance aimed at the reduction of poverty—depend on ideological synergy between aid workers and their recipients?

My answer to the first question is that a modest principle of reciprocity is all that is needed for the Global North to be ethically obligated to provide assistance to the Global South, without in any way referring to humanitarian (and thus universalist) principles. To

the second question I answer that for the most part it is a false problem, as the unity of practical intent between aid workers and their recipients usually overshadows their ideological (dis)agreements; and that when the problem does in fact arise, humanitarians should embrace a cautious ethical relativism and see themselves as servants rather than leaders, even if this might mean occasionally sacrificing their more or less dearly held liberal-universalist convictions.

9.1. Human rights

The language of human rights is deeply rooted in the post-Enlightenment tradition in Western thought, from Grotius to Locke to Kant. It is embedded in key documents like the Declaration of the Rights of Man and Citizen and the Bill of Rights, as well as the U.N.'s Universal Declaration of Human Rights. That being said, I am not interested in the legal scholarship, save for noting that my discussion will be limited to the ethical status of human rights and not their legal dimension. According to James Nickel (2014), human rights are defined by at least four important features: (1) They are rights: they confer entitlements on their possessors and result in duties for everyone else. (2) They are plural: there is not just one right that must be guaranteed and from which lesser rights follow. (3) They are universal, which is entailed by their being human, and thus they are not limited only to some people. (4) They are high-priority: unlike other entitlements or freedoms or privileges, human rights are a *conditio sine qua non* of justice. This definition is broad and does not specify the content of such rights, but merely that they are universally applicable and that they are demands instead of recommendations. A more precise specification of their content may be derived by analyzing their origin: where do human

rights, if they exist, come from? What in the human form of life could guarantee such universally sweeping protection for all its persons simply by virtue of their being persons?

Defending a popular view, Alan Gewirth (1982) suggests that human rights derive from agency. To be a human being is to be able to make conscious choices about one's life and one's relation to the world and to other human beings. A human right should at minimum protect this agency, and most accounts of human rights do in fact center on some protection of the capacity to act and make choices, such as the right to be alive and to have certain freedoms. Other accounts of human rights are based not on agency as such but on specific kinds of agency, such as participation in a polity. For example, Charles Beitz's (2009) constructivist account depends on our agreement on human rights and on their place in global society, as these rights are born of "the practical inferences that would be drawn by competent participants in the practice from what they regard as valid claims of human rights" (102). Beitz agrees with Gewirth that human rights are universal and held by virtue of us being human, but he offers a narrower set of conditions grounded in specific kinds of political agency and actual political practice.

For present purposes, it will suffice to highlight one crucial feature of human rights: their total universality and equalizing force. All human persons everywhere are entitled to the same rights. Disagreement exists about what exactly constitutes a person, but whatever personhood is, having it is both a necessary and a sufficient condition to have human rights.²⁷ Whatever else is different among persons, and whatever else goes into the definition of personhood (for example, communitarian claims to the inherent social

²⁷ This raises some interesting problems: are irrational beings, such as children or those affected by severe mental disabilities, entitled to the same exact protections as fully rational beings? What about some sentient or self-aware nonhuman persons, such as gorillas? For a brief review, see Arneson (1998).

embeddedness of identity), the doctrine of human rights establishes a baseline minimum-common-denominator that is non-negotiable and sufficient to grant normative protection against various abuses.

Is the deep poverty suffered by many citizens of the Global South a violation of their human rights? Does destitution to the point of near-starvation violate one's most sacred rights to life and freedom, that equalizing force that makes us human in the first place? A similar sentiment animates much of Sen's work on capability. Deep poverty deprives people not only of their material means, but also of freedom and opportunity, which are so important to human life that their lack is morally intolerable. And while Sen does not define capability as a human right, other capability theorists have analyzed that relationship in more detail (Nussbaum 1997; also see section 3.2.2 in my Chapter 3). The point remains that severe poverty affects the same areas of human life that are also typically protected by human rights. Intuitively, if nothing else, the question "do people have a human right not to be deeply impoverished?" makes good philosophical sense.

Answering that question in full is beyond the scope of this chapter, but Hinsch and Stepanians (2005) have provided a conditional answer that will be useful. Most moral-political philosophers today take after the work of Wesley Hohfeld in understanding rights as claims or demands that one moral agent places on another. To say that person A has a right to not be severely poor is to say that A has grounds for a moral claim to non-poverty on person B. This is because rights as claims make no sense absent someone who acquires the corresponding duty to fulfill or satisfy the claim. While we could think of a non-poverty right as a claim against all people or no one in particular, this would incur an allocation problem, a specific right-bearer without a specific duty-bearer, and so it would

be at most a very weak human right. To make it a stronger one we would need to assign a duty to a specific duty-bearer or group of bearers, and at that point “any plausible and workable assignment has to take into account existing networks of cooperation, social institutions and other factual circumstances” (Hinsch & Stepanians 2005: 315).

The take-home point from this necessarily brief discussion should be that for non-poverty to be a universal human right we would have to identify specific people who have a moral duty to ensure that other specific people are not deeply poor. Of course, the converse does not hold: even if we do identify specific people who have a duty to alleviate poverty, as I will do in section 9.3, that fact alone is insufficient to make non-poverty a right that is both human and universal. It may be a simple demand that some people place against others depending on specific contingencies.

9.2. Ethical arguments for poverty alleviation

In this section I outline four possible arguments to support the following statement: “citizens of the Global North have a moral obligation to act to alleviate the deep poverty of citizens of the Global South.” The first three arguments are justified on the basis of popular theories in Western philosophy: utilitarian consequentialism, Kantian deontology, and Aristotelian virtue. The last one is inspired from two different but related notions of remedial responsibility, and it is on this one that I will focus the most. In general, I will show that only some of these arguments require a commitment to the existence of universal human rights, while others do not.

9.2.1. Utilitarian, deontological, and virtue-based arguments

The strongest utilitarian²⁸ argument for poverty alleviation is defended by Peter Singer (1972). He argues from a simple premise: that if one *can* relieve suffering without a comparable sacrifice to oneself, then one *ought to*; i.e., one acquires a moral duty to do so. For illustration, if I can save a child drowning in a lake without placing myself in comparable danger, then I ought to do it. Any amount of suffering or displeasure that I may earn as a result of my action (say, it will be time-consuming or ruin my good suit) is no match for the amount of suffering that I will prevent. So if I am a good utilitarian, I have a duty to save the child. The upshot is that I can be morally censured if I opt not to save the child; that is, saving the child is not optional, but ethically mandatory, i.e. moral. Poverty alleviation in the real world works much in the same way, Singer says. Wealthy citizens of the North could easily relieve the poverty-related suffering in the South by performing small actions that would cause them little discomfort but that would prevent much suffering elsewhere. For example, if everyone in Europe and North America donated just \$5 a year to a poverty relief fund of their choosing, that alone would go a long way toward eradicating global poverty. Thus, it follows that we have a duty to do so and that we act immorally if we do not (Singer 1972: 233-4). A similar version of this argument is defended by Peter Unger (1996).

This argument is clearly universalist, and Singer is quite adamant that there is no significant difference between the child drowning in the pond from the analogy and the

²⁸ Utilitarianism is a kind of consequentialist theory. Consequentialism takes observable consequences—outcomes, effects, results—as the standard by which human morality is to be judged: what is moral is what produces the best possible consequences within a set of given parameters. Utilitarianism then identifies the best consequences as those that increase the overall level of utility, which is quantified as the greatest amount of happiness and the least amount of suffering for the greatest possible number of people. This is because utilitarians believe that pleasure and pain are the only intrinsic values, to which all human actions are ultimately reducible.

actual human beings starving half a world away: “If we accept any principle of impartiality, universalizability, equality, or whatever, we cannot discriminate against someone merely because he is far away from us” (1972: 232). This does not amount to an outright endorsement of the human rights doctrine: it is possible for a utilitarian to buy into this argument and yet to not believe that universal human rights exist. Nonetheless, there is a strong affinity with that doctrine, especially as utilitarian ethical statements are supposed to hold true for all human beings everywhere.

Virtue-based²⁹ arguments for poverty alleviation may be interpreted as direct responses to the utilitarian ones. According to John Arthur (1981), for example, acting in the interest of poverty alleviation is obviously virtuous and should be encouraged in the Global North, but utilitarians such as Singer demand way too much. Consider an industrious farmer who works hard and does well for himself while a lazy farmer wastes away the days and does very little with his crops. The resulting inequality may well be one where the first farmer is “rich” and the second is “poor,” perhaps even on the verge of starving to death, but that by itself does not bestow upon the first farmer a duty to alleviate the poverty of the second. So Arthur rejects the core of the utilitarian argument, the idea that “if one can help, then one must help.” That is only so circumstantially and not a priori. Instead, Arthur suggests, alleviating the poverty of others must be suitably sensitive to the reasons why they are poor to begin with. And even if we conclude that the poor “deserve” to receive relief efforts, it still does not follow that one should do as much

²⁹ Virtue ethics is rooted in the Aristotelian idea of *Eudaimonia* or flourishing. Aristotle famously distinguished between intrinsic goals (ultimately sufficient, worthy of being achieved in and of themselves) and instrumental goals (useful to achieve other goals but not themselves finally sufficient). Flourishing, for Aristotle, is the ultimate intrinsic goal of the human lifeform: the final fulfillment of one’s potential and the attainment of all-around wisdom.

as one can to alleviate their poverty: alleviation may still stop short of a “significant” sacrifice on the part of the citizens of the Global North.

Clearly, virtue-based arguments of this sort are further removed from a universal human rights doctrine than their utilitarian counterparts. They make no claim that the same moral standard (such as utility) must apply to all human beings everywhere, and they seem reluctant to even agree with the notion of minimal deserts. So while a virtue-based ethics need not deny that universal human rights exist, those who do not believe they exist may find in virtue-based arguments a valid ethical basis to provide some limited and context-sensitive poverty alleviation.

The deontological³⁰ argument for poverty alleviation is based on the idea that all human beings must be treated by the same rational rules, without some of them (i.e., citizens of the Global North) receiving special treatment or being exempt from certain moral obligations levied on others; and without some of them (i.e., citizens of the Global South) being considered less than fully human or worthy of full ethical consideration. Many versions of such deontological arguments exist. For brevity, I discuss only the most popular one in the field of global distributive justice, the so-called “lifeboat argument” by Onora O’Neill.

In its simplest version, the lifeboat argument states that we ought to think of today’s Earth as a lifeboat where a specific distribution of resources must take place to avoid unnecessary poverty-related deaths. Consider a lifeboat with ten passengers. It may be

³⁰ Deontology is the study of duty, of what is right. The deontology being considered here is Kantian deontology, from the work of German philosopher Immanuel Kant. Kantian deontology rests on the assumption that all human beings are equally intrinsically worthy because they, unlike nonhuman creatures, are endowed with a pure rational will. It follows that the will of no human being must be disregarded in ethical decision-making, which amounts to claiming that all human beings must be afforded identical respect by all others. In other words, all human beings are ends-in-themselves and must never be treated as mere means to someone else’s ends.

well-equipped or ill-equipped, depending on whether or not it holds enough water, food, and medical supplies for all passengers to survive until rescued. If it is ill-equipped, then some deaths on this lifeboat are unavoidable, and thus they may be morally permissible, depending on how they happen. But if it is well-equipped, then any deaths of this lifeboat are morally impermissible or “unjustifiable killings” (O’Neill 1975: 273-5). If there are enough resources for all, and yet they were not distributed fairly, then someone was not given their rightful due; i.e., someone was treated by different rules than others. In the real world, then, this argument translates to the claim that citizens of the Global North have a duty to share their resources with citizens of the Global South, otherwise they fail to treat them fairly.

This deontological argument relies on a stronger notion of universality than even the utilitarian ones. For one, it offers a clear ranking of rights: the right to life is essential to human dignity and preservation, probably because it is the one that necessarily underwrites all other rights, while property rights, while important in standard cases, are more easily breached in extreme situations such as the one described. Also, the deontological argument assumes that all human persons are by definition entitled to a minimum of respect that no circumstances or other person can nullify, regardless of what they may or may not have done or contributed to their current situation. This is unsurprising, after all, as contemporary philosophical work on human rights often derives directly from the Kantian tradition. Thus, if one thinks that human rights do not exist, one should also not find the deontological argument of much use as an ethical basis for poverty alleviation.

9.2.2. Remedial responsibility

Philosophers Thomas Nagel and David Miller have, at separate times, proposed arguments that tie the duty of poverty alleviation to the socio-historical circumstances of extreme poverty in the Global South. This is importantly different from the three arguments surveyed so far, which relied on the capacity to assist, respect for basic rights, and virtuous action on the part of the assistant. While the origins of the Global South's poverty may also benefit those arguments, especially the virtue-based one, they are not required for them to function; but for both Nagel and Miller those origins provide the reasons why one should or should not render assistance.

Miller (2001) allocates responsibility for poverty alleviation based on one's prior involvement with the reasons why poverty exists to begin with. He identifies four principles that could motivate someone to act, none of which require belief in the human rights doctrine. The principles are causal responsibility (if you broke it, you must fix it), moral responsibility (if you are morally to blame for breaking it, you must fix it), capacity (if you can fix it, you must fix it), and closeness (if what needs fixing is in your proximate social community, you must fix it). Miller finds each of these principles individually wanting but collectively compelling: the more of them we can identify with, the higher our obligation will be. For example, if I am the unknowing cause of an ailment that affects a stranger that I could not possibly help anyway, my responsibility to do something about it is quite low. Conversely, if I am the ailment's knowing cause and I should have known better, then my responsibility is higher, and so on. In the best possible scenario, I am both causally and morally responsible for an ailment that affects socially proximate people and that I am able to do something about—the highest degree of

remedial responsibility that I can be tasked with. And if the ailment in question is deep poverty, and the last scenario is actually the case in the real world, then for Miller I have a strong ethical basis for acting toward alleviating this poverty.

Nagel (1977) limits the field of inquiry only to that poverty that requires urgent alleviation, the poverty that results from what he calls radical inequality. “Simple” inequality exists between two people or families or groups who, while possessing different quantities of a certain resource, are able to use it relatively well or convert it into welfare. An example may be the income difference between a U.S. family who makes \$500,000 a year and one who makes \$50,000, while controlling for relevant factors like family size, social extraction, disability, etc. While the first family certainly enjoys a higher standard of living, the second family can make ends meet and never goes hungry. Contrast this with the inequality between a family who makes \$500,000 a year and one who makes \$500 a year, under the \$1.90/day set by the World Bank as the International Poverty Line.³¹ This latter inequality is radical, not because of its extent but because of how low the bottom point is: an inequality between the \$50,000/year family and the \$500/year family is radical as well.

In fact, Nagel’s own definition is a good deal more complex than this:

A radical inequality exists when the bottom level is one of direst need, the top level one of great comfort or even luxury, and the total supply is large enough to raise the bottom above the level of extreme need without bringing significant deprivation to those above – specifically, without reducing most people to a place somewhat above the current bottom, or otherwise radically reducing their standard of living. The term therefore describes not merely the size of the gap

³¹ <http://www.worldbank.org/en/topic/poverty/brief/global-poverty-line-faq>

between top and bottom but also the available total and the level of the bottom.
(1977: 55)

While this definition shares some features with the utilitarian argument (give to charity until giving any more would make you a recipient of charity instead of a giver), unlike Singer, Nagel is not so concerned with how to fix inequality as with why it exists in the first place. His main claim is that radical inequality always results from a sociopolitical system of property, whose mechanisms are necessarily open to moral approval or censure. Whatever else may be true of radical inequalities, if they were arrived at in ways that are morally reprehensible then there exists a duty to level them. Nagel says little about which ways those are, except it “seems fairly clear” to him that the current global economy is morally reprehensible in just this way (Nagel 1977: 59-60).

Both Miller’s and Nagel’s arguments could use a better organized discussion of the relationship between inequality and the duty to alleviate it. Here I propose four classes of explanations for why a radical inequality exists, and thus in support of the argument that the more morally reprehensible the reasons are for the existence of inequality, the more urgent one’s moral obligation will be.

- (1) Fairness. A substantial equality of initial conditions, combined with roughly equitable sociopolitical processes of property adjudication and accumulation, still resulted in a grave inequality of resources among people, groups, and societies. In this scenario, all is “fair and square” and procedurally flawless, even if it results in some people living lavishly while other people starve. To illustrate, consider an endurance race between two athletes of roughly equal talent, one of whom just happens to win big.

- (2) Luck. Initial conditions may be roughly equal and political processes may be roughly fair, but some people are blessed with awesomely good luck while others suffer great misfortune through no one's fault. In this scenario, some people may have had the best chances but still ended up extremely poor, for example because they were struck by illness or natural disaster. This, I believe, is what is usually captured by the popular adage "life isn't always fair." In keeping with the previous analogy, this is a race where one athlete suffers a muscle injury while the other does not.
- (3) Privilege. Initial conditions and political processes are heavily influenced by where, when, and how one is born, as well as other circumstances partially or totally out of one's control. In this scenario, being born (say) white, wealthy, and American is likely to result in a better starting position in the world than being born (say) brown, poor, and Congolese. With such starkly different conditions, radical inequalities are all but inevitable. In the usual analogy, this is a race where one athlete but not the other was able to train in state-of-the-art facilities and never suffered injury or illness.
- (4) Foul Play. Regardless of initial conditions or political processes, an event happened that shifted the tide in favor of some people and to the disadvantage of others. Unlike with Luck and Privilege, where the event was natural or accidental, in this scenario it was intentionally devised to bring better outcomes or opportunities to some people at the expense of others. In the analogy, this is the equivalent of one athlete intentionally disabling the other before the race or tripping them other during the race.

Our responsibility toward radical inequality becomes stronger the further down the list we go, and it is much stronger in the case of Foul Play than in the others. Fairness, Luck, and Privilege do not depend on the intentional actions of any one person or group, except when the privilege in question is a result of prior Foul Play. In these scenarios, I may still be motivated to act to alleviate poverty based on humanitarian concerns. I may think that no matter someone's lot in life or what they may have done to "deserve" being destitute, they are still entitled to assistance simply based on their being human and having certain rights. But none of that is required in the case of Foul Play. All that is required is a simple remedial duty, such as the principle that whoever is responsible for breaking something is also responsible for fixing it, motivated for instance by a principle of reciprocity like "one would want others to fix what they have broken if the roles were reversed."

To conclude, arguments from remedial responsibility like Miller's and Nagel's are *prima facie* promising as an ethical basis to alleviate poverty even without universal human rights. I say "prima facie" because it remains to be established both that the Global North is in fact causally or morally responsible for the poverty of the Global South, and also that a principle of reciprocity is sufficient to assign the North a remedial duty based on its responsibility. I turn to both of these issues in the next section.

9.3. Responsibility and reciprocity

Let us take stock of what was discussed so far. I have reviewed four types of arguments that citizens of the Global North may use as ethical bases for alleviating the poverty of citizens of the Global South. Three are based on classic ethical theories and

one on remedial responsibility based on prior involvement. The utilitarian and deontological arguments derive their ethical force from the universal human rights doctrine, while the virtue-based and responsibility-based arguments do not (though they are not incompatible with it). In this section I develop further the responsibility-based argument. First, I show that the Global North has ample responsibility for the actual socio-historical circumstances that brought about the radical inequality that caused the deep poverty of the Global South. That is, the North is in fact guilty of Foul Play and it is both causally and morally responsible for the South's poverty, and as such has a strong remedial duty. Second, I will explain why this argument does not need the universal human rights doctrine at all. What it does need is some baseline agreement on a minimal conception of reciprocity, which is much easier to endorse and produces virtually identical results.

9.3.1. Responsibility

In what way, exactly, is the Global North “responsible” for the poverty of the Global South? It is well known that the North has exploited the South's resources for the last few centuries, so the mere historical fact of colonialism may suffice to establish responsibility. Even though colonialism is a thing of the past, its effects are still reaped regularly by current citizens of the North, not to mention that it has been replaced by forms of economic imperialism that *de facto* continue colonial exploitation by other means. This argument does not even need to claim that current citizens of the North ought to make up for the crimes of their ancestors (responsibility shared inter-

generationally and not just intra-generationally). Even if we were not accountable for the crimes of our ancestors, surely we are accountable for our own.

Even then, it remains to be seen how this intra-generational responsibility is to be distributed. It is unclear what the term ‘we’ means in the North. We may be collectively responsible, and as I have argued in the previous chapter, merely being a part of a society is sufficient to participate in the social construction of its shared meanings and values, but surely not everyone is responsible in the same way. Responsibility falls on a spectrum, from the more direct forms (“I contribute first-hand to the exploitation of distant strangers and cause their poverty through my practical, political, or economic behavior”) to the least (“I unknowingly and innocently support others who exploit distant strangers”). That is, it matters *which* citizens of the Global North should find the argument from remedial responsibility a convincing ethical basis for poverty alleviation. As both Nagel and Miller argued, a plausible causal story must be told that assigns specific responsibility to specific agents.

A popular form of this argument is defended by Thomas Pogge, who believes that we should focus not so much on poverty alleviation but on eliminating the root causes of poverty. In a version of my Foul Play scenario, Pogge (2003) argues that the causes of poverty in former Third World countries are rarely “purely domestic” and almost always global or international. Poverty is caused primarily by the fact that the global trading system is structured to benefit some players over others. Richer countries often coerce poorer ones into signing trade agreements that subjugate them. At the same time, they often turn a blind eye to the violence and corruption within poorer countries, either by accepting to trade with whoever is in control of the natural resources regardless of how

they acquired them, or by encouraging poverty-producing conflicts, such as through the arms trade (Pogge 2003; Shah 2013). Pogge's argument here is a causal story for the existence of poverty in the Global South, and since that cause turns out to be the Global North, the story also assigns the North a strong remedial responsibility.

Many similar arguments exist, from philosophy to sociology to development economics. To cite only a few examples: Joseph E. Stiglitz (2011) argues that the global economy is rigged by a small number of people, mostly American and European, whose financial machinations inevitably result in the loss of opportunity and material wealth for the majority of the world. Edward Herman (2002) identifies international free-trade agreements like NAFTA as primary culprits, for they are signed by governments under great pressure by multinational corporations and designed *ad hoc* to benefit the latter, again to the detriment of opportunities for the poorest citizens. More generally, David Harvey (2005) ascribes the subsistence of global poverty to the ruthless neoliberal insistence on private property rights: any declines in global poverty observed in the last decades (e.g., a lower percentage of people live in extreme poverty today than ever) are attributable to circumscribed local improvements in populous countries like India and China and do not reflect systemic change in the global trading systems. All these arguments tell roughly the same story: the Global North is directly responsible for much of the current poverty in the world (however, see Griswold 2004 for a dissenting argument). Together with the fact of colonialism, this causal story justifies Pogge's insistence that the North is at once responsible for both the existence and the persistence of global poverty. By Nagel's lights, this is Foul Play. By Miller's lights, this constitutes at least causal and probably also moral responsibility.

As I mentioned, even if citizens of the North accept this causal story, it does not follow that all of them share equally in the resulting responsibility, and let alone in a remedial duty. In fact, in my experience, a typical strategy to resist these arguments is to detach oneself as an “average person” who has “done nothing wrong” from those who are in charge of free-trade agreements, corporate foreign investments, etc. But of course responsibility comes in degrees. Corporate executives and government officials are certainly more responsible than the average citizen, but anyone who buys products made by slaves or obtained through the suffering of others shares in some responsibility: no place on a global production chain is completely isolated from what happens elsewhere in the chain. Also, since supposedly we live in democratic societies, what our governments do reflects on us in some way, as do the actions of private entities like corporations, since the laws that limit or enable them are open to public revision and deliberation. And even if the institutions responsible for the economic exploitations of distant strangers were not open to democratic revision, the fact alone that we live in their same society invests us with at least *some* responsibility. As discussed in Chapter 8, no one ever stands wholly apart of anything that happens in one’s society, and one always participates in some way. At any rate, my argument does not rely on establishing a clear hierarchy of responsibility. My goal here has been to remark that such a hierarchy might exist and that different citizens of the North may be differently responsible for the poverty in the South. The basic lessons from Miller’s and Nagel’s arguments do remain: the more responsible one is, the higher one’s remedial duty should be.

9.3.2. Reciprocity

Even if we agree with all that has been argued so far, accepting responsibility for something is insufficient by itself to acquire a remedial duty toward it. An ethical principle is also needed, such as “A broke it so A must fix it” or “A did something bad to B, so it is up to A to repair the damage to B.” That is what I mean by an ethical principle of reciprocity. Supporters of the universal human rights doctrine have an easy way to justify such a principle: they can simply argue that A and B are both human persons and thus possess certain inalienable rights, such as the right not to be deprived of life or freedom, so A has a remedial duty toward B if A has violated those rights. Conversely, a principle of reciprocity does not require the human rights doctrine in order to support remedial duties. All we need to justify reciprocity is to believe that A and B are on equal footing in some other way, one that does not mandate that they are entitled to the same ethical protections merely by virtue of being human. Or, in other words, we only need to agree that A and B share something meaningful enough as to confer A remedial duties over B, and yet not quite so broad or so crucial as to count as a “human right.”

Several such options suggest themselves. For example, we may agree that A and B are members of the same global community in a practical sense, namely because they do in fact interact, and that being members of the same community entails being willing to help one another (Rorty 1996). Or we may believe that A would expect B to have a remedial duty toward him if the roles were reversed, a sort of “golden rule,” which is sufficiently popular to be widely shared and yet far from an endorsement of human rights (Appiah 2007). Or again we may argue that certain actions or types of conduct are universally condemned, even if the underlying justificatory reasons for their condemnation may vary

across societies. A practical agreement on the (un)desirability of certain acts does not entail a belief in human rights, or at least it does not entail that everyone who agrees to condemn those acts does so because they believe that those acts are violations of human rights (Taylor 1995; 1999). Any of these reasons is sufficient to justify an ethical principle of reciprocity, and thus to assign a remedial duty based on responsibility.

With that being said, let us be clear that we are not looking for cross-cultural agreement here. The goal is only to provide an ethical basis for citizens of the Global North to act in the direction of poverty alleviation even absent a belief in the human rights doctrine, so what the citizens of the Global South believe is fairly inconsequential. What citizens of the North need is some reason for believing that *they* ought to do something or that the South is owed something. Absent this reason, they could still discard the remedial demands of the South as irrelevant, for example if they believe that citizens of the South are not “really” human, or because they do not care if nonwhite people starve, and other miscellaneous nonsense. If we believe in human rights, these objections are easily dismissed, but a simple principle of reciprocity can do the job just as well. Even in the worst case scenario, a citizen of the North may believe that citizens of the South are inferior and yet still agree that they are owed something if he accepts that his actions have caused them great harm.

Ultimately, this discussion boils down to whether citizens of the Global North are able to see citizens of the Global South as “related” or as “members” of the same community in at least *some* relevant sense. The universal human rights doctrine identifies that relevant sense as metaphysical: we are human persons and thus we are owed the same basic rights. But I hope to have shown that that is not the only option. If North and

South are related enough for centuries of exploitation, then surely they are also related enough to take remedial action to its effects.

9.4. Limits of collective self-determination

I conclude this chapter by answering the second question raised in the introduction: how should the capability approach relate to people and societies whose values are decidedly illiberal? Should the delivery of development assistance depend on ideological affiliation between aid workers and their recipients, and if so, to what extent? Answering this question also provides an argument for the exceptions to (or limits of) collective self-determination mentioned at the end of Chapter 8.

Here my argument, which again borrows heavily from Michael Walzer's, is that collective self-determination of capabilities must never run afoul of those elements that make the possession of capability possible to begin with; that is, it must never become contradictory on its own terms. In practice, this means that acts like genocide, mass enslavement, and mass incarceration should be considered not merely intra-subjectively or objectively wrong, but also inter-subjectively wrong, and thus unacceptable at any time for any reason. Development assistance need not (indeed, *must* not) respect the collective determinations of groups, nations, or countries who commit these acts—in no small part because if the existence of a group or nation is at risk, those determinations are not really “collective.” Renouncing neutrality and taking sides more openly is thus recommended in these cases.

To illustrate both the problem and the solution, consider yet another fictional country: call this one Emiger. Unlike any of the islands of Nacirema described in Chapter 8,

Egimerians are not all generally like-minded. In fact, there are several distinct ethnic and cultural nations within the same country, and some have the upper hand: better opportunities, a more favorable social outlook, some legal facilitations, etc. This by itself would be tolerable, as it is similar to what Rawls (1999) has called a “decent hierarchical society,” where not all citizens are seen as equals but no major abuses take place. But suppose that an Emigerian government were to enact a policy of ethnic cleansing against one of the least popular castes. This may begin with “simple” social or legal discrimination but quickly develop into full-blown persecution due to devious propaganda and increased popular support based on systematic misinformation. Some citizens are targeted solely for their ethnicity and incarcerated, forced into labor camps, or murdered.

This scenario is special because unlike in Nacirema, some Emigerians are not truly Emigerian. In Walzer’s terms, in this country the state does not adequately reflect or represent the nation. No doubt there are many countries where similar state-nation mismatches exist, but that by itself is not a concern: this one matters because severe abuses are taking place due to that fact. Likewise, the issue is not only with the entity of the abuses, nor with the protection of human rights, but with the fact that the abuses are threatening the very existence of a nation or a people.

There are two related arguments here. The first is that the threatened nation cannot exercise their collective capabilities to choose and assess their individual ones. They cannot participate in a social construction of shared values, which makes the actions of the oppressing nation objectively wrong. This is also what sets Emiger apart from Nacirema-3 and the patriarchal nation, where the disadvantaged parts of the population

yet agreed with the social construction. Second, this scenario is most appropriately described as a conflict between rival nations, in the same way as we would describe a war between countries. To say that Emigerians are turning on each other or that there is a civil war may be correct, but it does not fully capture the entity of what is happening, for the definitions of ‘each other’ and ‘civil’ have been disputed. If so, then the question shifts from “how should we engage internally fractured peoples where severe abuses take place?” to the much more pertinent “how should we take sides in international conflicts?”, and the latter is not the domain of the capability approach to begin with.

Of course, in the real world most of these scenarios are a matter of degrees. It is difficult to say just when a decent hierarchical society becomes a severely abusive internally fractured country. This makes universalist doctrines based on human rights all the more appealing, for they suggest univocal and incontrovertible standards that prioritize the protection of individuals with relatively little attention to context. But that is also their main weakness, for they risk being socially blind and culturally imperialistic. Again, as per the conclusion of Chapter 8, when in doubt it is best to prioritize collective self-determination even at the cost of some oppression, instead of giving facile free reign to cultural imperialism in the name of a dubiously universal conception of freedom.

9.5. Conclusion

A proper appreciation of the importance of a collectivist ethic for the capability approach is a strong reason why the approach should address itself primarily to groups instead of to individuals. Sen’s original approach is intended both as a measure of existing socioeconomic conditions and as a set of theoretical parameters to design new

development work; Sen himself has often spoken of the approach in both of these terms, and a vast literature exists on how it can be operationalized and quantified for practical applications (e.g., Qizilbash 1996; Alkire 2002; Fukuda-Parr 2003; Mooney 2005; Qizilbash & Clark 2005; Comim, Qizilbash & Alkire 2008; Roche & Chiappero-Martinetti 2009). Its proven usefulness for applied development work cries out for a more firmly communal emphasis. After all, aid workers often interact with the beneficiaries of development at the group level, for instance by engaging political communities (such as towns or districts), social communities (such as unemployed women or at-risk youths), or economic communities (such as unions or firms), etc. Likewise, development work typically benefits groups by affecting social structures (such as through educational reforms or political activism) or material infrastructures (such as through water sanitation or electrification projects). In whatever way a community may define itself, aid workers deal with it as a collective and as a whole. Given this, and if my arguments are accepted, we cannot escape the conclusion that the capability approach ought to have a more pronounced communal emphasis if it is to inform the actions and choices of those who employ it in their development work.

The emphasis that I advocate prescribes strong reliance on the ethical principles held by aid recipients; i.e., it demands that the choice and assessment of capabilities be determined ultimately by their beneficiaries. Collectives that partake in development projects should contribute all the moral and ideological material required to specify which capabilities are worth pursuing for that collective at that time, how their members will benefit from them, and which changes in the local structures of living together that particular project should bring about to increase those capabilities. And even though

“professional” development workers from the Global North may still contribute material resources or technically proficient methods of assistance, the bulk of the ethical baggage must be carried by the recipient collectives.

A general criterion to regulate the role of the citizens of the Global North in development aid is to do all and only what is asked of us—provide resources and perform labor not as needed but as asked, not as required but as requested, not as we will but as they will. The definition of ‘they’ will happen in the conventional ways, where aid workers are personally or politically motivated to answer a particular call for help—say, Marxist transnational activists typically work with unions, feminist INGOs with women’s groups, etc. If there is a concern with unjust or oppressive power structures, that concern will play a role in the choice of which collectives to serve or which sides to take, such as is in the Emigerian case. Surely this advice will be opposed by those who abide by humanitarian principles like neutrality and impartiality; or who are animated by a desire to reduce suffering; or who believe in liberating the oppressed wherever oppression exists; or who think that the Global North’s postcolonial remedial duties include the procurement of the same “universal” rights that we have come to enjoy as a result of our colonial oppression—but these dissatisfactions are a natural consequence of my choice of principles.

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