

# FROM VALUED FREEDOMS, TO POLITICS AND MARKETS

## The Capability Approach In Policy Practice

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### 1. AMARTYA SEN'S MILLIAN PROJECT

'Mill's goals of freedom, rationality and human development' (Duncan 1973: 294)

The past ten years have seen promising steps for the capability approach of Amartya Sen. It attracts significant interest in all continents, in both academic and policy circles, and amongst many students and potentially important young professionals. Policymaker attention has come through the UN system, notably in parts of the work of UNDP and UNESCO, also in parts of the EU and various government agencies and NGOs, and even in the World Bank, where Sen's work has provided legitimacy for some methodological enrichment. Research attention is considerable, seen in many PhD theses and since 2001 in the Human Development & Capability Association's annual conferences and working groups. The approach is taken up by people from various disciplines, and with growing inter-disciplinary interaction; it spreads to many new topics, including culture, identity, and human rights; it evolves, both in details and some central features, and it has put down roots in important academic centres, such as the two Cambridges. Underlying this growth are a combination of intellectual and political attractions, especially for certain types of audience.

Intellectually, considerable positive energy has been unleashed by a theory-based move beyond income as a measure of advantage, and the corresponding opening to cooperation between individual social science disciplines, philosophy, and disciplines such as public health. The capability approach builds on recognition of the inadequacy of many other measures of advantage (Cohen 1995; Gasper 2007a). First, it recognises that subjective well-being measures can mislead, since values and preferences are often fluid. Second, it recognises that many other outcome measures can mislead too; bad outcomes may arise despite favourable opportunities, due to poor decisions and execution, or misfortune, whereas good outcomes might be achieved despite meagre resources, due to good luck or exceptional effort. Further, diversity of outcomes can also reflect the diversity of different persons' objectives. Third, it recognises that input measures are unsatisfactory too, since people have different needs and different ability to transform inputs into desired or approved outcomes. Economic inputs in particular, such as income and wealth, are not adequate welfare measures; they are not the sole relevant form of input to wellbeing, nor the sole source of the other relevant inputs (including social and personal practices and environmental circumstances), and sometimes even undermine those inputs (for example when preoccupation with income acquisition and expenditure jeopardises health and

family life). Even regardless of indirect effects, expenditures are not always a reliable measure of freedoms. More police and military spending due to increased violence, for example, may lead to higher GDP, but well-being falls overall (Drèze and Sen 2002: 317). The capability approach proposes instead that people's capability, their positive freedom, their ability to achieve valued or approved outcomes—neither their holding of resources nor the achieved outcomes nor their feelings about those—is, almost by default, the most appropriate measure of advantage.

It has however become increasingly clear that capability too is an imperfect measure, for various reasons. Just like values and preferences, capabilities are adaptive, and so sometimes a lack of capability may be a person's own responsibility (Qizilbash 1997). In addition, freedom is far from the sole relevant value (Deneulin 2006; Gasper & van Staveren 2003). Why then should one highlight capability space given its imperfections? Such a step reflects a set of broader insights and value judgements, a concern with reasoned human freedoms, which leads one on much further. Even within evaluation as the assessment of advantage, the capability approach's role is more than only to highlight the capability category: it is to encourage reference to a range of types of information, that span traditional disciplinary boundaries in a non ad-hoc manner unlike in much of the disciplinary or eclectic work on quality of life (Gasper 2002, 2007b). But further, the evaluation of advantage—the agenda of conventional welfare economics and the area in which Sen's capability approach emerged and became prominent—is not the area of the approach's sole or even necessarily greatest significance or relevance. Its intellectual scope and attraction concern much more than only the specification of a priority space in evaluation. (Here, like Deneulin, I differ from Alkire 2005.)

First, prior questions exist about whose advantage to consider and why, and how to ground and motivate mutual concern. Sen's approach is not explicit here, but its focus on capabilities rather than only functionings leads one constantly to think both about people's options and their abilities to formulate, perceive, choose, and act. In other words, it can convey a picture of people as situated thinkers and doers, as active agents with a potential to grow or to shrink. Martha Nussbaum's version, her 'capabilities approach' (Nussbaum 2000), treats the questions openly, for it conveys a fuller picture of human agents: we are vulnerable as well as capable, creatures of both emotion and reason, and of group affiliation as well as individual personhood.

Second, more generally, the capability approach provides a selection criterion for focussing in policy-oriented analysis and design, not only an evaluation criterion. It leads to a sustained focus on how people—particular people—live and can live, not merely what they have or spend. We see this in Sen's policy analysis work with Jean Drèze, as in the books *Hunger and Public Action* (1989) and *India—Development and Participation* (2002). They consider how specific groups, distinguished in terms of age, occupation, gender, and community, fare in terms of life expectancy, mortality (especially child mortality), morbidity, nutrition, access to safe water and electricity, literacy (especially female), physical security, environment, participation and governance. These categories of relevant effects are subjected to wide-ranging causal analysis that crosses traditional disciplinary boundaries and that examines how possibilities for human agency are

promoted or suppressed. I have attempted elsewhere to articulate at length the underlying methodology of policy analysis and design (Gasper 2008).

If Sen's approach contained only an evaluation criterion, it should be called simply the capability criterion. It offers in fact a value apparatus broader than just the capability criterion, together with an analytical apparatus and a policy perspective.<sup>1</sup> Building on earlier examination of the analytical apparatus (Gasper 2002, 2007a, 2008) and some aspects of the value apparatus and policy perspective (Gasper and van Staveren 2003, Gasper 2007c, 2008), this paper considers the policy perspective in Sen's work more fully, and the concepts and assumptions on which it rests, including his treatment of freedom and of democracy, community, states and markets.

We will consider thereby also the possible political roots of Sen's popularity. As remarked by various authors (e.g., Qizilbash 2006), Sen's work has similarities to that of John Stuart Mill in the 19<sup>th</sup> century. Mill criticised capitalism but did not require its rejection. For Mill, 'improving the human lot...meant primarily increasing and developing the general human capacity for self-determination' (Duncan 1973: 211). To fulfil this conception of human development, one 'could gradually transform the capitalist system from within ... [and so] accept the vital importance of private property at that stage, while envisaging its steady and peaceful transcendence in the future. He had, once more, the best of both worlds' (Duncan 1973: 248). 'The development of their [the masses'] capabilities was conceived both as a source of stability and as the major constitutive element in progress' (Duncan p.234). The phrase 'having the best of both worlds' can refer to wishful thinking, failure to see real constraints and trade-offs. But to genuinely obtain the best of both worlds would be ideal; and to obtain most of the best of both worlds could well be the best option, if feasible, better than purist insistence on maximizing any one value. How far do Mill's or Sen's perspectives genuinely offer a realistic synthesis?

Marx too believed that: 'Wealth is found in the development of human capacities rather than in the things or objects possessed' (cited by Duncan, 1973: 183). But, notes Duncan, he held that Mill's liberal model neglected some fundamental human values, including fraternity, and could itself never fulfil the values of freedom that it did espouse. In contrast, Mill believed that reformist change is possible, because, firstly, society's 'different levels or parts are not seen as closely integrated or interrelated. It is not a totality in the Marxian sense' (Duncan 1973: 291); and secondly, 'the most generally significant [aspects of society are] ... ideas and rational decision. Mill's vocabulary and his moral doctrine focus on the free, choosing individual—on progressive beings, intellect and virtue, altruism, personal endowments, the good of the whole, teachers or mentors, enlightened minorities. Change grows from moral and intellectual roots'

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<sup>1</sup> Given that Sen's approach covers more than a capability criterion, we could reserve the name 'Human Development Approach' for the full system, within which the capability criterion is a part of the valuation apparatus, and which includes also entitlements analysis, human security discourse, much of human rights analysis, etc. (Gasper 2008). But Sen is not the only author of the human development approach and not all that work adopts all his perspectives. The label 'capability approach' remains in widespread usage to refer to Sen's system (see e.g. Alexander 2008, Deneulin 2006) and I follow that usage here.

(p.291). Thirdly, ‘classless calculators’ can discern the general interest (p.295) and give direction to reform. ‘In relation to capitalism Mill had no conception of a genuine and systematic conflict of interests, arising out of different roles or positions ... [and] never conceived the threatening labourers as being nearly as radical or unified as they were by Marx’ (p.292). He advocated ‘improvement of a tolerable society’, not Marx’s notion of human liberation as a transition towards total emancipation (p.294). Sen’s conception of the possibilities of progress in contemporary India has a similar character (Drèze & Sen 2002; Sen 2005a). Like Mill, his rhetoric of freedom sometimes becomes extreme; but his practical policy advice is eclectic and pragmatic rather than purist, and has strong roles for constitutional, legislative and executive state action, built on and complemented by diverse other forms of public action.

Séverine Deneulin’s fine book *The Capability Approach and the Praxis of Development* (2006) makes three major criticisms and corresponding proposals for Sen’s theory. First, we must deepen the approach by attention to the societal context, which consists of structures of living together whose historical evolution we must examine. This structural context determines the real possibilities for promoting human freedoms: a society’s collective capabilities at a particular moment. We must look at how people have acted within these societal structures and how they have modified them in intended and unintended ways. Sen has no difficulty with such a proposal; his books on India, notably the 1996 book of regional case studies co-edited with Jean Drèze, include this sort of examination. But, supported by her case histories of Costa Rica and the Dominican Republic, Deneulin’s two other criticisms require more modification of his emphases. For, second, Deneulin argues how insufficient is freedom as a theory of the good, and why the capability approach needs more content in such a theory; and third, similarly, how insufficient and unreliable political freedom is as path to promotion of other human freedoms. We need criteria to judge the processes and outcomes of political freedom.

I would like to underline, extend and amend Deneulin’s three propositions in certain ways, including as follows: we need to give specific attention to the role of legal constitutions in embodying other values than political freedom, and thus in constraining and guiding its operation; we need likewise to reflect on markets, as a fundamental set of institutions; and we need first to deepen and amend the conception of freedom that Sen works with and that contributes to some limitations of his formulations.

This paper examines, first, Sen’s conception of and overwhelming preoccupation with freedom (Section 2). We relate it to, and contrast it with, his declared general reticence in specifying or assessing values. Next, we situate his treatment of freedom in relation to his notion of society as a complex of arrangements from which individuals can and should choose their priority affiliations, and his limited conception of community (Section 3). Thirdly, we consider Sen’s views on institutionalization of his ideas, including on the normative status of markets, community and democracy (Section 4). The intricacies of Sen’s ideas sometimes encourage an overemphasis on technocratic measurement and planning; I suggest that they require instead the necessarily conflictual construction and application of a rights-based approach in the face of evergrowing money power.

## 2. FREEDOM AND OTHER VALUES

Let us consider three possible tensions in Sen's work. First, he insists on people's freedom to choose values, but also seems to insist on primacy for one value: freedom. He is somewhat prescriptive still in emphasising 'having reason to value', but amongst his associates this nuanced formulation often disappears. Second, while discoursing about values self-chosen by a polity, he conducts policy analysis using a set of standardised values: his own policy advice continually gives priority to basic needs. Third, he appears sometimes in danger of having moved in two decades, pulled by his meta-policy discourse of the ubiquitous relevance and priority of freedom, from a central emphasis on the real and tragic paradox of market-mediated and even market-induced famines, to a dominant rhetoric of development as freedom, with markets presented as vital channels for expression of free choice. His recent work sometimes shows a tendency to suggest that democracy and an open society promote all other good things, at least in the long term. We could consider which audiences Sen addresses with this optimistic story. Two additional explanations for the tensions will be suggested: a particular conception of freedom, and his Millian vision that the free interaction of increasingly educated agents will uplift and transform capitalism. Here we look at the conception of freedom, and begin with the first of the tensions.

### **A reticence in proposing values, in contrast to a strong explicit emphasis on freedom**

The capability approach, like other positions in welfare economics, is intended for the public arena rather than for private decisionmaking. By focusing on the capabilities space not utility data, Sen's approach is implicitly a policymakers' discourse. An individual is less likely to downgrade her own satisfactions, deem her preferences inadequately reasoned, or prioritize capabilities above functionings when deciding for herself. It is public officials and others engaged in public policy debate who would refer to capabilities space. Sen thus talks of the freedoms that 'we', in a political community, would 'have reason to value'. Popularisers of the approach often reduce this to the freedoms that persons value (see e.g., Alkire 2005) and sometimes further reduce this to whatever freedoms individuals want (e.g., Robeyns 2005). The slippage occurs in part because Sen himself is so reticent in proposing values. His largest collection of essays is entitled 'Rationality and Freedom', a narrower, more technical formulation than 'Reason and Freedom'. While he advocates universal literacy as a policy priority for India, and no doubt supports India's 2002 constitutional amendment on the right to primary education (120 years after similar legislation in Costa Rica), the implication of his formally stated positions could be to accept the output of India's democratic political processes—a failure as yet to convert that declared right into legislation or any budgetary commitment (Ghosh 2008)—as defining what India 'has reason to value'. Yet if the capability approach does nothing but endorse whatever comes out of a formal democratic process, then why have it? (Deneulin 2006: 65).

Sen appears afraid of elitism, and of being accused of it. He may assume that general principles of human need are already sufficiently established and familiar in the public sphere, and in danger of being too crudely conceived and applied, for them to deserve

further emphasis. We should, though, compare with the real alternative wherein public officials are instructed or indoctrinated to ignore general principles of need in structuring public prioritization, and to refer only to the outcomes from situations of highly unequal wealth and unequal debate. The abstracted language of Sen's formal statements of the capability approach may not motivate many such officials to adopt it and to sustain that commitment. Like capitalism, this version of a capability approach may tacitly rely on ethical capital that it does not itself generate or maintain. In his more popular writings Sen turns to vivid and motivating illustrations and references to implied basic needs. Yet, as in the academic work, the value that he most emphasises is freedom, which he treats as inherently good and of primary and unifying significance.

In contrast again to his general reticence on values, Sen advocates markets as a channel of free activity (Sen 2000). However, if a polity made a reasoned democratic rejection of markets, that rejection would have priority according to capability theory. Especially difficult for capability theory is the case of a polity that makes a reasoned agreed rejection of freedom; Nussbaum discusses this issue. Sen highlights the reasonable diversity of values, but he may like Hume and Mill expect major convergence in reasoned values. Duncan notes that Mill was not a liberal in the same sense as for example Talmon; he did not expect permanent fierce disputation on all matters.

#### *When is freedom good?*

Whether opportunities promote well-being depends on how they are used. We tend to conceal this if we define freedom and capability as constituting well-being, rather than simply as a major focus in the policy exercise of identifying how advantaged are persons' situations. For Sen as for Mill, freedom has, however, both independent and instrumental value. 'Mill believed in the right of individuals to make mistakes and fall, but also held that making one's own mistakes was far more likely to have constructive effects than would continuous coercion and restriction of the many by the enlightened' (Duncan 1973: 248). He acknowledged that freedom does not always have good short run effects, arguing rather that the long run effects are better than those of paternalism, and that the freedoms are good in themselves. A more fundamental query concerns then whether all freedoms are indeed good.

Should we treat freedom as a neutral descriptive concept, or an evaluative concept? Alan Ryan (1965) and William Connolly (1983) argue that in ordinary discourse it almost invariably has evaluative content: we would not speak of freedom when an agent faces a wide range of options of which none are compatible with her interests and values; nor, as Charles Lindblom observes, do we speak of unfreedom when, despite inevitably many constraints, 'choices judged to be important or valuable are not closed off' (Lindblom 2002: 178). The evaluation does not stop with reference to what people want. Connolly adds that any concept of freedom must consider not only the content of an agent's wants but also the way in which those wants were formed (1983: 151). Nor, similarly, do we describe all of the freedoms which we encounter as favourable. The freedom to express ignorant opinions is not as valuable as the freedom to express informed opinions; the freedom to tell lies ranks still lower; and freedom to slaughter others has negative value.

Building on the work of Eric Fromm, Zygmunt Bauman (1988) notes that freedom is in reality an ambiguous experience. Societies based on large-scale expansion of commodity choice have typically increased fears of loneliness and stresses of choice, and partially crowd-out some other important types of opportunity. Consumerism still has massive attractions, he suggests: it offers to the majority the feeling of both choice and security. Most people can feel they have made choices for and of themselves, while they safely buy-in to some set of current socially approved symbols. For Weber, much more than this was not possible, because 'internal freedom' could never be for the majority, who must instead be ruled by the bureaucracy (Bauman 1988: 47).

It remains useful then to distinguish a neutral concept of freedom, whose instantiations are subject to case-by-case evaluation. In English, 'liberty' has become the term that plays the more rhetorical role, favourable by definition; let us save for the word 'freedom' the possibility of neutral use. Sen identifies the fallacy that the more the valued options that one has, the better must be one's choice set; but, with eyes focused South more than North, he has not engaged in critique of consumerism and he continues to stress freedom as the primary and central value.

#### *Freedom as primary and synoptic value ?*

In *Development as Freedom* Sen declared freedom to be both the primary end and primary means of development. In response to critical commentary, the preface to his 2002 book with Dreze downgraded its status, to be just one of the main ends and main means. In practice, however, his highlighted priority remains freedom, partly due to treatment of it as a synoptic value. In Sen's conception, the meaning and measure of freedom—freedom to attain whichever values one has reasoned—depends on what one's other values are, and so it appears supportive of rather than competitive with them. However, some of those other values might be opposed to freedom: the values say of some religious fundamentalists. Freedom can anyway never be an unfringeable value, since freedoms conflict, between persons and also for a single person. One man's freedom can be another man's unfreedom; 'the [human] subject is bounded by others and binds others' (Simmel, cited by Zimmerman 2006: 477). Car drivers inflict delays on bus passengers, by clogging roads. Some freedoms have priority, and some of them require absolute enforcement, like my freedom to not be enslaved, versus your freedom to acquire slaves. Some freedoms are more basic than others, and some are malign. Sen's particular formulation, about freedoms to achieve other values, may help to conceal this and to promote a generalised priority to freedom.

Similarly, while the starting point of Sen's capability approach was to downgrade subjective statements of well-being as unreliable, this appears at risk in some recent work within the approach. Subjective well-being becomes reemphasised as criterion of well-being, not only because it is readily measurable and arguably a surrogate for 'agency-achievement', but as an expression of free choice. Deneulin rightly objects that, for public policy purposes, estimates of well-being or advantage should be established through public prioritization rather than only through private consideration by an individual, even her reflective consideration; we may dissent from, for example, the

consideration of a mother who has been moulded in and constrained by a sexist society and who decides that school education is not a priority for their daughter (2006: 4-6).

The generalised prioritisation of freedom may arise also as a side-effect of a prioritisation of capability above functioning. Fleurbaey argues that the prioritisation is ‘unnecessary, and indeed dangerous’ (2002: 74). One can, he argues, capture a concern for freedom within a focus on functionings, by recognising that ‘the exercise of choice is one of the main and most vital functionings for human beings, so that [Sen’s] fear is quite misplaced: a paternalistic society cannot be satisfactory in terms of functionings’ (2002: 74). Sen’s focus on ‘mere *access* to functionings...automatically abandons those undeserving poor who fail to seize the opportunities offered’ (2002: 74; emphasis added). For, as Deneulin underlines, his is a liberal theory. His concept of capability measures (potential) advantage, not achieved well-being; one can have high capability yet low well-being, due to bad luck or carelessness. Sen replies that Fleurbaey’s formulation accepts the importance of opportunity not only achievement; but he does not answer on the issue of relative priority, staying on this occasion safely within a more general version of the capability approach which does not include that prioritisation (Sen 2002b).<sup>2</sup>

### **A theory that excludes a list of basic values, and a practice that centres on it**

Sen makes no formal list of priority capabilities. In practice, however, he still employs the idea of capabilities that are basic for survival or dignity, including in terms of required thresholds for minimum necessary attainment (e.g., Anand & Sen, 2000: 85), and also a list of five basic ‘instrumental freedoms’ (Sen 1999: 38ff.). As Stewart and Deneulin note, ‘In practical work, Sen [accepts] that to be healthy, well nourished, and educated are basic capabilities, which, presumably, he would argue, would always get democratic support. In effect, this shifts the approach to one that is almost identical with the BN [basic needs] approach’, except that it has broader scope and a more explicit philosophical foundation (2002: 64).<sup>3</sup> United Nations agencies’ work on human development and human security, with which Sen is closely involved, are explicit on world-wide priority human needs. There would be little rationale for such agencies if priorities such as peace, literacy and clean drinking water for all, and associated implications such as avoidance of a greenhouse gases disaster, were not legitimate; recognised because legitimate, not merely legitimate because recognised.

So while Sen adopts strongly liberal formulations when theorising, he adopts implicitly ‘perfectionist’ formulations for practice. Deneulin summarises Hurka (1993)’s picture of at least one type of perfectionist tradition: ‘certain features of human life, such as knowledge, health or artistic creation, are good independently of any subjective preferences or choices. Their presence makes life better, whether one desires them or not, and their absence impoverishes human life’ (Deneulin 2006: 20). We should ‘consider

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<sup>2</sup> See Gasper 2007b on different elements within the approach, the different possible combinations and how various authors select or move between them.

<sup>3</sup> Stewart and Deneulin refer to the 1970s-80s basic needs approach in development policy, in which Stewart was prominent. Philosophy and social policy contain basic needs theories with philosophical foundations just as elaborate as that of capability theory: e.g., Braybrooke 1987, Doyal and Gough 1991.

human freedom less as choice and more as a reached state of being and doing' (Deneulin 2006: 53), for people can pursue a life of their choice only if certain constitutive features of human life are assured. Beggars cannot be choosers (Gasper 2004).

Reliance on the outcome of public debate, while certainly relevant, is not sufficient for determination of public priorities, argues Deneulin: first, people may ignore externalities, and 'people may value capabilities on the basis of reasons that are good for themselves as particular individual human beings, but not good for themselves as members of a wider human community (Richardson 2002)' (Deneulin 2006: 24); and second, democratic processes occur within structures of inequality that typically downgrade and distort the views of the less advantaged. Our example of the child not sent to school by her parents is a special case of this – the interests of the person in a weaker position, here the child, might be downgraded by her parents and/or especially by the democratic choice of people in a stronger position, who decide that schooling for the poor has less priority than highways construction, weapons purchases and debt repayments. When a person's choice is 'harming herself or others...the capability approach cannot remain neutral' (Deneulin 2006: 31). If one accepts the notion of 'harm', a perfectionist notion, then one should become thoughtfully perfectionist rather than only casually and implicitly so. This is Nussbaum's position too. (Deneulin goes further, in effect preferring Nussbaum's stance before she reformulated her views as a form of Rawlsian political liberalism.)

We have suggested that Sen is right to be more perfectionist in practice. There he seems to primarily talk of India, explicitly or implicitly. Why is he more purely liberal when he theorises? Sen has written of human development as advancing the richness of human life, but then remains vague and open on the content of that richness, other than that it must be determined by reasoned group process. His capability approach arose through critique of liberal welfare economics and of the Rawlsian criterion for justice, by adding reference to several aspects of human inequality; but he may share their relatively thin conception of personhood and consequently also of freedom. As a result the approach does not have much to say about persons except that they are choosers, a description that is more relevant for modern market-based societies (Bauman, 1988). It tends to downgrade socially constructed differences in people's identities. Irene van Staveren and I have written that Sen's picture of freedom in terms of participation and the quality of an opportunity set is not a picture of personhood or agency, and leads to underemphasis of key requirements for 'free choice'. Even the aspects of human inequality that Sen introduces are presented as a list of possibilities, not as part of a holistic conception of human life. A person is not a timeless agent but has a life trajectory from birth to death, from incapacity through capacity to incapacity, and is part of a system of emotional, semantic and value interrelations. The capability approach requires this sort of enriched picture of personhood and moral agents. It will include a perfectionist conception of the good to at least some extent; and treat persons as guided by a variety of feelings of affiliation and as historically located in inherited social orders that gradually evolve. Deneulin and others describe this. I will extend her arguments, pointing to how concepts of freedom, identity and community must themselves be historically and socially located.

### 3. FREEDOM IN SOCIETY

#### **An ahistorical conception of freedom ?**

Zygmunt Bauman outlines a number of conceptions of freedom. First, freedom as freedom from commitments. Historically this is an early meaning, seen in the concept of freed-men, released from slavery or serfdom, and the practice of exemptions from taxes and other duties. Second, in contrast, freedom as ability to accept and make commitments, and to see them through to fulfilment. Here life is seen as the entering and playing of roles, not as staying out of commitments. Perhaps only financial speculators and asset-strippers, some economists and young unmarried adults see life as more about choices than about givens (our genetic constitution, our natural and societal and family environments, including our parents and children, and our commitments) and about working with them. In the third conception, external freedom, freedom means having a range of options: Milton Friedman's being 'free to choose'. Limits for this conception are experienced in the contemporary oceans of unsolicited advertising in letter boxes, 'spam' e-mail and daily telephone solicitation: a surfeit of minor choices. Barry Schwartz's *The Paradox of Choice: Why More is Less* shows how freedom to choose between vast ranges of slightly different goods is not a fundamental freedom. Freedom requires the skills to distinguish fundamentals from trivia and to pursue the former.

Fourth, Sen's conception takes freedom as the power to attain that which one has reason to value. Its necessary partner is, fifth, internal freedom: the power to reason, including freedom as the recognition of necessity, and the ability to govern oneself. Bauman observes that such ideas of self-management and civic freedom have partly been replaced by ideas of consumer freedom, freedom as access to private happiness, as attempted compensation for loss or non-fulfilment of autonomy in other spheres of life: production, community government and national politics (1988: 95). Sixth, as an extension of internal freedom, Kant saw freedom as reasoned recognition of the other and as conscious acceptance of an understood morality. Justice was thus an expression of internal or inner freedom: freedom as recognition of truth.

Bauman concludes that freedom is easy to think about when people face specific, intense and repugnant constraints that they wish strongly to remove. Beyond such situations, freedom as some supposedly general and yet definite and durable state becomes hard to conceptualise: 'All attempts to do so invariably lead to contradictions' (Bauman 1988: 51), such as we saw in the conceptions of freedom as absence of commitments or as multiplicity of options. One 'Western sort of freedom...can see limits only as barriers to humanity, not as constitutive of it. And it is therefore the very epitome of idealism...' (Eagleton 2005). Sayyid Qutb (1906-66), perhaps the key theorist of modern radical political Islamism, was drawn to an encompassing language of freedom as extreme in its way as that of the early Marx, Nozick or Ayn Rand. Reacting against the incursions of Western ideologies of freedom, he declared that Jihad is ' "the defence of man" against all those forces that limit his freedom ... [and] Islam...proclaims the universal freedom of every person and community from servitude to every other individual or society' (Qutb, pp. 50-51, cited by Ruthven 2004: 90). In biological and organisational

development there are nearly always limits; beyond the limits there is excess. The lack of a self-limiting dimension in Sen's perspective on human development—if it does not use terms like enough, sufficient, un-being, end of doing—would leave it in danger of becoming not human but an example of modernist utopianism.

Sen treats the notion of freedom in the style of an analytical philosopher, rather than also through historical and sociological examination. He works with Kantian style notions of negative freedom ('independence of determination by alien causes', Mautner 2000) and positive freedom (self-determination, autonomy), the latter including both opportunity freedom and process freedom. He rejected Nozick's attempt to convert Kantian respect for persons into an overwhelming priority to negative freedom, and stresses rights to be involved, not only rights not to be intruded on. Nozick's notion of freedom belongs to one strand of modern Western interpretation: individualistic, typically seeing freedom in personal privacy and the absence of being observed or interrupted. Ruthven speaks of this as the perspective of someone who prefers to live in a high-rise apartment block, a situation which can be experienced as imprisonment by those from societies with less individualistic formations of the self (Ruthven 2004: 259-61). Buddhism, for example, conveys different ideas about personhood and hence about freedom. Sen's capability approach accommodates such differences in preference about what are priority freedoms, but his attempt to build an alternative to Nozick suffers from a thin picture of persons, as we saw, and from a limited historical perspective. He indicates how identity is multi-dimensional—thus Sen is an Indian, an economist, a man, a Bengali, a humanist, an agnostic, a member of particular professional associations and networks, and so on—but does not address how these different categories of identity have arisen historically.

### **An ahistorical conception of community?**

Sen views people as individuals, who are group members but with the right to exit any group; likewise, communities and groups have the right to rationally reconsider and reconstitute features of community (Sen 2005a, 2006). He does not give much attention to the historical provenance of communities, as if current communities are not modern too. In Partha Chatterjee's analysis this reflects a liberal presumption: 'community, in the narrative of capital, becomes relegated to the latter's prehistory, a natural, prepolitical, primordial stage in social evolution that must be superseded for the journey of freedom and progress to begin. And since the story of capital is [supposedly] universal, community too becomes the universal prehistory of progress' (Chatterjee 1995: 235). Chatterjee provides examples from a historical trajectory of anticolonial nationalism different from that represented by Sayyid Qutb: that of India, including in Bengal, Sen's homeland.

Chatterjee (1995) presents the key first stage in anticolonial nationalism as a declaration of cultural and spiritual independence, independence of identity, substantially before the struggle for political power. Life became partitioned into an outer realm of science, business and power, in which the West's superiority was acknowledged and had to be shadowed, in order to regain one's status, and an inner realm of spirituality and culture, where the West was deemed not superior, indeed probably deemed inferior. The greater

the acknowledgement of inferiority in the outer realm, the greater the need for rejection of the West in the inner realm, in order to avoid assimilation, further penetration by the dominator and the second-class status of the imitator. Thus after a period of imitation of the West also in the inner realm came a stage of rejection and refusal of colonial intervention there, plus the felt need to build a distinctive strengthened national culture, an alternative modernity. Chatterjee's main case studies concern 19<sup>th</sup> century Bengal, where the emergent Calcutta Hindu middle class was subordinate to the British but could build hegemony by acquiring cultural leadership of the indigenous masses, including through modified forms of religion and new forms of domestic order. 'The home, I suggest, was not a complementary but rather the original site on which the hegemonic power of nationalism was launched.' (Chatterjee 1995: 147). This was a vital phase of achieving sovereignty, even before the political contest or in advance of its outcome, although the political struggle later heightened the incentive to assert difference. In sum, the nationalist strategy was to accept universalism in the outer realm of business and State politics and strongly reject colonialist claims of difference there, while also strongly rejecting many colonialist universalist claims for the inner/domestic realm. Naturally, the strategy contained inbuilt tensions.

In the realm of State politics too, contradictions arose. 'The external critique of caste, drawn from the liberal ideology of Europe, suggests that a legal framework of bourgeois freedom and equality provides an alternative and, in principle, more democratic basis for this unification. This has been the formal basis of the constitutional structure of the postcolonial state in India. And yet the practical construction of this new edifice out of the given cultural material has been forced into an abandonment of its principles from the very start – notice, for instance, the provisions of special reservations on grounds of caste. ... What has resulted is not the actualization of bourgeois equality at all but rather the conflicting claims of caste groups... There is no alternative for us but to undertake a search, both theoretical and practical, for the concrete forms of democratic community that are based neither on the principle of hierarchy nor on those of bourgeois equality' concluded Chatterjee (1995: 197-8); though here he is equally as vague as Sen. Where he excels is on the historic significance of new forms of community in struggles against colonialism. Cultural essentialism came as much from the side of the colonized as the side of the colonizer.

The lack 'in modern European social theory of an independent narrative of community makes possible both the posing of the distinction between state and civil society and the erasure of that distinction. At one extreme, then, we have arguments proclaiming the sovereignty of the individual will, insisting that the state has no business to interfere in the domain of individual freedom of choice and contractual arrangements. At the other extreme are the arguments that would have the one political community, given the single, determinate, demographically enumerable form of the nation-state, assume the directing role in all regulatory functions of society, usurping the domain of civil society and family, and blurring the distinctions between the public and the private.... [T]he concepts of the individual and the nation-state both become embedded in a new grand narrative: the narrative of capital. This narrative of capital seeks to suppress that other narrative of community and produce in the course of its journey both the normalized individual and

the modern regime of disciplinary power' (Chatterjee 1995: 234), because otherwise 'by its very nature, the idea of the community marks a limit to the realm of disciplinary power' (p.237). The attempted substitute for, or version of, community in Western social philosophy is 'the nation'. 'Both state and civil-social institutions have assigned places within the narrative of capital. Community, which ideally should have been banished from the kingdom of capital, continues to lead a subterranean, potentially subversive, life within it because it refuses to go away' (p.236). 'The crucial break in the history of anticolonial nationalism comes when the colonized refuse to accept membership of this civil society of subjects. They construct their national identities within a different narrative, that of the community.... This inner domain of culture is declared the sovereign territory of the nation, where the colonial state is not allowed entry...' (p.237). The post independence era is marked by 'this unresolved struggle between the narratives of capital and community within the discursive space of the modern state' (p.239). Capital 'seeks to construct a synthetic hegemony over the domains of both civil society and the precapitalist community. The reification of the "nation" in the body of the state becomes the means for constructing this hegemonic structure... It is by means of an interventionist state... that the foundations are laid for industrialization and the expansion of capital' (p.212) Yet the state must retain its legitimizing role of representing the 'national-popular'. The move in capitalist democracies had been made in the previous century, from an exclusive language of freedom to use also of a language of welfare. This additional language was 'available to the political leadership in India when it began the task of constructing a state ideology' (p.210).

Sen, like JS Mill, would not accept that his liberalism is part of 'the narrative of capital'. But while he picks out markets as 'a basic arrangement through which people can interact with each other, and undertake mutually advantageous activities' (Sen 2000: 33), he does not do the same for community, whose role could be even more fundamental, involved in the very formation of 'people'. He has much to say as critical evaluation of community, but is relatively polite nowadays in critical evaluation of capital, as we will see.

Sen's account carries a concern for individuals and their freedoms, including their freedom to define themselves within the set of values and affiliations provided in the various communities which have formed and fostered them; and a concern that no individuals, notably women, be marginalised and sacrificed. Described in the abstract as issues about freedoms that we have reason to value, these matters are simpler than when confronted in their historical specificity: not only are there diverse and conflicting freedoms, they are usually ambiguous, hard to define and hard to evaluate. The 'we' and the 'I' involved are also ambiguous and their definition is part of the debate. As Zimmerman (2006) notes, while Sen asks 'Equality of What?' the sociologist will add the question 'Equality of Whom?' – who is within the circle of concern, and what are the identity-groupings between which comparisons are made or avoided? From Chatterjee we see how, firstly, communities are not primordial static entities, but are as modern as the individuals; secondly, the identities which 'individuals' declare are composed from socially constructed elements; thirdly, the construction of community identities at various levels was central in anti-colonial struggles for political freedoms, and is likely to be equally central in other and future struggles; fourthly, concepts such as freedom which

motivate and shape such struggles will have historically and societally specific forms, not the disembodied abstract versions of analytical philosophy; and fifthly, these specific forms will contain tensions and contradictions, as in the common anti-colonial insistence on non-universalism in the domestic sphere, with the possible subordination of women as part of the emancipation of men.

#### **4. POWER, INSTITUTIONALIZATION AND POLICY**

The capability approach is a policy approach, in the sense that, as Deneulin observes, it only exists because it wishes to influence action, to change what happens. Besides indicating one possible evaluative space, it asserts that space's importance and even priority. The manner by which it seeks to exert influence makes political presumptions. The most relevant places to look for Sen's approach on policy are his books with Jean Drèze on anti-hunger policy (*Hunger and Public Action*, 1989) and development policy and democratization in India (*India: Development and Participation*, 2002), and the report of the United Nations commission which he co-chaired, *Human Security Now* (CHS 2003). Only for India does he go far with detailed advice. I suggest that just as most of Sen's policy analysis work has centred on India, so his generalized writings on policy are understood better if read as in large part exercises in persuasion for an Indian audience, about feasible yet genuinely emancipatory (not newly oppressive) paths forward for a country such as India, that has a functioning State, a relatively strong civil society and a non-interventionist military, no constitutionally established dominant group and yet enormous internal cultural differences.

Even for India, Sen's attention moves away from very close examination of institutions—thus his 2002 book with Drèze makes little use of entitlements analysis—towards a general story in terms of themes of participation, governance and empowerment. It defines itself as 'a "people-centred" approach, which puts human agency (rather than organizations such as markets or governments) at the centre of the stage' (Drèze and Sen 2002: 6). Deneulin (2006) critically evaluates this strategy, with reference to the limits of democracy, and puts a concern for political freedom into a more balanced relationship to other values. When considering how the capability approach envisages influence and handles institutionalization we must however not replace Sen's term 'public action' by the narrower term 'policy' (Deneulin 2006:15), nor hold that only 'political participation is considered as the way through which people can be agents of their own development' (2006:3). We must look at market participation and constitutionally given rights as well as at political participation. Sen's work has the great virtue of carefully analysing how to use, steer and supplement markets, which are certainly here to stay.

#### **Sen on markets, market power, and the power of markets**

Sen's policy positions are partner to the critique from UNDP, ILO, UNICEF *et al.* of the 1980s and 90s ruling development policy orthodoxy of the IMF, World Bank, US Treasury, and the rich country governments and corporate giants that control them. This critique is far from advocating absolutely uncontrolled markets—Sen opposes uncontrolled international capital markets such as seen in the East Asia financial crises of

1997—but is not anti-market in any sweeping way. His approach focuses on influencing and supplementing markets by rules, by changing incentives, by organisational reforms and by investments in public goods, rather than trying to prohibit markets and market transactions which agents have incentives to undertake. His discussions of policy include extensive proposals for increasing the power of poor people in the market, through public works, strengthened public information and education (and making space for that by reduced military expenditure), pro-employment industrialization and elimination of biases to capital-intensive investment, social security arrangements, strengthened civil society monitoring of business, and so on. They give equally detailed attention to increasing the power of poor people also outside the market – by education and health investments, social security arrangements again (including the extreme case of famine relief), progressive constitutional changes (such as the 1990s amendments to the Indian constitution to enforce the presence of elected local governments and 1/3 representation of each of women and the scheduled lower castes and tribes; and the 2002 affirmation of the State’s duty to ensure and enforce universal primary education), and strengthened civil society monitoring of government.

Sen’s earlier work on famine highlighted how some people’s freedom can produce other people’s unfreedom. Richer consumers’ ability to pay higher prices draws food away from the poor, as seen in every famine and in the current world food crisis, which has reduced the poor in parts of Haiti to eating mud pies to fill their stomachs. The rich’s purchasing power now also draws land away from food production in order to produce fuel. In a recent piece Sen remarks thus how ‘little sense can be made of the frequently aired and increasingly popular slogan “I am against poverty, but I am not really bothered by inequality” ’ (Sen 2005b).

Returning to the third tension mentioned earlier: how has Sen’s work on disastrous side-effects of markets evolved into a generalised praise of freedom and generalised defence of markets as channels of freedom? In India there has been little open famine since the 1970s, and since the early 1980s an ever growing economic liberalization and dynamism, with at least some significant gains in social opportunity. For India Sen accepts economic liberalization. He does not defend continuation of the rather unsuccessful in many respects (economic growth, human development, equality, participation, probity) model of state central economic planning and very detailed economic regulation which was largely followed in India from circa 1955 to circa 1991, the so-called ‘Licence Raj’. At the same time, he puts his efforts into arguing for activist roles by the state and other public actors in education, health, women’s rights, democracy, and so on. He insists that economic liberalization alone is far from sufficient, and is attacked by some purer market economists. Rivals such as Jagdish Bhagwati and TN Srinivasan published vicious reviews of his 1995 book on India with Drèze. Part of the dispute comes down to different degrees of belief in the potential of the Indian state. Yet in contrast to Sen’s general endorsement of markets that we saw earlier—part of his debate with Calcutta Communists—he does not offer general paeans to other institutions.

Sen consistently addresses some issues of power. His analyses of which types of people died in Bengal’s mega-famine of 1943-4 and its communal violence of 1946-7 highlight

the centrality of structures of access and exclusion. He is concerned with the possibilities for action, the attainable life-options, for ordinary and poor people, and originally considered adopting the term 'power' rather than 'capability' or positive freedom for this concept. He systematically analyses ways of trying to promote this power of ordinary and poor people, in markets and outside markets; for example, non-market mechanisms for increasing both State and private sector accountability to citizens, such as a free press.

While he emphasises how markets exclude, via their reference only to money power, he does not discuss how commoditization sometimes dehumanizes, nor the impacts of concentrated money power on values and on all other spheres of society. Peter Evans highlights that *Development as Freedom* has no criticism of global corporate capitalism, with its 'increasing concentration of power over the production of culture, information, and, therefore, preferences' (Evans 2002: 59), as well as over political agendas and decision-making. Corporations spread rich country consumption standards, which affect also the lives of those who cannot attain them. 'The process of preference formation that flows from modern distributions of economic power is the antithesis of the public discussion, argument, and open communication' that Sen extols (Evans, p.58). But Sen's disapproval is directed instead against 'the elite guardians of tradition'; in Chatterjee's terms he critiques community. Sen formally accepts Evans' criticism (Sen 2002b: 84), but his response does not focus on the tensions between a strong belief in markets and the domination exerted by vast concentrations of money power over the rest of society.

So Sen does not focus equally on all issues of power. This might be if he does not recognize or does not find objectionable the power of corporations and global markets; however from some of his writings it appears that he shares the sort of sharp criticisms made by Mahbub ul Haq, including in the early Human Development Reports. He seems to choose to focus on other matters, where he feels progress can be and is being made, especially if progress is easier there, and to not wish to fight on all fronts at once. *Development as Freedom* appears as both a coming-to-terms with global capitalism and a continued critique of it in some respects.

### **Sen's abstracted notions of politics**

Sen advocates reasoned debate in the public arena and democratic decision-making, on several grounds. They have independent value regardless of their outcomes, for they treat people with respect. They have a constitutive role in forming values: building considered and better accepted statements of public purpose, and mutual awareness and recognition. They have instrumental value in promoting good outcomes, for they constitute and maintain a framework of cooperation, mobilize information and share and test ideas, provide essential political pressure, as seen in open reporting of disasters such as famine, and are 'critically important for the development of human capabilities' (Sen 2002b: 79).

Sen's arguments here are identical to those of J.S. Mill. Mill stressed, besides people's right to share in decisions that affect them, how participation in community affairs and local government were the schools for building cooperation, commitment and capacities, including by 'bringing inferior minds into contact with superior' (Mill 1960: 351-2, cited

by Duncan p.249). They promote favourable change and change people favourably. Constitutively they form ‘the practical part of the political education of a free people, taking them out of the narrow circle of personal and family selfishness, and accustoming them to the comprehension of joint interests, the management of joint concerns—habituating them to act from public and semi-public motives, and guide their conduct by aims which unite instead of isolating them from one another’ (Mill 1960: 164, cited by Duncan p.250).<sup>4</sup> This was part of Mill’s wider conviction that education can build social harmony. It contains ‘unlimited possibility of improving the moral and intellectual condition of mankind’ (Mill 1958: 91, cited by Duncan p.252). Education can eventually resolve the contradictions within a liberal utilitarian society, he believed.<sup>5</sup>

The arguments are similar too to those of Charles Lindblom in his early books like *The Intelligence of Democracy*. Principles of experimentation, riskspreading, and decentralised investigation and implementation apply in the polity and not only in the market economy. A more sceptical later Lindblom stressed also the corrupting roles of massive concentrations of money power, on polities, on disinterested investigation, and on autonomous local activity.

Sen does not systematically distinguish public debate, democracy and participation (Deneulin 2005, 2006). His formulation ‘freedoms we have reason to value’ is applied at all scales. This extends the cosy feel of face-to-face direct discussion, through to the scale of vast differentiated societies. Contemporary theory distinguishes ‘democratic decisions [as] being decisions taken by freely elected governments, and participatory decisions being decisions taken directly by the people affected by that decision’ (Deneulin 2005:77). We should not use the terms interchangeably or homogenized under the label ‘democratic practice’; a less obfuscating umbrella term is ‘exercise of political freedom’, suggests Deneulin. Sen’s highly generalised language matches an abstracted notion of politics and a proclivity for grand and general formulations, such as that democracies do not tolerate famines. Unfortunately not only do they tolerate them on a world scale, they can, as in India, tolerate them internally if only politically marginal minority groups suffer (Banik 2007).<sup>6</sup>

The overgeneral formulations lean towards overoptimism about democracy in really-existing situations. Actual democracies often function in very problematic ways, dominated by those groups (internal and external) who have most power already. Constitutively, democracy can readily support the creation, expression, pursuit and fulfilment of bad values, such as xenophobia and racism. Sen responded weakly to similar lines of criticism by Stewart and Deneulin (2002), referring only to India’s 1977 election which displaced an authoritarian Indira Gandhi, and noting that his approach provides valuable insights even outside democracies (he contrasted China and North Korea; Sen 2002b). More effectively, Drèze and Sen (2002) call for two key ways to counter democracy’s problems in India—

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<sup>4</sup> See Schugurensky 2007 for a recent discussion, with participatory budgeting in Porto Alegre as case-study.

<sup>5</sup> Similar thinking inspired by Auguste Comte lay behind the movement of ideas in late 19<sup>th</sup> century Costa Rica which led to the introduction of compulsory secular primary education there from the 1880s.

<sup>6</sup> Sen 2005a, p.188, qualifies the claim: ‘major famines do not occur in democracies’.

building the organizations of the poor and increasing the feelings of solidarity between some of the privileged and the underprivileged. The calls are fully valid, but both ways encounter massive counterforces and their impact will at best be limited and gradual. Drèze and Sen barely discuss the historical context that India is a conquest society, with a weak sense of shared national political community. India's wealth of antagonistic internal groups are deeply divided on regional, class, caste and ethnic lines. Powerful privileged groups see no advantage or duty in supporting the underprivileged to become literate and self-confident. Dreze and Sen have the evidence for this, for example in their analysis of the extraordinary neglect in press coverage of issues of the basic needs of the poor, but they do not draw out the conclusion. They likewise find no rationale for the huge expenditures of India's security-dominated State; but apart from the lavish benefits implied for particular groups, the warpath of antagonism to neighbours helps to maintain a degree of intra-national cooperation.

Indian experience confirms that political democracy, free mass-media and some fora for local participation are not enough to ensure human development, and can lead in a very different direction (see e.g. Jalan 2008). Conversely, says Deneulin, in 'Costa Rica's socio-historical narrative, it seems that the exercise of political freedom did not play a large role in promoting people's well-being. It seems that successful policies aimed at promoting central human freedoms such as health and education were, to some extent, dissociated from popular participation' (Deneulin 2006: 151). Overall, 'the extent to which the exercise of political freedom leads to the removal of unfreedoms depends on a collective and historical [national] background', she concludes (2006: 174). She traces the resource-rich Dominican Republic's history of elected autocrats such as Rafael Trujillo, who have left that country, like India, with poor human development achievements despite a vigorous public associative life. Historical legacies in the Dominican Republic 'make the exercise of individual agency of little effect in removing unfreedoms. Individual agency does not contribute to increasing the Dominican Republic's collective capability to promote human freedoms, but contributes instead to maintaining...clientelistic practices or encouraging escape...abroad' (Deneulin 2006: 196).

The implication is not to abandon democracy and call for oligarchy; it is rather to not take the outcomes of political democracy as *per se* definitive of political virtue. So 'a freedom approach to development would need to be structured by certain principles that link the exercise of political freedom to its overall aim' (Deneulin 2005: 78), i.e. to the promotion of reasoned freedoms for all persons. In the same way that Sen underspecifies constitutive elements of human well-being, he underspecifies acceptable political process, 'the constitutive principles of the exercise of political freedom' (*ibid.*, p.79). We must evaluate both the outcomes and procedures of the exercise of political freedom.

### **Some ways forward**

First, the space in Sen's capability approach called democracy and political freedom needs to be given more content and connected to other values. To define a relevant procedural space, besides the capability space regarding outcomes, Deneulin turns to ideas from Aristotle on practical reason (*phronesis*), as developed by John Finnis and

Martha Nussbaum, finding this work more relevant than abstracted current theorizing about principles of deliberative democracy. She puts forward a set of general requirements concerning procedures of policy decision-making in any political community. The foremost concerns situation analysis with respect to the state of human development: ‘...the first normative requirement of the practical rationality underlying the exercise of political freedom...is a matter of judging the various components of human well-being in which human beings are functioning the worst in the particular context in which the judgement is being made. ... This is the *requirement of priority*: one should give priority to promoting the well-being of those who are below a threshold level of functioning’ (Deneulin 2006: 111; emphasis in the original). In this way ‘some content [is] given to the exercise of political freedom itself’ (p.115).

Second, the capability approach calls in effect for forms of multi-criteria assessment, in public discourse which openly reviews what range of variables, procedures and weights to use in decision-making (Gasper 2008). Sabina Alkire’s *Valuing Freedoms* offers a framework inspired by Finnis, for such assessment: an agenda of dimensions for discussion. Deneulin argues that ‘If the dimension approach is to guide development policies adequately...[it] will need to provide a certain framework so that *each* person has the possibility to flourish in *each* dimension. It will also need to provide sufficient *obligations* for governments to comply with that provision’ (Deneulin 2006: 47). In other words it will need to merge into a rights-based approach (Gasper 2008). Participatory multi-criteria evaluation requires a well-informed, well-motivated, well-skilled, well-judging, well-resourced public with the time and the access to participate in public deliberations, and who respect democratic outcomes. But participatory discussion alone does not suffice in a world of massive inequalities and large multi-layered polities. The rich and powerful can dominate unrestricted public allocation, by many channels: they dominate the media and the electoral process, and they may buy support or extra attention from some political parties, politicians, police, judges and other officials.

So, thirdly, participatory discussion must be complemented by constitutionally based guarantees for fulfilment of basic needs and by political struggles. The need for constitutional and legal protection for basic rights is explicit in Nussbaum’s work, which focuses on the architecture of the polity—the legal constitution or bill of rights. Sen appears to argue that no universal, identical, constitutional protection is relevant or acceptable across all countries. I have suggested elsewhere that the disagreement can be narrowed down by distinguishing types of lists of basic rights (Gasper 2007a). Between the extremes of total openness and belief in a definitive detailed universal list come more relevant variants, including these: indication of some proposed universal priorities, without essaying a complete list (this is perhaps Sen’s de facto position); a belief in lists and in providing a universal exemplar of formats of reasoning for establishing context-specific priority lists (Alkire 2002); a belief in lists and in providing a universal exemplar of content as well as reasoning (this could be Nussbaum’s position, for she sees a list as important not only in the exercises of distribution within an established political community but for thinking about the boundaries of political community and motivating mutual respect and concern); and finally, belief in a universal list which can be adjusted

locally, such as the Universal Declaration of Human Rights. Lists are not self-enforcing, but can be valuable instruments in political struggles for human dignity.

## 5. CONCLUSIONS

Amartya Sen reaches worldwide audiences that are very large for his sort of subject-matter, including substantial numbers of influential people in Asia and around the world, from both mainstream and 'alternative' constituencies. His books are translated into many languages, and much of the work reaches not only academics and students but politicians, senior administrators, and leaders in business and civil society. This ability to get some progressive messages heard and considered among large, wide and relatively powerful audiences is exceptional.

I have discussed elsewhere factors that contribute to Sen's achievement of greater impact than nearly all his contemporaries in development economics, welfare economics and social policy (see e.g., Gasper 2000). A theoretical approach for human development needs to fulfil a series of functions: it must be able to motivate and inspire; it needs to bridge across intellectual communities, and between academic and policy communities; and it needs to be general rather than universal in its formulations, so that it can be adopted and adapted in specific contexts. It must not only give sharp critique but help to build a coalition which feels it has a set of distinctive ideas that it can use to better describe and understand life and then to change and improve it. Sen can argue that his work helps to make sense of the advances in much of East Asia and in parts of South Asia and elsewhere. The much lesser impact of most books comparable to *Development as Freedom*, except for Mahbub ul Haq's sister volume (Haq 1999) and the related Human Development Reports, reflects their lack of an integrating framework expressed in a widely appealing language which can inspire and knit an ongoing research-cum-policy programme (Gasper 2001).

I have been critical of the framework and programme in various ways. The price paid for being able to influence centres of power is that many of the concepts did not move far from mainstream conventions. But they give worthwhile steps forward, and are open to improvement, not closed to it, so that we should take up Haq's invitation to 'debate, criticize, brutalize and evolve' the human development ideas (1999: 225). Sen shares this spirit.

We can summarise Deneulin's rewriting of Sen's picture of 'development as freedom', by use of a more capacious label: development as the collective struggle for and extension of well-reasoned freedoms and humane capabilities, in balance with other reasoned values. I extended Deneulin's propositions to include more attention to markets, the role of legal constitutions, and the conception of freedom that Sen works with. Programatically, I conclude that Sen's ideas require the necessarily conflictual construction of a rights-based approach, to counter evergrowing concentrations of money power. Analytically, I conclude that Sen's enlightening ahistorical dissection of concepts and their logical implications must be partnered by historical examination of the construction, employment and evolution of concepts and values; in other words, the project of examining historical trajectories of human development requires not just his ahistorical

conceptual apparatus but a history of ideas. We do not ‘need to show that the [ahistorical] perspective, in which [historical] texts are read as statements of timeless propositions, is conceptually flawed’ (Sugden 2003); but we can see that this perspective is seriously insufficient. These two conclusions, for policy and for analysis, have connections; people working in a human rights framework are typically strongly conscious of the associated histories of struggle.

Sen’s work derives its bounds from the set of sources who inspired him: he upgrades the work of Kenneth Arrow and John Rawls, partly by reference to the wider perspectives of Adam Smith and John Stuart Mill. But a theoretical framework for human development requires additional sources. We noted Marx’s warning that Mill’s liberal model alone could not fulfil its own values of freedom, in addition to and in part because of its neglect of other fundamental human values such as fraternity. We saw similarly that Sen’s liberal approach relies on ethical capital that it does not itself maintain or generate and that it may even endanger if a highly generalised rhetoric of freedom prevails. Deneulin like Nussbaum adds an Aristotelian stress and examination of *philia*, the human tendency to form community through cooperation at various levels and in various degrees. Cooperation moulds people. At the same time, communities compete and exclude. Here we saw a deeper rationale for highlighting capability space despite its imperfections and for using a list of priority types of capability, though in a more open way than Nussbaum sometimes manages to convey. Thinking in capability space with reference to priority human freedoms promotes sympathetic recognition of and attention to other humans.

Bénédicte Zimmermann indicates one promising direction for further work. She draws out the complementarity between the capability approach and the pragmatism of John Dewey and his school, which offers a more wide-ranging, historically and institutionally rich, perspective than do Arrow and Rawls. (See also Gasper 2008.) ‘Whereas [the core] concepts [of personhood, agency and environment] have been connected and deepened within a detailed pragmatist theory of inquiry by Dewey and Peirce, they constitute, in Sen’s perspective, just the general principles of an overarching approach. ... Interactions are missing in Sen’s analytical framework, making the sociologist feel uncomfortable with his concept of agency ... and [contributing] to underestimate the power relations and struggles shaping the totality of environmental conditions and the outcome of action’ (Zimmermann 2006: 474). Similarly, ‘processes in the sense of temporal dynamics are absent from Sen’s approach’ (p.480). Dewey’s thought fed into methodologies of inquiry that are better suited ‘to address the specificities and the constitutive singularities’ of human diversity than is ‘the statistical aggregation of second-hand sources’ mainly relied on by Sen and his school (Zimmerman 2006: 474-5).

Extending Deneulin’s lines of thought, Zimmermann suggests that the pragmatist tradition ‘offers a way out of a substantial concept of freedom in favour of a relational one ... [It] displaces the accent from situations of action to broader entities and forms of interdependencies’ (pp. 479-80). Following a similar agenda and extending it into principles and procedures for social planning is the ‘social quality approach’ (Beck et al., 2001). So, let us move on from Mill to Dewey, and beyond.

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