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Women and Human Development
THE FIFTH ANNUAL HESBURGH LECTURES ON
ETHICS AND PUBLIC POLICY

IN DEFENSE OF UNIVERSAL VALUES

by

Martha Nussbaum

THE JOAN B. KROC
INSTITUTE FOR
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Women and Human Development

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Lecture One:

In Defense of Universal Values

Martha Nussbaum
Ernst Freund Professor of Law and Ethics
University of Chicago

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THE THEODORE M. HESBURGH, C.S.C., LECTURES ON ETHICS AND PUBLIC POLICY

The Joan B. Kroc Institute for International Peace Studies at the University of Notre Dame launched the Theodore M. Hesburgh, C.S.C., Lectures on Ethics and Public Policy in 1995. The annual lectures honor the lifetime commitment of the President Emeritus of the University of Notre Dame to the promotion of ethical values in public policy and his continuing support of the Institute. Previous lecturers have included Stanley Hoffman, Dillon Professor of the Civilization of France at Harvard University; Jean Bethke Elshtain, Rockefeller Professor of Social and Political Ethics at the University of Chicago Divinity School; Richard Falk, Milbank Professor of International Law and Practice at Princeton University; and Michael Ignatieff, an independent writer, historian, and broadcaster.

ABOUT THE AUTHOR

Martha Nussbaum is a highly renowned American philosopher with particular interests in classics, ethics, philosophy of law, and women and development. She received her Ph.D. in classical philology from Harvard University in 1975. She has taught at Harvard and Brown Universities, and in 1995 she accepted an appointment at the University of Chicago where she now holds the title Ernst Freund Professor of Law and Ethics. Her appointment at Chicago is in the Law School, the Divinity School, and the philosophy and classics departments. Nussbaum has held visiting appointments at several colleges and universities including Oxford University, Wellesley College; École Normal Supérieure de Jeunes Filles, Paris; Stanford University; University of California at Riverside; and the University of Oslo, Norway. She has received many distinguished awards for her contributions to scholarship and society, including the Brandeis Creative Arts Award in Non-Fiction for 1990, and the PEN Spielvogel-Diamondstein Award for the best collection of essays in 1991. From 1987 to 1993, she was a research advisor at the World Institute for Development Economics Research (WIDER), Helsinki, a part of the United Nations University. She is the author of numerous books, including *Aristotle's De Motu Animalium* (Princeton 1978), *The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy* (Cambridge 1986), *Love's Knowledge: Essays on Philosophy and Literature* (Oxford 1990), *The Therapy of Desire: Theory and Practice in Hellenistic Ethics* (Princeton 1994), *Poetic Justice: The Literary Imagination and Public Life* (Beacon Press 1996), *For Love of Country: A Debate on Patriotism and Cosmopolitanism* (Beacon Press 1996), *Cultivating Humanity: A Classical Defense of Reform in Liberal Education* (Harvard 1997), and *Sex and Social Justice* (Oxford 1998).

In Defense of Universal Values

I found myself beautiful as a free human mind.

Mrinal, in Rabindranath Tagore's "Letter from a Wife"¹

It is obvious that the human eye gratifies itself in a way different from the crude, non-human eye; the human ear different from the crude ear, etc....The sense caught up in crude practical need has only a restricted sense. For the starving man, it is not the human form of food that exists, but only its abstract being as food; it could just as well be there in its crudest form, and it would be impossible to say wherein this feeding activity differs from that of animals.

Marx, Economic and Philosophical Manuscripts of 1844

I. Challenges to Cross-Cultural Norms

An international feminism that is going to have any bite quickly gets involved in making normative recommendations that cross boundaries of culture, nation, religion, race, and class. It will therefore need to find descriptive and normative concepts adequate to that task.² I shall argue that certain universal norms of human capability should be central for political purposes in thinking about basic political principles that can provide the underpinning for a set of constitutional guarantees in all nations; I shall also argue that these norms are legitimately used in making comparisons across nations, asking how well they are doing

¹Published in Bengali in 1914; translated by Kalpana Bardhan in Bardhan, ed., Of Women, Outcastes, Peasants, and Rebels: A Selection of Bengali Short Stories (Berkeley: University of California Press, 1990), 96-109.

²For earlier articulations of my views on capabilities see "Nature, Function, and Capability: Aristotle on Political Distribution," Oxford Studies in Ancient Philosophy Supplementary Volume I: 1988, 145-84, hereafter NFC; "Aristotelian Social Democracy," in Liberalism and the Good, ed. R. B. Douglass et al. (New York: Routledge, 1990), 203-52, hereafter ASD; "Non-Relative Virtues: An Aristotelian Approach," in The Quality of Life, ed. M. Nussbaum and A. Sen (Oxford: Clarendon Press, 1993), hereafter NRV, volume hereafter QL; "Aristotle on Human Nature and the Foundations of Ethics," in World, Mind and Ethics: Essays on the Ethical Philosophy of Bernard Williams, ed. J. E. J. Altham and Ross Harrison (Cambridge: Cambridge University Press, 1995), 86-131, hereafter HN; "Human Functioning and Social Justice: In Defense of Aristotelian Essentialism," Political Theory 20 (1992), 202-46, hereafter HF; "Human Capabilities, Female Human Beings," in Women, Culture, and Development, ed. M. Nussbaum and J. Glover (Oxford: Clarendon Press, 1995), 61-104, paper hereafter HC, volume hereafter WCD; "The Good as Discipline, the Good as Freedom," in Ethics of Consumption: The Good Life, Justice, and Global Stewardship, ed. David A. Crocker and Toby Linden (Lanham, MD: Rowman and Littlefield, 1997), 312-411, hereafter GDGF; "Women and Cultural Universals," chapter 1 in Nussbaum, Sex and Social Justice (New York: Oxford University Press, 1998), hereafter WC; and "Capabilities and Human Rights," Fordham Law Review 66 (1997), 273-300, hereafter CHR.

relatively to one another in promoting human quality of life. My project, then, commits itself from the start to cross-cultural comparisons and to developing a defensible set of cross-cultural categories. This enterprise is fraught with peril, both intellectual and political. Where do these categories come from, it will be asked? And how can they be justified as appropriate ones for lives in which those categories themselves are not explicitly recognized? The suspicion uneasily grows that the theorist is imposing something on people who surely have their own ideas of what is right and proper. And this suspicion grates all the more unpleasantly when we remind ourselves that theorists often come from nations that have been oppressors, or from classes in poorer nations that are themselves unusually privileged. Isn't all this philosophizing, then, simply one more exercise in colonial or class domination?

Now of course no normative political theory uses terms that are straightforwardly those of ordinary daily life. If it did, it probably could not perform its special task as theory, which involves the systematization and critical scrutiny of thoughts and perceptions that in daily life are frequently jumbled and unexamined. For this task theory needs overarching analytical concepts that may not be familiar in daily conversation, although the theorist should be able to show that they respond to reality and help us scrutinize it. Germans of the eighteenth century did not walk around talking about "the kingdom of ends," nor did Greeks of the fourth century B.C. speak readily of "a disposition lying in a mean." Some thinkers hold that all philosophical theorizing in ethics is suspect just on that account, that we would all be better off without these departures from the language of the everyday.³ Though I cannot argue the point fully here, I am convinced that this wholesale assault on theory is deeply mistaken, and that the systematic arguments of theory have an important practical function to play in sorting out our confused thoughts, criticizing unjust social realities, and preventing the sort of self-deceptive rationalizing that frequently makes us collaborators with injustice. It's perfectly obvious, too, that theory has great practical value for ordinary non-philosophical people, giving them a framework in which to view what is happening to them and a set of

³Some aspects of this view are suggested in Bernard Williams, in Making Sense of Humanity, Ethics and the Limits of Philosophy, etc.; see my discussion in Ethics 107 (1997), 526-29, and in "Why Practice Needs Ethical Theory: Particularism, Principle, and Bad Behavior," forthcoming in The Path of the Law in the Twentieth Century, ed. S. Burton (Cambridge: Cambridge University Press, 1998); but Williams makes a distinction between moral theory and political/legal theory in more recent writings, suggesting that the latter may be valuable even when the former is not; in this he differs from more extreme anti-theorists, such as Annette Baier in philosophy and Richard Posner in law. See "Why Practice" on Baier, and, on Posner, "Still Worthy of Praise: Comments on Richard Posner's 'The Problematics of Legal and Moral Theory,'" Harvard Law Review 111 (1998), 1776-95.

concepts with which to criticize abuses that otherwise might have lurked nameless in the background of life. Jayamma's use of the Marxian language of class struggle -- whether one endorses it or not -- is just one obvious example of this point, and Kerala would hardly be governed, as it is, by a (democratic) Communist government unless those concepts were seen by lots of people as doing something valuable for them in their daily lives. Whatever one may say against Marxism in the developing world, it is hard to denounce for practical irrelevance.

But even if one defends theory as valuable for practice, it may still be problematic to use concepts that originate in one culture to describe and assess realities in another -- and all the more problematic if the culture described has been colonized and oppressed by the describer's culture. Such a history does not, of course, entail that the particular describer has colluded with colonization and oppression; she may be a determined critic of colonialism, just as an indigenous woman may be a supporter of it.⁴ Despite this fact, however, any attempt by international feminists today to use a universal language of justice, human rights, or human functioning to assess lives like those of Vasanti and Jayamma is bound to encounter charges of Westernizing and colonizing -- even when the universal categories are introduced by feminists who live and work within the nation in question itself. For, it is standardly said, such women are alienated from their culture, and are faddishly aping a Western political agenda. The minute they become critics, it is said, they cease to belong to their own culture and become puppets of the Western elite.⁵

Interestingly, such charges were less frequently made against Marxism, which was usually understood to have powerful indigenous roots in people's experience of economic exploitation, although the theory itself was obviously created within elite Western culture, using its cultural resources. Sometimes

⁴For an account of Western women who supported Indian nationalism, see Kumari Jayawardena, The White Woman's Other Burden: Western Women and South Asia During British Rule (New York and London: Routledge, 1995); she shows that the Western women shared many of the viewpoints taken by Indian women, and that in both cases there was a multiplicity of perspectives. On the role of David Hare and Drinkwater Bethune in the Bengal Renaissance, see "Introduction" in Kalpana Bardhan, Of Women, Outcastes, p. 43. Hare, who came to Calcutta in 1800 as a watch trader, set up schools for boys beginning in 1816-17, and Hindu College in 1817, which became the renowned Presidency College in 1855. When he died of cholera, five thousand Indians followed his hearse. Susobhan Sarkar writes, "His statue on the lawn of the Presidency College is surely the one monument to a foreigner in the city which even the most fanatic of nationalists would not dream of removing," in A. Gupta, ed., Studies in the Bengal Renaissance (Jadavpur, Calcutta: The National Council of Education, 1958), 28.

⁵See the excellent discussion of these attacks in the essay "Contesting Cultures" in Uma Narayan, Dislocating Cultures: Identities, Traditions, and Third World Feminism (New York: Routledge, 1997).

accusations of "Westernizing" are made today against those who struggle for democracy and political liberties in totalitarian societies -- but we usually know to greet such accusers with skepticism, asking whose interests are served by branding those concepts as alien Western intrusions into a culture's traditions. For example, when Lee Kuan Yew proclaimed that the concept of freedom is alien to Asian culture, he did find some support, but he also encountered vigorous criticism.⁶ But when feminists appeal to notions of equality and liberty -- even when those notions are actually in the constitutions of the nations in which they live, as they are, for example, in the Indian constitution -- they do standardly get accused of Westernizing and of insufficient respect for their culture, as if there were no human suffering, no reasons for discontent, and no criticism until aliens invaded the peaceful landscape. We should ask whose interests are served by this nostalgic image of a happy harmonious culture, and whose resistance and misery are being effaced. Describing her mother's difficult life, Indian feminist philosopher Uma Narayan writes, "One thing I want to say to all who would dismiss my feminist criticisms of my culture, using my 'Westernization' as a lash, is that my mother's pain too has rustled among the pages of all those books I have read that partly constitute my 'Westernization,' and has crept into all the suitcases I have ever packed for my several exiles." This same pain is evident in the united voice of protest that has emerged from international women's meetings such as those in Vienna and Beijing, where a remarkable degree of agreement was found across cultures concerning fundamental rights for women.

In one way, then, the charge of "Westernizing" looks like a shady political stratagem, aimed at discrediting forces that are pressing for change. Surely opponents who claim that women were all happy in India before Western ideas came along to disrupt them hardly deserve the time of day. They are ignoring tremendous chunks of reality, including indigenous movements for women's education, for the end of purdah, for women's political participation, that gained strength straight through the nineteenth and early twentieth centuries in both Hindu and Muslim traditions, in some ways running ahead of British and U. S. feminist movements.⁷ Similarly out of touch with reality is any opponent who denies, in the 1990's, that

⁶See, for example, Amartya Sen, "Human Right and Asian Values," The New Republic, July 14/21, 1997, 33-41.

⁷For two good overviews, see Barbara Metcalf, "Reading and Writing about Muslim Women in British India," and Faisal Fatehali Devji, "Gender and the Politics of Space: the movement for women's reform, 1857-1900," both in Zoya Hasan, ed., Forging Identities: Gender, Communities and the State in India (Delhi: Kali for Women, and Boulder, Co: Westview Press, 1994), 1-21 and 22-37; also Imtiaz Ahmad, ed., Modernization and Social Change

the ideas of political liberty, sex equality, and non-discrimination are Indian ideas -- for such a person is simply saying that India should not have the constitution it does have, one that was adopted, ultimately, by overwhelming consensus despite the sharp political divisions that existed and continue to exist. It is perfectly clear, fifty years later, that no proposal to repeal any of the enumerated Fundamental Rights would meet with serious political support. (Indeed, movement is in the opposite direction, with a broadly supported proposal to add to the list of justiciable Fundamental Rights the right to free and compulsory primary education for all children from ages 6 to 14.) So the opponent seems to be saying that even though the Founders took women's equality and other basic liberties seriously enough to fight to get them into the Constitution, even though their freedom struggle prominently used the language of "inalienable rights,"⁸ these ideas were just alien colonial ideas. What an implausible and condescending story to tell about Nehru and his fellow freedom fighters -- all nothing but dupes of colonial powers, even when they thought that had risked their lives for independence and were writing a Constitution for an independent India! This objection, then, shows such ignorance of Indian history and Indian law that it should not be taken seriously; only ill-informed and guilt-ridden Westerners are likely even to entertain it. How absurd, too, to take credit for sex equality as an American idea when America has not been able to pass an equal rights amendment, something that India did in 1951, and when the Indian idea of equality of opportunity, unlike its American counterpart, has consistently understood that goal to be incompatible with systematic social hierarchies of all kinds.

On the other hand, when we make a concrete proposal for a universal framework to assess women's quality of life, we will face a somewhat more respectable form of this objection that does deserve to be seriously answered. For it will be suggested that the particular categories we choose are likely to reflect our own immersion in a particular theoretical tradition, and may be in some respects quite the wrong ones

Among Muslims in India (Delhi: Manohar, 1983). For the special situation of Bengal, which developed progressive educational ideas somewhat earlier than other regions, under the influence of the reforms of Rammohun Roy and the Brahmo movement, see Bardhan, "Introduction," 4-11 and 42, and Susobhan Sarkar, On the Bengal Renaissance (Calcutta: Papyrus, 1979). Both in East and West Bengal, schools for girls were well established by 1850, and Bethune College, which opened in 1849, in 1888 became the first college in India to teach women through the MA level.

⁸See Jawaharlal Nehru, An Autobiography (Delhi: Oxford University Press, 1936, centenary edition 1989), Appendix A, "Pledge Taken on Independence Day, January 26, 1930": "We believe that it is the inalienable right of the Indian people, as of any other people, to have freedom and to enjoy the fruits of their toil and have the necessities of life, so that they may have full opportunities of growth" (612).

for the assessment of Indian lives. We need to ask, then, whether it is correct to use a universal framework at all, rather than a plurality of different though related frameworks. And we also need to ask whether the framework we propose, if a single universal one, is sufficiently flexible to enable us to do justice to the human variety we find.

This challenge is serious because international development projects have often gone wrong through insufficient attunement to cultural variety and particularity. When, for example, development workers proceed on the (typically Western) assumption that families are the primary units of personal solidarity and that women relate to other women primarily as members of heterosexual couples, existing traditions of female solidarity and group membership, often highly productive for economic development, are ignored.⁹ Even where there are no local traditions of female group solidarity and women are to a great extent cut off from the company of other non-family women, an approach based on the Western-style nuclear family ignores fruitful possibilities for change that can be created by constructing local women's collectives, a strategy that development projects in India and Bangladesh have successfully exploited.¹⁰ Again, if Western feminists speak of Indian issues such as sati and dowry deaths, they will only do so productively if they understand the issues fully in their historical and cultural context.¹¹ Similarly, if they make criticisms of Hindu or Islamic traditions regarding women, they will be both wrong and offensive if they neglect the variety and complexity of those traditions, equating them with their most stridently misogynistic elements.¹² In general, any productive feminism must be attentive to the issues that people really face and to their actual history, which is likely to be complex.

But it is one thing to say that we need local knowledge to understand the problems women face, or to direct our attention to some aspects of human life that middle-class people tend to take for granted. It is

⁹On the role of such assumptions in undermining African development projects, see Nkiru Nzegwu, "Recovering Igbo Traditions: A Case for Indigenous Women's Organizations in Development," in WCD, 444-66.

¹⁰See Martha Alter Chen, A Quiet Revolution: Women in Transition in Rural Bangladesh (Cambridge, MA: Schenkman, 1983), describing women's collectives organized by the Bangladesh Rural Advancement Committee (BRAC); see also Chen, "A Matter of Survival: Women's Right to Employment in India and Bangladesh," in WCD, 37-57. Another such project is the Mahila Samakhyia Project created by the government of India to create women's collectives in four regions of the country, teaching women how to mobilize to demand their rights from local government and from their employers. Similar techniques of female group solidarity are employed by SEWA and other women's employment/credit groups.

¹¹See "Cross-Cultural Connections, Border-Crossings, and 'Death by Culture,'" in Narayan, 41-80.

¹²See Lecture Two, "Religion and Sex Equality," Kroc Institute Occasional Paper 16:OP:2.

quite another matter to claim that certain very general values, such as the dignity of the person, the integrity of the body, basic political rights and liberties, basic economic opportunities, etc., are not appropriate norms to use in assessing women's lives in developing countries. How might one argue this more contentious point?

II. Three Arguments: Culture, Diversity, Paternalism

As I have said, the claim that there is a global difference between Western and Eastern values, and that Indian culture simply does not value the rights and liberties cherished by the West, is not a serious contender. But when we propose a universal framework to assess women's quality of life, we face three more respectable arguments that deserve to be seriously answered.

First is an argument from culture. A more subtle and sincere version of the anti-Westernizing argument, it says that Indian culture contains, in both Hindu and Muslim traditions, powerful norms of female modesty, deference, obedience, and self-sacrifice that have defined women's lives for centuries. We should not assume without argument that those are bad norms, incapable of constructing good and flourishing lives for women. Western women are not so happy, the objector adds, with their high divorce rate and their exhausting careerism. Feminists condescend to third-world women when they assume that only lives like their own can be fruitful.

My full answer to this point will emerge from the proposal I shall make, which certainly does not preclude any woman's choice to lead a traditional life, so long as she does so with certain economic and political opportunities firmly in place. Indeed, my proposal protects spaces within which women may make such choices, and in which parents may teach the value of their traditions to their children. But we should also note that the objector, once again, oversimplifies tradition, ignoring counter-traditions of female defiance and strength, ignoring women's protests against harmful traditions, and in general forgetting to ask women themselves what they think of these norms, which are typically purveyed, in tradition, through male texts and the authority of male religious and cultural leaders, against a background of almost total economic and political disempowerment for women. We should say, first, that if divorce and career difficulties are painful, as they surely are, they are a lot less painful than being unable to work when one is

starving because one will be beaten if one goes outdoors, or being unable to leave an abusive marriage because of illiteracy and lack of employable skills.¹³ Traditions of modesty and purity have often stuck women with such substandard lives, against their will. Neither Vasanti nor Jayamma comes close to defending such traditions, since both are preoccupied with the struggle for survival, and both have no choice but to work outside the home in ways that would be considered immodest for a more prosperous woman -- although in Vasanti's case caste norms do constrain the type of labor she can perform. Uma Narayan, however, does describe a traditional upbringing, in a well-off middle-class Bombay family, in which she was told by her mother never to question adult male authority, and taught norms of female submissiveness, silence, and innocence -- all the while hearing from the same unhappy mother a constant stream of highly articulate protest against the misery such confining traditions had caused. Is it any wonder, she asks, that she understood her tradition as a Janus-faced one, with two quite different female voices, both the silence of subservience and the turbulent voice of protest? "The shape your 'silence' took," she addresses her mother, "is in part what has incited me to speech."¹⁴ It would be mistaken to describe only the public norm as Indian tradition, ignoring the protest.

Even when women appear to be satisfied with such customs, we should probe more deeply. If someone who has no property rights under the law, who has had no formal education, who has no legal right of divorce, who will very likely be beaten if she seeks employment outside the home, says that she endorses traditions of modesty, purity, and self-abnegation, it is not clear that we should think this the last word on the matter. Women's development groups typically encounter resistance initially, because women are afraid that change will make things worse. A group of women I met in a desert area of Andhra Pradesh, about 1 1/2 hours by jeep from Mahububnagar, told me that they had initially resisted participating in the government project, Mahila Samakhya, aimed at the construction of women's collectives. They thought that it would be a waste of time, changing nothing; and they were afraid that their husbands would react harshly, because the husbands initially told them that the collectives were just an excuse to spend time

¹³For the first case, a common one in upwardly mobile Hindu castes, see Martha A. Chen, "A Matter of Survival," in WCD. The second very common pattern is exemplified in Vasanti's life.

¹⁴Uma Narayan, Dislocating Cultures: Identities, Traditions, and Third World Feminism (New York and London: Routledge, 1997), p. 7.

talking and not working. But over time they saw that many advantages could be gained by collective discussion and action: they get the health visitor to come more regularly, they demand that the teacher show up. Men welcome these changes too, and they have new respect for their wives, seeing them articulating their demands with clarity and winning concessions from local government. Traditions of deference that once seemed good quickly ceased to seem so. Nor did these women certainly see no value in traditions of purity. One elderly toothless woman told me that she recently went with a group to Delhi and was struck by the extent of women's seclusion in the North: she says that the women there are not really like women, but more like "sheep and buffaloes": they just peep out of their houses and don't take any action in the world. Without any theoretical perspective, this illiterate woman articulated the idea that seclusion is incompatible with fully human functioning.¹⁵ What she liked in the North, she said, was that she saw a woman driving a truck and another repairing a pump: this showed her what they could do in their village. This is an entirely typical story in women's development groups, and it should make us reflect before we conclude that women without options really endorse the lives they lead.¹⁶

Female protest against unfair treatment by males is, moreover, a very old theme in Indian tradition, going straight back to Draupadi's eloquent protest against sexual harassment in Mahabharata Book II, when, lost by one of her Pandava husbands¹⁷ in a dice game, she is dragged by her hair into the hall and undressed by the winners, who gloat and call her a slave. She gains justice in a miraculous way: her sari keeps growing new yards of cloth, so that she remains fully clothed no matter how eagerly they try to undress her. This story serves, in fact, as a touchstone for the women of SEWA, who invoke it to compare the struggles of their founder Ela Bhatt (a deeply religious Brahmin woman) against the humiliating treatment she suffered at the hands of male labor-union leaders.¹⁸ This, too, is Indian tradition, as is the more general idea of human dignity that underlies the story.

¹⁵These women had never practiced purdah, so their reaction in this instance was not a criticism of their own local tradition.

¹⁶For a group of similar stories, see Chen, A Quiet Revolution.

¹⁷Draupadi has five husbands (the Pandava brothers). She is described as "supremely happy with her five heroic husbands, as is the river Sarasvati with her elephants." For further discussion of this complex incident, see Lecture Two, "Religion and Sex Equality," n.1, where the failure to question Draupadi's status as property is discussed. Only one of the husbands questions the dice game itself on grounds of the damage done to Draupadi.

¹⁸See Rose, Where Women Are Leaders, pp. 83-4, and 74-82, describing Bhatt's ouster from the National Labor Association and her humiliating treatment at a national meeting. The conflict arose over an issue of caste closely

And if Draupadi's protest against sexual violence may seem in some ways a confirmation of deep-seated customs of female purity,¹⁹ there are other even more radical norms of female independence in the Hindu tradition. Mrinal, in Rabindranath Tagore's story "Letter from a Wife," declares her independence from her husband in a way that expresses the ideas of nineteenth- and early twentieth-century Bengali humanist thought²⁰; and of course Tagore's fiction is obsessed with the damage done by ossified custom to the human search for self-expression and love. But such thoughts are not confined to Bengali modernity. The Bengal Renaissance was based not only on independent moral argument but also on a close interpretation of aspects of Hindu tradition; called on Hindus to reject contemporary superstitions and rigid rules in order to return to what is finest in the tradition.²¹ And Mrinal explicitly invokes a historical paradigm: Meerabai, the sixteenth century Rajput queen who left her marriage and her royal status to become a singer, performing "joyfully rebellious songs." "Meerabai too," she tells her husband, "was a woman like me."²²

Such critical thinking is old in the Muslim tradition as well. In 1905, Muslim feminist Rokeya Sakhawat Hossain mocked the seclusion of women in her fantasy The Sultana's Dream, whose characters maintain that, since men are the dangerous ones, they are the ones who should be shut up in purdah:

'Where are the men?' I asked her.

related to women's struggle against hierarchy: Bhatt opposed all compromise on the issue of affirmative action for lower castes in medical schools, out of concern for the lack of medical treatment for lower-caste women in rural areas, whom higher-caste doctors are not interested in treating. Bhatt (the Brahmin daughter of a judge, who married a lower-caste man) compared her own experience to that of Draupadi, saying "I felt like I was being stripped in front of the people I had respected most, with no one speaking up for me." Significantly, the SEWA version of the story has Draupadi prevail by praying to Krishna, whereas in the original epic she prevails by appealing to the idea of Law. Presumably Bhatt had not gotten very far through Law, and judged that a higher power was more likely to be on her side.

¹⁹A pervasive problem in Indian legal feminism is the need to fight for feminist goals, for example protections against sexual harassment, using notions of female modesty and purity that are in some ways inimical to women's progress, and are actually legacies of Victorian British law-making. See my "The Modesty of Mrs. Bajaj: India's Problematic Route to Sexual Harassment Law," forthcoming in volume on sexual harassment, ed. Reva Siegel and Catharine MacKinnon, Yale University Press.

²⁰Especially influential for Tagore (1861-1941) is the thought of Bengali thinker and social reformer Rammohun Roy (1772-1833). On the "Bengal Renaissance," see Kalpana Bardhan, "Introduction," in Of Women, Outcastes, 4-8, 42-4; Susobhan Sarkar, On the Bengal Renaissance.

²¹See Bardhan p. 42, discussing Rammohun Roy, who based his campaign against sati on religious texts, and Iswarchandra Vidyasagar (1820-92), who used his scriptural knowledge to campaign against child marriage and polygamy and for widow remarriage.

²²"Letter from a Wife," trans. Kalpana Bardhan, in Of Women, Outcastes, p. 109.

'In their proper places, where they ought to be.' [The Sultana tells her that in her country it is women who are secluded.]

'But, dear Sultana, how unfair it is to shut in the harmless women and let loose the men...Suppose some lunatics escape from the asylum and begin to do all sorts of mischief to men, horses, and other creatures: in that case what will your countrymen do?'

'They will try to capture them and put them back into their asylum'

'And you do not think it wise to keep sane people inside an asylum and let loose the insane?'

'Of course not!' said I, laughing lightly.

'As a matter of fact, in your country this very thing is done! Men, who do or at least are capable of doing no end of mischief, are let loose and the innocent women shut up in the zenana!...You have neglected the duty you owe to yourselves, and you have lost your natural rights by shutting your eyes to your own interests.'²³

This articulate protest relies on a long tradition of thought about sex equality within the Indian Muslim tradition, and defines that tradition further.²⁴ By now, such norms of self-cultivation and rights-seeking have caused widespread reexamination of the basis of norms of female deference; women have urged other women to ask what is really important in the tradition, and whether the really important features justify seclusion and veiling.²⁵

At times, in fact, it may be the uncritical veneration of the past that is more "foreign," the voice of protest that is more "indigenous" or "authentic," if such terms have any meaning at all. Chinese women I met at a 1995 conference on feminism in Beijing²⁶ reacted to a paper praising Confucian values of care as good norms for feminists by saying, "That was a Western paper. She would not have said that had she not come from Hong Kong" (as indeed the young speaker did). What they meant was that for her the traditions could look beautiful, since she had never had to live in the world they constructed. For them, Confucian values were living excuses for sex discrimination in employment and other things they didn't value at all. This is also the way many Indian women, though by no means all, view the norms of the "good" or "pure"

²³Rokeya Sakhawat Hossain, Sultana's Dream and Selections from The Secluded Ones, ed. and trans. by Roushan Jahan (New York: Feminist Press of the City University of New York, 1988).

²⁴This of course does not imply that the tradition as a whole is one of sex equality: obviously enough, strong inequalities in property rights, divorce rights, and other important rights have been deeply rooted in the Muslim legal tradition: see Lecture Two, and discussion in Agarwal, A Field of One's Own, chapter 5.

²⁵For further discussion of internal debate in the religious traditions, see Lecture Two, "Religion and Sex Equality."

²⁶This was not the large Beijing meeting in August 1995, but a small academic conference sponsored by the Ford Foundation in June 1995.

woman to which traditionalist Hindu and Muslim leaders are currently giving enormous emphasis, construing control over female sexuality as a central aspect of cultural continuity.²⁷

We should also remember that the equation of the entirety of a culture with old or change-resisting elements is frequently a ploy of imperialism and chauvinism. The British in India harped continually on elements of Indian culture that they could easily portray as retrograde; they sought to identify these as "Indian culture," and critical values (especially those favoring women's progress) as British importations. Historically this was untrue; but it served in the minds of many to justify domination. At the same time, the British actively promoted anti-scientific elements in Indian culture in order to prevent a development of science and technology in India that would threaten their continued hegemony. As Nehru was later to put it, the British encouraged "the disruptive, obscurantist, reactionary, sectarian, and opportunist elements in the country."²⁸ It would be a grave mistake on the part of the foreign observer to endorse this British construction as the way things are about what is "Indian."

More generally, we should say that any story that attributes to India only a single set of cultural norms, even for women, is bound to be bizarrely inadequate. Few American feminists make such generalizations about "American culture" -- or, insofar as they do, they are well aware that the culture contains much besides the norms they attack (including, of course, themselves). But India is probably the most diverse single nation in the modern world, if there is any such coherent notion. With seventeen national languages, four prominently institutionalized religions with their own legal systems (and other smaller religious groups), huge regional differences and differences of class and caste, differences between urban and rural, differences between matrilineal and patrilineal traditions, between secularism and religiosity, between rationalism and mysticism -- all these would have to be included in any adequate story of the stock of tradition out of which Indian women may select their norms. As Indira Karamcheti writes, "Neither I nor anyone else can deliver a representative, authentic Third-world woman to academia or elsewhere. Even in

²⁷See Elizabeth A. Mann, "Education, Money, and the Role of Women in Maintaining Minority Identity," and Huma Ahmed-Ghosh, "Preserving Identity: A Case Study of Palitpur," in Hasan, ed., *Forging*, 130-67, 169-87.

²⁸Nehru, *Autobiography*, 449.

India, there is no such thing as the Indian woman -- there are only Indian women. And the individuals are far more interesting than any assumed stories of authenticity."²⁹

Another more general point should be stressed: Cultures are dynamic, and change is a very basic element in all of them. Contrasts between West and non-West often depict Western cultures as dynamic, critical, modernizing, while Eastern cultures are identified with their oldest elements, as if these do not change or encounter contestation. Looking at the relationship between her grandmother's way of life and her own, Narayan comments, "I find it impossible to describe 'our traditional way of life' without seeing change as a constitutive element, affecting transformations that become 'invisible' in their taken-for-grantedness."³⁰ Criticism too is profoundly indigenous to virtually all cultures,³¹ but to none more so than to the culture India, that extremely argumentative nation.³² To cite just one famous and typical example, Bengali religious thinker Rammohun Roy, imagining the horrors of death, singles out as especially terrible the fact that "everyone will contest your views, and you will not be able to reply."³³ This too is Indian culture. When a Bengali-Finnish couple I know discuss where they would like to live, he cannot imagine why anyone would like to wander alone in the forest, and she cannot see why anyone would want to sit in a crowded cafe all day arguing.

One might try to refurbish the argument from culture by an appeal to the idea of cultural relativism: the idea, that is, that normative criteria must come from within the society to which they are applied. I believe such an attempted salvage operation would be totally unsuccessful. As a descriptive thesis about how people really do make moral judgments, relativism is clearly false. People are resourceful borrowers of ideas. The ideas of Marxism, which originated in the British Library, have influenced conduct in Cuba, China, and Cambodia. The ideas of democracy, which are not original to China, are by now extremely

²⁹In "The Graves of Academe," in Our Feet Walk the Sky.

³⁰Narayan, p. 26.

³¹For one fascinating example of this point, together with a general critique of communitarian fantasies of cultural peace and homogeneity, see Fred Kniss, Disquiet in the Land: Cultural Conflict in American Mennonite Communities (New Brunswick: Rutgers University Press, 1997).

³²For a general discussion, with many references, see M. Nussbaum and Amartya Sen, "Internal Criticism and Indian Rationalist Traditions," in Relativism: Interpretation and Confrontation, ed. Michael Krausz (Notre Dame: University of Notre Dame Press, 1989), 299-325.

³³Cited by Amartya Sen, in speech at the conference on The Challenge of Modern Democracy, The University of Chicago, April 1998.

important Chinese ideas. The ideas of Christianity, which originated in a dissident sect of Judaism in a small part of Asia Minor, have by now influenced conduct in every region of the globe, as have the ideas of Islam. As Aristotle said, "In general, people seek not the way of their ancestors, but the good."³⁴

As a normative thesis, about how we should make moral judgments, relativism has several problems. First, it has no bite in the modern world, where the ideas of every culture are available, internally, to every other, through the internet and the media. The ideas of feminism, of democracy, of egalitarian welfarism, are "inside" every known society. Many forms of moral relativism, especially those deriving from the cultural anthropology of a previous era, use an unrealistic notion of culture. They imagine homogeneity where there is really diversity, agreement or submission where there is really contestation.³⁵ My observations about India apply here: there is little that is not "internal" to India, once we get a sufficiently complex idea of its traditions. Second, it is not obvious why we should think the normative relativist thesis true. Why should we follow the local ideas, rather than the best ideas we can find? Finally, normative relativism is self-subverting: for, in asking us to defer to local norms, it asks us to defer to norms that in most cases are strongly non-relativistic. Most local traditions take themselves to be absolutely, not relatively, true. So in asking us to follow the local, relativism asks us not to follow relativism.

Many people, in particular students, confuse relativism with toleration of diversity, and find relativism attractive on the ground that it shows respect for the ways of others. But of course it does no such thing. Most cultures have exhibited considerable intolerance of diversity over the ages, as well as at least some respect for diversity. By making each tradition the last word, we deprive ourselves of any more general norm of toleration or respect that could help us limit the intolerance of cultures. Once we see this, our interest in being relativists should rapidly diminish.

The cultural argument fails; nor can it be rescued by an appeal to moral relativism. At this point, however, two other objections to universal values need to be heard. I shall call them the argument from the good of diversity, and the argument from paternalism.

³⁴Aristotle, *Politics*, 1269a3-4.

³⁵This error sprang from methodological error: for often the anthropologist selected a single "native informant" and built the picture of the culture on this basis.

The argument from the good of diversity reminds us that our world is rich in part because we don't all agree on a single set of categories, but each speak a different language of value. Just as we think the world's different languages have worth and beauty, and that it's a bad thing, diminishing the expressive resources of human life generally, if any language should cease to exist, so too we may think that each cultural system has a distinctive beauty, and that it would be an impoverished world if everyone took on the value system of America.

Here we must be careful to distinguish two claims the objector might be making. He might be claiming that diversity is good as such; or he might simply be saying that there are problems with the value system of America, and that it would therefore be too bad if the rest of the world emulated our materialism and aggressiveness. This second claim, of course, doesn't yet say anything against universal values, it just suggests that their content should be critical of some American values. So the real challenge to our enterprise lies in the first claim. To meet it we must ask how far cultural diversity really is like linguistic diversity. The trouble with the analogy is that languages do not harm people, and cultural practices frequently do. We could think that Cornish or Breton should be preserved, without thinking the same about domestic violence, or absolute monarchy, or genital mutilation. Nehru put the point well in criticism of Gandhi's sympathy for antiquated feudal practices of land tenure that seem oppressive to tenants. Invoking Thomas Paine's criticism of Burke, Nehru wrote, "He pities the plumage, but forgets the dying bird." And then he added: "Gandhiji certainly never forgets the dying bird. But why so much insistence on the plumage?"³⁶

In the end, then, the objection doesn't undermine the search for universal values, it requires it: for what it invites us to ask is, whether the cultural values in question are among the ones worth preserving, or possibly part of what is killing the bird. And to ask this entails at least a very general universal framework of assessment, one that will tell us what is and is not beyond the pale, what is and is not involved in killing the bird. I will be offering just such a very general framework, one that allows a great deal of latitude for diversity, but one that also sets up some general benchmarks that will tell us when we are better off letting a practice die out. Traditional practices like the division of labor in Jayamma's brick kiln site, or Vasanti's

³⁶ Nehru, Autobiography, 534.

husband's highly traditional practice of wife-beating, are not worth preserving simply because they are there, or because they are old; to make a case for preserving them, we have to assess the contribution they make against the harm they do. And this requires a set of values that gives us a critical purchase on cultural particulars. So the argument gives us good reasons to preserve types of diversity that are compatible with human dignity and other basic values; but it does not undermine and even supports our search for a general universal framework of critical assessment.

We might add that it is not clear that there is interesting diversity exemplified in the practices of male dominance that feminists have most contested. Getting beaten up and getting malnourished have depressing similarities across all cultures; denials of land rights, political voice, and employment opportunities do also. Insofar as there is diversity worth preserving in the varied cultures, it is perhaps not in traditions of sex hierarchy, any more than in traditions of slavery, that we should search for it.

Finally, we have the argument from paternalism. This argument says that when we use a set of universal norms as benchmarks for the world's varied societies, telling people what is good for them, we show too little respect for people's freedom as agents (and, in a related way, their role as democratic citizens). People are the best judges of what is good for them, and if we prevent people from acting on their own choices, we treat them like children. This is an important point, and one that any viable cross-cultural proposal should bear firmly in mind. That is why the whole of my second chapter will be devoted to the role of actual preferences in the choice of basic political principles. But we can say already that a commitment to respecting people's choices hardly seems incompatible with the endorsement of universal values. Indeed, it appears to endorse explicitly at least one universal value, the value of having the opportunity to think and choose for oneself. Thinking about paternalism gives us a strong reason to respect the variety of ways citizens actually choose to lead their lives in a pluralistic society, and therefore to prefer a form of universalism that is compatible with freedom and choice of the most significant sorts. But religious toleration, associative freedom, and the other major liberties are themselves universal values. They require a universalist account for their recognition and their protection against people who don't want people to choose what they think good for themselves.

The issue of paternalism arises in different ways when we think about a national state's relation to its citizens, and when we think about the relationship between a system of international law to the various national states. The latter raises complex issues of accountability, and even strong universalists about rights may legitimately worry about the democratic credentials of international human rights bodies, when they seek to enforce norms against democratically accountable nation states. I shall return to the issue of accountability below (section vii), discussing the role of the nation state in securing capabilities for all citizens. For now, I shall therefore focus on the first issue, that of a nation state's treatment of groups within the nation who have traditional practices that treat women unequally. Thinking of this problem, then, we can insist that universal norms of religious toleration, freedom of association, and the other liberties are essential in order to prevent illiberal subgroups from threatening legitimate forms of pluralism. India remains a highly pluralistic society only because it has committed itself to a menu of fundamental rights and liberties; to the extent that those liberties are in jeopardy for some citizens, pluralism in India is acutely in jeopardy.

We should can make a further claim: many existing value systems are themselves highly paternalistic, particularly toward women. They tell them what to do, claiming that they are promoting women's good. They treat women as unequal under the law, as lacking full civil capacity, as not having the property rights, associative liberties, and employment rights of males. If we encounter a system like this, as we certainly do in India, in the form not only of traditional practices but also of the various religious systems of personal law, it is in one sense paternalistic for a state to say, sorry, that is unacceptable under the universal norms of equality and liberty that we would like to defend. To say that is to tell people how to conduct their lives with one another, a way that may run counter to their actual desires. In that way, any bill of rights is "paternalistic", vis a vis families, or groups, or practices, or even pieces of legislation, that treat people with insufficient or unequal respect, if paternalism means simply telling people that they cannot behave in some way that they have traditionally behaved and want to behave. The Indian Constitution is in that sense "paternalistic", when it tells people that it is from now on illegal to treat women as unequal in matters of property and civil capacity, or to discriminate against people on grounds of caste or sex. More generally, any system of law is "paternalistic", keeping some people from doing some things that they want to do. But

that is hardly a good argument against the rule of law, or, more generally, against opposing the attempts of some people to tyrannize over others. These cases are different from classically controversial cases of paternalism (such as seat-belt and helmet laws) because there are issues of justice involved: people are being harmed; the freedom of some to pursue their good interferes with the legitimate pursuits of others. We dislike paternalism, insofar as we do, because there is something else that we like, namely each person's liberty of choice in fundamental matters. It is fully consistent to reject some forms of paternalism while supporting those that underwrite these central values, on an equal basis. Even strong opponents of paternalism with respect to private choices that do no harm to others, such as John Stuart Mill, have countenanced state interference as soon as the conduct does harm others; and Mill clearly thought that many forms of traditional sex hierarchy fell afoul of the "harm principle."³⁷

Beyond this, we should note that the various liberties of choice have material preconditions, in whose absence there is merely a simulacrum of choice. Jayamma in a sense had the choice to go to school, but the economic circumstances of her life made this impossible. Nothing told Vasanti she couldn't have economic independence from her brothers; but in the absence of the SEWA bank the independence she now enjoys would not have been available to her. Children in the desert areas of Andhra Pradesh³⁸ have the right to go to school -- but there aren't any functioning schools or teachers in many areas, since the corrupt local government does not ensure that the teachers show up. All citizens of India have the right to exercise their religion freely, on an equal basis; the Constitution says so. But in an area torn by communal violence, where police are either impotent or corrupt, where rape in police custody is generally agreed to be widespread,³⁹ it doesn't mean a whole lot to point to the Constitution. All women in India have equal

³⁷See The Subjection of Women, ed. S. M. Okin (Indianapolis: Hackett, 1988), objecting to the failure to prosecute rape within marriage, the unequal legal conditions of marriage, etc. See also David Dyzenhaus, "John Stuart Mill and the Harm of Pornography," in Mill's On Liberty: Critical Essays, ed. Gerald Dworkin (Lanham: Rowman and Littlefield, 1997), 31-54, arguing that there is a strong Millian case to be made for some legal regulation of pornography.

³⁸Technically speaking, these areas are designated "semi-arid": only certain areas of Rajasthan are called "desert." However, in my personal experience these areas are indistinguishable from areas of the U.S. (e.g. in California and Nevada) that are called "desert."

³⁹In the law of rape in India, the burden of proof has recently been shifted for police-custody rape accusations: there is a presumption of guilt if the accused is a civil servant. The reason for this change is to deter police misconduct by ensuring that police will not be alone with female prisoners, but will keep witnesses around to testify to their conduct. Obviously this will only work if the relevant parties do not collude to protect one another.

rights under the Constitution; but in the absence of effective enforcement of laws against rape⁴⁰ and Supreme Court guidelines on sexual harassment,⁴¹ and in the absence of programs targeted at increasing female literacy, economic empowerment, and employment opportunities, those rights are not real to them. As a recent report on laws addressing violence against women puts it, "For the vast majority of Indian women, these statutes are meaningless...Lack of basic knowledge about the law and procedures, delays and insensitivity of the judicial system, the cost involved in getting justice have all contributed to this."⁴²

In short, liberty is not just a matter of having rights on paper, it requires being in a position to exercise those rights. And this requires material and institutional resources, including legal and social acceptance of the legitimacy of women's claims. The state that is going to guarantee people rights effectively is going to have to take a stand about more than the importance of these basic rights themselves. It will have to take a stand on the distribution of wealth and income, the distribution of property rights, access to the legal system, in short on the use of resources to guarantee to citizens what John Rawls has called the "equal worth" of the various liberties -- for example by raising revenue through taxation in sufficient quantity to make schools available to all, and by supplying free legal assistance to impoverished defendants or victims. That requires yet more universalism and in a sense paternalism, meaning interference with activities that some people choose; but we could hardly say that those rural children, living in a state of virtual anarchy, are especially free to do as they wish.

In this instance, we may note that, far from being a Western imposition, such redistributive measures are more clearly supported by the Indian tradition than by the American, where affirmative action and even redistributive taxation are frequently viewed as unacceptably paternalistic. The Indian constitutional tradition, by contrast, holds that policies needed to promote full civic equality by redistribution and affirmative action are fully compatible with liberty and non-discrimination.

⁴⁰On the increasing rate of reported rape and the extreme difficulties in securing convictions, see the good account in "Rape: When Victim is Seen as Villain," lead feature (with a number of different related articles) in India Abroad, Friday, July 10, 1998, pp. 1, 30-34.

⁴¹For discussion of the Supreme Court guidelines and other legal developments, see my "The Modesty of Mrs. Bajaj: India's Problematic Route to Sexual Harassment Law," forthcoming in volume on sexual harassment edited by Reva Siegel and Catharine MacKinnon, Yale University Press.

⁴²India Abroad (above), p. 34, citing report by United Nations Population Fund. According to a recent study by the Delhi-based NGO Sakshi, 68% of judges surveyed felt that "provocative" clothes are an invitation to sexual assault, while 55% feel that the moral character of a woman is relevant in a sexual assault case.

The argument from paternalism indicates, then, that we should prefer a universal normative account that allows people plenty of liberty to pursue their own conceptions of value, within limits set by the protection of the equal worth of the liberties of others. It gives us no good reason to reject all universal accounts, and some strong reasons to construct one, including in our account not only the liberties themselves, but also forms of economic empowerment that are crucial in making the liberties truly available.

The argument suggests one thing more: that the account we search for should preserve liberties and opportunities for each and every person, taken one by one, respecting each of them as an end, rather than simply as the agent or supporter of ends of others. The idea that the individual person should be the focus of political thought has sometimes been given dismissive treatment by feminists, on the grounds that it entails neglect for care and community and involves a male Western bias toward self-sufficiency and competition, as opposed to cooperation and love. We could argue for a long time over whether particular Western liberal theorists are indeed guilty of neglecting cooperation, community, and love. I believe that a lot of what communitarian thinkers have said in criticism of figures such as Rawls and Kant, and even Mill, is mistaken.⁴³ But we need not pursue that issue here; we need only notice that there is a type of focus on the individual person as such that requires no particular metaphysical tradition, and no bias against love and care. It arises naturally from the recognition that each person has just one life to live, not more than one, that the food on A's plate does not magically nourish the stomach of B, that the pleasure felt in C's body does not make the pain experienced by D less painful; that the income generated by E's economic activity does not help to feed and shelter F; in general that one person's exceeding happiness and liberty does not automatically make another person happy or free. Programs aimed at raising general or average well-being do not improve the situation of the least well off in that region, unless they go to work directly to improve those people's life quality. If we combine this observation with the thought, which all feminists share in some form, that each person is valuable and worthy of respect as an end, we must

⁴³For some examples, see my "The Feminist Critique of Liberalism," Lindley Lecture, University of Kansas Press, 1997, and in Nussbaum, Sex and Social Justice (New York: Oxford University Press, 1998), ch. 2.

conclude that we should look not just to the total or the average, but to the functioning of each and every person.⁴⁴ We may call this the principle of each person as end.

It has been claimed by Veena Das that even this very intuitive idea that each person has her own dignity and that questions of well-being should be considered one by one, rather than in the aggregate, is a Western intrusion: Indian women are simply unable to form the concept of their own personal well-being as distinct from the well-being of family members.⁴⁵ If Das simply means that Indian women frequently judge sacrifice for the family to be a good thing, and frequently subordinate their own well-being to the well-being of others, it is plausible enough, but hardly an objection to the type of political focus on the individual that I have recommended; there is no incompatibility between the idea that politics should treat each person as an end and the idea that some people may choose to make sacrifices for others. If, however, Das really means to say that Indian women cannot tell their own hunger apart from the hunger of a child or a husband, cannot really distinguish their own body and its health from someone else's body and its health, then she does not have a leg to stand on. Jayamma certainly in some ways puts others first and herself second. She takes sugar in her tea, for example, while she allows her husband and her children to take the more expensive milk. But even in that act she is distinguishing her own well-being from that of others; in general, she budgets the family account with intense awareness of the separateness of its various people, asking how much shall be spent on each one. She is well aware, too, of exactly how much labor she does with her own body, and all too clearly aware that it is her own body doing that brick-carrying, and not the body of some male fellow laborer who has been happily promoted into brick molding. When she is denied her own pension on the grounds that she has able-bodied sons, furthermore, she is outraged: she has a right to something for herself, independently of what children she does or does not have. It is difficult to believe that Das has not had many conversations with Indian women in her own social class that emphasize the tensions between a woman's well-being and the well-being of someone else. But extremely poor people

⁴⁴For this interpretation of individualism, see further "The Feminist Critique of Liberalism."

⁴⁵Veena Das and Ralph Nicholas, "'Welfare' and 'Well-Being' in South Asian Societies," ACLS-SSRC Joint Committee on South Asia (New York: Social Science Research Council, 1981); although this paper has been circulated as a pamphlet, Das has never published it. For a contrary view, see Agarwal, *A Field of One's Own*, 422-38, and "'Bargaining' and Gender Relations: Within and Beyond the Household," *Feminist Economics* 3 (1997), 1-51.

are likely to be especially keenly aware of the separateness of each person's well-being -- for hunger and hard physical labor are great reminders that one is oneself and not someone else. Bengali author Manik Bandyopadhyay put it this way, in his short story "A Female Problem at a Low Level":

A slum girl and daughter of a laborer cannot mentally depend on her father or brother, like the daughters of the babu families who even as grown women see individual disaster in any family mishap. She is used to fending for herself, relying on her own wits.⁴⁶

On this account, the perception of the organic connectedness of interests in the family is more likely to be an upper-middle-class ("babu") mode of consciousness, alien to those who are really struggling to survive. (Has Das, not at all from a peasant background, mistaken her own background for a special "Indian essence"?)

One might, of course, come to accept religious beliefs, in particular Buddhist beliefs, that do hold that people aren't really separate individuals at all, and that the whole idea that objects and people are distinct from one another is an illusion. But first of all, Buddhist metaphysics is hardly typical of non-Western religion as a whole; many traditions take the individual very seriously as locus of purity, self-discipline, and spiritual achievement. Buddhism, furthermore, self-consciously portrays itself as a radical critique of ordinary practices, and as making demands that take people, in meditation, far away from the world of physical objects they must continue to inhabit in their daily lives. So a political focus on the individual is not insulting or unfair even to Buddhists, since it is meant to supply a basis for politics in the daily world, not in the world of enlightened meditation and reflection. The Buddhist can accept the appropriateness of relieving the suffering of bodies one by one, even though she believes that at some level bodies as such are an illusion, and that the more correct description of the goal would be to minimize the quantity of suffering in the world as a whole.⁴⁷

If we agree that citizens are all worthy of concern and respect, and grant that they live separate lives in the sense just characterized, then we ought to conclude that politics should not treat people as agents or

⁴⁶In Kalpana Bardhan, ed., *Of Women, Outcastes*, p. 155.

⁴⁷On the close relationship between Buddhist and utilitarian ideas of aggregation, see Damien Keown, *The Nature of Buddhist Ethics* (New York: St. Martin's Press, 1992), chapter 7, "Buddhism and Utilitarianism." The idea of reducing suffering plays a central role in Buddhist political discourse, but usually not in its more severe metaphysical form, in which the sufferings of individuals would be treated simply as elements in a global total. The stricter form might have radical implications for policies, such as public provision of health care, that most Buddhists would agree in supporting.

supporters of other people, whose mission in the world is to execute someone else's plan of life. It should treat each of them as ends, as sources of agency and worth in their own right, with their own plans to make and their own lives to live, therefore as deserving of all necessary support for their equal opportunity to be such agents. To treat someone as an end we will have to take a stand on some values that will be made central for political purposes, and we will have to take a stand against some very common ways of treating women -- as childlike, as incompetent in matters of property and contract, as mere adjuncts of a family line, as reproducers and care-givers rather than as having their own lives to live. But when we take a stand in this way, that should not raise the charge of paternalism in its classic form, since we do so in order to treat each and every citizen as an end and permit all citizens to search for the good in their own way.

III. Defects of Standard Economic Approaches

Let me recapitulate. The argument from culture reminded us that we should leave space for women who may wish to choose a traditional hierarchical way of life. But it said nothing against using a universal account to criticize unjust cultural practices; indeed, we were reminded that the activity of criticism is deeply internal to Indian culture itself. More generally, cultures are dynamic and full of contestation. The argument from the good of diversity told us something important about any proposal we should endorse: that it ought to provide spaces in which valuably different forms of human activity can flourish. We should not stamp out diversity, or even put it at risk, without a very strong reason. But in light of the fact that some traditional practices are harmful and evil, and some actively hostile to other elements of a diverse culture, we are forced by our interest in diversity itself to develop a set of criteria against which to assess the practices we find, asking which are acceptable and worth preserving, and which are not. As for the argument from paternalism, it nudges us strongly in the direction of what might be called political rather than comprehensive liberalism, in the sense that it urges us to respect the many different conceptions of the good citizens may have and to foster a political climate in which they will each be able to pursue the good (whether religious or ethical) according to their own lights, so long as they do no harm to others. In other

words, we want universals that are facilitative rather than tyrannical,⁴⁸ that create spaces for choice rather than dragooning people into a desired total mode of functioning. But understood at its best the paternalism argument is not an argument against cross-cultural universals. For it is all about respect for the dignity of persons as choosers. This respect requires us to defend universally a wide range of liberties, plus their material conditions; and it requires us to respect persons as separate ends, in a way that reflects our acknowledgment of the empirical fact of bodily separateness, asking how each and every life can have the preconditions of liberty and self-determination.

We have some good reasons already, then, to think that universal values are not just acceptable, but badly needed, if we really are to show respect for all citizens in a pluralistic society. But we can now approach this question from another direction, by looking at the three most prominent approaches, in international development work, to assessing a nation or region's quality of life. For the defects of these approaches, both in general and as approaches to the situation of poor women in developing countries, give us yet more reason to turn to a universal normative account for the philosophical underpinning for basic political principles. (I assume that if an account fails at the less demanding normative task of telling us how well people in a given country are doing, it must fail, a fortiori, at the more demanding task of providing a normative account of a basic social minimum of life quality.)

The most prominent approach to quality of life assessment used to be simply to ask about GNP per capita, treating the maximization of this figure as the most appropriate social goal and basis for cross-cultural comparison. It has by now become obvious that this approach is not very illuminating, because it does not even ask about the distribution of wealth and income, and countries with similar aggregate figures can exhibit great distributional variations. In Charles Dickens's Hard Times, circus girl Sissy Jupe is asked by her economics teacher to imagine that her schoolroom is a nation, "and in this Nation are fifty millions of money." Next, she is asked to say whether this isn't a prosperous nation, and whether she herself isn't in "a thriving state". Sissy replies, in tears of confusion, that she doesn't see how she can answer the question until she knows "who has got the money, and whether any of it is mine." But that, as she soon learns "is

⁴⁸For the charge that international human rights norms are tyrannical, see Wendy Brown, States of Injury: Power and Freedom in Late Modernity (Princeton: Princeton University Press, 1995). As will be evident in section vi, I dispute this claim.

not in the figures" -- and so it was not, for a long part of the subject's history. Sissy's intuitive sense of the distinctness of one person from another informs her that aggregate data aren't enough for a normative assessment of how a nation is doing: we need to know how each one is doing, considering each as a separate life.

Sissy's critique was incomplete. In addition to distributional information, we also need information about important goods that are not always well correlated with wealth and income -- such as life expectancy, infant mortality, educational opportunities, employment opportunities, political liberties, the quality of race and gender relations. Countries that do very well on GNP per capita have often done egregiously badly on one of these other distinct goods: South Africa under apartheid, Singapore under its extremely constraining political regime. And, of particular importance for our project, countries with similar GNP performance exhibit great variation in various aspects of gender equality. Thus Pakistan, Zimbabwe, and Honduras have almost exactly the same GNP per capita, while the female literacy rate is 23% in Pakistan, 60% in Zimbabwe, 71.6% in Honduras; the proportion of income earned by women is 20% in Pakistan, 24% in Honduras, 35% in Zimbabwe. India and Kenya have the same GNP per capita, while the female literacy rate is 36% in India, 67.8% in Kenya, and the earned income share that goes to women is 25.7% in India, 42% in Kenya.⁴⁹ Seeing what is absent from the GNP account nudges us sharply in the direction of mapping out basic goods in a universal way, so that we can use a list of basic goods to compare quality of life more fruitfully across societies.

Suppose, instead, we take a more straightforwardly utilitarian approach, asking about the total or average utility of the population, as measured by expressions of satisfaction. Here again, we run into the problem of respect for the separate person -- for an aggregate figure doesn't tell us where the top and the bottom are. In that sense, it doesn't tell us "who has got the money and whether any of it is mine" any more than does the crude GNP approach. Suppose a majority of citizens of Andhra Pradesh express satisfaction with their educational opportunities in a hypothetical poll: such a result does not give us the information that things are disastrously bad out in the desert areas, where there are often no functioning schools at all. We could imagine getting a similar average satisfaction figure in Kerala, where the bottom is far better

⁴⁹Human Development Report 1997 (Oxford and New York: Oxford University Press, 1997).

situated.⁵⁰ Nor, of course, does such an aggregate inform us about the different views of men and women, and it can conceal an extremely bad situation for women within a total or average that looks pretty good. We may or may not want to improve the lot of the worst off, or of women; but we certainly shouldn't make decisions without knowing how they are doing. Average utility is an imprecise number, which does not tell us enough about different types of people and their relative social placement. This makes it an especially bad approach when we are selecting basic political principles with a commitment to treat each person as an end; this problem is all the worse when we focus on the situation of women, whose placement in a hierarchy of power is a critical part of any good description.

What is more, utilitarians typically aggregate not only across distinct lives but also across distinct elements of lives. Thus, within the total or average utility will lie information about liberty, about economic well-being, about health, about education. But these are all separate goods, which vary to some extent independently of one another;⁵¹ and there are reasons to think that they all matter, that we should not give up one of them simply in order to achieve an especially large amount of another. A central argument used by John Rawls against utilitarianism has been that because of its commitment to trade-offs among diverse goods, it offers insufficient protection for political and religious liberty. It encourages trade-offs between those goods and others, in order to produce the largest social total (or average).⁵² Once again, this will create problems for thinking well about marginalized or deprived people, for whom some of the opportunities that utilitarianism puts at risk may have a specially urgent importance.

There is a further problem with the reliance on utility. This is, that it does not even include all the relevant information. One thing we want to know is how individuals feel about what is happening to them, whether dissatisfied or satisfied. But we also want to know what they are actually able to do and to be. Suppose Jayamma were to say on our poll that she feels satisfied with her educational attainment (which is nil), on the grounds that it is just right for the type of labor she has been performing all her life, and she doesn't see what point there would be in learning superfluous skills. Well, that is a plausible reply. But in

⁵⁰This might be so, for example, if middle and upper classes were dissatisfied with the system of higher education.

⁵¹For one compelling argument about this, see the regional comparisons in Drèze and Sen, *India*, and its companion volume of comparative regional studies.

⁵²Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), hereafter TJ, 156-73, discussing average utility and its difficulties.

a sense it begs some questions: for had Jayamma had more education, she would have had different options, and the skills would not have been superfluous. She thinks them so because of habit, because she is not used to seeing any woman of her class and generation go to school, and maybe also because it's human not to cry over spilt milk, but to adjust your sights to the kind of life you actually can have. Debating this issue well certainly requires looking at people's satisfaction and dissatisfaction; but it will also require using everything known about the connections between education and population control, education and political empowerment, education and employment opportunities. Confining our inquiry to the space of utility prevents us, then, from using information that is highly relevant to the question before us.

Thinking about the defects of utilitarian approaches to development pushes us, then, in the direction of a substantive account of certain central abilities and opportunities, as the relevant space within which to make comparisons of quality of life across societies, and as the relevant benchmark to use in asking what a given society has or has not done for its citizens. Our critique suggests that such a list will contain a plurality of distinct items, and that it will not treat these items as simply offering different amounts of a single homogenous good. Nor will the assessment focus solely on how people feel about their relation to these goods; it should look, as well, for information about what they are actually able to do and to be.

Before we turn to the third major approach to quality of life assessment, we should mention a variant on the utilitarian approach that has had enormous influence on modeling and information gathering the world over: Gary Becker's model of the family. Becker does think (for descriptive, not normative purposes) that the goal of the family as unit is the maximization of utility, and that utility (construed as the satisfaction of preference or desire) is the relevant space of comparison when we are asking how families (and, presumably, larger groups such as nations) are doing. But inside the family he takes a different line. The family, he holds, should be understood as a group held together by motives of altruism. In particular, the head of the household is assumed to be a beneficent altruist who will adequately distribute resources and opportunities to the family's members.⁵³ The upshot of this assumption is that we need not ask how each and every individual in the family is doing, even in respect of utility: we just ask about the whole, and assume that the distribution has been altruistic. For this reason, development people influenced by

⁵³Becker, *A Treatise on the Family* (Cambridge, MA: Harvard University Press, 1981, 2nd edition 1991).

Becker's model have standardly sought information about households, rather than about individual household members; it is difficult to find data, for example, on how widows in India are doing, since in the data they usually appear as members of a household headed by someone else. Although Becker's model has only descriptive and predictive purposes, when used by others in this way it has clear normative implications: for we can hardly make things better for widows unless we can first of all attend to them as distinct persons, and ask how they are doing.

Becker made an immensely valuable contribution when he put the whole question of the family on the agenda of the economics profession. But his model is inadequate in some crucial ways. It assumes a picture of the family that is romance more than reality. In real life families contain all sorts of struggles over resources and opportunities. Some people get milk in their tea, some only sugar; some go to school and some do not; some get life-sustaining health care and some do not. Vasanti's husband beat her and used the government money to go get drunk. Jayamma's husband contributed very little to household income, since he used most of his own wages on drink and meals out for himself. Vasanti's brothers got some education and the opportunity to take over their father's business, while she was married off young, with no education or skills to fall back on in hard times. In Jayamma's house, females standardly got less food than males, and much less protein; and the question of schooling for girls did not even arise. Becker is interested in such conflicts, and tries to address them: but the theoretical resources of the model are insufficient for the task. Becker has recently stated that other motives, such as anger and guilt, need to be added to the model.⁵⁴ But even with such changes, a model based on utility, with commitments to aggregation across lives, will prove inadequate as a basis for the selection of normative principles. Far more revealing are conflict-based models that treat each family member as separate throughout.⁵⁵ The new "bargaining model" of the family has marked advantages over the more organic approach.

⁵⁴"The Economic Way of Looking at Behavior," Nobel Address 1992, in *The Essence of Becker*, ed. Ramón Febrero and Pedro S. Schwartz (Stanford: Hoover Institution, 1995), p. 648: "Many economists, including me, have excessively relied on altruism to tie together the interests of family members." He mentions guilt, affection, obligation, anger, and fear of physical abuse as factors that need to be taken into account.

⁵⁵See A. Sen, "Gender and Cooperative Conflicts," in I. Tinker, ed., *Persistent Inequalities*, 123-49; Partha Dasgupta, *An Inquiry Into Well-Being and Destitution* (Oxford: Clarendon Press, 1993), chapter 11. For other useful examples of bargaining approaches, see Agarwal, *A Field of One's Own* and "Bargaining,"; Shelly Lundberg and Robert A. Pollak, "Bargaining and Distribution in Marriage," *Journal of Economic Perspectives* 10

Like the GNP and utility-maximizing approaches (and indeed as a variant of the latter), the Becker model fails to provide an adequate basis for normative thinking in large part because it is not individualistic enough: it does not look at each person one by one to see how each one is doing. This would not be a good way to proceed even if the assumption about the head of the household were true: for seeing other family members as recipients of the largesse of a beneficent altruist is not the same thing as to see them as agents, each with a life to live, deserving of both respect and resources. But it is even more inadequate when we acknowledge that heads of households do not allow all its members what they need, and are sometimes quite indifferent to their well-being. To the extent that women often acquiesce in such schemes and adapt their preferences accordingly, the Becker model may provide correct predictions; but once we recognize how unreliable preferences are as a guide to justice and social choice, we must conclude that it provides a bad basis for normative thought. We need to ask not just what family members feel about their situation, but what they are actually able to do and to be.

Distinctly more promising is our third major alternative, an approach that looks at a group of basic resources and then asks about their distribution, advancing criteria for a fair social allocation. The most famous such approach is that of John Rawls, who, in A Theory of Justice and subsequent works, advanced a list of the "primary goods," items that all rational individuals, regardless of their more comprehensive plans of life, would desire as prerequisites for carrying out those plans.⁵⁶ Rawls's list is heterogeneous. It includes liberties, opportunities, and powers, which are capacities of citizens in their social environment.⁵⁷ Structurally similar is the social basis of self-respect, a feature of society in relation to the powers of persons; Rawls calls this "the most important of the primary goods."⁵⁸ At the same time, however, the list includes thing-like items, above all wealth and income, and these items have a particularly central role on

(1996), 139-58; L. Chen, E. Huq, and S. D'Souza, "Sex Bias in the Family Allocation of Food and Health Care in Rural Bangladesh," Population and Development Review 7 (1981), 55-70.

⁵⁶Rawls, TJ, 62 ff., 90-95, 396-7. More recently, Rawls has qualified the view of primary goods by stating that they are to be seen not as all-purpose means, but as the needs of citizens understood from a political point of view, in connection with the development and expression of their "moral powers". He has stressed that the account of the moral powers (of forming and revising a life plan) is itself one important part of the political theory of the good: see Rawls, Political Liberalism (New York: Columbia University Press, 1993, expanded paperback edition 1996), hereafter PL, 178-90.

⁵⁷More recently, Rawls has added freedom of movement and the free choice of occupation: PL 181.

⁵⁸Rawls, TJ, 396, 440.

the list, since they are used to define the class of the least well off.⁵⁹ The basic idea is that, whatever else citizens pursue, they should be able to arrive at a working political consensus about the central importance of these basic resources and about some rough criteria for their fair distribution. There are special issues about how Rawls models the family, permitting heads of households to bargain, Becker-fashion, on behalf of the interests of all family members. At this point, I shall concentrate on some general features of Rawls's approach to primary goods, mentioning the household only where it seems important for the treatment of that issue.

Rawls's approach is very promising in terms of all our concerns to date. It is highly attentive to concerns about pluralism and paternalism, and yet at the same time it takes a stand about the importance of basic liberties and opportunities for all citizens, and about the importance of the material basis of these central areas of choice. In all these respects, Rawls's model seems to provide an excellent basis for further thought about quality of life in the international arena.

Rawls himself pulls back at this point, preferring to regard the political conception of the person, together with the picture of primary goods, as grounding a consensus only within a particular Western tradition of political philosophy.⁶⁰ In reality, however, there seems no reason to think that any of the primary goods is particularly Western, nor that the power of forming and revising a plan of life expresses a distinctively Western sense of what is important. The idea of being able to plan and to execute a plan arises without any philosophical backing, out of the struggle of human beings to live in a hostile environment. Certainly these ideas have indigenous roots in the Indian women's movement, where no concepts are more centrally stressed than those of reflection, choice, planning, and control, and where it is

⁵⁹Rawls, TJ, 97: "taking these individuals as specified by levels of income and wealth, I assume that these primary social goods are sufficiently correlated with those of power and authority to avoid an index problem...On the whole, this assumption seems safe enough for our purposes." The problem is all the greater when we recognize that Rawls's parties are heads of households who bargain, Becker-fashion, on behalf of their entire household; and yet the relation between the income/wealth of a household and women's powers and opportunities may be highly insecure. Self-respect may be insecurely correlated with all of the other primary goods; thus Jews in Europe in many cases did well enough on income and wealth, but very poorly on the social bases of self-respect. Later Rawls recognizes this problem saying that "the initial definition of expectations solely by reference to such things as liberty and wealth is provisional; it is necessary to include other kinds of primary goods and these raise deeper question" (396-7). We are never told, however, how to solve the problem.

⁶⁰See Rawls, PL, 4-11, and "The Law of Peoples," in *On Human Rights: The Oxford Amnesty Lectures 1993* ed. Stephen Shute and Susan Hurley (New York: Basic Books, 1993), 41-72, at 50-59. In the latter work, the equality of women is one value that Rawls is prepared to affirm cross-culturally.

perfectly clear that these activities have a material basis in property rights, land rights, access to employment, and so forth. Vasanti's struggle to be in a position to support herself and carry out her plans without dependency on her brothers is just one example of a general phenomenon. The SEWA movement as a whole is built around the idea of the dignity and independence of the individual, her control over her own material and social environment. As Ela Bhatt says, women don't just want a piece of the pie; they want to choose its flavor themselves and to know how to make it themselves.

Far from being a Western import, this idea, insofar as it was inspired by anything outside women's daily situation, has Gandhian roots. It translates the Gandhian idea of India's self-sufficiency in the colonial struggle against Britain onto the plane of the family and the village, where women, too, struggle to be free from a quasi-colonial oppression.⁶¹ John Stuart Mill emphasized that struggling against the subjection of women in the family is isomorphic to, and expressive of the same concerns as, the struggle waged by democracy against feudalism.⁶² The women of SEWA (and many other working women in similar movements throughout India) independently make the same connection: far from being colonialist, ideas of individual life-control and life-planning are an expression of the struggle against colonialism. People don't need Western philosophers to tell them that they don't like to be pushed around by the world, or to live in a condition of helplessness.

But Rawls's approach, even though more promising as a basis for international thinking than Rawls himself is willing to suggest, nonetheless has some serious defects. By measuring who is better and who worse off in terms of resources, the Rawlsian neglects a salient fact of life: that individuals vary greatly in their need for resources and in their ability to convert resources into valuable functionings. Some of these differences are straightforwardly physical. Nutritional needs vary with age, occupation, and sex. A pregnant or lactating woman needs more nutrients than a non-pregnant woman. A child needs more protein than an adult. A person whose limbs work well needs few resources to be mobile, whereas a person with

⁶¹Personal communication, Mireille Chatterjee, Renana Jhabvala, and Ela Bhatt, SEWA, March 1997; see also Rose, Where Women, 32. Rose notes that the dependence goes in two directions: "Gandhi himself ascribed the tactics employed in the freedom struggle to the tactics he had observed his wife and mother using at home to resist their own exploitation."

⁶²The Subjection of Women (1869), ed. S. M. Okin (Indianapolis: Hackett, 1988), hereafter SW, 16-18 and passim; see my "The Feminist Critique of Liberalism."

paralyzed limbs needs many more resources to achieve the same level of mobility. Many such variations can escape our notice if we live in a prosperous nation that can afford to bring all individuals to a high level of physical attainment; in the developing world we must be highly alert to these variations in need. Again, some of the pertinent variations are social, connected with traditional hierarchies. If we wish to bring all citizens of a nation to a given basic level of educational attainment, we will need to devote more resources to those who encounter obstacles from traditional hierarchy or prejudice: thus women's literacy will prove more expensive than men's literacy in many parts of the world. The resource-based approach doesn't go deep enough to diagnose obstacles that can be present even when resources seem to be adequately spread around, causing individuals to fail to avail themselves of opportunities that they in some sense have (such as free public education, or the vote, or the right to work). If we operate only with an index of resources, we will frequently reinforce inequalities that are highly relevant to well-being. This is an especially grave defect when it is women's quality of life we want to consider; for women who begin from a position of traditional deprivation and powerlessness will frequently require special attention and aid to arrive at the same level of capability that the more powerful can more easily attain.

Thus even the Rawlsian approach, in the end, doesn't sufficiently respect the struggles of each and every individual for flourishing. To treat A and B as equally well off because they command the same amount of resources is, in a crucial way, to neglect A's separate and distinct life, to pretend that A's circumstances are interchangeable with B's, as may not be the case. To do justice to A's struggles, we must see them in their social context, aware of the obstacles that context offers to the struggle for liberty, opportunity, and material well-being. In his discussions of liberty and opportunity, Rawls shows himself well aware that a theory of justice must be cognizant of the different situations of distinct lives, in order to distribute not only liberty, but also its equal worth; not only formal equality of opportunity, but also truly fair equality of opportunity. His emphasis on wealth and income as primary goods central to the task of indexing, however, sells short his own respect for the individual.

To sum up: We want an approach that is respectful of each person's struggle for flourishing, that treats each person as an end and as a source of agency and worth in her own right. Part of this respect will mean not being dictatorial about the good, at least for adults and at least in some core areas of choice, leaving

individuals a wide space for important types of choice and meaningful affiliation. But this very respect means taking a stand on the conditions that permit them to follow their own lights free from tyrannies imposed by politics and tradition. This, in turn, requires both generality and particularity: both some overarching benchmarks and detailed knowledge of the variety of circumstances and cultures in which people are striving to do well. The shortcomings of both the utilitarian and the resource-based approaches suggest that we will take a stand in the most appropriate way if we focus not on satisfaction or the mere presence of resources, but on what individuals are actually able to do and to be. General benchmarks based on utility or on resources turn out to be too insensitive to contextual variation, to the way circumstances shape preferences and the ability of individuals to convert resources into meaningful human activity. Only a broad concern for functioning and capability seems capable of doing justice to the complex interrelationships between human striving and its material and social context.

IV. Central Human Capabilities

The most interesting worries about universals thus lead us to prefer universals of a particular type. I shall now argue that a reasonable answer to all these concerns, capable of giving good guidance to governments and international agencies, is found in a version of the capabilities approach -- an approach to quality of life assessment pioneered within economics by Amartya Sen,⁶³ and by now highly influential through the Human Development Reports of the UNDP.⁶⁴ My own version of this approach (which began independently of Sen's work through thinking about Aristotle's ideas of human functioning and Marx's use of them⁶⁵) is in several ways different from Sen's, both in its emphasis on the philosophical underpinnings

⁶³The initial statement is in Sen, "Equality of What?" in S. McMurrin, ed., Tanner Lectures on Human Values 1 (Cambridge: Cambridge University Press, 1980), reprinted in Sen, Choice, Welfare, and Measurement (Oxford and Cambridge, MA: Basil Blackwell and MIT Press, 1982), hereafter CWM; see also various essays in Resources, Values, and Development (Oxford and Cambridge, MA: Basil Blackwell and MIT Press, 1984), hereafter RVD; Commodities and Capabilities (Amsterdam: North-Holland, 1985); Well-Being, Agency, and Freedom: The Dewey Lectures 1984, The Journal of Philosophy 82 (1985); "Capability and Well-Being," in QL, 30-53; "Gender Inequality and Theories of Justice," in WCD, 153-98; Inequality Reexamined (Oxford and Cambridge, MA: Clarendon Press and Harvard University Press, 1992).

⁶⁴Human Development Reports: 1993, 1994, 1995, 1996, 1997 (New York: United Nations Development Programme).

⁶⁵See NFC, HN.

of the approach and in its readiness to take a stand on what the central capabilities are.⁶⁶ Sen has focused on the role of capabilities in demarcating the space within which quality of life assessments are made; I use the idea in a more exigent way, as a basis for basic political principles that should underwrite constitutional guarantees. I shall not comment on those differences further here, but shall simply lay out the approach as I would currently defend it. Like any universal approach, it is only valuable if developed in a relevant way: so we need to worry not just about the structure of the approach, but also about how to flesh out its content in a way that focuses appropriately on women's lives. Otherwise promising approaches have frequently gone wrong by ignoring the problems women actually face. But the capabilities approach directs us to examine real lives in their material and social setting; there is thus reason for hope that it may overcome this difficulty.

The central question asked by the capabilities approach is not, "How satisfied is Vasanti?" or even "How much in the way of resources is she able to command?" It is, instead, "What is Vasanti actually able to do and to be?" Taking a stand for political purposes on a working list of functions that would appear to be of central importance in human life, we ask, Is the person capable of this, or not? We ask not only about the person's satisfaction with what she does, but about what she does, and what she is in a position to do (what her opportunities and liberties are). And we ask not just about the resources that are sitting around, but about how those do or do not go to work, enabling Vasanti to function in a fully human way.

Having discovered some answers to this question, we now put the approach to work in two closely related ways. First, it is in terms of these capabilities to function, in certain core areas, that we would measure Vasanti's quality of life, comparing her quality of life with that of others. When we aggregate the data from different lives to produce accounts of regional, class, and national differences in quality of life, it is always in the space of the central capabilities that we will make those comparisons, defining the least well off and the adequately well off in this way. Second, we then argue that in certain core areas of human functioning a necessary condition of justice for a public political arrangement is that it deliver to citizens a certain basic level of capability. If people are systematically falling below the threshold in any of these

⁶⁶For a discussion of differences between our approaches, see David Crocker, "Functioning and Capability: the Foundations of Sen's and Nussbaum's Development Ethic, Part I," *Political Theory* 20 (1992), 584-612, and "...Part II," in WCD, 153-98.

core areas, this should be seen as a situation both unjust and tragic, in need of urgent attention -- even if in other respects things are going well.

The intuitive idea behind the approach is twofold: first, that certain functions are particularly central in human life, in the sense that their presence or absence is typically understood to be a mark of the presence or absence of human life. Second -- and this is what Marx found in Aristotle -- that there is something that it is to do these functions in a truly human way, not a merely animal way. We judge, frequently enough, that a life has been so impoverished that it is not worthy of the dignity of the human being, that it is a life in which one goes on living, but more or less like an animal, not being able to develop and exercise one's human powers. In Marx's example, a starving person doesn't use food in a fully human way -- by which I think he means a way infused by practical reasoning and sociability. He or she just grabs at the food in order to survive, and the many social and rational ingredients of human feeding can't make their appearance. Similarly, he argued that the senses of a human being can operate at a merely animal level -- if they are not cultivated by appropriate education, by leisure for play and self-expression, by valuable associations with others; and we should add to the list some items that Marx probably would not endorse, such as expressive and associational liberty, and the freedom of worship. The core idea is that of the human being as a dignified free being who shapes his or her own life in cooperation and reciprocity with others, rather than being passively shaped or pushed around by the world in the manner of a "flock" or "herd."⁶⁷ A life that is really human is one that is shaped throughout by these human powers of practical reason and sociability.

This idea of human dignity has broad cross-cultural resonance and intuitive power. We can think of it as the idea that lies at the heart of tragic artworks, in whatever culture. Think of a tragic character, assailed by fortune. We react to the spectacle of humanity so assailed in a way very different from the way we react to a storm blowing grains of sand in the wind. For we see a human being as having worth as

⁶⁷Compare Amartya Sen, "Freedoms and Needs," *The New Republic* January 10/17, 1994, p. 38: "The importance of political rights for the understanding of economic needs turns ultimately on seeing human beings as people with rights to exercise, not as parts of a "stock" or a "population" that passively exists and must be looked after." An excellent treatment of Marx's thought on this issue, with implications for contemporary debates, is in Daniel Brudney, "Community and Completion," in *Reclaiming the History of Ethics: Essays for John Rawls* (Cambridge: Cambridge University Press, 1997), 388-415, although Brudney defends the Marxian view as the basis for a form of comprehensive, rather than political, liberalism.

an end, a kind of awe-inspiring something that makes it horrible to see this person beaten down by the currents of chance -- and wonderful, at the same time to witness the way in which chance has not completely eclipsed the humanity of the person.⁶⁸ As Aristotle puts it, "the noble shines through." Such responses provide us with strong incentives for protecting that in persons that fills us with awe. We see the person as having activity, goals and projects -- as somehow awe-inspiringly above the mechanical workings of nature, and yet in need of support for the fulfillment of many central projects.⁶⁹ This idea has many forms, some religious and some secular. Insofar as we are able to respond to tragic tales from other cultures, we show that this idea of human worth and agency crosses cultural boundaries.

At one extreme, we may judge that the absence of capability for a central function is so acute that the person is not really a human being at all, or any longer -- as in the case of certain very severe forms of mental disability, or senile dementia. But I am less interested in that boundary (important though it is for medical ethics) than in a higher threshold, the level at which a person's capability becomes what Marx called "truly human," that is, worthy of a human being. Note that this idea contains, thus, a reference to an idea of human worth or dignity. Marx was departing from Kant in some important respects, by stressing (along with Aristotle) that the major powers of a human being need material support and cannot be what they are without it. But he also learned from Kant, and his way of expressing his Aristotelian heritage is distinctively shaped by the Kantian notion of the inviolability and the dignity of the person.

Notice that the approach makes each person a bearer of value, and an end. Marx, like his bourgeois forebears, holds that it is profoundly wrong to subordinate the ends of some individuals to those of others. That is at the core of what exploitation is, to treat a person as a mere object for the use of others. Thus it will be just as repugnant to this Marxian approach as to a bourgeois philosophy to foster a good for society considered as an organic whole, where this does not involve the fostering of the good of persons taken one by one. What this approach is after is a society in which persons are treated as each worthy of regard, and in which each has been put in a position to live really humanly. (That is where the idea of a threshold

⁶⁸See Seneca, Moral Epistle 41, comparing the dignity of such a person to the awe-inspiring sublimity of nature. This passage very likely influenced Kant's famous conclusion of the Critique of Practical Reason.

⁶⁹For elaboration of this part of the idea, see my "Victims and Agents," The Boston Review 23 (1998), 21-24, and, Political Animals: Luck, Love, and Dignity, forthcoming in Metaphilosophy.

comes in: we say that beneath a certain level of capability, in each area, a person has not been enabled to live in a truly human way.) We may thus rephrase our principle of each person as end, articulating it as a principle of each person's capability: the capabilities sought are sought for each and every person, not, in the first instance, for groups or families or states or other corporate bodies. Such bodies may be extremely important in promoting human capabilities, and in this way they may deservedly gain our support: but it is because of what they do for people that they are so worthy, and the ultimate political goal is always the promotion of the capabilities of each person.

I believe that we can arrive at an enumeration of central elements of truly human functioning that can command a broad cross-cultural consensus. (One way of seeing this is to think about the ways in which tragic plots cross cultural boundaries: certain deprivations are understood to be terrible, despite differences in metaphysical understandings of the world.) Although this list of central capabilities is somewhat different in both structure and substance from Rawls's list of primary goods, it is offered in a similar, political-liberal spirit: as a list that can be endorsed for political purposes, as the moral basis of central constitutional guarantees, by people who otherwise have very different views of what a complete good life for a human being would be. (In part, as we shall see, this is because the list is a list of capabilities or opportunities for functioning, rather than of actual functions; in part it is because the list protects spaces for people to pursue other functions that they value.)

The list provides the underpinnings of basic political principles that can be embodied in constitutional guarantees. For this purpose, it isolates those human capabilities that can be convincingly argued to be of central importance in any human life, whatever else the person pursues or chooses. The central capabilities are not just instrumental to further pursuits: they are held to have value in themselves, in making the life that has them fully human. But they are held to have a particularly pervasive and central role in everything else people plan and do. In that sense, too, they play a role analogous to that of primary goods in Rawls's recent (political-liberal) theory: they have a special importance in making any choice of a way of life possible, and so they have a special claim to be supported for political purposes in a pluralistic society.⁷⁰

⁷⁰As section vii will show, I also envisage a role for international agencies and international human rights law in implementing these capabilities; but on grounds of accountability, the nation state remains the basic unit.

A list of the central capabilities is not a complete theory of justice. Such a list gives us the basis for determining a decent social minimum in a variety of areas.⁷¹ I argue that the structure of social and political institutions should be chosen, at least in part, with a view to promoting at least a threshold level of these human capabilities. But the provision of a threshold level of capability, exigent though that goal is, may not suffice for justice, as I shall elaborate further below, discussing the relationship between the social minimum and our interest in equality. The determination of such further requirements of justice awaits a further inquiry. Moreover, in order to describe how a threshold level of capability might best be secured, much more needs to be said about the appropriate role of the public sphere vis a vis incentives to private actors, and also about how far the public sphere is entitled to control the activities of private actors in the pursuit of the capabilities on the list. We could agree that the space of capabilities is the relevant space in which to make such comparisons, and that a basic social minimum in the area of the central capabilities should be secured to all citizens, while disagreeing about the role to be played by government and public planning in their promotion. Since a general answer to this question requires us to answer economic questions that are not in the province of my inquiry, I shall not give a general answer to this question here, although Lecture Two, "Religion and Sex Equality" will discuss the proper role of law in some particular areas of capability-promotion. Many other questions treated by theories of justice are also left undecided by this account of capability.⁷²

The list represents the result of years of cross-cultural discussion, and comparisons between earlier and later versions will show that the input of other voices has shaped its content in many ways. Thus it already represents what it proposes: a type of overlapping consensus⁷³ on the part of people with otherwise very different views of human life. By "overlapping consensus" I mean what John Rawls means by it: that people may sign on to this conception as the free-standing moral core of a political conception, without accepting any particular metaphysical view of the world, any particular comprehensive ethical or religious

⁷¹To perform this function in a useful way the list must have a more clearly demarcated account of the threshold level than is currently present: see below on how this will be done.

⁷²Among these topics are the role of private and public property; the idea of justice between generations; the role of civil disobedience; and -- with the exception of some brief remarks in section vii -- redistributive justice between nations.

⁷³See Rawls, PL, 133-72.

view, or even any particular view of the person and human nature. Indeed, it is to be expected that holders of different views in those areas will even interpret the moral core of the political conception to some extent differently, in keeping with their differing starting points.⁷⁴ Thus, a Muslim may say, "Women are equal as citizens in the political conception because men and women share a single metaphysical essential nature." Some Jews⁷⁵ and Christians will say, by contrast, "Women are equal as citizens despite the fact that they have a different essential nature from that of men." Catholic Thomists will interpret "practical reason" by thinking about St. Thomas's Aristotelian conception of choice. Others will think of choice in a more informal manner, based on their daily experience of planning and deciding. A Finn may interpret play and recreation in terms of a comprehensive conception of life in which solitary contemplation in the forest plays a large role; a resident of Calcutta is likely to have a different set of comprehensive associations in mind. As I interpret Aristotle, he understood the core of his account of human functioning to be a free-standing moral conception, not one that is deduced from natural teleology or any non-moral source.⁷⁶ Whether or not I am correct about Aristotle, however, my own neo-Aristotelian proposal is intended in that spirit -- and also (clearly unlike Aristotle's) as a partial, not a comprehensive, conception of the good life, a moral conception selected for political purposes only.

Since the intuitive conception of human functioning and capability demands continued reflection and testing against our intuitions, we should view any given version of the list as a proposal put forward in a Socratic fashion, to be tested against the most solid of our intuitions as we attempt to arrive at a type of reflective equilibrium for political purposes. (I shall discuss this issue of political justification further in Section vii.)

Some items on the list may seem to us more fixed than others. For example, it would be astonishing if the right to bodily integrity were to be removed from the list; that seems to be a fixed point in our considered judgments of goodness.⁷⁷ On the other hand, one might debate what role is played by literacy

⁷⁴See Rawls, PL, 144-5.

⁷⁵Not all, however: see my "Judaism and the Love of Reason," in Marya Bower and Ruth Groenhout, eds., Among Sophia's Daughters: Philosophy, Feminism, and the Demands of Faith, forthcoming.

⁷⁶See HN.

⁷⁷I borrow the phrasing, of course, from Rawls, TJ, substituting "goodness" for "justice," in keeping with the fact that we are talking about the analogue of "primary goods."

in human functioning, and what role is played by our relationship to other species and the world of nature. In this sense, the list remains open-ended and humble; it can always be contested and remade. Nor does it deny that the items on the list are to some extent differently constructed by different societies. Indeed part of the idea of the list is its multiple realizability: its members can be more concretely specified in accordance with local beliefs and circumstances. It is thus designed to leave room for a reasonable pluralism in specification. The threshold level of each of the central capabilities will need more precise determination, as citizens work toward a consensus for political purposes. This can be envisaged as taking place within each constitutional tradition, as it evolves through interpretation and deliberation. (Most fundamental constitutional rights are initially described at a high level of generality, but this does not mean that they are impractical or non-justiciable: the tradition of interpretation and precedent provides the relevant specifications.) Finally, in its relatively concrete remarks about matters such as literacy and basic scientific education, the list is intended for the modern world, rather than as timeless.⁷⁸

Here is the current version of the list:⁷⁹

Central Human Functional Capabilities

1. Life. Being able to live to the end of a human life of normal length; not dying prematurely, or before one's life is so reduced as to be not worth living.
2. Bodily Health. Being able to have good health, including reproductive health;⁸⁰ to be adequately nourished; to have adequate shelter.

⁷⁸Some of the items are more timeless than others, clearly. Literacy is a concrete specification for the modern world of a more general capability that might have been realized without literacy in other times and places. All the large general rubrics appear rather timeless, though I do not claim, or need to claim, that human life exhibits an unchanging essence throughout history.

⁷⁹The current version of the list reflects changes made as a result of my discussions with people in India. The primary changes are a greater emphasis on bodily integrity and control over one's environment (including property rights and employment opportunities), and a new emphasis on dignity and non-humiliation. Oddly, these features of human "self-sufficiency" and the dignity of the person are the ones most often criticized by Western feminists as "male" and "Western", one reason for their more muted role in earlier versions of the list. See my "The Feminist Critique of Liberalism."

⁸⁰The 1994 International Conference on Population and Development (ICPD) adopted a definition of reproductive health that fits well with the intuitive idea of truly human functioning that guides this list: "Reproductive health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and its processes. Reproductive health therefore implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when, and how often to do so." The definition goes on to say that it also implies information and access to family planning methods of their choice. A brief summary of the ICPD's recommendations, adopted by the Panel on Reproductive Health of the Committee on Population established by the National Research Council specifies three requirements of reproductive health: "1. Every sex act should be free of coercion and infection. 2. Every

3. **Bodily Integrity.** Being able to move freely from place to place; having one's bodily boundaries treated as sovereign, i.e. being able to be secure against assault, including sexual assault, child sexual abuse, and domestic violence; having opportunities for sexual satisfaction and for choice in matters of reproduction.
4. **Senses, Imagination, and Thought.** Being able to use the senses, to imagine, think, and reason -- and to do these things in a "truly human" way, a way informed and cultivated by an adequate education, including, but by no means limited to, literacy and basic mathematical and scientific training. Being able to use imagination and thought in connection with experiencing and producing self-expressive works and events of one's own choice, religious, literary, musical, and so forth. Being able to use one's mind in ways protected by guarantees of freedom of expression with respect to both political and artistic speech, and freedom of religious exercise. Being able to search for the ultimate meaning of life in one's own way. Being able to have pleasurable experiences, and to avoid non-necessary pain.
5. **Emotions.** Being able to have attachments to things and people outside ourselves; to love those who love and care for us, to grieve at their absence; in general, to love, to grieve, to experience longing, gratitude, and justified anger. Not having one's emotional development blighted by overwhelming fear and anxiety, or by traumatic events of abuse or neglect. (Supporting this capability means supporting forms of human association that can be shown to be crucial in their development.)
6. **Practical Reason.** Being able to form a conception of the good and to engage in critical reflection about the planning of one's life. (This entails protection for the liberty of conscience.)
7. **Affiliation.** A. Being able to live with and toward others, to recognize and show concern for other human beings, to engage in various forms of social interaction; to be able to imagine the situation of another and to have compassion for that situation; to have the capability for both justice and friendship. (Protecting this capability means protecting institutions that constitute and nourish such forms of affiliation, and also protecting the freedom of assembly and political speech.)
 B. Having the social bases of self-respect and non-humiliation; being able to be treated as a dignified being whose worth is equal to that of others. This entails, at a minimum, protections against discrimination on the basis of race, sex, religion, caste, ethnicity, or national origin.⁸¹
8. **Other Species.** Being able to live with concern for and in relation to animals, plants, and the world of nature.⁸²

pregnancy should be intended. 3. Every birth should be healthy." See Amy O. Tsui, Judith N. Wasserheit, and John G. Haaga, eds., Reproductive Health in Developing Countries (Washington: National Academy Press, 1997), p. 14.

⁸¹This provision is based on Indian Constitution Article 15, which adds (as I would) that this should not be taken to prevent government from enacting measure to correct the history of discrimination against women and against the scheduled tribes and castes. Non-discrimination on the basis of sexual orientation seems to me to be of central importance as well, but I reserve it for separate argument, since there is no political consensus on this topic at present, and especially not in India. I believe that the right to non-discrimination on the basis of sexual orientation is entailed by a right to non-discrimination on the basis of sex, and I understand my list in that spirit; but I have not argued that point here.

⁸²In terms of cross-cultural development, this has been the most controversial item on the list. Government can do quite a lot about this capability, through its choices of policy regarding endangered species, the health and life of animals, and the ecology. Norway, for example, places tremendous emphasis on this capability. In Oslo one may build only within five miles of the coast; past that "forest line," the inland mountainous region is kept free of habitation to preserve spaces for people to enjoy solitude in the forest, a central aspect of this capability, as Norwegians specify it.

9. Play. Being able to laugh, to play, to enjoy recreational activities.

10. Control over one's Environment.

A. Political. Being able to participated effectively in political choices that govern one's life; having the right of political participation, protections of free speech and association.

B. Material. Being able to hold property (both land and movable goods), not just formally but in terms of real opportunity; and having property rights on an equal basis with others; having the right to seek employment on an equal basis with others; having the freedom from unwarranted search and seizure.⁸³ In work, being able to work as a human being, exercising practical reason and entering into meaningful relationships of mutual recognition with other workers.

The list is, emphatically, a list of separate components. We cannot satisfy the need for one of them by giving a larger amount of another one. All are of central importance and all are distinct in quality. The irreducible plurality of the list limits the trade-offs that it will be reasonable to make, and thus limits the applicability of quantitative cost-benefit analysis. One may, of course, always use cost-benefit analysis; but if one does so in connection with this approach, it will be crucial to represent in the weightings the fact that each and every one of a plurality of distinct goods is of central importance, and thus there is a tragic aspect to any choice in which citizens are pushed below the threshold in one of the central areas. That tragic aspect could be represented as simply a huge cost; but it is hard to represent clearly in this way the fact that a distinctive good is being slighted. One should not suppose, for example, that the absence of the political liberties would be made up for by tremendous economic growth, and the use of a single measure might easily make one think in this way.⁸⁴

At the same time, the items on the list are related to one another in many complex ways. One of the most effective ways of promoting women's control over their environment, and their effective right of

⁸³ASD argued that property rights are distinct from, for example, speech rights, in the sense that property is a tool of human functioning and not an end in itself. The current version of the list still insists that more property is not ipso facto better, but it expands the role of property rights, seeing the intimate relationship between property rights and self-definition. Most obviously, property rights should not be allocated on a sex-discriminatory basis, as they currently are under some of the systems of personal law in India. But it is also important to think of their absolute value, as supports for other valuable forms of human functioning. Thus all citizens should have some property, real or movable, in their own name. The amount requisite will properly be deliberated by each state in the light of its economic situation. Land is frequently a particularly valuable source of self-definition, bargaining power, and economic sustenance, so one might use the list to justify land reforms that remove surplus land from the rich in order to give the poor something to call their own. For example, the reform in West Bengal took wealthy landowners' second homes for this purpose. See also CHR.

⁸⁴Thus phrases such as "Singapore success story" might have been harder to use had the measure of quality of life in terms of GNP per capita not been dominant in development policy.

political participation, is to promote women's literacy. Women who can seek employment outside the home have exit options that help them protect their bodily integrity from assaults within it. Reproductive health is related in many complex ways to practical reason and bodily integrity. This gives us still more reason not to promote one at the expense of the others.

Some of the items on the list are or include what John Rawls has called "natural goods", goods in whose acquisition luck plays a substantial role. Thus, governments cannot hope to make all citizens healthy, or emotionally balanced, since some of the determinants of those good states are natural or luck-governed. In these areas, what government can aim to deliver is the social basis of these capabilities. The capabilities approach insists that this requires doing a great deal to make up for differences in starting point that are caused by natural endowment or by power, but it is still the social basis of the good, not the good itself, that society can reliably provide. Take women's emotional health. Government cannot make all women emotionally healthy; but it can do quite a lot to influence emotional health, through suitable policies in areas such as family law, rape law, and public safety. Something similar will be true of all the natural goods. But factors we cannot control may still interfere to keep some people from full capability. When we use capabilities as a comparative measure of quality of life, we must therefore still inquire about the reasons for the differences we observe. Some differences in health among nations or groups are due to factors public policy can control, and others are not. Basic political principles have done their job if they have provided people with the full social basis of these capabilities.

Among the capabilities, two, practical reason and affiliation, stand out as of special importance, since they both organize and suffuse all the others, making their pursuit truly human. To use one's senses in a way not infused by the characteristically human use of thought and planning is to use them in a merely animal manner.⁸⁵ To plan for one's own life without doing so in complex forms of discourse, concern, and reciprocity with other human beings is, again, to behave more like a beast than like a human being.⁸⁶ To take just one example, work, to be a truly human mode of functioning, must involve both practical reason and affiliation. It must involve behaving as a thinking being, not just a cog in a machine; and it must be

⁸⁵See HN, ASD.

⁸⁶See HN on the role of this idea in myths of transformations to and from the human.

done with and toward others, in a way that involves mutual recognition of humanity.⁸⁷ Women's work lacks this feature even more often than does men's work.

The basic intuition from which the capability approach begins, in the political arena, is that human abilities exert a moral claim that they should be developed. Once again, this must be understood as a free-standing moral idea, not one that relies on a particular metaphysical or teleological view. Not all actual human abilities exert a moral claim, only the ones that have been evaluated as valuable from an ethical viewpoint. (The capacity for cruelty, for example, does not figure on the list.) Thus the argument begins from ethical premises and derives ethical conclusions from these alone, not from any further metaphysical premises.⁸⁸ Nonetheless, it seems to me that we can get a consensus of the requisite sort, for political purposes, about the core of our moral argument concerning the moral claim of certain human powers. Human beings are creatures such that, provided with the right educational and material support, they can become fully capable of all these human functions. That is, they are creatures with certain lower-level capabilities (which I call "basic capabilities"⁸⁹) to perform the functions in question. When these capabilities are deprived of the nourishment that would transform them into the high-level capabilities that figure on the list, they are fruitless, cut off, in some way but a shadow of themselves. If a turtle were given a life that afforded a merely animal level of functioning, we would have no indignation, no sense of waste and tragedy. When a human being is given a life that blights powers of human action and expression, that does give us a sense of waste and tragedy -- the tragedy expressed, for example, in Mrinal's statement to her husband, in Tagore's story, when she says, "I am not one to die easily." In her view, a life without dignity and choice, a life in which she can be no more than an appendage of someone else, is a type of death, the death of her humanity. "I have just started living," she ends her letter -- and signs it, "This is from Mrinal -- who is torn off the shelter of your feet." This sense of tragedy crosses cultural boundaries; it does not depend upon any particular metaphysical view of human nature.

We begin, then, with a sense of the worth and dignity of basic human powers, thinking of them as claims to a chance for functioning, claims that give rise to correlated social and political duties. And in

⁸⁷On Marx's view, see Brudney, cited above.

⁸⁸See HN, with my argument that this is also Aristotle's view.

⁸⁹See NFC, with reference to Aristotle's ways of characterizing levels of dunamis.

fact there are three different types of capabilities that play a role in the analysis.⁹⁰ First, there are basic capabilities: the innate equipment of individuals that is the necessary basis for developing the more advanced capability, and a ground of moral concern. These capabilities are sometimes more or less ready to function: the capability for seeing and hearing is usually like this. More often, however, they are very rudimentary, and cannot be directly converted into functioning. A newborn child has, in this sense, the capability for speech and language, the capability for love and gratitude, the capability for practical reason, the capacity for work.

Second, there are internal capabilities: that is, developed states of the person herself that are, so far as the person herself is concerned, sufficient conditions for the exercise of the requisite functions. Unlike the basic capabilities, these states are mature conditions of readiness. Sometimes readiness simply takes time and bodily maturity: one becomes capable of sexual functioning by simply growing, without much external intervention, although one does need to be adequately nourished. Almost all human children learn to speak their native language: all they need is to hear it enough during a critical period. More often, however, internal capabilities develop only with support from the surrounding environment, as when one learns to play with others, to love, to exercise political choice. But at a certain point they are there, and the person can use them. A woman who has not suffered genital mutilation has the internal capability for sexual pleasure; most adult human beings everywhere have the internal capability for religious freedom and the freedom of speech.

But even when people have developed a power (usually with much support from the material and social world), the world may prevent them from functioning in accordance with it. Finally, therefore, there are combined capabilities,⁹¹ which may be defined as internal capabilities combined with suitable external conditions for the exercise of the function. A woman who is not mutilated but who has been widowed as a child and is forbidden to make another marriage has the internal but not the combined capability for sexual

⁹⁰See NFC, referring to Aristotle's similar distinctions; and, on the basic capabilities, HC. Sen does not use these three levels explicitly, though in practice many of his statements assume related distinctions.

⁹¹Earlier papers called these "external capabilities" (see NFC), but David Crocker persuaded me that this misleadingly suggested a focus on external conditions rather than internal fitness; in reality it suggests the appropriate combination of both "internal" and "external."

expression (and, in most such cases, for employment, and political participation).⁹² Citizens of repressive non-democratic regimes have the internal but not the combined capability to exercise thought and speech in accordance with their conscience.⁹³ The list, then, is a list of combined capabilities. To realize one of the items on the list for citizens of a nation entails not only promoting appropriate development of their internal powers, but also preparing the environment so that it is favorable for the exercise of practical reason and the other major functions.

The distinction between internal and combined capabilities is not a sharp one, because developing an internal capability usually requires favorable external conditions; indeed, it very often requires practicing the actual function. Nonetheless, the distinction does real work, because even a highly trained capability can be thwarted. We see the distinction most sharply when there is an abrupt change in the material and social environment: a person accustomed to exercising religious freedom and freedom of speech is no longer able to do so. Here we feel convinced that the internal capability is fully present, but the combined capability is not. Where there is lifelong deprivation, the distinction is not so easy to draw: persistent deprivation affects the internal readiness to function. A child raised in an environment without freedom of speech and religion does not develop the same political and religious capabilities as a child who is raised in a nation that protects these liberties. Even in such a case, however, we can observe many instances in which the distinction is salient. Many women who are eager to work outside the home because of material need, and have skills that they could use to do some work, are prevented from working by familial or religious pressures. By insisting that the capabilities on the list are combined capabilities, I insist on the two-fold importance of material and social circumstances, both in training internal capabilities and in letting them express themselves once trained; and I establish that the liberties and opportunities recognized by the list are not to be understood in a purely formal manner. They thus correspond to Rawls's ideas of "the equal worth of liberty" and "truly fair equality of opportunity," rather than to the thinner notions of "formally equal liberty" and "formal equality of opportunity."⁹⁴

⁹²See Martha A. Chen, The Lives of Widows in Rural India, forthcoming; and "A Matter of Survival: Women's Right to Employment in India and Bangladesh," in WCD, 37-57.

⁹³If repression is sufficiently severe and long-lasting, they may also to some degree lack the internal capability for such expression: see below.

⁹⁴See Rawls, TJ, 204-5, 72-75.

A focus on capabilities as social goals is closely related to a focus on human equality, in the sense that discrimination on the basis of race, religion, sex, national origin, caste, or ethnicity is taken to be itself a failure of associational capability, a type of indignity or humiliation. And making capabilities the goals entails promoting for all citizens a greater measure of material equality than exists in most societies, since we are unlikely to get all citizens above a minimum threshold of capability for truly human functioning without some redistributive policies. On the other hand, it is possible for supporters of the general capability goal to differ about the amount of material equality a society focused on capability should seek. Complete egalitarianism,⁹⁵ a Rawlsian difference principle, and a weaker focus on a (rather ample) social minimum would all be compatible with the proposal as so far advanced. Where women are concerned, almost all world societies are very far from even providing the basic minimum of truly human functioning, where many or even most women are concerned; I therefore leave the debate about levels of equality for a later stage, when the differences become meaningful in practice.

V. Functioning and Capability

I have spoken both of functioning and of capability. How are they related? Getting clear about this is crucial in defining the relation of the "capabilities approach" both to Rawlsian liberalism and to our concerns about paternalism and pluralism. For if we were to take functioning itself as the goal of public policy, pushing citizens into functioning in a single determinate manner, the liberal pluralist would rightly judge that we were precluding many choices that citizens may make in accordance with their own conceptions of the good, and perhaps violating their rights. A deeply religious person may prefer not to be well-nourished, but to engage in strenuous fasting. Whether for religious or for other reasons, a person may prefer a celibate life to one containing sexual expression. A person may prefer to work with an intense dedication that precludes recreation and play. Am I declaring, by my very use of the list, that these are not

⁹⁵Notice, however, that capability equality would not necessarily entail equality of resources: that all depends on how resources affect capabilities once we get well above the threshold. Aristotle thought that we reach a point of negative returns: after a certain "limit", wealth becomes counterproductive, a distraction from the things that matter.

lives worthy of the dignity of the human being? And am I instructing government to nudge or push people into functioning of the requisite sort, no matter what they prefer?

It is important that the answer to this question is no. Where adult citizens are concerned, capability, not functioning, is the appropriate political goal. This is so because of the very great importance the approach attaches to practical reason, as a good that both suffuses all the other functions, making them human rather than animal,⁹⁶ and figures, itself, as a central function on the list. It is perfectly true that functionings, not simply capabilities, are what render a life fully human, in the sense that if there were no functioning of any kind in a life, we could hardly applaud it, no matter what opportunities it contained. Nonetheless, for political purposes it is appropriate for us to shoot for capabilities, and those alone. Citizens must be left free to determine their course after that. The person with plenty of food may always choose to fast, but there is a great difference between fasting and starving, and it is this difference that I wish to capture. Again, the person who has normal opportunities for sexual satisfaction can always choose a life of celibacy, and my approach says nothing against this. What it does speak against (for example) is the practice of female genital mutilation, which deprives individuals of the opportunity to choose sexual functioning (and indeed, the opportunity to choose celibacy as well).⁹⁷ A person who has opportunities for play can always choose a workaholic life; again, there is a great difference between that chosen life and a life constrained by insufficient maximum-hour protections and/or the "double day" that makes women unable to play in many parts of the world. Recall that I am not saying that public policy should rest content with internal capabilities, but remain indifferent to the struggles of individuals who have to try to exercise these in a hostile environment. In that sense, my approach is highly attentive to the goal of functioning, and instructs governments to keep it always in view. On the other hand, I am not pushing individuals into the function: once the stage is fully set, the choice is up to them.

The reason for proceeding in this way is, quite simply, the respect we have for people and their choices. Even when we feel confident that we know what a flourishing life is, and that a particular function plays an

⁹⁶See HN, with discussion of Marx.

⁹⁷See my "Double Moral Standards?" (a reply to Yael Tamir's "Hands Off Clitoridectomy") The Boston Review Oct.-Nov. 1996, and in expanded form in Sex and Social Justice, ch. 4; and "Religion and Women's Human Rights."

important role in it, we do not respect people when we dragoon them into this functioning. We set the stage and, as fellow citizens, present whatever arguments we have in favor of a given choice; then the choice is up to them.

A subsidiary argument can also be made, suggested by my remark about celibacy. If people do not have choices, and do what they do because of a requirement, their actions may no longer have the same worth, and may in effect be different functions. This point, frequently made by supporters of religious toleration against coerced uniformity, applies as well to other capabilities. Play is not play if it is enforced, love is not love if it is commanded. This suggests a reason why even someone who is confident and dogmatic about a particular conception of the good should prefer capabilities and not functioning as the political goal: functioning of the type this person wants will not arrive at all, if it is made the direct political goal in a way that does not allow latitude for choice. This is a supportive argument; the primary argument is the argument from respect for persons. But it does work in persuading a perfectionist opponent that choice is something worth respecting.

The capabilities approach, as I have articulated it, is very close to Rawls's approach using the notion of primary goods. We can see the list of capabilities as like a long list of opportunities for functioning, such that it is always rational to want them whatever else one wants. If one ends up having a plan of life that does not make use of all of them, one has hardly been harmed by having the chance to choose a life that does. The primary differences between this capabilities list and Rawls's list of primary goods are its length and definiteness, its refusal to make thing-like items like income and wealth goals in their own right, and in particular, as I have said, its determination to place upon the list the social basis of several goods that Rawls has called "natural goods," such as "health and vigor, intelligence and imagination."⁹⁸ Since Rawls has been willing to put the social basis of self-respect on his list, it is not at all clear why he has not made the same move with imagination and health.⁹⁹ Rawls's evident concern is that no society can guarantee health to its individuals -- in that sense, saying that the goal is full external capability may

⁹⁸TJ, 62.

⁹⁹Rawls comments that "although their possession is influenced by the basic structure, they are not so directly under its control" (62). This is of course true if we are thinking of health: but if we think of the social basis of health, it is not true. It seems to me that the case for putting these items on the political list is just as strong as the case for the social basis of self-respect. In "The Priority of Right", Rawls suggests putting health on the list.

appear unreasonably idealistic. Some of the capabilities (e.g. some of the political liberties) can be fully guaranteed by society, but many others involve an element of chance and cannot be so guaranteed. My response to this was that, with these items as with self-respect, society can hope to guarantee the social basis of these natural goods, and that putting them on the list as a set of political goals should therefore be useful as a benchmark for aspiration and comparison. Even though individuals with adequate health support often fall ill, it still makes sense to compare societies by asking about actual health-capabilities, since we assume that the comparison will reflect the different inputs of human planning, different degrees to which the social basis of these capabilities has in fact been guaranteed to individuals. Such comparisons can be adjusted to take account of more and less favorable natural situations. (Sometimes it is easier to get information on health achievements than on health capabilities; to some extent we must work with the information we have, while not forgetting the importance of the distinction.) The social minimum, however, requires only the social basis of these natural goods, not the goods themselves.

If we aim to produce adults who have all the capabilities on the list, this will frequently mean requiring certain types of functioning from children, since, as I have argued, exercising a function in childhood is frequently necessary to produce a mature adult capability. Thus it seems perfectly legitimate to require primary and secondary education, given the role this plays in all the later choices of an adult life. Similarly, it seems legitimate to insist on the health, emotional well-being, bodily integrity, and dignity of children in a way that does not take their choices into account; some of this insisting will be done by parents, but the state has a legitimate role in preventing abuse and neglect. Again: functioning in childhood is necessary for capability in adulthood. The state's interest in adult capabilities gives it a very strong interest in any treatment of children that has a long-term impact on these capabilities; in Lecture Two, "Religion and Sex Equality," I shall grapple with some of the difficult issues this raises when parental and religious claims conflict with these legitimate government interests. Similarly, we will often be justified in restricting the scope of choice for adults who do not have full mental and moral powers, promoting actual functioning (for example, in the areas of health, shelter, bodily integrity) rather than simply capability.

But even where adults are concerned, we may feel that some of the capabilities are so important, so crucial to all the others, that we are sometimes justified in promoting functioning rather than simply capability, within limits set by an appropriate concern for liberty. Thus most modern nations treat health and safety as things not to be left altogether to people's choices: building codes, regulation of food, medicine, and environmental contaminants, all these restrict liberty in a sense. They are understood to be justified because of the difficulty of making informed choices in all these areas, and the burden of inquiry this would impose on citizens, as well as by the thought that health and safety are simply too basic to be left entirely to people's choice -- although the inhabitant of a safe building still has many opportunities for unsafe bodily risk. We may also feel that health is a human good that has value in itself independently of choice, and that it is not unreasonable for government to take a stand on its importance in a way that to some extent (though not totally) bypasses choice. Dignity is another area that is difficult to ponder. Surely we do not want altogether to close off voluntary choices citizens may make to abase themselves or to choose relationships involving humiliation, however unfortunate we may think those choices; in that sense capability remains the appropriate political goal. But it seems important for government to focus on policies that will actually treat people with dignity and express actual respect for them, rather than policies (whatever those would be) that would extend to them a mere option to be treated with dignity (for example by purchasing that right at a low cost). In general, the more crucial a function is to other capabilities, the more entitled we may be to promote actual functioning in some cases, within limits set by an appropriate respect for citizens' choices.

In another group of cases, we may suspect that the absence of a function is really a sign that the capability itself has been surrendered. Emotional health is an area in which we can usually make such inferences from absence of functioning to absence of capability: if a person always shows suspicion and fear of other people, we usually infer damage to the capacity for love, rather than saying that this person, though able to love, has made a choice not to. In other areas as well this question often needs to be raised. If certain classes of people seem to be able to vote, and persistently don't do so, we should ask whether there are subtle obstacles, material or social, preventing them from exercising their role as citizens. If we judge that persistent inequalities or hierarchies may have created emotional barriers to full participation, we

may be justified in using special incentives to encourage functioning, as when jobs are created particularly for women, or minorities. Such policies are appropriate to the extent that we believe equality of capability is unlikely to be fully present where actual functioning is not present.

What should we say when adults, apparently without coercion, want to sign away a major capability in a permanent way? Frequently, though certainly not always, we judge that interference is justified to protect the capability. Even those who favor legalizing suicide and even assisted suicide believe that these choices must be hedged round with legal procedures to prevent hasty decision; and few support a flat permission of suicide for all unhappy or depressed people. Similarly with practical reason: we don't allow contracts of voluntary enslavement, even if we think the person of sound mind. Laws against drug use typically reflect a judgment that drugs impair capabilities in a long-term and frequently irreversible way. Seat belt and helmet laws, more controversial, again reflect a widespread view that it is appropriate to protect people's long-term capabilities against the consequences of momentary carelessness. Similarly, risky medical procedures usually require higher standards of choice and due consideration than we require in daily life. Sales of necessary bodily organs are illegal; though there is more controversy about kidneys and other not strictly necessary parts, sale of these is currently illegal in most nations. Again, it seems reasonable for governments to ban female genital mutilation, even when practiced by adults without coercion: for, in addition to long-term health risks, it involves the permanent removal of the capability for most sexual pleasure, although individuals should of course be free to choose not to have sexual pleasure if they prefer not to. Finally, it seems right that capabilities in the area of nature and species be given special protection against permanent loss, even when that permanent loss is favored by a democratic majority.¹⁰⁰

The issue of permanent capability-surrender arises in an especially difficult form in the area of reproduction, where state concerns about overpopulation frequently lead to policies that actively promote such surrenders as an inexpensive and effective form of contraception. Vasanti's case shows that choices to surrender reproductive capability permanently are often made too lightly, after too little consultation with the affected parties. Government offered incentives for vasectomies, apparently requiring only the

¹⁰⁰These issues obviously also raise the difficult issue of trusteeship for the capabilities of future generations. I do not address that issue here.

husband to consent, although his choice made Vasanti infertile also. Even when governments permit such choices, as most do, it seems questionable to encourage them, when we are dealing with central human capabilities. Other strategies of population control should be preferred. Increasing female literacy is the single most effective way of lowering birth rates; and it enhances, rather than extinguishing, capabilities.¹⁰¹

Other more short-term or partial ways of signing away a capability may also be controversial, especially in the areas of health and bodily integrity. Thus the victim's consent is not a defense against many types of bodily abuse. Certain extremely bloody sports ("ultimate fighting,"¹⁰² boxing without gloves) are illegal in most places. We don't permit people to buy tainted products or dangerous medicines, even with full knowledge. In other areas (for example alcohol and tobacco use) governments offer disincentives to health damage, rather than preventing choice outright. All these issues are controversial because they do raise legitimate concerns about paternalism. My own view is that health and bodily integrity are so important in relation to all the other capabilities that they are legitimate areas of interference with choice up to a point, although there will rightly be disagreement about what that point is, in each of these areas. Much of this debate does not fall within the scope of basic political principles.

As with Rawls's list of primary goods, so with the Central Capabilities: they are not meant to be an exhaustive account of what is worthwhile in life. Some uses of an Aristotelian notion of functioning in political thought, deriving from a particular interpretation of natural-law Thomism, do have that tendency: individuals are viewed as leading substandard lives insofar as they neglect one of the items on the Aristotelian list, or devote themselves to something that is not on the list.¹⁰³ In my own approach, by

¹⁰¹See Amartya Sen, "Fertility and Coercion," *The University of Chicago Law Review* 63 (1996), 1035-62.

¹⁰²This is a kind of rule-free fighting, where blows to any part of the body are tolerated. It is legal in several states, but illegal in most.

¹⁰³See John Finnis, *Natural Law and Natural Rights* (Oxford: Clarendon, 1980); Robert P. George, *Making Men Moral: Civil Liberties and Public Morality* (Oxford: Clarendon Press, 1992). A life devoted to pleasure (not on Finnis's list) would in that sense be a substandard life, even if it had capabilities for all the functions on his list. Neglecting items on the list is more complicated, because Finnis acknowledges that life is too short to pursue everything; so he allows that a life may be perfectly valuable if it neglects one or more of the items, provided that the person acknowledges the objective goodness of that item: "It is one thing to have little capacity and even no 'taste' for scholarship, or friendship, or physical heroism, or sanctity; it is quite another thing, and stupid or arbitrary, to think or speak or act as if these were not real forms of good." My conception requires only that citizens support the goodness of the relevant capabilities, and this for political purposes only. They are perfectly at liberty to say or think what they like about the goodness of the relevant functions, and also at liberty to differ about

contrast, the use of the list is facilitative rather than tyrannical: if individuals neglect an item on the list, this is just fine from the point of view of the political purposes of the list, so long as that doesn't mean that they impede others who wish to pursue it. And if they pursue an item not on the list, that is to be expected, and exactly what the list is meant to make possible.

VI. Capabilities and Human Rights

Earlier versions of the list appeared to diverge from the approach of Rawlsian liberalism by not giving as large a place to the traditional political rights and liberties -- although the need to incorporate them was stressed from the start.¹⁰⁴ This version of the list corrects that defect of emphasis. The political liberties have a central importance in making well-being human. A society that aims at well-being while overriding these has delivered to its members an incompletely human level of satisfaction.¹⁰⁵ As Amartya Sen has recently written, "Political rights are important not only for the fulfillment of needs, they are crucial also for the formulation of needs. And this idea relates, in the end, to the respect that we owe each other as fellow human beings."¹⁰⁶ There are many reasons to think that political liberties have an instrumental role in preventing material disaster (in particular famine¹⁰⁷), and in promoting economic well-being. But their role is not merely instrumental: they are valuable in their own right.

Thus capabilities as I conceive them have a very close relationship to human rights, as understood in contemporary international discussions. In effect they cover the terrain covered by both the so-called "first-generation rights" (political and civil liberties) and the so-called second-generation rights (economic and social rights). And they play a similar role, providing the philosophical underpinning for basic

the metaphysical grounding of the capabilities. And of course, given the protection of the freedom of speech, they are perfectly free to challenge the philosophical basis of the constitutional principles by speaking against the capabilities list.

¹⁰⁴See ASD.

¹⁰⁵See HN.

¹⁰⁶Sen, "Freedoms and Needs," The New Republic January 10/17, 1994, 31-38, at 38. Compare Rawls, PL, 187-8, which connects freedom and need in a related way.

¹⁰⁷Sen, Poverty and Famines: An Essay on Entitlement and Deprivation (Oxford: Clarendon Press, 1981). Sen argues that free press and open political

constitutional principles. Because the language of rights is well-established, the defender of capabilities needs to show what is added by this new language.¹⁰⁸

The idea of human rights is by no means a crystal clear idea. Rights have been understood in many different ways, and difficult theoretical questions are frequently obscured by the use of rights language, which can give the illusion of agreement where there is deep philosophical disagreement. People differ about what the basis of a rights claim is: rationality, sentience, and mere life have all had their defenders. They differ, too, about whether rights are prepolitical or artifacts of laws and institutions. (Kant held the latter view, although the dominant human rights tradition has held the former.) They differ about whether rights belong only to individual persons, or also to groups. They differ about whether rights are to be regarded as side-constraints on goal-promoting action, or rather as one part of the social goal that is being promoted. They differ, again, about the relationship between rights and duties: if A has a right to S, then does this mean that there is always someone who has a duty to provide S, and how shall we decide who that someone is? They differ, finally, about what rights are to be understood as rights to. Are human rights primarily rights to be treated in certain ways? Rights to a certain level of achieved well-being? Rights to resources with which one may pursue one's life plan? Rights to certain opportunities and capacities with which one may make choices about one's life plan?

The account of central capabilities has the advantage, it seems to me, of taking clear positions on these disputed issues, while stating clearly what the motivating concerns are and what the goal is. Bernard Williams put this point eloquently, commenting on Sen's 1987 Tanner Lectures:

I am not very happy myself with taking rights as the starting point. The notion of a basic human right seems to me obscure enough, and I would rather come at it from the perspective of basic human capabilities. I would prefer capabilities to do the work, and if we are going to have a language or rhetoric of rights, to have it delivered from them, rather than the other way round.¹⁰⁹

As Williams says, however, the relationship between the two concepts needs further scrutiny, given the dominance of rights language in the international development world.

¹⁰⁸The material of this section is further developed in CHR.

¹⁰⁹Bernard Williams, "The Standard of Living: Interests and Capabilities," in The Standard of Living, ed. G. Hawthorne (Cambridge: Cambridge University Press, 1987), 100.

In some areas, I would argue that the best way of thinking about what rights are is to see them as combined capabilities. The right to political participation, the right to religious free exercise, the right of free speech -- these and others are all best thought of as capacities to function. In other words, to secure a right to a citizen in these areas is to put them in a position of combined capability to function in that area. (Of course there is another sense of "right" that is more like my "basic capabilities": people have a right to religious freedom just in virtue of being human, even if the state they live in has not guaranteed them this freedom.) By defining rights in terms of combined capabilities, we make it clear that a people in country C don't really have the right to political participation just because this language exists on paper: they really have this right only if there are effective measures to make people truly capable of political exercise. Women in many nations have a nominal right of political participation without having this right in the sense of capability: for example, they may be threatened with violence should they leave the home. In short, thinking in terms of capability gives us a benchmark as we think about what it is really to secure a right to someone.

There is another set of rights, largely those in the area of property and economic advantage, which seem analytically different in their relationship to capabilities. Take, for example, the right to shelter and housing. These are rights that can be analyzed in a number of distinct ways: in terms of resources, or utility (satisfaction), or capabilities. (Once again, we must distinguish between the claim that "A has a right to shelter" -- which frequently refers to A's moral claim in virtue of being human, with what I call basic capabilities) -- from the statement that "Country C gives its citizens the right to shelter." It is the second sentence whose analysis I am discussing here.) Here again, however, it seems valuable to understand these rights in terms of capabilities. If we think of the right to shelter as a right to a certain amount of resources, then we get into the very problem I discussed in section iii: giving resources to people does not always bring differently situated people up to the same level of capability to function. The utility-based analysis also encounters a problem: traditionally deprived people may be satisfied with a very low living standard, believing that this is all they have any hope of getting. A capabilities analysis, by contrast, looks at how people are actually enabled to live. Analyzing economic and material rights in terms of

capabilities thus enables us to set forth clearly a rationale we have for spending unequal amounts of money on the disadvantaged, or creating special programs to assist their transition to full capability.

The language of capabilities has one further advantage over the language of rights: it is not strongly linked to one particular cultural and historical tradition, as the language of rights is believed to be. This belief is not very accurate: although the term "rights" is associated with the European Enlightenment, its component ideas have deep roots in many traditions.¹¹⁰ Where India is concerned, even apart from the recent validation of rights language in Indian legal and constitutional traditions, the salient component ideas have deep roots in far earlier areas of Indian thought -- in ideas of religious toleration developed since the edicts of Ashoka in the third century BC, in the thought about Hindu/Muslim relations in the Moghul Empire, and, of course, in many progressive and humanist thinkers of the nineteenth and twentieth centuries, who certainly cannot be described as simply Westernizers, with no respect for their own traditions.¹¹¹ Tagore portrays the conception of freedom used by the young wife in his story as having Moghul origins, in the quest of Meerabai for joyful self-expression. The idea of herself as "a free human mind" is represented as one that she derives, not from any external infusion, but from a combination of experience and history.

So "rights" are not exclusively Western, in the sense that matters most; they can be endorsed from a variety of perspectives. Nonetheless, the language of capabilities enables us to bypass this troublesome debate. When we speak simply of what people are actually able to do and to be, we do not even give the appearance of privileging a Western idea. Ideas of activity and ability are everywhere, and there is no culture in which people do not ask themselves what they are able to do, what opportunities they have for functioning.

If we have the language of capabilities, do we also need the language of rights? The language of rights still plays, I believe, four important roles in public discourse, despite its unsatisfactory features. First,

¹¹⁰On China, see Tu Wei-ming, "A Confucian Perspective of Human Rights," and Joshua Cohen, "Comments on Tu Wei-ming," forthcoming. On both India and China, see Sen, "Human Rights and Asian Values," The New Republic July 14/21, 1997, 33-41.

¹¹¹See Sen, "Human Rights and Asian Values." On Tagore, see Sen, New York Review of Books, June 1997; K. Bardhan, "Introduction" to Of Women, Outcastes. For the language of rights in the Indian independence struggles, see Nehru, Autobiography, 612.

when used in the first way, as in the sentence "A has a right to have the basic political liberties secured to her by her government", this sentence reminds us that people have justified and urgent claims to certain types of urgent treatment, no matter what the world around them has done about that. I have suggested that this role of rights language lies very close to what I have called "basic capabilities," in the sense that the justification for saying that people have such natural rights usually proceeds by pointing to some capability-like feature of persons (rationality, language) that they actually have on at least a rudimentary level. And I actually think that without such a justification the appeal to rights is quite mysterious. On the other hand, there is no doubt that one might recognize the basic capabilities of people and yet still deny that this entails that they have rights in the sense of justified claims to certain types of treatment. We know that this inference has not been made through a great deal of the world's history. So appealing to rights communicates more than does the bare appeal to basic capabilities, without any further ethical argument of the sort I have supplied. Rights language indicates that we do have such an argument and that we draw strong normative conclusions from the fact of the basic capabilities.

Second, even at the second level, when we are talking about rights guaranteed by the state, the language of rights places great emphasis on the importance and the basic role of these spheres of ability. To say, "Here's a list of things that people ought to be able to do and to be" has only a vague normative resonance. To say, "Here is a list of fundamental rights," is more rhetorically direct. It tells people right away that we are dealing with an especially urgent set of functions, backed up by a sense of the justified claim that all humans have to such things, in virtue of being human.

Third, rights language has value because of the emphasis it places on people's choice and autonomy. The language of capabilities, as I have said, was designed to leave room for choice, and to communicate the idea that there is a big difference between pushing people into functioning in ways you consider valuable and leaving the choice up to them. But there are approaches using an Aristotelian language of functioning and capability that do not emphasize liberty in the way that my approach does: Marxist Aristotelianism and some forms of Catholic Thomist Aristotelianism are illiberal in this sense. If we have the language of rights in play as well, I think it helps us to lay extra emphasis on the important fact that the appropriate

political goal is the ability of people to choose to function in certain ways, not simply their actual functionings.

Finally, in the areas where we disagree about the proper analysis of rights talk -- where the claims of utility, resources, and capabilities are still being worked out -- the language of rights preserves a sense of the terrain of agreement, while we continue to deliberate about the proper type of analysis at the more specific level.

VII. Justification and Implementation: Democratic Politics

The account of the central capabilities is based on an intuitively powerful idea of truly human functioning that has roots in many different traditions and is independent of any particular metaphysical or religious view. We must now, however, say more about the task of political justification, and its relationship to political implementation.

In general, the account of political justification that I favor lies close to the Rawlsian account of argument proceeding toward reflective equilibrium: we lay out the arguments for a given theoretical position, holding it up against the "fixed points" in our moral intuitions; we see how those intuitions both test and are tested by the conceptions we examine.¹¹² For example, among the provisionally fixed points might be the judgment that rape and domestic violence are damaging to human dignity. We look to see how the various conceptions we examine respond to that intuition. We may prefer the capabilities view to the utilitarian view, for example, when we notice that satisfactions are malleable and people can learn to acquiesce in an undignified situation. At other times, our concrete judgments may give way when we discover that the conception we favor on other grounds calls them into question. For example, if we had tended to think private property not very important for political justice, thinking about the role of personal property in the capabilities approach, and the way that approach connects property to other areas of human choice and liberty, might make us reevaluate that initial judgment. We hope, over time, to achieve consistency and fit in our judgments taken as a whole, modifying particular judgments when this seems required by a theoretical conception that seems in other respects powerful, but modifying or rejection the

¹¹²See Rawls, TJ, 20-22, 46-53; PL 28, 45, 381 n. 16.

theoretical conception when that has failed to fit the most secure of our moral intuitions. We follow this procedure in many ways, but, with Rawls, I imagine that we are following it in a specifically political domain, seeking a conception by which people of differing comprehensive views can agree to live together in a political community. This entails that we take into account not only our own judgments and the theoretical conceptions, but also the judgments of our fellow citizens.¹¹³

My argument in this lecture is envisaged as a first step in the process of reaching toward such a reflective equilibrium. Before that process would be complete (if it ever would be), we would also have to lay out other competing conceptions, compare them in detail with this one, and see on what grounds ours emerged as more choiceworthy. And we would have to consider the judgments of our fellow citizens, as well as our own.

If this process were ever complete, that very fact would give us confidence in boldly moving ahead to build the conception so affirmed into the foundations of both national societies of many sorts and international documents that specify what nations should hold themselves to. Even then, however, we would still need to think about issues of appropriate procedure, and how to effect a transition from the current status quo in a nation to the capabilities conception. We would be helped by the fact that we would have the actual agreement of all citizens; but we would still need to devise transitional procedures that are appropriately respectful of their choices. What do we do about implementation when the process of political justification remains, as it always very likely will remain, incomplete -- when we have a promising conception that has survived many tests and has the backing of many people, but regarding which no wide reflective equilibrium in the full Rawlsian sense has as yet been found? Even though the political conception itself makes a great deal of room for pluralism with regards to comprehensive conceptions of the good, another issue of pluralism arises at this point: how do we proceed when other political conceptions still have strong backing? In short: what do I really want to do with this idea, given that, as seems likely, not everyone is yet in agreement about it?

¹¹³See Rawls, PL, 384 n. 16: "This equilibrium is fully intersubjective: that is, each citizen has taken into account the reasoning and arguments of every other citizen."

Here we must say that the good idea is just that, a good idea. It can be used by international agencies and nongovernmental organizations to pursue programs within nations that have not yet embraced it. It can become the basis for international treaties and other documents that may be adopted by nations and incorporated in that way into national, as well as international, law. But in all implementation, a fundamental role remains for the nation state. The government of India is not a perfect government, to say the least. It has many faults; indeed at present it is difficult to find a fault of democratic government that it does not have. It is corrupt, inefficient, economically disastrous, weak in the defense of minority rights and minority dignity, fond of macho posturing, inattentive to the educational needs of children, ineffective in its discussions of sex equality.¹¹⁴ Among the regional governments, some (e.g. Kerala's) are far better, but some (e.g. Bihar, Andhra Pradesh) are also worse, being both corrupt and prone to violence against political enemies. Nonetheless, these governments have one thing in their favor: they are elected. They are accountable to the people of India in a way that international agencies and extremely fine NGO's are simply not. 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 did not go through the deliberations of a democratically elected parliament. Thus at this point the approach is recommended as a good idea to any politicians in India or other nations who want to make it the basis of national or local policy.

Mere recommending is not the end of the political story. It seems appropriate for nations who have adopted something like this account of human capabilities as the basis for a constitution, and who believe that it can command an international overlapping consensus, to commend this norm strongly to other nations with whom they have dealings. Where particularly egregious violations of human dignity and personhood are at issue, it seems appropriate for nations to use economic and other strategies to secure compliance. (This has too rarely happened in response to violations of women's dignity: racial and religious issues seem more capable of mobilizing the international community.) Where the government in

¹¹⁴For just one example of the last point, consider recent parliamentary debates about the Rajasthan Jagdish Chandra Bose Hostel rape case, in which a 27 year old woman was gangraped while a group of men laughed and cheered. Many legislators, especially those from Rajasthan, have attacked the woman's moral character and have defended police failures to apprehend the accused in a timely way and to perform necessary medical tests on the victim: see "Another traumatized victim in rape-prone Rajasthan," India Abroad, July 10, 1998, p. 31.

question is not democratically elected, or where (as previously in South Africa) a nominal democracy fails to represent vast groups of the nation's people, such pressures are even more appropriate, and may be used more confidently. Nonetheless, in a case such as India's, if the constitution is going to change, it will ultimately have to be because the people of India choose such a change. Capabilities theory would be a prescription for tyranny if it bypassed the nation.

In the long run, it is highly desirable that the community of nations should reach a transnational overlapping consensus on the capabilities list, as a set of goals for cooperative international action and a set of commitments that each nation holds itself to for its own people. Such a consensus already exists about some items on the list, and we may hope to build out from these to the others.¹¹⁵ The effective pursuit of many of the items on the list for many nations requires international cooperation; it will also require some transfers of wealth from richer nations to poorer nations. I have said nothing here about the justification for such transfers or the mechanism governing them, but such further arguments will prove important as we strive to make a threshold level of capability available to all the world's people. Especially in an era of rapid economic globalization, the capabilities approach is urgently needed to give moral substance and moral constraints to processes that are occurring all around us without sufficient moral reflection. It can be hoped that the capabilities list will steer the process of globalization, giving it a rich set of human goals and a vivid sense of human waste and tragedy, when choices are pondered that would otherwise be made with only narrow economic considerations in view. Nonetheless, even a highly moralized globalism needs nation states at its core, because trans-national structures (at least all the ones we know about up until now) are insufficiently accountable to citizens and insufficiently representative of them. Thus the primary role for the capabilities account remains that of providing political principles that can underlie national constitutions; and this means that practical implementation must remain to a large extent the job of citizens in each nation.

My reply to the legitimate worries about universalism thus has five parts. First, multiple realizability: each of the capabilities may be concretely realized in a variety of different ways, in accordance with

¹¹⁵Here I am in agreement with Thomas Pogge, Realizing Rawls (Ithaca, NY: Cornell University Press, 1989).

individual tastes and/or local circumstances and traditions. Second, capability as goal: the basic political principles focus on promoting capabilities, not actual functioning, in order to leave to citizens the choice whether to pursue the relevant function or not to pursue it. Third, liberties and practical reason: the content of the capabilities list gives a central role to citizens' powers of choice and to traditional political and civil liberties. Fourth, political liberalism: the approach is intended as the moral core of a specifically political conception, and the object of a political overlapping consensus among people who have otherwise very different comprehensive views of the good. Fifth, constraints on implementation: the approach is designed to offer the philosophical grounding for constitutional principles, but the implementation of such principles must be done, for the most part, by the internal politics of the nation in question, although international agencies and other governments are justified in using persuasion -- and in especially grave cases economic or political sanctions -- to promote these developments.

VIII. Capabilities in Women's Lives: A Role for Public Action

I have argued that legitimate concerns for diversity, pluralism and personal freedom are not incompatible with the recognition of universal norms; indeed, universal norms are actually required if we are to protect diversity, pluralism, and freedom, treating each human being as an agent and an end. The best way to hold all these concerns together, I have argued, is to formulate the universal norms as a set of capabilities for fully human functioning, emphasizing the fact that capabilities protect, and do not close off, spheres of human freedom.

Let us now return to Vasanti and Jayamma. The script of Vasanti's life has been largely written by men on whom she has been dependent: her father, her husband, the brothers who helped her out when her marriage collapsed. This dependency put her at risk with respect to life and health, denied her the education that would have developed her powers of thought, and prevented her from thinking of herself as a person who has a plan of life to shape and choices to make. In the marriage itself she fared worst of all, losing her bodily integrity to domestic violence, her emotional equanimity to fear, and being cut off from meaningful forms of affiliation, familial, friendly, and civic. For these reasons, she did not really have the conception of herself as a free and dignified being whose worth is equal to that of others. We should note

that mundane matters of property, employment and credit play a large role here: the fact that she held no property in her own name, had no literacy and no employment-related skills, and no access to a loan except from male relatives, all this cemented her dependent status and kept her in an abusive relationship far longer than would otherwise have been her wish. We see here how closely all the capabilities are linked to one another, how the absence of one, bad in itself, also erodes others. Vasanti also had some good luck: she appears not to have had to put up with abusive in-laws -- at least this was no part of the story she chose to tell -- and she had brothers who were more than usually solicitous of her well-being, even to the point of getting her a divorce lawyer. Thus she could and did leave the marriage without having to turn to any physically dangerous or degrading occupation. But this good luck created new forms of dependency; Vasanti thus remained highly vulnerable, and lacking in confidence.

The SEWA loan changed this picture. Vasanti now had not only an income, but also independent control over her livelihood. Even when she still owed a lot of money, it was better to owe it to SEWA than to her brothers: being part of a mutually supportive community of women was crucially different, in respect of both practical reason and affiliation, from being a poor relation being given a handout. Her sense of her dignity increased as she paid off the loan and began saving. By the time I saw her, she had achieved considerable self-confidence and sense of worth; and her affiliations with other women, in both groups and personal friendships, were a new source of both pleasure and pride to her. Her participation in political life had also gone way up, as she joined in Kokila's project to prod the police to investigate more cases of domestic violence. Interestingly, she now felt that she had the capacity to be a good person by giving to others, something that the narrow focus on survival had not permitted her to do.

Reflecting on her situation, we notice how little the public sector did for her, and how lucky she was that one of the best women's NGO's in the world was right in her back yard. Government failed to ensure her an education; it failed to prosecute her husband for abuse, or to offer her shelter from that abuse¹¹⁶; it failed to secure her equal property rights in her own family; it failed to offer her access to credit; and, finally, it failed to handle her divorce case in an expeditious manner. Indeed, the only strong role

¹¹⁶The number of women's shelters in India is extremely small, indeed close to zero.

government played in Vasanti's life was strongly negative, offering cash payment for her husband's vasectomy, something that made her vulnerable position still more vulnerable.

Jayamma's situation provides an interesting contrast. On the one hand, she had a much worse start in life than Vasanti, and has done worse throughout her life on some of the measures of capability. She has had to worry constantly about hunger, and she has at times suffered from malnutrition; she has engaged in extremely dangerous and taxing physical labor. She has had no supportive male relatives, and, though she has had children as Vasanti has not, they have been more of a liability than an asset. She has no savings, and has never had a loan; her property rights to the land on which she squats are unclearly established. She has suffered from discrimination in employment, with no chance of rectification. And she has had to do what countless women in developing countries routinely do, but Vasanti did not, that is to shoulder all the burden of raising and caring for children, and running a household with children, while working a full day at a demanding job.

On the other hand, Jayamma has in some ways done better than Vasanti. Her health has been good, no doubt on account of her impressive physical strength and fitness, and she has never suffered physical abuse from her husband, who seems to have been a lot weaker than she was. She doesn't seem to be intimidated by anyone, and she has a consciousness of political issues that Vasanti developed only recently. Unlike Vasanti, she has never been encouraged to be timid and submissive, and she certainly isn't; and this has meant that through the years she has fought quite effectively to keep her family together and to improve its standing. Nonetheless, despite all her courage, her husband's selfish habits and lack of ambition and her children's uneven lives have left her with nothing to fall back on as old age nears. Her consciousness of lack of equality with others is strong, though based at least as much on class as on sex; and her pride is uneasily combined with the conviction that she cannot expect from life the things that other more privileged people will easily get.

If we look at the role played by government in Jayamma's life, an interesting contrast also appears, for it has been far more positive. First of all, these squatters on government land now have been given property rights in the land, although they will need to go to court to establish their claim clearly. Second, the services provided by government are invaluable aids in Jayamma's taxing day. Water now comes into the

squat itself, and a government program built her an indoor toilet (although she eventually gave that up to give her son one part of the house to live in with his wife). Government medical services are nearby, good, and available free of charge. The one time Jayamma was seriously sick with flu, she didn't like the service at the government hospital, both because she had to wait and because the doctor was brusque with her, but that did not matter, since she got treatment she did like at the alternative government Ayurvedic clinic. Even though she did not take advantage of educational opportunities for her own children, her grandchildren have profited from government's aggressiveness against traditions of non-education. The pension office has denied her claim, she believes wrongly; and government certainly failed to eradicate sex discrimination in wages and promotion in her place of employment. Nor has anything been done to eliminate corruption in the medical sector so that her granddaughter can get a job without paying a bribe. This points to a big general problem in Kerala today, that of providing jobs commensurate with people's educational qualifications. But there are at least some significant respects in which the government of Kerala can be given good marks in promoting human capabilities -- a conclusion by now well established in the development literature.¹¹⁷

The capabilities framework, when used to evaluate these lives, does not appear to be an alien importation: it seems to square pretty well with the things these women are already thinking about, or start thinking about at some time in their lives, and want when they think about them. Insofar as it entails criticism of tradition culture, these women are already full of criticism; indeed, any framework that did not suggest criticism would not be adequate to capture what they want and aim for, and would hardly be an accurate description of the culture in which they live. In particular, the ideas of practical reason, control over environment, and non-humiliation (including sexual non-humiliation) seem especially salient in their thought, alongside more obvious considerations of nutrition, health, and freedom from violence.

In some ways the list goes beyond what the two women are currently thinking. For example, it is possible that Jayamma does not formulate issues of non-discrimination and fundamental liberties to herself in just the way the list does, though we should hardly rule it out, given her explicit awareness of issues of class. And neither of the women seems to value education in quite the way the list does, although Jayamma

¹¹⁷See Drèze and Sen, *India*, and Ramachandran in Drèze and Sen, eds.

is beginning to see changes in her own family that may alter her perception. But that does not mean that the list is a bad way of capturing, for normative political purposes, what is lacking in their situation, and what stands between them and the general goals of independence, dignity, and mastery for which they are both intensely striving. The reason they do not yet push for education is that their environment is not yet one in which education will open new routes to these general goals.

Vasanti and Jayamma, like many women in India and in the rest of the world, have lacked support for many of the most central human functions, and that lack of support is to at least some extent caused by their being women. But women, unlike rocks and trees and even horses, have the potential to become capable of these human functions, given sufficient nutrition, education, and other support. That is why their unequal failure in capability is a problem of justice. It is up to all human beings to solve this problem. I claim that a universal conception of human capability gives us excellent guidance as we pursue this difficult task.