Endorsement and freedom in Amartya Sen's capability approach[*]

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Paper for the 3rd Conference on the Capability Approach
Pavia, 7-9 September 2003
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Abstract

A central question for assessing the merits of Amartya Sen's capability approach as a potential answer to the 'distribution of what?' question concerns the exact role and nature of freedom in that approach. Sen holds that a person's *capability* identifies that person's effective freedom to achieve valuable states of beings and doings, or functionings, and insists that freedom so understood, rather than achieved functionings themselves, is the primary evaluative space. Sen's emphasis on freedom has been criticised by G.A. Cohen, according to whom the capability approach either uses too expansive a definition of freedom or rests on an implausibly active, indeed 'athletic', view of well-being. This paper defends the capability approach from this criticism. It argues that we can view the capability approach to be underpinned by an account of well-being which takes the endorsement of valuable functionings as constitutive of well-being, and by a particular view of the way in which endorsement relates to force and choice. The picture of the relation between freedom, endorsement, and well-being sketched here captures some of the most important claims made by the capability approach while rendering the latter immune to some objections raised against the emphasis on freedom.

[*] I would like to thank Paul Bou-Habib, Ian Carter, Matt Kramer, Nien-hê Hsieh, Ingrid Robeyns, Peter Vallentyne and the participants of the Edinburgh ECPR Workshop, the Chaire Hoover Seminar at Louvaine-La-Nouve, the Nuffield Political Theory Workshop at Oxford, and the King's College Moral Philosophy Seminar, Cambridge, for very helpful comments on this paper.

Endorsement and freedom in Amartya Sen's capability approach

A central question for assessing the merits of Amartya Sen's capability approach as a potential answer to the 'distribution of what?' question concerns the exact role and nature of freedom in that approach. Sen himself gives the notion of freedom pride of place. He holds that a person's *capability* identifies that person's effective freedom to achieve valuable states of beings and doings - her freedom to achieve valuable *functionings*, but also to forgo them - and he insists that freedom so understood, rather than achieved functionings themselves, is the primary evaluative space. This position, which will be presented in greater detail in the course of what follows, needs further elaboration and defence than it has received so far. In particular, the capability approach needs to provide a defence of freedom's value that avoids the criticism, levelled by G.A. Cohen, according to which the approach either uses too expansive a definition of freedom or rests on an implausibly active, indeed 'athletic', view of well-being (Cohen, 1993; Cohen, 1994).

In what follows I argue that we have good reasons to defend the view that freedom to achieve valuable functionings is the defensible standard of individual advantage, without making ourselves liable to Cohen's criticism. I suggest that we can view the capability approach to be underpinned by an account of well-being which takes the endorsement of valuable functionings as constitutive of well-being, and by a particular view of the way in which endorsement relates to force and choice. The picture of the relation between freedom, endorsement, and well-being sketched here captures some of the most important claims made by the capability approach while rendering the latter immune to Cohen's criticism.

My discussion proceeds as follows. After briefly clarifying the key notions the discussion employs in section 1, I turn to outline Cohen's criticism of Sen in section 2. In section 3 I examine a reply to Cohen in defence of Sen recently offered by Philip Pettit, and suggest that Pettit fails to offer a forceful defence of the capability approach. I then turn, in section 4, to argue that Cohen's argument does not present a conclusive objection against the capability approach, and in section 5 I clarify how viewing the capability approach as grounded in what I will refer to as 'the constitutive model of well-being' sheds light on the approach's emphasis on freedom. Section 6 deals with some possible objections to the argument presented in section 5, and section 7 concludes with some more broad-ranging

remarks concerning the different ways in which the emphasis on capability may be defended.[1]

1. Before embarking on the task of considering the merits of the capability approach, it is helpful to clarify a few key concepts and terms, as utilised by Sen and in the discussion that follows. Sen's main claim is that *capability to achieve valuable functionings*, that is, various valuable states of doing and being, is the relevant standard of individual advantage. Four main points, in particular, are worth bearing in mind.

The first concerns what functionings include. Various different things count as functionings, and potentially *any* state of being and doing constitutes a functioning. Sen mentions a few, from simple to complex ones, including being well-nourished, being well-clothed, being happy. Sen is notably reluctant to commit to a definite list (Sen, 1992; Sen, 1993). Others, like Martha Nussbaum, have been less reluctant, and indeed, have urged Sen to commit to one particular list, and, more fundamentally, to a particular complete account of well-being, which would provide the key for identifying the valuable functionings (Nussbaum, 1993; Nussbaum, 1998; Nussbaum 1999).

Whatever we may say about what functionings include and about what a defensible complete list of functioning would look like, we can say this much about them – and this is a second point I would like to call attention to - namely, that they identify, as Cohen has put it, a person's *midfare* as the relevant metric of advantage. Midfare, on Cohen's definition, is "in a certain sense midway between goods and utility. [It] is constituted of states of the person produced by goods, states in virtue of which utility levels take the values they do. It is 'posterior' to 'having goods' and 'prior' to 'having utility'."[2] Midfare, in other words, refers to various things which goods do for people, and as a result of having which people have the utility they do.

Sen's emphasis on midfare sets him apart from both those who view resources of

[1] Throughout, and unless I specify otherwise, I focus on the capability approach as providing a standard of individual advantage, or a standard for interpersonal comparison for distributive, and in particular, egalitarian justice, although I leave aside here problems relating to taking capabilities as something we ought to *equalise*, in particular.

[2] Cohen, 1993, p. 18, footnote omitted. Note that Cohen talks of 'midfare' as including capabilities, as well as functionings. The inclusion seems warranted, since, as he remarks, capability is certainly one thing that goods confer on people. See Cohen, 1993. For reasons I cannot defend here, I think the broad use of 'midfare' is misleading, and the latter is best used to include functionings only.

some kind (who include, notably, Ronald Dworkin (Dworkin, 2000a) and John Rawls (Rawls 1971) on the one hand, and, on the other, those who insist on welfare or utility (such as, for example, Richard Arneson before he changed his view (Arneson, 1989) as the relevant evaluative space. Sen has moved a number of objections against both these alternatives on various occasions, and these will not all be listed here. It is sufficient to recall only what Sen's main misgivings are about resourcism and welfarism, respectively. The former is condemned for its *superficiality* (it focuses on what is the means for what matters for individuals, which are not goods themselves but *what goods do for them*) and related *inflexibility* (it overlooks morally significant differences between individuals, such as differences that obtain between two individuals with different metabolic rates who are given equal amounts of food). Welfarism, by contrast, is to be rejected mainly because it is liable to the problem of *adaptive preferences* (by focusing on preference satisfaction, it overlooks how those preferences were formed and, as a result, possibly condones injustices that have led to some people's preferences being humbler than others'), and because of its *neglect of morally relevant non-welfare deficits* (e.g. the deficit of an easily satisfied handicapped person. This person, according to Sen, has a claim to, say, a wheelchair, despite the fact that she is easily satisfied and her (subjective) welfare does not suffer as a result of the immobility).

A third point we must keep in mind is this: although functionings are a central notion for the capability approach, the emphasis is ultimately on capability, or freedom, rather than functionings themselves. Capability is the *effective freedom to achieve functionings*, i.e. the effective freedom to achieve well-being, and a person's *capability set* represents a vector of functionings of which that person can choose any combination. Sen offers various reasons why capabilities, rather than achieved functionings, are the relevant standard of individual advantage. These point to both the instrumental and the intrinsic value of freedom. Given freedom's value, at least where individuals who have the requisite capacity to act as agents are concerned, capability to achieve valuable functionings, rather than functionings themselves, is what we should secure (See Sen, 1987, pp. 36-8; Sen 1992, pp. 39-42; Sen 1993, pp. 40-2, and 51-2). With children and other persons who are incapable of being responsible agents, Sen suggests, we should, however, be concerned with people's well-being *achievement* (Sen 1985, p. 204).

Since the question of freedom's value will be discussed extensively in the rest of the

paper, I do not elaborate this point here. It is, however, important to note that capability is *effective* freedom. The idea of *effective* freedom comprises two different things. First, freedom is effective, *versus formal*. This is also rendered by Sen sometimes in terms of the freedom at issue being 'positive'. For someone to have the capability to achieve a particular functioning, it is not enough, for example, that no one would prevent that person from pursuing that functioning if she attempted it: it is also necessary that she have the *means* to pursue it, and that she not be faced by other internal obstacles that make the functioning ineligible for her, and/or its pursuit very costly for that person (Sen, 1992, pp. 31-8). Second, freedom is 'effective' in the sense that a person is said to have her freedom increased 'in effect' when someone does something to her or for her which the person *would* choose to have done to her or for her if given the chance, even if she does not actually choose that. This is how Cohen refers to Sen's use of 'effective freedom', and this sense of freedom is essential to the analysis that follows (Cohen, 1994).

Finally, we must remember what the capability approach is and what it is not. The capability approach is not, strictly speaking, and as we saw earlier (in point *ii*), a complete view of well-being. Nor is it itself a theory of justice. The capability approach itself only identifies a space for individual and social evaluation, a standard of advantage, which can then be used for descriptive purposes (e.g. measurement of poverty or as an indicator of inequality) and, or, for normative purposes (e.g. as the defensible metric of justice. Here questions arise over whether capability should be equalised, maximined, or whether it should serve to set only a sufficientarian threshold).

2. With these few clarifications in mind, let us now turn to Cohen's criticism of Sen's focus on capabilities. Cohen sympathises with Sen's emphasis on midfare, rather than resources and utility, as relevant for identifying individual advantage, but contests his claim that freedom to achieve midfare, rather than midfare itself, is the right evaluative space. His main reasons for criticising Sen are two-fold. The first concerns just what counts as freedom. According to Cohen, Sen wrongly deems as *freedom* what is obtained by people (what people enjoy) without it having been chosen by them and without it coming about because it is something which they would choose. Freedom from malaria is a case in point. Cohen does not deny that

the elimination of malaria increases freedom by making available certain options to individuals that were previously absent. As he puts it, the problematic sense of freedom in question is "*not* the freedom to do things that can only be done when malaria is absent, for, in that *consequent* freedom control is manifestly present" (Cohen, 1994, pp. 120-1). Rather, Cohen takes issue with Sen's claim that "the absence of malaria is *itself* part of your freedom" (Sen 1992, p. 67, n 17). In fact, Cohen holds, this is not a case of freedom. As a result, when we ensure that individuals enjoy such things as a malaria-free environment, we are not, by that very fact, increasing their freedom or capability, but improving their midfare. To say that in these cases *capability* is what we should equalise, then, would be mistaken. 'Freedom from malaria' only counts as a capability on an unduly expansive sense of freedom, one on which someone's freedom is enhanced when something happens to her or her environment, even though she has not chosen that thing and has no control over whether that thing will be chosen.

Nor - and this is the second and related reason Cohen thinks we should resist Sen's claim - could we insist that freedom properly characterised, that is, as involving control, is what we should equalise. It would be implausible to insist, for example, that what we should ensure is not that malaria is eradicated, but that people enjoy control over whether or not there is malaria in their environment (Cohen, 1994, 121). A view of this sort commits us to an implausibly athletic view of well-being. Cohen remarks:

> (…)What I cannot accept is the (…) athleticism, which comes when Sen adds that 'the central feature of well-being is the ability to achieve valuable functionings'. That overestimates the place of freedom and activity in well-being. As Sen writes elsewhere, 'freedom is concerned with what one *can* do' and 'with what one can *do*': midfare fails, on both counts, as a representation of freedom. (Cohen, 1993, pp. 25-6)

And:

> Contrary to what Sen says, when a person gets an unchosen thing that she would have chosen, no 'ability' on her part 'to choose to live as [she] desires' is thereby indicated (…) 'Ability to choose' and 'liberty to choose' obtain only when it is possible to choose, and much of the interest of the phenomenon misdescribed in these dictions is that the agent has no choice in the matter (for example, of whether or not there is malaria in his environment). (Cohen, 1994, p. 123)

According to Cohen, then, freedom properly understood - as involving control - is not

(always) essential to individual advantage; and what is essential - midfare - is not properly described as freedom (though it may include freedom). The capability approach, if Cohen is right, is caught between either having to use too expansive a definition of freedom or relying on an implausibly athletic view of well-being.

3. In a recent discussion, Philip Pettit has attempted to defend the capability approach from Cohen's objection. Pettit's response hinges on two main claims. The first consists in defending Sen's expansive notion of freedom. Since it is not clear that this first step of Pettit's argument contributes much to defending the capability approach against Cohen's objection, I shall leave it aside.[3] Pettit's second step in defending Sen, which I would like to focus on here, consists in making a case for freedom's value.

According to Pettit, we can recognise the force of Sen's insistence that capability, rather than achieved functionings, is the right normative focus, once we understand freedom in republican terms. This, Pettit suggests, is something that Sen is implicitly committed to doing. Freedom, on this view, requires favour-independence, as well as content-independence: a person enjoys freedom to the extent that she is able to get what she chooses or would choose not only regardless of what that thing is, *but also* regardless of others' goodwill. The subjects of an oil-rich potentate, for example, may have many options available to them, and enjoy access to valuable functionings, but, on Pettit's view, they do not enjoy much freedom or capabilities, because their access to those options depends on the potentate's goodwill. Once freedom is so understood, as requiring favour-independence, we can fully recognise its value. There is value in not being at the mercy of others' attitudes towards us, and we can therefore make sense of the insistence on freedom to achieve functionings, rather than on achieved functionings themselves. This view, Pettit suggests, makes it plausible to hold that "(…) in normal circumstances functioning capabilities have a lexical priority over

[3] Pettit defends Sen's expansive notion of freedom by insisting that it retains the requisite connection with control. A person's freedom is enhanced if a preference of hers is satisfied, whether or not she actually brings about the satisfaction of the preference, so long as her preference is *tracked* rather than just contingently met by someone else. The most plausible form of this claim, in my view, consists in asserting that what happens to me *respects* my freedom if, although I have not actually chosen it, it is something that I would have chosen. Cohen can reply to this point by saying, first, that Sen does appeal to cases in which such contingent satisfaction, rather than decisive preference, is at stake, so that he is still using a misleadingly broad notion of freedom; and second that contingent satisfaction of (some) preferences is itself valuable, and should be what should be equalised, rather than decisive preference.

functioning prospects, so that they should never be sacrificed for an increase in such prospects" (Pettit, 2001, p. 12). By viewing freedom as non-domination and as independence, the capability approach is not as vulnerable to this objection.

Pettit's proposal in defence of Sen, then, in a nutshell, is as follows: the capability approach's emphasis on freedom to achieve valuable functionings is neither implausibly premised on an athletic view of well-being nor misguided in its emphasis on freedom. A person's freedom is enhanced when the possibility of enjoying what she deems choiceworthy is guaranteed for her regardless of the particular nature of the possibility in question and of the favour of others. The significance of freedom so understood for how well a life goes is considerable, not because it is important to be endlessly active in the pursuit of valuable functionings, but because it is important, in one's (passive or active) enjoyment of those functionings, that one not be at someone else's mercy.

Pettit's argument sheds interesting light on how the capability approach may be enriched by taking into account the value of favour-independence. However, it does not ultimately account for why freedom to achieve valuable functionings, rather than the actual achievement of functionings, is of primary relevance. This is because, rather than providing a defence of *freedom's* (or capability's) value, Pettit offers us a defence of *a particular way* in which freedom (or capability) should be provided, assuming it has value.

To see this, consider Pettit's central claim, namely, that, in order to have freedom, it is not sufficient that a person has access to certain options (or certain functionings): it is also necessary that that access be favour-independent. Favour-independent freedom captures two important aspects of a person's situation. The first can be expressed in terms of the way in which negative freedom is provided when favour-independence is guaranteed: if others do not have the legally protected power to interfere with my actions and choices, their interference with my actions and choices is, in principle, liable to permissible prevention. The second aspect of favour-independence can be expressed in terms of the meaning which the protection of negative freedom carries. In particular, it points to the fact that a certain type of relation between people obtains when freedom is protected in this way: where someone's access to functionings is not *recognised* to be *legitimately* conditional upon others' goodwill, my status as an equal person - as a non-subordinate - is recognised.

While both aspects of a person's condition which the notion of favour-independence

captures are important, it is not apparent that they are best described as identifying the extent to which someone is free, rather than *the way* in which that freedom is protected and our status as equal persons is recognised. The issue here concerns whether or not the availability of options, or the access to functionings, is a morally desirable state of affairs quite independently from whether or not it is protected in the way favour-independence requires. Pettit's defence of capabilities does not provide a defence of the opportunity to achieve functionings as such, regardless of how that opportunity is achieved. But I think we have reason to insist otherwise. It matters that people enjoy the opportunity to obtain valuable functionings, regardless of whether or not that opportunity is brought about in any particular way, and regardless of whether or not its being available is favour-dependent. Of course, favour-dependence may add to its value, but the latter is not reducible to the value of the former, nor is it conditional upon it. This is a position which I do not think a defender of the capability approach should abandon, and indeed, it is a position which Sen himself defends (Sen, 2001, p.54). The task of justifying capability, where the latter is understood as unrelated to favour-independence, remains undone.

4. Cohen's objection, recall, raised the following challenge for the defender of the capability approach: Can we embrace the view that the effective freedom to function is the relevant standard of individual advantage, without using too broad a definition of freedom, and without relying on an athletic conception of well-being? In this section and the next I argue that this challenge can be met. In order to defend the adoption of capability as a *distribuendum* against Cohen's objection, I start by distinguishing between what I believe are three central claims made by the defender of the capability approach.

When the defender of the capability approach holds that justice requires that individuals enjoy equal effective freedom to achieve well-being, she is committed to the following three main claims concerning freedom. First, there are some functionings, some states of doing and being, that individuals have no reason to value, and which we have no obligation of justice to secure for them. The capability approach is concerned with ensuring freedom to achieve *valuable* functionings, that is, functionings the achievement of which could contribute to a person's well-being. The effective freedom to achieve inherently disvaluable functionings (e.g. that of pursuing a self-destructive lifestyle) is not one that we

are obliged to secure for one another as a matter of justice. This is not to say, it must be noted, that interference with people's disvaluable goals is necessarily permitted. The claim is only that we have no obligation of justice to support individuals' pursuit of disvaluable goals (e.g. by ensuring that social, personal and impersonal factors that may obstacle such pursuit are removed). Let us assume, then, that we have identified a series of valuable functionings, which we have specified at a relative level of generality: valuable functionings include being well-nourished, not having diseases, and so on. These are the functionings which individuals should, as a matter of justice, have the effective freedom to achieve.

A second distinctive claim of the capability approach, then, is this: people's effective freedom is enhanced or protected when factors that impede the achievement of valuable functionings in *choice-insensitive* ways are removed. A malaria-ridden environment, the presence in the water supply of a parasite which interferes with one's metabolism, lack of food as a result of draught, are some such factors. They render the achievement of the functionings of being well-nourished and being disease-free highly difficult or impossible, and, furthermore, they do so, typically, in choice-insensitive ways, in the sense that someone exposed to these factors is likely to come to lack the relevant functioning through no choice of her own. The capability approach recommends that such *choice-insensitive obstacles* to functioning achievement be removed, without requiring that people be given the choice as to whether or not to have them removed. Furthermore, it does so in the name of freedom. The elimination of these obstacles is said to increase freedom, despite the fact that it clearly involves *some* loss in negative freedom, insofar as an option is removed from individuals (once malaria is eradicated, for example, I am no longer free to contract malaria), *and* quite aside from the increase in the number of other freedoms that become available as a result (for example, the freedom to do whatever things one would not be able to do if one were malnourished).

Finally, a third crucial claim made by the capability approach is that *choice-sensitive departures* from functioning achievement should be allowed. In other words, people should, on the capability approach, enjoy the freedom to achieve the valuable functioning, but also the freedom to forgo those functionings. For example, the option of being (at least temporarily) voluntarily malnourished, or of voluntarily forgoing more complex functionings such as taking part in the life of the community, should be left to individuals, despite the fact that this

may result in failure to achieve valuable functionings. The capability approach holds that, standardly, and for competent, responsible agents, these options should *not* be removed. Individuals should be given the freedom to voluntarily or freely forgo valuable functionings. The capability approach, then, holds that a concern with protecting people's capabilities requires, on the one hand, the elimination of choice-insensitive obstacles to functionings achievement, and, on the other, the protection of choice-sensitive departures from functionings achievement.

With these clarifications in mind, we can better evaluate Cohen's objections to the capability approach. Consider, first, Cohen's charge that the capability approach must, in order to defend some of its claims, use too expansive a notion of freedom. This charge, we can now see, targets the claim that the elimination of choice-insensitive obstacles to functioning achievement is itself freedom-promoting. Now, *pace* Cohen, it seems to me that there is a plausible way of supporting the claim that the removal of choice-insensitive obstacles to functioning achievement increases a person's freedom. A person's *freedom of choice* - her ability to make free or voluntary, rather than forced, choices - is increased when the likelihood of her acting only so as to avoid unacceptable options is minimised. Removing choice-insensitive obstacles to functionings achievement contributes to minimising such likelihood. The option of involuntarily falling ill with malaria or of involuntarily going hungry, for example, are unacceptable ones, and when a person faces these options, she will, standardly, be constrained in her choices by a desire to avoid them. The possibility of contracting malaria will constrain a person's choices of where to go and of what activities to pursue; the risk of starvation will guide one's choices of whether to accept a meagre job or invest time and energy into a literacy programme, and so on.

Quite apart from the fact that more options may be offered to people by rendering their environment malaria-free and by removing the prospect of starvation, then, these people's freedom of choice is protected insofar as the attractiveness of the options which they face is altered.[4] As an illustration, compare the situation of someone who is employed in an

[4] The notion of freedom of choice I have in mind here is that of freedom as a feature of the choices we make, rather than freedom of choice as the availability of options to choose from. I discuss this notion of force and free (or voluntary) choice more fully elsewhere (Olsaretti 1998 and Olsaretti 1999). I suggest that a choice is forced when it is made because there is no acceptable alternative to it, and that it is voluntary, or free, when it is *not* made because there is no acceptable alternative to it. I also suggest that the standard of acceptability of options is an objective one. This could be the same standard by reference to which we identify what functionings are

economy in which the possibility of being made redundant at work is removed or its likelihood reduced with that of someone who lives in a society in which there is a widespread and substantial risk of redundancy. The person in the first scenario, other things being equal, is better placed than the second as far as her possibilities for making free choices are concerned. Since being made redundant, I am assuming, is a dire option which one will want to avoid, the second person's ability to choose freely among options is threatened.[5]

By removing the option of being involuntarily diseased or involuntarily malnourished from people's option sets, then, we thereby eliminate the possibility of their being forced to do things which they would have to do to escape these predicaments. There is, then, a defensible sense of 'freedom' by reference to which we can say that people's freedom is enhanced when choice-insensitive obstacles to functionings achievements are eliminated. The concern with protecting the freedom of people's choices supports the claim that people's freedom is protected by the removal of choice-insensitive obstacles to functionings achievement. No unduly expansive notion of freedom is invoked here.

What about the second part of Cohen's objection, the athleticism charge? There are, it seems to me, two different ways of understanding this charge. First, it could be seen as directed against the commitment to remove choice-insensitive obstacles *in the name of freedom*. The charge interprets this commitment as the claim that people should enjoy thoroughgoing control over whether or not choice-insensitive obstacles to functioning achievement are removed. Cohen (and Sen himself, it must be added) sometimes speaks as though this is what the capability approach defender is committed to, and indeed, *must* be committed to if she is to defend the view that, for example, the eradication of malaria is freedom-enhancing (Cohen, 1994, p 121; Sen, 1985a, pp. 208-9). As I have said above, the capability approach defender need not commit to this, since there is another plausible sense in which she can say that the removal of choice-insensitive obstacles to well-being is freedom-enhancing. We can endorse the view that capabilities are what we should equalise without

valuable. I here assume that this is a defensible sense of 'freedom of choice', and return to this notion in section 5 below.

[5] Familiar examples of constraints on negative freedom which protect a person's freedom of choice are minimum wage and maximum working hour legislation. Since Cohen elsewhere talks about the way in which we may be forced to do what we are free to do, and of the way in which removing a freedom may sometimes contribute to preventing force, it is surprising that he should not bring this point to bear on the analysis of Sen. See Cohen, 1991; Cohen, 1995.

denying what Cohen holds, namely, that living in a malaria free environment and not being prey to disease are valuable things, regardless of whether people have control over the way in which those things are secured.

Cohen's athleticism charge, however, may now be understood in a second way, as targeting primarily the claim that individuals should be allowed to voluntarily forgo functioning achievement. In the next section, I will offer a view of well-being which I think justifies that claim without implying an athletic view of well-being. Before turning to that, however, I would like to make one final remark here about Cohen's critique.

As I have suggested, securing capabilities requires both the removal of choice-insensitive obstacles to people's functionings achievement (regardless of whether that removal lies within people's control), and the provision of the option of choosing to forgo some functionings. That Cohen overlooks the importance of this last point, and of the role which freedom should play in a standard of individual advantage, appears when he contrasts his own conception of egalitarian justice - equality of access to advantage - to equality of capability. He holds:

> Under equality of access to advantage, the normative accent is not on capability as such, but on a person not lacking an urgent desideratum through no fault of his own: capability to achieve that desideratum is *a sufficient but not a necessary condition of not suffering such a lack*. My own proposal strikes me as better attuned than capability equality to the true shape of the egalitarian concern with such things as health, nourishment, and housing.
> Equality of access to advantage is motivated by the idea that differential advantage is unjust save where it reflects differences in genuine choice (or, more or less, capability) on the part of relevant agents, but it is not genuine choice as such (or capability) that the view proposes to equalize. (Cohen, 1993, p. 28, emphasis added)

Since having capabilities involves both not lacking an urgent desideratum through no fault of one's own (what I have referred to as not being exposed to choice-insensitive obstacles to well-being achievement), but also having the option to choose to forgo some gains in well-being, it is true that capabilities are 'a sufficient but not a necessary condition of not suffering such a lack'. Someone could lack a capability while not lacking an urgent desideratum through no fault of hers: she could, for example, be force fed, or threatened with serious

penalties if she insists on sleeping rough when she enjoys access to a home.[6]

The capability approach is not wrong, it seems to me, in implying that taking such measures is, standardly, not what justice requires that we do, and in urging us to recognise that, together with Cohen's desideratum, we should guarantee people's freedom to forgo the valuable functionings access to which must be secure. But can a good answer be given to the question of why it matters that people have the opportunity to *avoid* the valuable functioning, even if this leads to a sacrifice in well-being, and without relying on an athletic conception of well-being? I next turn to answering this question.

5. My main claim is that the capability approach can plausibly be seen to adopt a mixed model of well-being, which views the *endorsement* of valuable functionings as constitutive of well-being. Because of the emphasis on endorsement and the latter's relation to voluntary or free choice, the capability approach rightly emphasises that the availability of an adequate range of functionings is what we should be concerned with equalising. In the rest of this section I unfold this idea more fully, and in the next section I provide an assessment of it in light of some difficulties it encounters.

The capability approach's emphasis on freedom can, I suggest, be seen to reflect a particular *type of* view of the good life, a view of the structure that the good life has. On this view, which has been defended, in different guises, by Ronald Dworkin, Joseph Raz, and Thomas Scanlon, a person's life goes well when she has things that she has reason to value, *and* she endorses their presence in her life (Raz, 1986 and 1994, Dworkin, 1995 and 2000b; Scanlon, 1998). That is, a person enjoys well-being when she achieves valuable functionings she endorses, that is, valuable functionings towards which she has a positive evaluative attitude, or proattitude, which may take the form of desiring, wanting, holding dear, thinking agreeable, and so on.[7] On this view, it is necessary both that certain objects that are present in

[6] A recent Anti-Social Behaviour White Paper from the UK Cabinet Social Exclusion Unit, titled 'Respect and Responsibility. Taking a Stand Against Anti-Social Behaviour', published on 11 March 2003, defends provisions against begging and rough sleeping which seem to deny people's capabilities while granting them access to advantage in Cohen's sense. Of course this is only true against some (not entirely plausible) background assumptions, such as that all or most of the people sleeping rough in Britain's street are voluntarily choosing to lead that lifestyle in a relevant sense of 'voluntary'.

[7] The notions of 'proattitude' and 'endorsement' are here used rather broadly. Donald Davidson used the notion of 'proattitude' to refer to an agent's attitude towards (an aspect or feature of consequence of) her action which

one's life be valuable (where their being valuable is not a function of the person's attitude), and that one deem them in some way valuable for oneself. The view of the good life in question, then, is a mixed one, in that it emphasises both objective and subjective elements of the good life. Having a proattitude towards something does not suffice to confer value on that thing, and to make its presence in one's life valuable (except to the extent that, say, desire satisfaction itself is *one of* the things that are objectively valuable, and one's positive evaluation of something takes the form of desiring it). Although having a proattitude towards something is not sufficient to make it valuable, it is necessary to have such an attitude towards what is (objectively) valuable for that to be something that makes one's life go better.[8] Being an active participant in community life, being a parent, having intimate relationships, developing one's talents: these are valuable states of being and doing, which (and unlike disvaluable functionings) can contribute to making a life go well, but they must be endorsed to do so.

My suggestion is that it is because endorsement is a necessary component of well-being that a concern with promoting people's well-being is better served by giving people the opportunity to achieve valuable functionings, rather than forcing those functionings on them. This, in turn, explains why it is important that the opportunity to achieve any valuable functioning be accompanied by the opportunity to forgo that functioning and choose acceptable alternatives. The concern is with people endorsing the functionings they achieve; and endorsement is threatened by the presence of force. If I am forced to choose something - if I choose something only *because* the alternatives I face are unacceptable, either as a result of bad luck or of someone else's interference (as with cases of coercive paternalistic interference) - then, typically, I do not endorse that thing.[9] For example, if I am an active

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"the agent wanted, desired, prized, held dear, thought dutiful, beneficial, obligatory, or agreeable". Davidson, 2001, p. 3. I will talk about an agent's 'endorsing' something as equivalent to her having a proattitude, or positive evaluative attitude, towards that thing.

[8] This contrasts with purely subjective accounts of well-being, which hold that favourable evaluative attitudes towards something are both necessary and sufficient for that thing be a determinant of well-being; on purely objective accounts, by contrast, such an attitude is neither necessary nor sufficient (although some mental states or other evaluative states may be included among the things that are objectively valuable). For a characterisation of accounts along these lines, see Sumner, 1996, chapter 2.

[9] Note that the sense of 'force' and 'choosing freely' involved here are the same ones invoked in section 4 above, and which I argued supported the insistence on the removal of choice-insensitive obstacles to functionings achievement. Here it supports the claim that choice-sensitive failures to achieve valuable functionings should be allowed. The very same concern which motivates the removal of choice-insensitive obstacles to well-being - namely, the concern with eliminating or minimising the extent to which a person is forced, and allow her to

member of the community only because the alternative is to have my only means of subsistence withheld from me, I am unlikely to have the sort of positive evaluation of such a functioning that would be necessary for it to contribute positively to my life. For this reason, it is true, standardly, that giving people an adequate range of opportunities to achieve valuable functionings (which includes both not forcing certain things on them, *and* providing them with a range of acceptable options they can choose from) better promotes their well-being than forcing any such functionings on them.

A constitutive account of well-being of the sort I have mentioned, then, together with some assumptions about the notions of force and choice, can be seen to lie at the basis of the capability approach's insistence on the freedom to achieve functionings, rather than on achieved functionings themselves, as the relevant standard of individual advantage. Such an account provides an answer to the paternalist challenge, which we have mentioned earlier, which presses us to provide a justification of the importance of protecting an area in which individuals are free even if this comes at a loss in well-being. On the constitutive model of well-being, this challenge, if it were moved against the capability approach, misses the point, at least in a large range of cases. If it is true that, standardly, giving people the opportunity to achieve functionings is the best way to secure that they achieve well-being, then the objection in question is misplaced: giving people capabilities does not, standardly, come at a cost in achieved well-being. Nor is the move we are considering one that renders the capability approach liable to the other objection we also mentioned at the beginning, namely, Cohen's athleticism objection. It is not the case that a good life is one in which people must be constantly engaged in the active pursuit of goals. Functionings must be endorsed and voluntarily (or freely) chosen, rather than forced; but no hyperactive notion of freedom as control is involved here. I may stumble on the realisation of an opportunity, endorsing a functioning that I have not actively sought out, and my well-being will be improved as a result, so long as the functioning is not forced on me. The constitutive model of well-being which I have suggested underpins the capability approach is one that can account for why freedom is important without committing to an athletic view of the good life or, in fact, to any specific comprehensive conception. All it does is to identify the *structure* of well-being or of

make voluntary choices - also justifies allowing individuals to forgo valuable functionings when their achievement is possible. Here this concern implies that agents should be given more, rather than less, options.

what makes a life go well, but leaves open the question of what the *content* of a life that goes well is.

6. I have suggested that a mixed conception of well-being in which endorsement plays a central role, and a certain view of the connection between endorsement, choosing freely and the availability of options, can together justify the emphasis on capability. The view I have just sketched, however, may be criticised on two grounds. It may be said that endorsement is not a necessary condition for well-being; and that, even if endorsement is necessary, this does not establish that the emphasis on freedom is justified.

Consider, first, the claim that no endorsement condition is in fact necessary. Richard Arneson puts forward such a claim when he suggests that an objectivist account of well-being that makes room for the endorsement condition will support implausible judgements about well-being that result from people not endorsing their lives for confused or weak reasons (Arneson, 1999). To illustrate this claim, Arneson presents us with the imaginary case of Samantha, who writes brilliant poems but denies that this achievement has any value, and does so for shallow reasons. Surely, Arneson holds, her lack of endorsement of what is plausibly a valuable achievement does not negate the latter's value, although it may reduce that value insofar as enjoyment of one's achievements is recognised to be an additional determinant of well-being.[10] Arneson holds that examples such as this make us reconsider the view that endorsement is necessary.

In fact, I think that, rather than leading us to abandon the claim that endorsement is necessary, all that Arneson's example does is to press us to specify just what kind of endorsement is necessary for well-being. We may agree that the value of Samantha's achievement for her life is not negated by her disavowal of that achievement's value, or her lack of what we may refer to as *critical endorsement*, because, we are assuming, she still has *some* favourable attitude towards her achievement. Although she does not recognise that

[10] Arneson adds that his claim is that Samantha's shallow disavowal of her achievement does not negate the value of that achievement for her *other things equal*, that is, assuming she would still be capable and willing, despite her negative evaluation of poetry, to write brilliant poems. Other things are often not equal, and it is plausible to maintain that, with various valuable functionings, the very possibility of achieving them would be undermined by the absence of a favourable evaluative state on the part of the agent whose life is in question. But the main claim I am considering here is different: it asks whether, even if the achievement of the functioning *were* possible in the absence of endorsement, that would make a person's life go better for her, i.e. whether it would contribute positively to her well-being.

poetry is a valuable activity, *volitional endorsement* may be present in this case, and account for the fact that Samantha's achievement does contribute *something* to her well-being. That is to say, Samantha could derive enjoyment from writing poetry, and desire writing it, even if she fails to *critically value* it and recognise its significance.[11] If even volitional endorsement were missing - if Samantha lacked *any* favourable evaluative attitude towards her achievement, and if, in fact, the presence of that achievement in her life were to be a source of self-doubt or other negative self-assessment - then it is surely plausible to insist that writing brilliant poems does not make her life go better. While this seems true, it is also true that Samanatha's is a valuable achievement, and one that makes her life more admirable than it would otherwise be. We can plausibly insist on both claims, since there is a distinction between well-being on the one hand, and how admirable a life is on the other. Once we see this, and once we recognise that endorsement can take different forms, then, we can resist the move towards an objective theory in which endorsement plays no role. Absence of *any* endorsement negates any potential value contributed by functionings to one's well-being, although a life that contains those functionings may still be admirable.[12]

What about the charge that, even if we grant that endorsement is a necessary component of the good life, this still does not suffice to justify the focus on freedom? The charge proceeds as follows. One enjoys the capability to achieve a valuable functioning when one has the effective freedom to achieve that functioning, as well as the freedom not to achieve it. Now it is true that, standardly, having a series of acceptable options to choose from is necessary for people to choose freely (i.e. not be forced into) the functionings that they achieve, and standardly, that they choose freely is, in turn, necessary for people to endorse those functionings. But, the objection runs, the link between freedom and well-being is still too indirect and contingent to justify the emphasis on capabilities as the standard of individual

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[11] This distinction between volitional and critical endorsement borrows from Dworkin's discussion of the good life, in which he talks of volitional and critical interests, with the former referring to a person's interests in having her wants satisfied; the latter to the interests that she has because she recognises that they would contribute to her life going well. (Dworkin, 2000b, pp. 242-4). The distinction seems similar to Sen's distinction between desiring and valuing (Sen, 1987, pp. 9-12). Dworkin talks of endorsement but does not specify which type of endorsement he thinks is necessary for well-being. I also draw here on Joseph Raz's view of the good life as involving the successful pursuit of valuable goals, and on his suggestion that *wholeheartedness* is present in a good life. See Raz, 1986, chapter 12.

[12] Note that even an objective list theory could accommodate some of the claims that the mixed theory supports, if endorsement is one of the items on the list. It may then be said that a person's well-being is better promoted when she endorses what is objectively valuable than when she does not.

advantage. Three main types of cases suggest as much. First, it is possible, in principle, that someone chooses freely, and endorses, something which she is not free not to choose, or something which she has no acceptable alternatives to. For example, being well-nourished is something that, standardly, people choose freely, or voluntarily. That is, even if the option of not being well-nourished were made unavailable or prohibitively costly for them, people would likely still voluntarily choose to be well-nourished, in the sense that they would not choose to be well-nourished *only because* the alternative is unacceptable. In cases of this sort, where a person faces an option which she very much likes, the presence of alternatives to it is not necessary to ensure that she chooses voluntarily, and hence, for her to endorse the option she does choose. Secondly, it is possible in principle, and not entirely uncommon in practice, that someone comes to endorse something she has been forced into, and just how often endorsement will actually be threatened by the presence of force is then an empirical question. A defence of freedom that is made to depend on the answer to this empirical question may seem insufficiently robust. Thirdly, the link between endorsement and freedom seems absent also in those cases where a person's will is bypassed altogether, as may happen in cases of brainwashing, indoctrination, or hypnosis. In these cases, too, like in those in which a person is forced to do something she eventually comes to endorse, endorsement may be achieved without giving a person a range of acceptable alternatives from which she is to choose herself. For example, someone may be forced to take piano lessons, only to gradually develop appreciation of them, or she may be hypnotised into desiring to take them. In these cases, the person endorses a valuable functioning which she achieves, without her freedom to forgo it being protected or being made really available to her. The contention that endorsement of a valuable functioning is necessary for its achievement to contribute to well-being, then, will not necessarily support giving people the capability to achieve that functioning, which includes the freedom to achieve it, as well as the freedom to forgo it.

Two observations may defuse the worries raised by this charge, however. The first points to the epistemic difficulties involved in ensuring that people genuinely endorse functionings in the absence of the effective freedom to forgo those functionings. Although, as we have just seen, it is true that people may sometimes freely choose functionings they have no acceptable alternatives to, and may sometimes endorse functionings they have not voluntarily chosen, it is also true that looking at people's achieved functionings, rather than at

the opportunities they face, does not suffice for us *to know* how well they are. For unless we know that people have acceptable alternatives to the functionings they actually achieve, we cannot be sure that they were not forced to choose those functionings, and that those functionings are ones they endorse. Furthermore, the specific combination of valuable functionings that is suitable for each one of us will differ, according to the different preferences, needs, and conceptions of the good we may have. In light of this, policies aimed at promoting well-being can best ensure that the functionings we achieve be positively valued by the person in whose life they figure by offering us the effective freedom to choose the combination of valuable functionings that is suitable to each one of us.

This epistemic point may well be sufficient to establish that what we should grant to people are capabilities. But a second consideration also supports this conclusion. Individuals achieve most valuable functionings as part of *goals* or *projects* they pursue. By pursuing a career as a teacher, for example, someone comes to achieve functionings such as forming valuable relations with others, living up to his conception of the good, using his talents creatively, developing important emotional attachments, and so on. The achievement of these valuable functionings is part and parcel of the successful pursuit of this person's project of being a teacher. Insofar as this is the case, it is not possible to force the teacher to come to endorse the mentioned valuable functionings, for these functionings are only achieved as part of his projects, and for something *to count as his project*, and one the pursuit of which will make his life go better, it must itself be endorsed. As Raz points out in defending his view of well-being as requiring the wholehearted and successful pursuit of valuable goals, on which I draw here, "[goals] contribute to a person's well-being because they are his goals, they are what matters to him. Since I never wanted to be a concert violinist I am none the worse for not being one. Someone whose ambition it is or was to become a concert violinist is, other things being equal, worse off if he is not one than if he is".(Raz 1986, p. 292) A defence of capability to achieve valuable functionings is then grounded in the recognition that valuable functionings are achieved as part of projects individuals adopt and the pursuit of which makes their lives go well. To ensure the capability to achieve valuable functionings is necessary for ensuring that people are able to achieve those functionings through the pursuit of the various projects they may adopt.

The defence of capability I have offered, then, can support a sufficiently robust anti-

paternalism. This is not to say that paternalism will never be justified. In particular, as far the achievement of very basic valuable functionings (those resulting from the satisfaction of fundamental biological needs) is concerned, the view I have sketched may allow for some paternalism. This is so for the following reason: the achievement of these functionings is of great instrumental value, in that the satisfaction of fundamental biological needs is necessary for securing the effective freedom to achieve most other valuable functionings. A commitment to protecting people's capabilities, then, may itself, in some cases, justify removing from individuals some freedoms (such as the freedom to forgo nourishment) which, if granted, would result in individuals' losing many other freedoms. As a result, there is a way in which the achievement of these basic functionings contributes to a person's well-being *regardless* of whether she endorses them. But the cases in which this sort of justified paternalism will be required are likely to be limited, as, standardly, people will not choose to forgo very basic functionings. And that paternalism may in this limited range of cases be justifiable is not, in my view, an unwelcome conclusion. This localised paternalism is consistent, moreover, with the general conclusion I stated earlier. Insofar as the capability approach is a view about what implications well-being judgements have for what we may and should, as a matter of justice, do for one another, it can plausibly insist that, in general, we better secure people's well-being by offering them opportunities to achieve valuable functionings than by forcing them into those functionings. For this reason, the emphasis on capability is justified.

7. In this paper I have suggested that one way of justifying the emphasis on capability, rather than achieved functionings, as the standard of individual advantage, is by viewing the capability approach as resting on a *type* of view of well-being. That view is a mixed one, which views endorsement as necessary for achieved functionings to contribute to a person's well-being. Embracing such a view still leaves open the question of what the standard is for deeming certain functionings as valuable, and whether it is true of *all* functionings that they only contribute to one's life going well if they are endorsed. While these questions deserve further discussion, viewing endorsement as central to the view of well-being that underpins the capability approach provides us with one way of understanding that approach and viewing its emphasis on freedom in an attractive light. A concern with promoting well-being itself

gives us reasons why what we should do for others is to secure the opportunity to achieve valuable functionings, rather than forcing them to achieve those functionings.

By way of conclusion, I would like to emphasise that a full-fledged defence of the emphasis on capability can appeal to more considerations than those I have been able to explore here. In particular, it seems to me that any account that takes freedom to be the relevant standard of interpersonal comparisons can appeal to three main sorts of reasons for doing so. The first points to the importance of making room for consequential or substantive responsibility. Insofar as we are concerned with a standard of interpersonal comparison for answering questions of distributive justice, we may think that we should focus on the freedom to achieve valuable states, rather than on the *outcomes* of people's choices, because people are appropriately held responsible for inequalities in outcomes which they choose to bring about given an initial condition of equal freedom, or a brute-luck insensitive background of opportunities. Although considerations of this sort may and need to be taken on board by defenders of the capability approach, they are not what primarily justifies the emphasis on capability.

A second sort of reason for defending the emphasis on freedom appeals to the value that freedom has quite independently of its relevance for well-being. It is possible to claim, for example, that freedom has symbolic value, in that giving people the freedom to make choices expresses a recognition of their status as autonomous agents. Freedom has value insofar as making choices may serve a person's agency goals, including goals the satisfaction of which does not increase a person's well-being. Considerations of this sort are important. Standardly, individuals should be allowed to pursue agency goals, even where doing so leads to them sacrificing their own advantage: for this reason, we may insist that only freedom to achieve well-being should be secured for them.

Finally, it is possible to defend the emphasis on freedom insofar as the latter is relevant for a person's well-being itself. This is what I have focused on in this paper. I have suggested that a possible motivation behind the capability approach's insistence on freedom can be found in the commitment to a constitutive model of well-being. On this account, the freedom to achieve valuable functionings is viewed as the relevant standard of individual advantage not despite a concern with personal well-being, but because of it.

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