Capabilitarianism

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Abstract:
This paper offers a critique of Martha Nussbaum's description of the capability approach, and offers an alternative. I will argue that Nussbaum's characterization of the capability approach is flawed, in two ways. First, she unduly limits the capability to two strands of work, thereby ignoring important other capabilitarian scholarship. Second, she argues that there are five essential elements that all capability theories meet; yet upon closer analysis three of them are not really essential to the capability approach. I also offer an alternative description of the capability approach, which is called the cartwheel view of the capability approach. This view is at the same time radically multidisciplinary yet also contains a foundationally robust core among its various usages, and is therefore much better able to make the case that the capability approach can be developed in a very wide range of more specific normative theories. Finally, the cartwheel view is used to argue against Nussbaum's claim that all capabilitarian political theory needs to be politically liberal

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1. Introduction

This paper offers a critique of Martha Nussbaum's description of the capability approach and offers an alternative. Nussbaum (2011a) addresses the basic questions of what the capability approach is and what it is not—which are, unfortunately, matters on which clarity is lacking. We should analyse Nussbaum's account not only because she is one of the most influential capability theorists but also because it is one of the few available descriptions of the capability approach that is sufficiently comprehensive and detailed.

I will argue that Nussbaum's characterization of the capability approach is flawed, and I will offer an alternative which is radically multidisciplinary but contains a foundational core that is robust across its various usages. I call this the *cartwheel view of the capability approach*. The cartwheel view gives us a more truthful account of the capability approach and can account for the wide range of capability theories that have been developed. To underline its breadth yet highlight its ultimately normative character, the capability approach can also be called *capabilitarianism*.[1]

In the next section, I start with Nussbaum's description of the capability approach as having two versions, and I argue that this is a misleading characterisation of capabilitarian scholarship. Section 3 then focuses on Nussbaum's account of the five core properties of the capability approach, arguing that three of those five properties are not essential and that characterising them as *essential* unduly narrows and limits the approach. Section 4 outlines the alternative view that I wish to defend: the cartwheel view. Subsequently, Section 5 describes the essential properties of the capability approach. Section 6 wraps up the discussion of the cartwheel view by highlighting the many avenues of capabilitarian scholarship that are open to us. Section 7 builds on the cartwheel view to show that Nussbaum's

[1] Des Gasper (2007) also offers an account of the capability approach which entails a set of core characteristics, yet he focuses mainly on the socio-economic and policy-oriented strands within the capability approach.

claim—that all capabilitarian political theory should endorse political liberalism—is wrong. The final section offers concluding thoughts.

Before we proceed, I would like to introduce the distinction between the capability *approach* and a capability *account* or *theory.* The term 'approach' refers to the general view, which is used across disciplines and for various purposes. But we need to make the distinction between that general view and the specific theories or accounts that are (in part) based on it, such as Nussbaum's (2006) theory of justice, Crocker's (2008) development ethics, and Wolff and de-Shalit's (2007) capabilitarian account of disadvantage. Those specific versions can be called capability *accounts* or capability *theories*. As I will show in this paper, this distinction is needed to avoid confusion in the capability literature.

2. Nussbaum's account of the capability approach

In *Creating Capabilities*, Martha Nussbaum provides an encompassing definition of the capabilities approach—not just of her own capability theory but of the approach in general. She argues throughout the book that the capability approach should be "defined as an approach to comparative quality-of-life assessment and to theorizing about basic social justice" (Nussbaum 2011a: 18). Nussbaum's own version "puts the approach to work in constructing a theory of basic social justice" (*Ibid*: 19). The first cluster of theories within the capability approach is, therefore, a cluster of *capability-based theories of justice.* Other work in this cluster includes Anderson's (1999) egalitarian theory, Wolff and de-Shalit's (2007) theory of disadvantage, debates about the metric of justice, and debates about the justification of a capabilitarian theory of justice. The second cluster of theories on the capability approach is most famously represented by the work of Amartya Sen and his collaborators and defends "capability as the most pertinent space of comparison for purposes of quality-of-life assessment, thus changing the direction of the development debate" (Nussbaum 2011a: 19). This work tends to be more empirical and has been influential in development circles through the publication of regional and global *Human Development Reports*. Throughout her book, Nussbaum presents the capabilities approach as being *either* about comparative quality of life analysis

or about basic social justice.[2] Clearly, the two versions are related; Nussbaum (2011a: 18–19) argues that the 'social justice version' and the 'comparative quality of life version' share some essential elements—these will be analysed in Section 3. For now, we will focus on the general architecture that Nussbaum attributes to the capability approach.

Nussbaum, thus, acknowledges two clusters of scholarship within the capability approach: capabilitarian theories of justice and capabilitarian accounts of the quality of life. In *Creating Capabilities*, the capability approach is described in such a way as to include Nussbaum's work and most of Amartya Sen's. Unfortunately, this is a biased and misleading picture of the work done within capabilitarian scholarship. There exists a much broader range of work within the capability approach that does not fit Nussbaum's characterization, which is biased towards some clusters of capabilitarian work while ignoring others. In particular, Nussbaum's description leaves out some other parts of Sen's work within the capability approach as well as the work of many other capabilitarian scholars. As I will illustrate in this section, many capability scholars have produced work that falls neither within the cluster of theories of justice nor within the cluster of research on comparative quality of life assessments.[3] No-one denies that these types of work are, indeed, properly categorized as capabilitarian theories, and I will give reasons why they *should* be seen as squarely belonging to the capabilities approach despite being excluded from Nussbaum's definition. The two types of work that we will look at are the analysis of other values, such as efficiency, and the conceptualization and conceptual clarification of phenomena. If these two cases are convincing, it will follow that Nussbaum illegitimately excludes capabilitarian work from her depiction of the capability approach.

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[2] At one point, Nussbaum (2011a: 19) does mention that the capability approach has "at least" two versions. But she doesn't pursue this potential for a broader scope.

[3] Note that the critique is not that certain works are not mentioned by Nussbaum; this would be a weak complaint and could very easily be rectified. Rather, the critique is that certain *types* of work are entirely missing. This is, thus, not a problem of incompleteness but of structural omissions which distort the definition of the capability approach and limit our understanding of what types of work are done within the capability approach.

The first type of capabilitarian research that is excluded from Nussbaum's description of the capability approach is the analysis of other public values (e.g., efficiency or sustainability) in terms of functionings and capabilities. Nussbaum rightly stresses that one version of the capabilities approach is concerned with social justice, which is a crucial value, and the other version with the quality of life, another crucial value. But there are more values that we can develop conceptually, or analyse theoretically or empirically, from a capability perspective. Take efficiency, for example. Efficiency need not have a utilitarian flavour; one can also develop a capabilitarian notion of efficiency. Amartya Sen (1993) criticized the standard definition of efficiency in terms of utilities and argued that efficiency evaluations should be made in terms of people's capabilities. He then used this capabilitarian definition of efficiency to revisit the standard economic claim that the market is the most efficient economic institution for the generation of welfare. Other philosophers have done similar work, for example, by outlining what an evaluation of the market would look like from the perspective of the capabilities approach (Claassen 2009). This is not merely about justice or comparative quality of life research; rather, it is about the assessment of institutions and practices based on one or several public values that are conceptualised in capability terms.

The second example of a cluster of capabilitarian research that does not fit Nussbaum's description is the conceptualization and conceptual clarification of phenomena or social practices. Take education, which is a good example since much has been published on education and capabilities (e.g., Saito 2003; Hart 2009; Walker 2003). Moreover, educational scholars themselves have pointed out that "the place of education in [*Creating Capabilities*] is in need of considerable expansion" (Unterhalter 2013: 187).

Economists typically conceptualize and value education as an investment in human capital. The capabilitarian conceptualization of education is different. It looks at what education means for a life that is composed of many different dimensions and sees education as a contribution to the development of the kind of person one will become and the types of things one will be able to do. Clearly, labour market skills do not disappear from the picture, but other skills and experiences

also become important, such as the formation of one's character, the cultivation of moral virtues, and an appreciation of culture in all its dimensions.

Martha Nussbaum has herself written extensively on education and capabilities, on the importance of access to a valuable education for all (hence as an issue of justice) and on the content of education, thereby stressing precisely the non-economic importance of education. She briefly touches upon this work in Chapter 8 of *Creating Capabilities.* It is therefore puzzling, and points at an internal inconsistency in her book, that Nussbaum does not include this important work on the *conceptualization* of education as one mode of capabilitarian theorizing. This conceptual work does not fall under the rubric of either social justice or of comparative analysis of quality of life. Moreover, in other areas, such as health, disability, and technology, scholars are asking how the phenomena they study *are to be understood:* do these phenomena look different if one moves from a utilitarian, resourcist, or economistic perspective to a capability perspective? Since such conceptual work is important, we need to ensure that our account of the capability approach does not exclude it.

For Nussbaum, work within the capability approach aims either at empirical quality of life analysis or at the development of theories of justice. As I just discussed, the capability approach can also be used for theoretical and conceptual work on values other than justice. And there are many more purposes that do not amount to quality of life assessment or theorizing about justice; these include small-scale project evaluation (Alkire 2002), technology design (Oosterlaken 2009), and providing an element of a critique of contemporary capitalism (Claassen 2009).

The available capabilitarian scholarship clearly includes work on a variety of normative issues. Therefore, I conclude that Nussbaum's claim that the capability approach falls into two branches is misleading. And while this problem with her account of the capability approach can be remedied, doing so requires a structurally different view of the capability approach—a view that will be offered in the second half of this paper.

3. Nussbaum's view of the core of the capability approach

A second problem with Nussbaum's characterization of the capability approach is her list of its essential characteristics. In this section, I argue that Nussbaum attributes to the capability approach supposedly necessary characteristics that are, upon closer scrutiny, not necessary at all. The core of the capability approach is much more limited than Nussbaum's description suggests.

Recall that in *Creating Capabilities*, Nussbaum does not aim to describe *her* particular capability theory; rather, she aims to give a depiction of the capability approach in general, hence, how it has been used by a variety of capability scholars. According to Nussbaum, the capability approach has two variants—the 'social justice version' and the 'comparative quality of life version'. Obviously, these two versions must have something in common; otherwise, it would make no sense to speak of *the* capability approach. According to Nussbaum (2011a: 18–19), the social justice version and the quality of life version share five 'essential elements': respect for the principle of treating each person as an end; a focus on choice or freedom rather than on achievements; pluralism about value; a deep concern with entrenched social injustice and inequality; and a commitment to describe an urgent task to government and public policy. One may question, however, to what extent these elements are truly *essential* for a capability theory in the sense that they define a *core* property of the capability approach—a property shared by all capabilitarian theories. Let us analyse each of these five essential characteristics in turn.

The *principle of treating each person as an end* should, indeed, be essential to any version of the capability approach, and Nussbaum has offered us convincing arguments for this claim in her earlier work (Nussbaum 2000: 55–59). Since capabilities are embodied in separate persons, we must treat each person as a holder of a set of capabilities and, *ultimately*, look at each person separately rather than on some aggregate level or at non-capability collective goals (e.g., the reputation of a nation) without asking how they affect each person. The capability approach is normatively individualistic, a property that should, therefore, be shared by all capabilitarian theories (Robeyns 2008).

The second essential element that Nussbaum attributes to the capability approach is its focus on choice or freedom rather than on achievements. It is certainly true that strong arguments have been offered by capability scholars as to why capabilities are important as opportunities or freedoms rather than functionings (the achievements). Nevertheless, it does not follow that the only conceivable and defensible capabilitarian theories are those that only include capabilities as opposed to functionings (hence, opportunities rather than achievements) in their account of value.

Let us first put aside the cases of infants and the severely cognitively disabled. All capability theorists agree that in these cases, we should focus primarily on functionings rather than capabilities. The implicit underlying assumption in the claim that capabilities have normative priority over functionings is that we assume the presence of agency-capacity in the individuals who will be given the power to make their own choices from their capability sets. If we have strong reason to believe that agency-capacity cannot be attributed to a person, we should not let the person make decisions by herself; instead, we should find ways of compensating for that lack of agency—either by having a steward make the choices for her or by supporting her in the choice-making process. Thus, we will shift our normative concern from capabilities to functionings for those who are incapable of making good decisions for themselves.

But what about the cases of competent adults? Is it the case, as Nussbaum claims, that we should only care about the options from which they can choose and not about the actual outcomes? There are at least two reasons why one could be justified in focusing not merely on capabilities in normative theorizing but also on functionings. First, the reasons that we are paternalistic towards children and the cognitively disabled also hold, to some extent and in some areas, for all adults. Adults frequently make *systematically* irrational or bad choices. We are often not able to choose what is best for us simply because of our psychological makeup; many of our choices are the result of the impulsive, unreflective, habit-driven part of our brain rather than the deliberative and reflective part. In psychology and behavioural economics, there has been mounting empirical evidence for our

systematic failures in making rational decisions and evidence that we are influenced by a large number of arbitrary factors in making choices, thereby often harming our own interests in a non-deliberate and non-intentional way. It is entirely consistent for a capability theory to argue that we have strong reasons to protect people against their own systematic irrationalities.

Let me call the first reason that we should allow a normative focus on functionings rather than capabilities *the reason from human nature*: we have to take people as they are, as persistently making mistakes in the process of making choices, and this could *prima facie* justify some form of (most likely modest) paternalism if we use the capability approach for policy purposes. This would imply that we sometimes focus on functionings rather than capabilities. Nussbaum might object to this argument by pointing out, as she has done, that the capabilities approach is not a theory of human nature (2011a: 28). However, her version of the capabilities approach is based on an *implicit* account of human nature, namely, one that does not take into account these systematic irrationalities. If we endorse an alternative account of human anthropology that does acknowledge systematic irrationalities, we pave the way for the argument that, for some dimensions, we should focus on functionings rather than capabilities.

The second reason that capabilitarian theories can be justified in focusing on a mix of functionings and capabilities is an *institutional reason*. If the government has, with broad support of the population, set up a welfare state that provides certain welfare rights, then this government may demand from citizens who want to be part of this societal arrangement that they pro-actively aim to master, secure, or maintain certain functionings, such as being able to read and write, having some labour market qualifications, and speaking a language that enables them to access a job. A welfare state arrangement that offers citizens relatively generous welfare rights can legitimately induce or perhaps even force citizens and legal residents to choose certain functionings that are needed in order to justly reciprocate in that welfare state arrangement. In certain institutional settings, reasons of reciprocity, feasibility, and stability may justify a focus on functionings rather than merely on capabilities.

In summary, there are good reasons why a specific capabilitarian theory could focus not only on capabilities but also on functionings.[4] This implies that it is logically consistent, as well as theoretically plausible, to develop capabilitarian theories that contain some degree of paternalism. Hence, the 'focus on choice and freedom rather than achievements' is *not* an essential element of a capabilitarian theory.

This brings us to the third essential feature that Nussbaum attributes to the capability approach. According to Nussbaum (2011a: 19), the capabilities approach is "resolutely *pluralist about values:* it holds that the capability achievements that are central for people are different in quality, not just in quantity; that they cannot without distortion be reduced to a single numerical scale; and that a fundamental part of understanding and producing them is understanding the specific nature of each". Nussbaum is right that the capability approach is pluralistic about values, and I agree that this is an essential element. However, we need to acknowledge that, sometimes, a single numerical scale may be so important for political or pragmatic reasons that we are justified in paying the price that the distortion brings.

The fourth element that Nussbaum argues to be essential to the capability approach is that it is *deeply concerned with entrenched social injustice and inequality*. Whether it is correct to say that this is an essential element of the capabilities approach or not depends on exactly how one should interpret this statement; is it a descriptive statement or a normative statement?

If one interprets this as a *descriptive statement*, namely, that most scholars working on the capabilities approach consider social justice to be an important value and hold that we should not ignore inequalities in our analyses, then this claim is correct. Issues of justice and inequality have been central to the capability approach, both in the development of theories as well as in its applications. On the other hand, we should resist this as a normative claim since it is at least logically possible to develop a right-libertarian capability theory that understands fairness

[4] There are other reasons to focus on functionings which I cannot discuss here due to space limitations. See, among others, Deneulin (2002), Fleurbaey (2006), Wolff and de-Shalit (2013), and Claassen (2014).

and justice very differently from the egalitarian and strongly redistributive account of social justice that is often favoured in the existing capability literature. There is nothing in the definition of the capability approach that precludes the development of, for example, a procedural theory of justice valuing not only rights but also well-being and that understands well-being in terms of functionings and capabilities. It may be that such a theory would turn out to be theoretically inconsistent or not very plausible; however, this remains to be seen. My point is merely that we should not rule out such theories by a normatively restrictive definition of the capability approach.

There is another way of interpreting this fourth element, namely, as the normative claim that, in the capabilities approach, the value of equity/social justice should always be weightier than other values (e.g., efficiency, effectiveness, stability or sustainability). This, too, should be rejected. The capabilities approach entails that our understanding of key normative notions, such as social justice, well-being or quality of life, efficiency, and stability, attaches intrinsic value to people's functionings and capabilities but, at the most general level, is agnostic about how one should weigh these different values. In summary, while this fourth element has been regarded as very important by the vast majority of capability scholars, it is not a theoretically essential element of the capability approach.

The fifth and final essential element that Nussbaum attributes to the capability approach is that it ascribes an urgent task to *government and public policy*. Yet this claim does not necessarily follow from a concern with people's capabilities. The question of what, if anything, the government ought to do depends not only on the exact reach of the capabilitarian theory one is defending but also on the answer to the question of whether we need the government to deliver those goods and what can realistically be expected from a government. Just as we need to take people as they are, we need not work with an unrealistic utopian account of government. It may be that the capabilitarian ideal society is better reached by a coordinated commitment to individual action or by relying on market mechanisms.

Clearly, most political philosophers believe that in order to provide public goods and to solve the collective action problems that are needed to reach certain

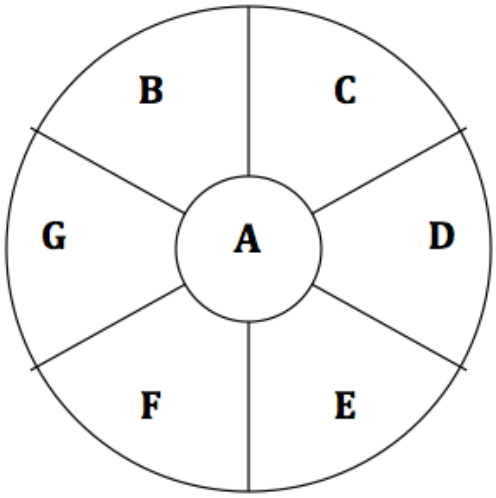
levels of capabilities, we need a strong government. But not everyone agrees: anarchist thinkers vigorously disagree, and adherents of public choice would stress that giving the government the power to deliver those goods will have many unintended but foreseeable negative consequences which are much worse than the positive contributions the government could make. Others have argued that we should focus on non-governmental agents of justice. Thus, while at the descriptive level it is true that most capabilitarian scholars envision a considerable task for the government and public policy, there is no theoretical reason to believe that this *needs* to be the case.

In conclusion, only two of Nussbaum's list of five essential elements of the capabilities approach are indeed essential to any version of the approach and, hence, should belong to the core of the capability approach. What is needed is a sound analysis of the core aspects of the capability approach and a firm acknowledgement of the plurality of work being done within the capability approach. The cartwheel view of the capability approach, to which we will now turn, tries to meet that challenge.

4. The cartwheel view of the capability approach

The capability approach is a normative framework which includes a family of theories. It has been used to conceptualize, measure, and assess the distribution of well-being in a population and has contributed to the normative basis for assessing the change or design of institutions, policies, and practices. As it is a family of theories and accounts, there are features that all family members share. All capabilitarian theories focus on what a person is able to be and to do (her capabilities) and/or those capabilities that she has realized (her functionings). That is an element of the core which will be analysed in detail in Section 5. The capability approach adds many different modules to that core before it gives us a capability theory, capability account, capability measurement, or capability application. For example, it could be developed into a theory of justice, into a poverty measure, or into a narrative approach for analysing changes in a particular culture.

Consequently, a description of the capability approach should do justice to all members of the capabilitarian family. This description, therefore, cannot but be somewhat vague since it needs to include the various family members, including family members that have not emerged so far. Several capabilitarian thinkers have given definitions of the capability approach that are in line with this understanding (e.g., Sen 2009; Robeyns 2011). Still, we would advance our understanding of the capability approach if we could make those broad and somewhat vague definitions more precise. The cartwheel view of the capability approach aims to do precisely that. Figure 1 gives a graphical depiction.



A. Core
B. Purpose
C. Meta-theoretical commitments
D. Social ontology and explanatory theories
E. Selection of functionings and/or capabilities, and aggregation
F. Measurement and empirical issues
G. Additional normative commitments

Figure 1: The cartwheel view of the capability approach.

All capability accounts share the same content of the core circle (A), which will be discussed in the next section. To construct a capability theory, one needs to endorse the content of A but also make a number of additional choices. The content of A is non-optional; the content of the wedges can differ for each different capability theory. Wedges are, thus, *modules*. The content of the module is variable between different capability theories. Also, it is possible that a further analysis of the cartwheel view of the capability approach will show that there are more wedges or modules than described here; what is important for present purposes is the claim that, by looking at the capability approach as consisting of one fixed core and several

modules, we not only give a more truthful description of what the capability approach is but also are better able to understand that capability theories can take many different forms.[5]

So what are those different modules—the wedges—that capability theories can have? The first thing one needs to know is the purpose for which one is using the capability approach (Module B). Here, various options are possible. For example, one could use the capability approach to construct a theory of justice, to develop a cross-country empirical comparison, to reform an educational curriculum, to develop an alternative welfare economics, or to evaluate the effects of laws on people's capabilities. Questions of scope and reach also need to be addressed in this module. For example, is a theory of justice a political or a comprehensive theory? Is such a theory domestic or global?

Module C concerns the meta-theoretical commitments that one has. For example, if one wants to conduct a measurement exercise (a choice made in Module B), then one may be committed to the methodological principle of parsimony or, instead, to providing a measurement that is embedded into a rich narrative explanation. Or, if one wants to construct a theory of justice (a choice made in Module B), then one may aim for an ideal or non-ideal theory of justice, or for a partial or a comprehensive account of justice. Or one may espouse certain views about the status of theories of justice or meta-ethical claims related to, for example, the role that intuitions are permitted to play as a source of normativity.

Module D contains the possibilities in the realm of ontological choices and explanatory theories. Two capabilitarian thinkers could each aspire to make a theory of justice yet embrace very different views on human nature and on the degree to which certain outcomes can be explained solely by people's choices or are also affected by structural constraints. This can matter a lot for the particular capability accounts that one develops. For example, in earlier work, I showed that the capability approach's answer to whether there is anything wrong with the traditional gender division of labour depends a lot on the social ontological claims

[5] For a more in-depth discussion of the cartwheel view of the capability approach, see my forthcoming book on the capability approach.

related to 'gender' that are (implicitly) endorsed as well as the explanatory views of how that division came about (Robeyns 2008). In short, different ontological and explanatory options are available in Module D.

Next, in Module E, the capabilitarian scholar or practitioner needs to make choices related to the selection of relevant capabilities as well as of how to weigh the different dimensions. There is, by now, a large body of literature illustrating the various ways in which one can make that selection. Philosophers can choose, for example, between procedural selections or selections grounded in notions of human dignity or agency. Empirical scholars can use criteria or be guided by the lists that have been constructed and defended by the theoreticians. There are various possibilities, and the only point to stress right now is the variety of options open when developing a specific capability account.

Module F concerns measurement and empirical analysis. For example, it could contain choices about which multivariate analysis tools to use or whether certain existing data sets are capturing functionings, capabilities, or merely rough indicators. In Module F, we also make methodological choices related to empirical analysis: does a particular capability issue require quantitative analysis, qualitative analysis, or a combination?

Finally, Module G provides room for additional normative concerns or moral principles that a capability scholars aims to add to her capability account. For example, in a particular capability theory, a principle of non-discrimination may play a role or, alternatively, one may want to work out a capabilitarian theory that subscribes to the non-domination principle as it has been defended by Republican political theory (Pettit 2001). Again, there are many items from Module G that could be added to a capability account.

A capability account will consist of the content of the core plus a combination of choices from the options available in Modules B to G. Some choices are non-optional, such as the choice in Module B for a purpose. Other modules are optional, such as the additional principles and normative commitments that can be added in Module G or the measurement issues in Module F, which are only needed for empirical analyses. In addition, the choices one makes in certain modules will limit

the options one has in other modules; yet an analysis of specific paths that are possible (and impossible) between the different wedges goes beyond the scope of this paper.

The cartwheel view aims to make the many modalities of a capability theory or capability account clear. By spelling these options out explicitly, it becomes immediately clear that there is a large and very diverse family of capabilitarian theories; the current scholarship confirms this.

The cartwheel model of the capability approach is simple yet powerful. One of its strengths is that it helps us to acknowledge and understand that, given the modules, an entire field lies open for the development of new capabilitarian theories, and it forces us to address the question of what, exactly, is the ultimate core of capabilitarianism. Note, however, that the exact number of modules and the labels one gives them are not set in stone. It is very likely that further research will lead to modified versions of the modular view which are better able to account for all the options that can be made when developing a capability theory.

5. The core of the capability approach

If there is such a thing as capabilitarianism, then there must be at least a minimum core that is shared by all capability theories and accounts. How should we understand the very core of the approach? In this section, I argue that the core contains at least the following 12 characteristics.[6]

(1) *Functionings and capabilities are the core concepts* in the capability approach. They are the distinctive feature of all capabilitarian theories. There are some differences in the usage of these notions between different capability theorists (e.g., Nussbaum and Sen), but these differences do not affect the essence of these notions, which is that capabilities aim to capture what people are able to do and to be and functionings point at the corresponding achievements. Capabilities are real opportunities which do not refer to access to resources or opportunities for certain

[6] I expect that the content of the core will be revised over time. Given how scholarship and knowledge develop, it is very likely that more work is needed before we find a description of the content of the core content that can withstand all criticism. For further discussion of the content of the core, see my forthcoming monograph.

levels of satisfaction; rather, they refer to what a person can do and to the various states of being of this person. Capabilities are a person's real freedoms or opportunities to achieve functionings. Capabilities refer to both what we are able to do (activities) as well as the kind of person we can be (aspects of our being). Thus, while travelling is a functioning, the real opportunity to travel is the corresponding capability. A person who does not travel may or may not be free and able to travel; the notion of capability seeks to capture precisely the fact of whether the person *could* travel *if* she wanted to.

In the core of the capability approach, functionings and capabilities are defined in a morally neutral way. Not all functionings necessarily have a positive value. Instead, some functionings have a negative value, e.g., the functioning of being affected by a painful, debilitating and ultimately incurable illness or of engaging in acts of violence. Functionings are constitutive elements of well-being but also of ill-being. The notion of functionings should, therefore, be value-neutral in the sense that we should conceptually allow for the idea of 'bad functionings' (Nussbaum 2003: 45; Carter 2014: 79–81). There are many beings and doings that have negative value, but they are still 'a being' or 'a doing' and, hence, a functioning. Nussbaum made that point forcefully when she argued that the capability to rape should not be a capability that we have reason to protect (Nussbaum 2003: 44–45). Many specific capability theories make the mistake in *defining* functionings as those beings and doings that one has reason to value. But the problem with this definition is that it collapses two elements into one: the definition of the relevant space (income, happiness, functionings) and, once we have chosen for functionings and capabilities, the normative decision regarding which of those capabilities will be the focus of our theory. We may agree on the first issue and not on the second and still both rightly believe that we endorse a capability theory—yet this is only possible if we analytically separate the normative choice for functionings and capabilities from the additional normative decision of which functionings we will regard as valuable and which we will not. Collapsing these two normative moments into one is not a good idea; instead, we need to acknowledge that there are two normative moves

being made when we use functionings and capabilities as our evaluative space, and we need to justify each of those two normative moves separately.

Acknowledging that functionings and capabilities are the core concepts of the capability approach generates some further conceptual questions. One complaint that has been voiced in discussions is that it is not entirely clear what exactly a functioning is and what level of specificity it should have. Another question is whether additional structural requirements for the relation between various capabilities should be imposed on *any* version of the capability approach. Basu (1987) was one of the first to point out that the moral relevance lies not in the various capabilities each taken by themselves and only considering the choices made by one person; rather, the moral relevance lies in whether capabilities are truly available to us given the choices made by others. Should we, perhaps, move away from seeing capabilities in dichotomous ways (i.e., a person either has a capability or she hasn't) and, rather, start to think about capabilities in terms of probabilities and robustness? These and other conceptual questions will need to be addressed in future work.

(2) The second core feature of the capability approach is *the means-ends distinction*. The approach stresses that we should always be clear, when valuing something, whether we value it as an end in itself or as a means to a valuable end. For the capability approach, the ultimate ends of interpersonal comparisons are people's functionings and/or capabilities.

(3) A third core idea of the capability approach is that people have different abilities to convert resources into functionings. These are called *conversion functions*: the degree to which a person can transform a resource into a functioning. For example, an able-bodied person who was taught to ride a bicycle when he was a child has a high conversion factor, enabling him to turn the bicycle into the ability to move around efficiently, whereas a person with a physical impairment or someone who has never been taught to ride a bike has a very low conversion factor. The conversion factors thus represent how much functioning one can get out of a good or service; in our example, how much mobility the person can get out of a bicycle. In

the capability literature, the conversion factors are commonly classified as personal, social, and environmental conversion factors (Robeyns 2005: 99).

(4) The fourth core characteristic of the capability approach is *human diversity*. Differences in conversion factors are one important source of human diversity. For example, a pregnant or lactating woman needs more of the same food than another woman in order to be well-nourished. Or people living in delta regions need protection from flooding if they want to enjoy the same security as people living in the mountains. But human diversity has other roles to play in the capability approach. One role is that the capability approach objects to certain groups of people being excluded from our theorising; for example, a theory of well-being should be relevant for both able-bodied and disabled persons. The importance attached to human diversity is also shown by the fact that capabilities are plural—different people will need a different combination of the corresponding functionings in order to have the same levels of well-being.

(5) The fifth core characteristic of the capability approach relates to the observation that not all limits on people's capabilities are caused by limited conversion of resources in capabilities; some reductions in their capability sets are caused directly by *structural constraints* that affect members of different groups differently. These structural constraints could be legal, such as a law that forbids women from walking outside the house without being accompanied by a male relative, or they could be social, such as the social norms that affect the employment options or social capabilities of Dalits. Thus, the claim is that structural constraints (including social norms) have to be figured into the capability account. That means that they cannot simply be ignored; one has to ask whether there are structural constraints that are relevant for the capability analysis one is performing. It is (at least theoretically) possible that there are capability analyses in which no structural constraints are relevant; the point is that this cannot simply be assumed.

(6) The sixth core element is the acknowledgement of *agency*. Applications of the capability approach should endorse some account of agency, except if there are good reasons why agency should be taken to be absent. Note that, similarly to the acknowledgement of structural constraints, there is no agreed-upon or standard

claim on how much agency, or what particular type, should be assumed; the claim is minimalistic in the sense that, as with the structural constraints, agency cannot simply be ignored and must be accounted for. One can give agency a key role in a capability theory (Crocker 2008) or a more restricted role, perhaps also using different terminology—but, in all cases, some acknowledgement of agency will be needed.

Which other properties are core to the capability approach? The capability approach is a normative theory—and concepts alone cannot ground normativity. Hence, part of the core of the capability approach is a set of normative claims.[7] To analyse the normative claims of the core of the capability approach, I will use the standard structure of ethical theories to examine the extent to which this structure can shed light on the core normative claims of the capability approach.

Capabilitarianism entails an *incomplete* and *underspecified* normative theory. Only a handful of more precise and specific claims related to the good can be distilled.

(7) *Functionings and capabilities form the 'evaluative space'*. Functionings or capabilities, or a combination of both, have intrinsic value. This proposition points to the first underspecification of the capabilities approach: when using the approach to develop a theory with normative power, we need to decide whether we think that capabilities, functionings, or a combination of both matter.

(8) There is a second significant underspecification in the capability approach: we need to *specify which capabilities matter* for our particular capability theory. This specification may vary according to the differences in various spheres of life. For example, we may need to make a distinction between politically relevant capabilities versus capabilities that are more comprehensively valuable. Alternatively, the specification may depend upon the different types of capabilitarian theories or analyses that are developed: a theory of welfare

[7] It is also possible, but hardly ever done in practice, to use the notions of 'functionings' and 'capabilities' for non-evaluative purposes. In that case, the basic notions from the core are all that one takes from the capability approach; one does not need this normative part of the core.

economics, an assessment of quality of life in one country, a comparison of averages between countries, a theory of social justice, and so forth.

(9) *Functionings and/or capabilities are not necessarily the only elements of intrinsic value*. Other factors may also matter normatively. Capabilitarian theories might endorse functionings and/or capabilities as their account of intrinsic value but may add other elements of intrinsic value, such as procedural fairness. This implies that the capability approach is, in itself, incomplete as an account of the good since it may have to be supplemented with other values or principles. Amartya Sen has been a strong defender of this claim, for example, in his argument that capabilities capture the opportunity aspect of freedom but not the process aspect of freedom, which is also important (Sen 1993, 2002: Chapter 20).

Characteristics 7 to 9 are all aspects of the core circle of the capability approach dealing with the good rather than the right. Still, the core circle does contain three (rather weak) elements relating to the right.[8]

(10) *Normative individualism*: the ultimate concern is the advantage of each and every affected individual. The effects on other entities are only relevant insofar as, and to the extent that, they affect the interests of individuals. The principle of normative individualism corresponds to Nussbaum's principle of treating each person as an end. As I argued in Section 2, this is a principle that should indeed be part of the core of the capability approach.

(11) *Whenever rightness involves a notion of the good, one should use the theory of the good as entailed by the core characteristics of the capability approach*. Hence, if we believe that the right thing to do is to prioritize the lives of the worst-off, then a capabilitarian version of this claim would say that we should prioritize the functionings and/or capabilities of the worst-off rather than their happiness or their command over resources.

[8] Questions about the good focus on what makes life valuable and include discussions about well-being, autonomy, freedom, and love. Questions about the right focus on how we should act in order for that act to be morally sound as well as questions of how institutions and policies should be designed. Here, the central issues are questions about justice, fairness, and respect. Different moral theories give different answers to the question how the good and the right relate to each other.

(12) *There are claims about the right that do not refer to the capabilitarian notion of the good*. Those claims can be legitimate and can complement the capabilitarian claims of value when developing a capabilitarian theory. This claim highlights that a comprehensive or specific normative capabilitarian theory is likely to endorse additional claims about the right, a point on which the core of the capability approach is agnostic. The capability approach allows the inclusion of those additional claims (especially in Module G), but it does not specify what those claims are. For example, consider the following claim: "Choosing a dictatorship as the political regime for governing a country is always wrong". This claim concerns the right, which makes no reference to an account of the good. A more specified capabilitarian theory could endorse this claim without making reference to people's functionings and capabilities to justify that claim. The core of the capabilities approach is, thus, orthogonal to other aspects of the theory of the right, except for Characteristic 12, which is, in any event, extremely weak (in the philosophical sense).

The fact that the capability approach has, at its very core, more to offer in terms of the theory of the good than in terms of the theory of the right has an important implication, namely, that it is not very suitable for ethical issues where the true normative action is related to questions about the right. For example, the capability approach is not a very helpful theory in discussions on the morality of abortion since so much of that ethical debate is about issues of the right rather than issues of the good. That is, most of the philosophical debates on the ethics of abortion concern the moral status of the foetus, notions of personhood, or questions about the autonomy and self-ownership of the pregnant woman—issues on which the capability approach remains mute. It is, therefore, not surprising that the capability approach is more useful and more widely used as a theory analysing socio-economic policies where there is a consensus on those aspects that are questions about the right or where the questions about the right are much less weighty than those about the good. Examples include debates about poverty alleviation, distributive justice, environmental ethics, and disability ethics.

The account that I have given of the core content of the capability approach raises questions requiring further research beyond the scope of this paper. One important question is how the capability approach relates to the dominant typologies of normative ethical theories, particularly consequentialism, teleological theories, or Kantianism. Do all capability theories fall into one of those strands and, hence, can we say that capabilitarianism is essentially consequentialist, Kantian, or teleological? Or is it, rather, the case that specific capability theories can become consequentialist, Kantian, or teleological in virtue of additional moral principles that are included in Module G—in which case, the capability approach at the most general level does not subscribe to any of those meta-ethical views?

6. The many possibilities of the capability approach

The contents of the core of the capability approach that I have defended could rightly be characterised as minimalistic. Clearly, the core circle A does contain claims that set *any* capability theory apart from resourcist theories or utilitarian theories as well as from theories that do not sufficiently acknowledge interindividual diversity, such as traditional welfare economics (Kuklys and Robeyns 2005). Yet, at the same time, much of the normative outline and the content of a capability theory will depend on choices made in Modules B to G. It follows that one could develop a range of capabilitarian theories. Developing a capabilitarian theory should not only be valuable for moral and political philosophers but also for other normative purposes and disciplines. For example, if one agrees with Atkinson (2009) that economics should be much more upfront in acknowledging its normative foundations, and if one also endorses the view that welfare economics should focus on functionings and capabilities, then one can use the core claims of the capability approach to provide the normative foundations for a capabilitarian welfare economics.

Spelling out the inner core of the capability approach enables a recognition that these core claims can be consistently combined with many other normative claims as well as be used fruitfully for a broad range of specific normative projects and purposes. This is precisely what the concentric circles model of the capability

approach tries to convey: in the core are some basic concepts, and a handful ontological and normative claims, which can be used for a variety of purposes and can be extended using other normative commitments. We should, therefore, not let ourselves be put in a straitjacket by thinking that the capability approach can only be a theory of justice or an account of the quality of life. The capability approach, when properly understood, can be developed into a very broad range of capability accounts and theories as the existing literature forcefully highlights. It could well be that the entire reach of the capability approach has not been fully discovered yet.

7. Should capabilitarian theories of justice be politically liberal?

Let us take stock. I have argued that Nussbaum's account of the capability approach is biased and misleading, and I have offered the cartwheel view as an alternative understanding of the capability approach. Now, I want to show that the cartwheel view of the capability approach also poses challenges to Nussbaum's *specific* capability account, hence, Nussbaum's theory of justice (rather than her interpretation of the capability approach in general). In other words, so far, the paper has shown that Nussbaum has provided a too-narrow view of the capability approach; the remainder of the paper will show that she endorses a too-narrow view of normative political theory within the capability approach.

Nussbaum's capabilitarian theory of justice is committed to political liberalism. Moreover, she believes that all capabilitarian political theory *has to* endorse political liberalism. Since she has provided a defence of political liberalism, and no capabilitarian philosopher has defended comprehensive political theory explicitly or at great length, Nussbaum believes that the burden of proof lies with those who want to argue that a non-politically liberal capability theory is possible.[9]

This claim is highly surprising since it rejects a significant part of what political theorists do. Nussbaum believes that a long tradition in political theory—namely, comprehensive or perfectionist liberal theories—cannot properly be

[9] Nussbaum made this statement very explicitly at the 'authors meet critics' session on *Creating Capabilities* at the Eastern APA meeting in Washington D.C., December 2011. See also Nussbaum (2011b: Footnote 9) and Nussbaum (2014).

defended and, therefore, that political liberalism is vindicated. This is not the place to provide a defence of comprehensive liberalism within the capability literature, but it is by no means clear that this could not be done. In fact, it has already been done, for example, in the perfectionist capability theory defended by Richard Arneson (2000, 2010) whose earlier work is briefly mentioned by Nussbaum (2011a: 26) only to be swiftly put aside.

Moreover, by claiming so strongly that the capability approach in political theory has to be politically liberal in nature, Nussbaum runs the risk of making her own project incoherent, especially if it turns out that her capabilities theory is, upon closer examination, not politically liberal. In fact, several philosophers have argued that Nussbaum's capabilities theory is not politically liberal despite her claims to the contrary (e.g., Barclay 2003; Ferracioli and Terrlazo 2014). One reason that we should be worried about whether Nussbaum's capability theory really is politically liberal should be briefly mentioned. A politically liberal capabilitarian theory would have to limit its account of central capabilities, which the state is permitted to provide to all, to a *very short* list, which would only entail elements to which all can agree as a matter of public justice and which would be respectful of a diverse range of comprehensive views of the good. But Nussbaum's list does not meet these conditions. The first point to acknowledge is that her list is not short at all; while her items may be grouped together under ten headings, each of Nussbaum's ten 'central capabilities' entails many capabilities that are not reducible to each other. The presentation of her list may be misleading, but Nussbaum's list of central human capabilities is, in fact, very extensive. The second point, which raises a deeper worry, is whether all of the central human capabilities on her list can become the object of an overlapping consensus. This is not the case, and I will show this by focusing on the capability of 'having opportunities for choice in matters of reproduction' (which is one of the five items under the capability 'bodily integrity'). The capability of having opportunities for choice in matters of reproduction has given rise to discussions regarding the permissibility of abortion within Nussbaum's capabilities approach. The capability is formulated in such vague terms that it can be interpreted either way: that, as a matter of fundamental political entitlements,

women should have legal rights to access abortion if they seek it—or not. Until recently, Nussbaum's readers were unsure whether this capability entailed the right to abortion but, in a more recent paper, she has argued that her capability theory supports legal rights of access to abortion (Dixon and Nussbaum 2012). But I fail to see how abortion could be the object of an overlapping consensus given how deeply divided people's (including professional philosophers') views on abortion are. The idea of an overlapping consensus and, hence, of political liberalism does not apply to political questions about moral issues that are deeply and constitutively tied to metaphysical and existential concerns; for many citizens, it is not possible to take a purely political as opposed to a comprehensive view of abortion rights. If this is true, then putting a capability related to reproductive freedom on the list of central human capabilities will undermine that theory's claim to be fully politically liberal.

The analysis of Nussbaum's claims regarding the constitutive, politically liberal character of any capabilitarian political theory points to a much deeper and meta-theoretical question: what is a normative political theory supposed to do? What is the meta-theoretical status of a political theory, and what is the corresponding role of the theorist? Nussbaum believes that the theory ought to be acceptable to all citizens of a fundamentally pluralist society, and therefore—given the highly plausible assumption of conflicting views of the good life (including religious and moral doctrines) among different groups of citizens—the theory ought to refrain from any potentially controversial elements. Nussbaum's view *presupposes* that the political theorist is like a mediator or a broker of citizens' comprehensive views. On this view, the political theorist is not one among citizens—even if we acknowledge that she is a theorist-citizen with a specific responsibility, based on training and expertise, to clarify thoughts, introduce concepts, and scrutinize doctrines. Rather, she stands *above* her fellow citizens as a theorist-mediator. But this is not the only available view (Claassen 2011; Byskov 2015). The alternative model of the theorist-citizen is, perhaps, even more widely endorsed in political theory; it is the model of a theorist who offers, and defends, a theory that may or may not entail comprehensive elements but which is offered to citizens as one potential theory that they can endorse as their comprehensive

political doctrine. Citizens *do hold* comprehensive political doctrines, and it is one of the tasks of political theorists to offer them political doctrines that are plausible, convincing, and well-argued. In real-life politics, virtually all political views endorsed by citizens entail comprehensive elements. Hence, the central question that political liberalism asks—namely, how members of a political community who hold radically different and conflicting views on the good life and on politics can live peacefully together in a way that respects all such reasonable doctrines—is an important question. My point is merely that it is *not the only* question political theorists need to ask. There should be room for both comprehensive political theories and politically liberal theories, and there is no compelling reason why the capability approach should be confined only to the latter. Thus, Nussbaum's reduction of capabilitarian political theories to those that are politically liberal is unwarranted. Political liberalism and capabilitarianism are orthogonal issues; one can combine them, but there is no need to do so.

My critique of Nussbaum's insistence that any capabilitarian political theory has to be politically liberal can be further clarified by using the cartwheel view of the capability approach. Nussbaum assumes that if, in Module B (the purpose), one opts for a theory of justice, then this necessarily implies that in Module C (meta-theoretical commitments) one opts for the theorist-mediator and, in Module G, (additional normative commitments) one endorses the additional principle of political liberalism. But these are not the only options: one can also opt for the position of theorist-citizen in Module C and for comprehensive liberalism, or for a non-liberal view, in Module G. There is, thus, much more internal variety within capabilitarian theories of justice than Nussbaum acknowledges.

8. Conclusion

The cartwheel view of the capability approach allows us to see that the capability approach is not merely a theory of justice or a perspective on comparative quality of life assessments. Rather, capabilitarianism is potentially much more wide-ranging and powerful. We only need a sufficiently restricted understanding of the core of the capabilities approach (the content of the core circle A) while, at the same time,

allowing for a much broader range of capabilitarian theories and analyses to be recognized as such (in the modules). If we endorse this cartwheel account of the capability approach, many more avenues of exploration lie ahead of us—in philosophy, the social sciences, and interdisciplinary fields.

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