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Mathias Nebel and
Nicholas Sagovsky
Editors

Library of Ethics and Applied Philosophy

Transforming Unjust Structures

The Capability Approach

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TRANSFORMING UNJUST STRUCTURES

The Capability Approach

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INTRODUCTION

SÉVERINE DENEULIN, MATHIAS NEBEL AND NICHOLAS SAGOVSKY

TRANSFORMING UNJUST STRUCTURES

The Capability Approach

THE CAPABILITY APPROACH

Structural injustice has traditionally been the concern of two major academic disciplines: economics and philosophy. The dominant model of economics has long been that of neo-classical economics. For neo-classical economists, human well-being is to be assessed by the availability of disposable income or according to goods consumed; it is measured by the levels of utility achieved in the consumption of commodities. Social order is fashioned by the ways consumers maximise their well-being and enterprises maximise their profits.¹ A core assumption is that all commodities² are commensurable: they can all be measured according to a single numerical covering value, which is their price.³ Within this neo-classical paradigm, justice is achieved when the utility level of someone cannot be increased without another person seeing his or her utility level decrease.⁴

The dominant paradigm of neo-classical economics was strongly challenged when development and welfare economist Amartya Sen received the Nobel Prize for Economics in 1998. His work offered an alternative to the neo-classical evaluation of human well-being in the utility/commodity space. The underlining philosophical intuition behind Sen's work is that *the standard of living lies in the living and not in the consumption of commodities*. In searching for an alternative measure of human well-being, Sen devised his capability approach.

Sen's capability approach characterises human well-being in terms of what people are or do (for example, being healthy, reading or writing, taking part in the life of the community): he talks of "functionings." Furthermore, Sen considers freedom to be one of the most basic aspects of human life. Thus, well-being is to be assessed not so much by what people are or what people do, as by what they are *free* to be or do – what they are *able* to be or do (for example, being able to be healthy, being able to read and write, being able to participate in the life of the community). Sen calls such abilities "capabilities."⁵ A capability is "a person's ability to do

valuable acts or reach valuable states of being; [it] represents the alternative combinations of things a person is able to do or be.”⁶

The philosopher Martha Nussbaum has extended the capability approach by itemising a list of the capabilities that people have reason to choose and value. This list of what she calls “central human capabilities” (such as the capability of bodily health, the capability of affiliation, the capability of exercising practical reason)⁷ constitutes for her the normative goal that societies should pursue and defend in their political processes. Nussbaum’s central human capabilities form a more dynamic list than, say, the rights listed in the Universal Declaration of Human Rights, but, like human rights, they are patently justiceable. A just society for Nussbaum is a society that provides its citizens with the opportunities to exercise those central human functional capabilities they choose to develop.⁸

Sen’s work has brought back the field of economics to where it first belonged: within the scope of moral philosophy.⁹ In his concern for human flourishing, he stands in a tradition that can be traced back to Aristotle but his more immediate intellectual lineage is that of Kant and Mill. He stands within the liberal tradition which does not specify any particular good as being above others (especially not any putative “common good”), but in doing so makes freedom and pluralism central to its account of human flourishing. In its commitment to the freedom of each individual to choose – in an unconstrained manner – the goods which she values, this tradition is implacably opposed to all forms of utilitarianism, which characteristically argue that the individual is expendable in the service of the greater good. Though Sen does not put the case in these terms, he might well accept that utilitarianism is peculiarly dangerous, because this manner of arguing all too easily provides a cover for structural injustice: for example, conscripts who are said in wars “*pro patria mori*” – to die for the fatherland – have tended to be poor and socially disadvantaged.¹⁰

The freedoms that each individual enjoys are for Sen both the ends and means of development.¹¹ He affirms that such “concentration on freedom can provide a general framework for analysing individual advantage and deprivation in a contemporary society.”¹² Moreover, the presence of freedom is “constitutive of the goodness of the society which we have reasons to pursue.”¹³ What is important for justice to be achieved is not so much the quality of life that people are actually living, but the quality of life they have available to them within an available set of functionings. For Sen, a capability is, then, “a set of vectors of functionings, reflecting the person’s freedom to lead one type of life or another [...] to choose from possible livings.”¹⁴ Individual freedom and action thus occupy a central place in Sen’s capability approach.

The capability approach has in the last twenty years become a hugely influential theory for international social justice. For example, it now underpins the work of the United Nations Development Programme (UNDP). Since 1990, the UNDP has published annually a *Human Development Report* which documents the successes and failures of countries in promoting the capabilities that people have reason to choose and value. More than 120 national or regional human development reports have been produced by local development organisations. Hence the importance of

continuing to develop the capability approach, both at the theoretical and practical levels.

UNJUST STRUCTURES

One of the questions that has been repeatedly put to the advocates of the capability approach has been that of structural injustice: does the capability approach address sufficiently the extent to which lack of human flourishing can be attributed to unjust social, political and economic structures and can it be deployed to bring about their transformation? This is the question discussed in this volume. In various ways, the contributors explore whether the way freedom and action have been understood in the capability approach overlooks two elements that are crucial to engagement with questions of structural injustice: human sociality and human fallibility. To speak about “unjust structures” is to see such structures, which are necessary expressions of human sociality, as marked by human finitude and fallibility. To take forward this discussion, the capability approach must be brought into dialogue with approaches that focus attention on social structures. In the essays that follow there is a particular engagement with the “hermeneutical tradition” represented by Paul Ricoeur, who was himself on this issue much indebted to the thought of Hannah Arendt, and also with the modern “social contract” tradition represented by John Rawls.

Paul Ricoeur’s ethics tells us that an unjust situation (one in which the capabilities that people have reason to choose and value, such as the capability of being fed, the capability of being healthy, of being educated, or of expressing oneself freely, have been denied) emerges from the fragility and fallibility of human institutions. In *One Self as Another*, he famously proposed his definition of the end of ethical intentionality as “the good life with and for others in just institutions.”¹⁵ For Ricoeur, justice is not so much a matter of promoting individual capabilities as a matter of promoting the institutions that will ensure the living together of a good life and will give some protection from human fallibility.

Following Hannah Arendt, Ricoeur understands human action as a mode of human sociality. We cannot act alone in isolation from others. Societies emerge from this power of cooperative action: “The polis, properly speaking, is not the city-state in its physical location; it is the organization of the people as it arises out of acting and speaking together, and its true space lies between people living together for this purpose, no matter where they happen to be.”¹⁶

Arendt suggests that that the ultimate meaning of personal action cannot be reduced to the intention of an individual agent. If the interior life of a person is expressed and revealed by an action, the field out of which that revelation takes place is the whole life of the *polis*. This embeddedness of actions in social networks makes their outcomes essentially unpredictable. No one can be fully in control of the actions that she attempts to undertake:

It is because of this already existing web of human relationships, with its innumerable, conflicting wills and intentions, that action almost never achieves its purpose; but it is also because of this medium, in which action alone is real, that it “produces” stories with or without intention as naturally as fabrication produces tangible things.¹⁷

For both Ricoeur and Arendt, human freedom is fallible: it “is open to the actual, disruptive conditions of existence.”¹⁸ This unpredictable and intrinsically social character of human action leads, for Arendt, to another essential characteristic of human action: remembrance.¹⁹ Actions can only be understood after having been carried out. Like Arendt, Ricoeur recognises and discusses the crucial importance of narratives in interpreting human actions. Narratives allow human actions truly to be apprehended; it is narratives which render human actions intelligible to others. Much of Ricoeur’s work has been concerned with the critique of narrative, a critical endeavour which has brought him to the necessary critique of social institutions.²⁰

According to Hannah Arendt, structures are the manifestation of the institutionalisation of human freedom. She defines freedom as the power of innovation, “Men are free – as distinguished from their possessing the gift for freedom – as long as they act, neither before nor after; for to be free and to act are the same.”²¹ This specific experience of the power of action, envisaged at the level of a community and not at an individual level, Arendt calls *power*. Power, says Arendt, “corresponds to the human aptitude to act and act in a concerted way. Power is never an individual property; it belongs to a group and continues to belong to it as long as it is not divided.”²² Power does not, then, belong to the category of domination or violence, power is the “will to act and to live together” in a historical community.²³

This power becomes materialised and expressed in social structures. We can distinguish three spheres of the institutionalisation of power in structures, or three structured fields of action which set spatio-temporal limitations to individual human action: the cultural, economic and political.

Social structures belonging to *the cultural sphere* are what we could call “essentials”, for they are necessary to the structuring of the person as person, actualising the social dimension of human being. These are the structures through which a child is instructed about the world which is his own, and which bring him to that age where he will be recognised as responsible for his actions by his community. These structures are fundamentally committed to the transmission of community, inasmuch as this community is structured, organised, the carrier of a common history and thus a memory. These structures are committed to transmit a *savoir-faire* about the world, linked to the practice of institutions that organise the life of the community. Therefore, they have, in the broad sense of the word, an “educative” function: they have to instruct the new generation so that this world becomes their world.²⁴ They ensure the historical continuity of a community.

The structures of *the economic sphere* cover the satisfaction of the needs of human beings – whether biological or to do with security, whether aesthetic or symbolic – all of those needs the satisfaction of which contributes to a person’s well-being and can be acquired by the means of exchange. It is in such a perspective that one can make sense of Arendt’s study of labour as the human activity which confronts natural necessity.²⁵ The activity humans share with all living creatures is that of survival: to survive within the natural cycle of generation and decay. This permanent activity of production and consumption is sealed by necessity which, to give it its true value – that of survival – is not an activity peculiar to humanity.²⁶ Structures of the economic sphere are thus all committed to survival, allowing one to

live. They give access to well-being, to what is useful and pleasant in the realm of that which money can buy. Among these structures, the market is the most important inasmuch as it presides – even if not exclusively – over the huge processes of production, distribution and consumption.

Thirdly, the structures of *the political sphere* define the structured field of action in which humans are able to act and to act with political freedom. Indeed, life in community, seen as the will to live and to act together, is inspired by the hope of a good, which is the recognition of each and every one of its members in his or her freedom.²⁷ The hope which inspires such life is that of living-well, the content of which is justice. We have, here, a clear distinction: on the one hand we have *the political* and on the other *politics*. The ideal equality of everyone in their freedom and dignity will be rationally established within a State governed by Law, whose universality rests precisely in the fact that it applies to each and every one in that community, and constrains their activities for the sake of justice. It is the Law-governed State which effectively enables there to be politics. However, the conflict which bears upon the definition and the enactment of the good-life and of justice is recognised as a struggle in which power is at stake. The structures of the political sphere are thus committed by means of politics to establishing justice in the community.

For both Arendt and Ricoeur, the structures that emerge from, or within, the common life in a particular historical community are not necessarily oriented towards a “good” common life. Social structures, whether belonging to the cultural, economic or political sphere, are marked by the flawed humanity of those who constitute them; they are marked by human finitude and fallibility. Social structures can be *perverted*.

When for example structures of the cultural sphere are perverted, it is the very transmission of the life of the community which is compromised. The common world gets lost and a particular society disappears. With the perversion of structures in the economic sphere, it is the very possibility of survival which is endangered (through starvation, restricted access to the market, or restricted purchasing power). When the structures of the political sphere are perverted, the very conditions of the good-life – of living as a human being – disappear (as with apartheid, torture, or genocide). For example, under the apartheid regime in South Africa, black people were the victims of social policies and political decisions which set out to deny them opportunities to live a flourishing human life. Apartheid survived as long as it did because it expressed the moral framework embedded in many white people’s minds, a moral framework also embedded in the functioning of the institutions of society. At this level of shared assumptions, there was very little any individual could do to overcome apartheid.

It is accepted within this volume that structural injustice is a reality. Structural injustice has an identifiable existence of its own and imposes itself on us with a malign and pernicious rationality. To take a simple economic example: a company may be forced to move its activities from the UK to India to minimize labour costs and so maintain its competitive share of the market. If it does not follow competitors who have previously invested in low-wage countries, the company will be doomed

to bankruptcy. The laws of supply and demand impose their rationality on economic actors with a mathematical predictability that takes little note of the human lives of the individual human beings that are behind market transactions. To cite an even more tragic example of planned structural injustice, the Nazi regime pushed through the “Final Solution” to the “Jewish Question” with an astonishing bureaucratic efficiency. The operational rationality of the genocide conferred a spurious acceptability on an extermination programme that would have been impossible without countless personal acts of compliance.²⁸ In such cases, the commitment to act together is no longer oriented towards the good life in common: it goes against human flourishing. Structures have themselves become sinful; that is, they are perverted from their subsidiary function as structures which sustain the good life for all.

Under the influence of liberation theologians,²⁹ after the Second Vatican Council (1962-5) the Catholic Church introduced the language of “structural sin” into its mainstream social doctrine, but it drew the sting of the notion by prioritising the sin of individuals:

Structures of sin are rooted in personal sin, and thus always linked to the concrete acts of individuals who introduce these structures, consolidate them and make them difficult to remove. And thus they grow stronger, spread, and become the source of other sins, and so influence people’s behaviour.³⁰

Unjust structures, or structures of sin, were said to be rooted in personal wrongdoing: such acts of personal wrongdoing cumulatively build a structure which creates a “reality” in which it becomes difficult for human beings to amend or even see their personal wrongdoings. The structure comes to represent a reality which constrains individuals’ actions in ways over which they have no control, and often no insight.

Theologians have identified two main characteristics of these “sinful” or unjust structures, which inhibit human flourishing.³¹ First, unjust structures generate the experience of an impossible choice. The person is driven to undertake actions that he disapproves of, producing what can be called “alienation”. Within the perverted structure, the person is bound to play a social role which he disapproves of but cannot escape. There is a disjunction between what the person really is and the role he plays in the social structure. For example, a public servant in a country where corruption is rampant may not have been paid his wages for the last six months. His family is close to starvation. As an honest man, he does not want to emulate his colleagues and live by corrupt practices. He has been looking for another job in the private sector, but, given the severe economic crisis, he has been unable to find any. At the sight of his starving family, he finally decides to participate in the corrupt practices by which he is surrounded. Such a person is forced into wrongdoing he has not chosen and of which he disapproves – but that has been imposed on him by an unjust structure. He can neither change the situation himself nor escape it. In the short term at least, and as an individual, he has no option but to contribute to the corrupt system in order to survive. The personal and willing actions of other members of the society before him have created a reality which imposes

wrongdoing³² on all its current members, a reality from which in the short term there is no escape. Second, when alienation is prolonged and when the perversion of structures in all spheres is such, people may become “enslaved”. The person can no longer see his own alienation. He has been blinded as much to his complicity in the unjust structure as to the contradiction between what he says and what he does. Worse still, this inability to see is intensified, so it seems, by an inability, even if he wanted – but he does not – to break free from this dynamic of unjust interaction. That was, for example, precisely the situation of the South Africans of European origin who, under the apartheid regime, seemed incapable of recognising the scandalous nature of their practical racism and energetically rejected any change in the apartheid system.

When injustice is institutionalised, the danger is that the individuals who maintain these unjust structures will become blinded to the wrongdoing of their own actions. The sense of powerlessness (one could even speak of the sense of fatalism) with regard to what one can do individually to change such an unjust structure soon becomes indifference. Why care about the Rwandan genocide? What could I have done to stop it? Why care about the street child in Colombia? My having less food on my plate in the UK (or not throwing away what I have left!) will not make one child less hungry. Beyond indifference lies acquiescence: what can one do to promote human development but work with the all-powerful structures of global capitalism?³³

The tragedy of structural injustice is that these structures are not amenable to correction by the exercise of one individual’s will – neither is the individual free to dissociate himself from these structures. The action of a single individual can, in the short term, do very little to change the situation. Human beings are born into unjust structures in which they seem to have no other option but furthering the injustice. For individuals who suffer from structural injustice, there is no escape; there are no good solutions. No unfettered possibility or course of action seems to be open to them. Here we must face the question as to what an individual can do, all alone, when faced by an unjust structure. Certainly, not what he can achieve with others in opposition to a malign institution. For if individual action is in effect doomed to failure, concerted, coordinated action by a group can often achieve success. One can only, in fact, resist an institutionalised interaction by opposing it with another interaction, that is to say by situating oneself at the same level of power.

None of the authors in this volume adopt a position of social determinism. Underlying their critique of the capability approach is the conviction that unjust structures can be transformed if people join their efforts together. While, in the short run, there may seem to be no other possibility than for the perpetrators to maintain unjust structures and the victims to suffer from them, in the long run, individual victims have the power to unite and overcome structural injustice. Victims can join with others in the society who are in solidarity with them, and raise an outcry against the situation. Those within the “unjust structures” may become responsive (whether in response to the outcry or because of their own moral markers) and organise transformation from within the “unjust structure”. It is, for example, because of the