

Can Pogge's Evaluation of the Capability Approach be Justified?

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Introduction

In his essay "Can the Capability Approach be Justified?"¹ Thomas Pogge observes that the capability approach developed by Amartya Sen and Martha Nussbaum has come to play a central role in political philosophy and in normative economics. Pogge asserts that the popularity of the capability approach among both academics and policy makers comes at the expense of competing resourcist and welfarist approaches. With this in mind, Pogge sets out to examine how the capability approach might be justified as superior to what he calls its "Rawlsian resourcist competition." He concludes that the capability approach cannot be justified as superior to the resourcist approach and suggests that it is resourcism that deserves our attention as political philosophers and economists.

I believe that Pogge is justified in examining the capability approach. Indeed, he is to be applauded for his attempt to critically engage with the approach. However, I do not believe that the evaluation of the capability approach that Pogge provides is justified. In the present essay, I argue that Pogge's essay fails to present a full and accurate account of the capability approach. I attempt to make clear some of the most serious limitations and distortions in Pogge's representation of the capability approach including his misrepresentation of capabilities as merely instrumental, and his failure to account for individual empowerment, and in turn the rich valuation processes that are part and parcel of the capability approach as promoted by both Sen

¹ Pogge, Thomas W. "Can the Capability Approach be Justified?" in Martha Nussbaum and Chad Flanders eds.: **Global Inequalities**, special issue 30:2 (Fall 2002, appeared February 2004) of **Philosophical Topics**, 167-228. In my essay all page references refer to a web posting of Pogge's paper (<http://aran.univ-pau.fr/ee/page3.html>).

and Nussbaum. I conclude that Pogge's representation of the approach is so deeply flawed that his essay concerns not the capability approach, but a mere misrepresentation of the approach that neither Sen nor Nussbaum could endorse. Consequently, Pogge's conclusion: that the capability approach cannot be justified is, at best, irrelevant.

My purpose here is not to vindicate the capability approach as superior to the resourcism Pogge favors. Rather, it is the more modest goal of clearing away potential obstacles to a healthy discussion of how the capability approach – properly understood – relates to other approaches to international development including Rawlsian resourcism. I believe that such a discussion is essential to the progress of international development theories and in turn, to the practice of international development.

1. Pogge's (Mis)Representation of the Capability Approach

Pogge's flawed representation of the capability approach seems to stem from his efforts to isolate differences between the capability approach and the Rawlsian resourcism he favors. For Pogge isolating such differences is a necessary step in the process of determining "*which approach can deliver the most plausible public criterion of social justice.*" (Pogge, p. 1 italics original.) In the first section of his paper Pogge equates "the debate about criteria of social justice" with an arguably more narrow² debate about "how institutional schemes are to be assessed and reformed in the name of justice." (Pogge, p. 2) Once this move is made the "key question" for Pogge becomes: "Should alternative feasible institutional schemes be assessed in terms of 'participants' access to valuable resources or in terms of their participant's capabilities, that is, access to valuable functionings." (Pogge, p. 16.) In answering this question Pogge asks

² There are matters of social justice that do not result directly from institutional schemes. I discuss some such "extra-institutional" matters and the fact that the capability approach, properly understood, can account for them in section 4 of this paper.

that we “confine ourselves” to what he calls “the central disagreement between the two approaches” which he explains as follows:

Resourcists believe that individual shares should be defined as bundles of goods or resources needed by human beings in general, without reference to the natural diversity among them. These goods might include certain rights and liberties, powers and prerogatives, income and wealth, as well as access to education, health care, employment, and public goods – with different lists and different weights specified by different resourcist views. Adherents of the capability approach hold, by contrast, that individual shares should be defined so as to take account of “personal characteristics that govern the conversion of primary goods into the person’s ability to promote her ends.”³ Thus, an equalitarian capability criterion holds that, under a just institutional order, persons with mental or physical frailties or disabilities would receive more resources than others, enabling them to reach the same level of capabilities, the same level of opportunities to promote human ends, insofar as this is reasonably possible. (Pogge, pp. 33 – 34.)

Presenting the capability approach in this way limits the approach to a simple call for an institutional order that distributes resources in a way that reflects each individual’s ability to convert such resources into capabilities. At first blush, this description in itself is not obviously distorted; however, careful reading of Pogge’s paper reveals that the description is at the root of several problematic positions woven throughout the essay. In what follows I attempt to make

³ Pogge’s footnote 76 appears here on p. 34 and reads: “Sen: *Development as Freedom*, 74. This formulation is defective by suggesting that the capability approach features criteria of social justice that take account of the specific ends that different persons are pursuing. This is not the case. Capabilities are defined without regard to such ends. One person does not count as having lesser capabilities than another merely because the former chooses to pursue more ambitious ends. What matters for capability theorists is each person’s ability to promote *typical* or *standard human ends* — and not: each person’s ability to promote his or her own particular ends.”

However, as discussed in (section two of) my paper, Pogge is mistaken. The capability approach *is* concerned with a person’s ability to promote his or her own particular ends over other ends, albeit, among standard human ends. The capability approach recognizes the importance of not just the doings and beings one achieves, but also the opportunities that one has, and yet chooses not to pursue.

clear the limitations and distortions of Pogge's representation of the capability approach by untangling some of the many problematic positions it generates.⁴

2. The Intrinsic Value of Capabilities and Functionings

Pogge's limited description of the capability approach as a simple call for an institutional order that distributes resources (albeit in such a way that reflects each individual's ability to convert such resources into capabilities), is linked to his problematic understanding of capabilities and functionings. Pogge fails to recognize that capabilities and functionings have intrinsic value. Pogge correctly understands that: "resources are of merely instrumental significance, [and] are important only insofar as they give persons opportunities to pursue their goals." (Pogge, p. 34.) However, Pogge demonstrates his misunderstanding of capabilities, and in turn the capability approach, as he attempts to assign an equivalent, merely instrumental, value to capabilities. He argues that: "Like rights and access to money, so the abilities to be well nourished and to move about are of mostly instrumental importance." (Pogge, p. 35.) Pogge is right that many capabilities, including those he mentions have significant instrumental value (e.g., the ability to move about is instrumental in the task of getting a glass of water from the other room as well as in any task requiring movement). However, unlike resources capabilities are not of *mere* instrumental significance. Capabilities are a type of freedom, and as such they are *intrinsically* valuable. As Sen puts it: "Capability is...the substantive freedom to achieve alternate functioning combinations ([that is, combinations of the various things a person may value doing or being] or, less formally put, the freedom to achieve various lifestyles)."⁵

⁴ While a complete examination of Pogge's problematic positions would be interesting, it is beyond the scope of this essay. Moreover, I believe that a careful consideration of just a few of the positions serves to demonstrate that Pogge has misrepresented the capability approach.

⁵ Sen, Amartya. 1999. *Development as Freedom*. New York: Knopf. (p. 75).

A person with the capacity to be well nourished enjoys the freedom to choose between being well nourished and not being well nourished (e.g., by fasting). In contrast, a person with resources, even sophisticated resources like “access to money” or “access to food” may or may not be free to convert those resources to meet her actual needs, e.g., being well nourished. A person can, for example, have access to food, but lack the capacity to be well nourished, due, for example, to parasites.⁶

Of course, as an advocate for the resourcist may point out; without access to food one cannot have the capability of being well nourished. This is true. In this way resources are sometimes necessary, but they are never sufficient for capabilities and in turn functionings. That is, capabilities will sometimes depend on access to external (merely instrumental) goods, but they will always require something internal, for example, a proper digestive system (or psychological state of empowerment). Capabilities are actual (intrinsically valuable) opportunities for active doing and beings, as such they account for all that is necessary – external and internal – to achieve the relevant functionings. In other words: capabilities are both necessary and sufficient for achieving functionings.⁷ (A person who has the capability to be well nourished is, by definition, a person who can choose to be well nourished.) Pogge’s limited description of the capability approach, fails to fully capture this point, and problematically holds that the distribution of resources is often both necessary and sufficient for achieving capabilities and functionings. Pogge seems to believe that a resourcist position that requires not just the institutional distribution of primary goods, but the more sophisticated “access to primary goods”

⁶ The following example by Sen makes this point: For example, an affluent person who fasts may have the same functioning achievement in terms of eating or nourishment as a destitute person who is forced to starve, but the first person does have a different “capability set” than the second (the first can choose to eat well and be well nourished in a way that the second cannot). (Sen, *Development* p. 75.)

⁷ While capabilities, or real opportunities, are necessary and sufficient for functionings, or realized achievements, they do not necessitate functionings. A person will have several capabilities (e.g., being nourished) in his capability set that he chooses not to realize (e.g., by fasting).

can somehow account for all that is necessary to achieve functionings. However, even the cleverest of resourcists that can account for institutional distribution of the most sophisticated resources, such as, “access to the social bases for self respect,” cannot fully account for (what Nussbaum considers) an individual’s essential capacity “to imagine, think, and reason...in a ‘truly human’ way.”⁸ Such capabilities rely on internal powers and dispositions that can be cultivated and facilitated by external resources (e.g., education), but never provided by them.

Pogge’s failure to recognize the intrinsic value of capabilities leads him to a deeply flawed understanding of the capability approach. He demonstrates this in his treatment of a criticism originally directed at resourcism by Sen.⁹ Sen’s original criticism faults resourcism for its use of strictly instrumental resources. Because Pogge wrongly assigns the same instrumental role to capabilities, he also wrongly believes that: “Sen’s criticism of resourcism [can] be turned against himself.” Pogge attempts to turn Sen’s own argument against him as he substitutes “capabilities” for “resources” and paraphrases Sen’s criticism as follows:

‘Equality in the space of capabilities is seen as important because they are instrumental in giving people equitable opportunity to pursue their respective goals and objectives. This distance introduces some internal tension in Sen’s theory, since the derivative importance of capabilities depends on their role in allowing persons to fulfill their ends.’ (Pogge, p. 35.)

Pogge fails to realize that this criticism is confusing, if not nonsensical, when capabilities are properly understood as freedom or “real opportunities” to achieve “the various things a person may value doing or being.” (Sen. *Development*, p. 75.) It becomes increasingly obvious that Pogge has misunderstood, and therefore cannot accurately represent the capability approach as he goes on to write: “If Sen’s argument were sound, it would show that what matters for social

⁸ Nussbaum, Martha. 2000. *Women and Human Development: The Capabilities Approach*. Cambridge: Cambridge University Press. (page 78.)

⁹ For Sen’s original criticism see Pogge p. 34, Sen, Amartya. 1992. *Inequality Re-examined*. Oxford: Clarendon Press. (p. 19 n. 20).

justice is not equity in the space of capabilities (access to functionings) but equity in the space of opportunities to fulfill one's particular goals." This statement demonstrates clearly that Pogge does not understand capabilities and functionings. After all, *capabilities are opportunities to fulfill one's particular goals* (that is, the freedom to achieve "various lifestyles" that one has reason to value). When Pogge misrepresents capabilities and functioning in this way, he misrepresents the capability approach.

3. Not by the Distribution of Resources Alone

Pogge oversimplifies the capability approach when he portrays it as a simple call for an institutional order that distributes resources. However, Pogge does not commit himself to the simple, false view that when any individual is given resource x (e.g., access to food), she will necessarily have the capability for functioning y (e.g., being well nourished). Rather, Pogge acknowledges that on the capability approach, the ability to convert access to resources (e.g., food) into realized functionings (e.g., being nourished) varies among individuals; such that when given access to equal shares of resources some people will be better suited to meet their needs than others. Much¹⁰ of the variation among individual ability to convert resources into functionings results from what Sen calls "personal heterogeneities." According to Sen:

People have disparate physical characteristics connected with disability, illness, age or gender, and these make their needs diverse. For example, an ill person may need more income to fight her illness—income that a person without such an illness would not need....A disabled person may need some prosthesis, an older person more support and help, a pregnant woman more nutritional intake, and so on. (Sen, *Development*, p. 70.)

¹⁰ Both Sen and Pogge discuss other reasons for variation in the ability to convert resources (e.g., climate, environment, intra-family distribution – which is often related to gender differences, and in this way is linked to "personal heterogeneities." Unfortunately, limits of space and time do not allow full discussion of Pogge's treatment of these other reasons for variation in the ability to convert resources.

Thus, the capability approach holds that some individuals may need more resources to achieve certain basic functionings than others. Moreover, it holds that just institutions will work to ensure that all individuals can achieve a certain level of capability even if it means (to a reasonable extent) providing some individuals with more resources than others. For example, because access to a certain amount of food may allow those without parasites to be nourished, but not those who suffer from parasites, the capability approach may require that those with parasites (but not those without them) receive the additional resources required to become well nourished (e.g., treatment for parasites or more food). Pogge understands that personal heterogeneities, and in turn, an individuals' diverse capacities to convert resources into valuable functionings, play an important role within the capability approach, and thus avoids saddling the capability approach with a "one-size fits all" distributional system.

Unfortunately, the distributional system Pogge does attribute to the capability approach is still deeply flawed. This is in part because Pogge wrongly commits himself to the problematic position that the only way the capability theorist can hope to enhance capabilities – regardless of a particular individual's situation, is through the distribution of (various quantities and qualities of) resources. Thus, according to Pogge, the capability theorist, like the resourcist, is concerned *only* with institutional distribution of resources. This is a grave error. The capability approach does hold that institutions should provide individuals with the resources they need in order to achieve a certain level of functioning, and that due to disparate physical characteristics some individuals will need and should be provided with more resources (than they would otherwise be). However, "institutions should distribute more resources" is not the capability approach's only response to situations in which an individual is impeded from acquiring basic capabilities. I have already argued that while resource do play an important role in the capability approach, due

to their instrumental nature, resources can never be sufficient for ensuring capabilities. I will now argue that “institutions should distribute more resources” is not the capability approach’s only response to deprivation. To suggest otherwise – as Pogge does – is to misrepresent the approach.

While the capability approach holds that resource distribution alone is not sufficient for achieving a basic level of functioning regardless of one’s gender, the case is most clear when considering some of the extra-institutional obstacles faced by women (and girls). The capability approach recognizes that a woman’s ability achieve valuable functionings is greatly diminished in a culturally sexist society in which, despite formal access to legal rights and resources, she is considered – even by herself – to be a second class citizen. This is true for a number of complex reasons. These reasons include not only “institutional” factors like access to resources and unequal treatment from institutions, but also “extra-institutional” factors like cultural practices, a belittled sense of self-worth, relatively low bargaining power in both the private and the public sphere, and many others. For example, Nussbaum shares the story of Vasantni, a woman who felt trapped in an abusive marriage, as she writes:

Like many women, she seems to have thought that abuse was painful and bad, but still a part of women’s lot in life, just some thing women have to put up with as part of being women dependant on men, and entailed by having left her own family to move into her husband’s home. The idea that it was a violation of rights, of law, of justice, and that *she herself* has rights that are being violated by her husband’s conduct – these ideas she did not have at the time, and many women all over the world don’t have them now. (Nussbaum, *Women*, pp. 112 – 13.)

Sen has also provided good reasons to believe that many women are conditioned to expect less from life than men in the same circumstances. It seems that many women have made

mental adjustments as a result of social influences that underplay the needs of women relative to the needs of different members of the family. A survey of widows and widowers, carried out by the All-India Institute of Hygiene and Public Health in Singur near Calcutta, in 1944, one year after the Bengal Famine of 1943, illustrates this phenomenon. The survey included questions on the perception of one's own health, in addition to medical examination by doctors. The results were as follows:

In answer to the question as to whether or not they were 'ill' or in 'indifferent' health, 48.5 per cent of the widowers (men, that is) confided to being thus afflicted, while the corresponding proportion of widows was merely 2.5 per cent. The contrast is even more interesting when we look at the response to the question as to whether one was in 'indifferent' health, leaving out the category of being 'ill' for which some clear-cut medical criteria do exist. 45.6 per cent of the widowers confessed to having the perception of being in indifferent health. In contrast, the proportion of the widows who had that perception was—it is reported—exactly zero!¹¹

The results of this survey reveal that many women are unaccustomed, if not unable to consider their own needs. Thus, even when granted access to rights and resources, women too often do not feel worthy enough to take advantage of them.

In a sexist society, a woman with access to resources like food may not have the capacity to be well nourished due, for example, to a cultural norm that requires her to give the majority of her food to her husband. Or, perhaps more accurately, her belief that giving her husbands the majority of her food is normal and proper. Providing the woman with legal or even physical access to additional food may do very to alter *her* capability set (the set of freedoms she enjoys), as long as she lacks the psychological and social power to reject the norm that dictates her

¹¹ Sen, Amartya. *Commodities and Capabilities*. Oxford University Press. 1999. (Here, p. 53.) See also chapter Two: Adaptive Preference and Women's Options. (pp. 111 - 66.)

husband is more important and deserves the majority of her food. Similarly, in such a society, even a relatively “wealthy” woman, who enjoys an opulent life by most standards, may not have the capabilities necessary to live what capability theorist would consider a fully human life. If, for example, she is forced to marry a person of someone else’s choosing, and by no co-incidence suffers from physical abuse, sexual abuse, and forced pregnancy, because according to her culture to refuse any of these is to offend God, then she lacks the capability that Nussbaum calls “bodily integrity”.¹² Access to divorce or a court system that perpetrates spousal abuse will not benefit a woman who believes she is unworthy or because she fears not only offending God in heaven, but also invoking the treatment of “sinners” in her earthly community. The capability approach recognizes that the women in these situations need more than a greater share of institutional distributed resources. The capability approach holds that resources are neither the only nor the best remedy for all situations.

The capability approach, properly understood, recognizes that expanding a person’s capability set, often requires more than institutional distributions of resources and that people need not be mere passive recipients of institutional resource distributions. The concept of individual agency is central to Sen’s capability approach. While inescapably linked to resources and institutions (including education and employment), agency goes beyond these basic resources to remove unfreedoms by altering extra-institutional attitudes and cultural practices (e.g., women allowing their husbands to eat the majority of their food). A woman empowered as an agent is a woman who “acts and brings about change, and whose achievements can be judged in terms of her own values and objectives, whether or not we assess them in terms of some

¹² For Nussbaum, bodily integrity requires: “Being able to move freely from place to place; having one’s bodily boundaries treated as sovereign, i.e., being able to secure against assault, including sexual assault, child sexual abuse, and domestic violence; having opportunities for sexual satisfaction and for choice in matters of reproductions. (*Women*, p. 78.)

external criteria as well.” (Sen. *Development*, p. 19.) Such a woman is better equipped to recognize and give voice to her needs and to question extra institutional factors such as current social values and cultural practices that limit freedom. She is not simply dependant on the design of government institutions or even development programs. As Sen writes:

Indeed, the agency of women can never be adequately free if traditionally discriminatory values remain unexamined and unscrutinized. While values may be culturally influenced...it is possible to overcome the barriers of inequality imposed by the tradition through greater freedom to question, doubt, and – if convinced – reject. An adequate realization of women’s agency relates not only to the freedom to act but also to the freedom to question and reassess.¹³

While Nussbaum does not make use of Sen’s term ‘agency’ in her version of the capability approach, it is not because she does not value the concept of individual active achievement as an essential part of the capability approach. Rather, it seems she does not use the term because she believes her version of the approach captures the important value of Sen’s concept of agency without making use of the terminology. As she writes:

When we think of health, for example, we should distinguish between the capability or opportunity to be healthy and the actual healthy functioning: a society might make the first available and also give individuals the freedom not to choose the relevant functioning. But I am not sure that any extra clarity is added by using a well-being/agency distinction here: healthy functioning is itself a way of being active, not just a passive state of satisfaction....Sen would surely agree with this. (Nussbaum, p.14.)

Nussbaum’s list of “Central Human Functional Capabilities” (capabilities she considers essential for human flourishing) requires the concept of practical reason: “Being able to form a conception of the good and to engage in critical reflection about the planning of one’s life.”

¹³ Dreze, Jean and Amartya Sen. *India: Development and Participation*. Oxford University Press: 1996, 2000. (p. 274.)

(Nussbaum, *Women*, pp. 78 – 79.)¹⁴ I believe that this concept of practical reason does a lot of work towards making explicit that the capability approach requires that individuals recognize themselves as people Sen would call agents. For Nussbaum:

[T]he notion of choice and practical reason used in the list is a normative notion, emphasizing the critical activity of reason in a way that does not reflect the actual use of reason in many lives...It also entails that there is something wrong with not seeing oneself in a certain way, as a bearer of rights and a citizen whose dignity and worth are equal to that of others. (Nussbaum, *Women*, pp. 112 - 13.)

Thus, for Nussbaum (as for Sen) simply having rights and access to resources is not enough. The capability approach, properly understood, requires not only that individual receive the resources necessary to achieve a basic level of functioning, but also that she actively recognize herself as a bearer of rights, worthy of an equal share of resources. A woman (or a man) empowered as an agent is not simply a passive recipient of resources, but an active critic of institutional policies such as resource distribution schemes as well as extra-institutional cultural practices and social values. A woman who actively recognizes her worth as equal to that of others is empowered to challenge cultural norms that, for example, require her to give the majority of her food to her husband. A woman who sees herself as a bearer of rights and dignity is empowered to challenge violations of her bodily integrity, no matter how accepted or even valued such violations are in her society. Such empowerment is an essential aspect of the capability approach. Pogge fails to recognize this when he limits the approach to a simple call for the distribution of resources.

¹⁴ For Nussbaum's complete list of "Central Human Functional Capabilities" in *Women* pp. 78 – 80.

4. “The Relevant Difference”

It is not entirely clear why Pogge fails to even mention the essential role of individual empowerment either in terms of Sen’s agency, or Nussbaum’s practical reason. He acknowledges that the capability approach recognizes the many complex ways in which various personal heterogeneities including, gender can influence an individual’s capability set (real opportunities) and in turn her well being. Moreover, he clearly recognizes not only that extra-institutional factors (e.g., culturally sexist values and practices) influence the well-being of individuals, but also that accounting for such factors is important to Sen and Nussbaum as he writes: “Offensive correlations need not manifest inherent injustice of an institutional order. They may instead be caused by prevalent cultural practices and attitudes, and are often so caused as Sen and Nussbaum have shown so effectively.” (Pogge, p. 11.) He also refers specifically to “the very great contributions Sen and Nussbaum have made toward spreading awareness of the economic injustices inflicted specifically upon women and girls.” (p. 24.) However, oddly enough, he never connects either Sen’s or Nussbaum’s work on gender empowerment to his representation of the capability approach. Instead he misrepresents the approach by restricting its scope to a too narrow evaluation of alternative institutional resources distribution schemes. That is he fails to recognize that gender (and other types of) empowerment is part and parcel of the capability approach. What is worse, he incorrectly charges that “the capability approach may even weaken the feminist cause by suggesting – falsely – that women’s terrible and disproportionate suffering in most of this world is due to their being insufficiently compensated for their inferior natural endowments.” (Ibid.)

Given the way he (mis)represents the capability approach, it is not surprising that Pogge finds the resourcist response to the fact that women suffer more than men superior. According to Pogge:

Women's suffering in the world as it is does not result from social institutions being insufficiently sensitive to the special needs arising from their different natural constitution. Rather, it overwhelmingly results from institutional schemes and cultural practices being far *too* sensitive to their biological difference by making sex the basis for all kinds of *social* (legal and cultural) exclusions and disadvantages. Women and girls have a powerful justice claim to the removal of these barriers, to *equal* treatment (in a resourcist sense). If these barriers were removed, if our social institutions assured women of equal and equally effective civil and political rights, of equal opportunities, of equal pay for equal work, women could thrive fully even without any special breaks and considerations. (Pogge, p. 24.)

The upshot of Pogge's consideration of situations relating to gender differences seems to be that if institutions are just, which for Pogge seems to require providing equal treatment to both men and women, then extra-institutional factors such as cultural attitudes and practices will simply dissolve on their own. Presumably, the official recognition of a woman's equal worth will lead to a cultural recognition of her worth not only in the public sphere, but also in the private sphere, and even in her own mind. Pogge's position is clearly at odds with the capability approach, which holds that official institutional recognition is only part of the empowerment of women.¹⁵

However, I do not discuss this at length as my present task is not to settle any disagreements

¹⁵ It may be worth noting that there is good reason for women to prefer a system in which treatment is fair, but not necessarily equal in Pogge's "resourcist sense" (which seems to hold that the best way to treat men and women equally is to treat all women like men). Such a fair a system would be able to account for genuine and relevant biological differences through special considerations like maternity leave and the real dangers of rape and domestic violence, without limiting female access to, for example, education, or property ownership. Moreover, the Pogge seems to favor runs the risk of eliminating not only harmful cultural practices but also rich cultural practices, that upon reflection, cultures have good reason to value. By empowering individuals to makes these decisions for themselves, Sen and Nussbaum do not run this risk.

between the two approaches, but to demonstrate how Pogge has failed to properly represent the capability approach. For our present purposes it suffices to say that with regard to issues related to gender differences and other personal heterogeneities Pogge's position is that the institutional schemes required by the resourcist are "no less able to address most of the important deprivations and inequalities that so disfigure our world." (Pogge, p. 33.)

Pogge considers both the capability approach and the resourcist approach capable of accounting for the vast majority of deprivation that result from what Sen calls "personal heterogeneities". For this reason he considers the vast majority of such personal heterogeneities irrelevant when deciding which approach is superior. Rather, the significant issue for Pogge's evaluation is the issue he claims the two approaches disagree about: how to account for the remaining "pure" personal heterogeneities, or as he rephrases it: "*how institutional schemes are to respond to natural human diversity*, with the reminder that such natural human diversity may arise from any combination of ordinary genetic variations, self-caused factors, and differential luck." (Pogge, p. 33, italics original.)

5. Natural Human Diversities

To sum up, it seems that we can arrive at Pogge's discussion of natural human diversity in three steps: He (1) wrongly limits the capability approach, like the resource approach to be a (mere) system for deciding how institutions should distribute resources. He then (2) claims that there is a great deal of agreement, albeit for different reasons, among the capability approach and the resource approach about how the vast majority of individuals should be treated. That is, Pogge claims the two approaches agree on who should get what shares of resources, even if they disagree about why they should get them. Finally, in light of this vast agreement, Pogge (3)

claims that the relevant difference between the two approaches is simply a matter of how each approach looks to distribute resources in view of the conversion rates that stem from what Pogge calls *natural human diversity*. As Pogge puts it, the significant differences between the two approaches boil down to this: “*Capability theorists assert, while resourcists deny, that a public criterion of social justice [that is, just institutional schemes] should take account of the individual rates at which persons with diverse physical and mental constitutions can convert resources into valuable functionings.*” (Pogge, p. 2, italics original.) Thus, according to Pogge, the “intended role” of the capability approach is the “compensatory fine-tuning of the distribution of resources so as to take account of persons’ vertically diverse capacities to convert resources into valuable functionings.” (Pogge, p. 59.)

As mentioned above, Pogge is correct in that the capability approach holds both that resource distribution can and does influence the functionings individuals enjoy, and in that resource distribution should reflect individual citizens’ diverse capacities to convert resources into valuable functionings. However, he is wrong to suggest that resource distribution is the *only* way to influence the functionings individuals achieve. In making such a suggestion, he fails to account for the role of active empowerment, which is an essential aspect of the capability approach. Moreover, the role of what he calls natural human diversity within the capability approach, is *deeply* confused and serves only to further misrepresent the approach, or so I argue.

The capability approach both for Sen (through his requirement that individuals have equal access to “basic capabilities”¹⁶), and for Nussbaum (through her list of central capabilities for human functionings), requires that individuals are equally entitled to a certain threshold, or

¹⁶ Basic capability can be defined as “the ability to satisfy certain elementary and crucially important functionings up to certain levels.” (Sen, *Inequality*, p. 46. n. 19.)

level of capability.¹⁷ However, in his consideration of natural human diversity, Pogge confuses the limited set of diverse human needs and abilities that are relevant to an individual's ability to achieve a certain level of basic capability (that either Sen or Nussbaum would require), with the very large set of physical and mental differences that occur between human beings – no matter how irrelevant the difference may be to a person's ability to achieve a reasonable threshold of capability. This mistake leads Pogge to make the bizarre claim that the capability approach requires the vertical ranking of each and every physical and mental feature (from suffering from a severe inborn disability to having freckles) and each and every person in a society.

Pogge wrongly holds that the capability theorist uses a very messy system in which requires the listing and ranking all of the capabilities that a community is to value. According to Pogge: "Using a list of capabilities in this way involves grading all of the citizens for their natural aptitudes towards each of the capabilities on the list, determining their specific deficits, and ensuring that these deficits are duly neutralized through suitable compensatory benefits." (Pogge, p. 59.) Pogge falsely claims that capability theorist insists on understanding *all* natural human diversity as vertical.¹⁸ As Pogge sees it the capability theorist ranks all sorts of variations between human beings, for example being blind, having green eyes, being tall, being quadriplegic, being bald, having a good signing voice, being intelligent, etc., as better or worse properties. Pogge claims that capability theorists affirm certain institutional orders that give greater shares to some people, but not to others. Moreover, in so doing the theorists are claiming that the natural endowments of some are and "should be characterized as deficient and inferior, and those persons naturally disfavored and worse endowed – not just in this or that respect, but

¹⁷Pogge describe accounts that employ thresholds, like the capability approach (properly understood), as a *sufficientarian*, "which assess any institutional order by the extent to which its treatment of any of its participants avoidably falls below some threshold (however defined). On such a view, an institutional order could be perfectly just even while it generates vast inequalities above the threshold." (Pogge, p. 8.)

¹⁸ See *Pogge*. pp. 52 – 57.

overall – not just in the eyes of this or that observer, but in the eyes of the shared public criterion of social justice.” (Pogge, p. 54.) As Pogge misunderstands it, the capability approach ranks each and every citizen as better and worse off according to the capabilities they have by virtue of natural diversity, and then designs or fine-tunes an institutional order that distributes goods in an attempt to even the playing field – not just between the severely deprived and those free to live a life they have reason to value or to achieve human flourishing, but between the hairy and the bald.

Pogge is wrong (1) that the capability approach requires the vertical ranking and evaluation of each and every element of natural human diversity, (2) that the approach requires the vertical ranking of all individuals in terms of their natural human diversity, and (3) that it is the job of the capability theorist to dictate what capabilities a community will value. The vertical ranking system Pogge describes simply fails to represent a valuation processes that Sen and Nussbaum could accept. I believe that Pogge’s misrepresentation of valuation within the capability approach is closely linked to his limitation of the capability approach to a simple call for the distribution of resources and his failure to represent Sen and Nussbaum’s versions of individual empowerment.

Contrary to Pogge’s suggestion, the capability approach does not recognize citizens as mere dependent of an institutional order that not only provides resources, but also dictates what capabilities individuals should value. Rather Sen’s capability approach holds that: “With adequate social opportunities, individuals can effectively shape their own destiny and help each other. They need not be seen primarily as passive recipients of the benefits of cunning development programs. There is a strong rationale for recognizing the positive role of free and sustainable agency.” (Sen, *Development*, p. 11.) On this view, individual agents choose to value

and work to achieve certain functionings over others. Individual agents within communities and not (simply) outside capability theorists establish a shared criteria of social justice and determine the value of various freedoms and unfreedoms that reflect their cultural context through “public discussion and a democratic understanding and acceptance” within their communities. (Dreze and Sen. *India*, p. 79.) Empowered as agents, they question, assess, and reform the institutional order in the name of justice. The role of agency in the process of valuation (the process of choosing and achieving the functionings one has reason value) is an essential aspect of Sen’s capability approach.

Nussbaum also requires that citizens have an active role in determining what freedoms they value both as individuals and as a community. Nussbaum’s version of the capability approach promotes a list of ten essential capabilities including, *practical reason*: the ability to “form a conception of the good and to engage in critical reflection about the planning of one’s own life” and *control over one’s political environment*: “being able to participate effectively in political choices that govern one’s life.” (Nussbaum, *Sex*, pp. 41 – 42.) Nussbaum’s list is essential to her version of the capability approach in that “a life that lacks one of these capabilities, no matter what else it has, will fall short of being a good human life.” (Nussbaum, *Sex*, p. 42.) Yet, the capabilities that appear on the list are deliberately general “to leave room for plural specification.” (*Ibid.*) Nussbaum’s version of the capability approach takes a serious step towards defining a criterion of social justice in prescribing a list of ten general capabilities and in holding that this list should be constitutionally enshrined. However, Nussbaum does not prescribe a *specific* public criterion of social justice that can be manifested in a *particular* institutional order. Rather, she relies on individual citizen participation to establish institutional

schemes that reflect their community values both in specifying the capabilities required by her list and in moving beyond the list (once all have at least the listed capabilities). As she writes:

[P]art of the idea of the list is its multiply realizability: its members can be more concretely specified in accordance with local beliefs and circumstances...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 envisioned as taking place within each constitutional tradition, as it evolves through interpretation and deliberation.
(Nussbaum, *Women*, p. 77.)

Thus, there is some disagreement between Sen and Nussbaum about the details of the valuation process within the capability approach. Sen holds that no specific set of capabilities should be required for constitutions, but that valuation is a process to undertaken by individual agents who democratically decide what capabilities should be valued as part of a basic threshold within their communities. Nussbaum holds that a list of basic capabilities should be constitutionally enshrined to ensure that everyone meets a minimum threshold of capability, but that citizens should exercise their practical reason and control over their political environment to interpret and deliberate the concrete specifications and precise capability thresholds. It is important to note, that both Nussbaum and Sen agree that the capability approach considers individuals as more than passive recipients of the benefits and requires individual participation in the process of valuation of capabilities and establishing a full fledged criterion of social justice.

Pogge's failure to account for the essential aspects of individual empowerment (agency and/or practical reason), and in turn, the valuation process is very problematic. I have already discussed one reason that Pogge might not account for valuation and the essential aspects of agency or practical reason, namely, his limited understanding of the capability approach as a mere institutional resource distributor. However, Pogge might also claim that he chooses not to

consider the valuation processes in Sen and Nussbaum in an effort to leave aside “internal diversities” found within the capability approach. (Pogge. p. 17.) But avoiding the internal debate between Sen and Nussbaum about empowerment, the valuation of capabilities by ignoring the valuation process altogether, is like keeping the bath water clean by leaving out the baby. The valuation process, including the enhancement of empowerment-related capabilities, is essential to the capabilities approach. In failing to represent any valuation process Pogge fails to represent the capabilities approach. Moreover, it seems Pogge is led to misrepresent the approach by inserting his own messy vertical ranking method of valuation. In focusing on institutional distributions of resources and neglecting the role of agency or practical reason, Pogge overlooks an additional means of enhancing capabilities and removing unfreedoms and also fails to recognize that capability theorists do not establish specific public criterion of social justice, communities do (and ideally do so democratically).

Pogge fails to recognize that the capability approach is *deliberately* open when it comes to determining the value of capabilities in order to allow for the participation of empowered individuals in the valuation process. Unlike the approach Pogge describes, the capability approach, properly understood, does not provide (nor would approve of providing) the type of specific top down vertical ranking public criterion of social justice. Given a proper understanding of (both Sen’s and Nussbaum’s version of) the capability approach it is clear that it is not up to the capability theorist but to individual communities to produce a specific public criterion of social justice. Moreover the valuation system that Pogge describes is so misrepresentative of the capability approach that neither Sen nor Nussbaum could endorse a view that claimed it.

Conclusion

I have shown that Pogge (1) fails to fully represent the role of capabilities as intrinsically valuable opportunities, (2) fails to acknowledge the role of individual empowerment as he wrongly limits the capability approach to a mere resource distribution system, and (3) that he misrepresents the capability approach in attributing a vertical ranking of all properties of natural human diversity. In light of these failures, I conclude that Pogge's representation of the approach is so deeply flawed that his essay concerns not the capability approach, but a mere misrepresentation of the approach that neither Sen nor Nussbaum could endorse. Consequently, I claim Pogge's conclusion: that the capability approach cannot be justified is, at best, irrelevant.