WOMEN AND HUMAN DEVELOPMENT

In this major book Martha Nussbaum, one of the most innovative and influential philosophical voices of our time, proposes a new kind of feminism that is genuinely international, argues for an ethical underpinning to all thought about development planning and public policy, and dramatically moves beyond the abstractions of economists and philosophers to embed thought about justice in the concrete reality of the struggles of poor women.

In much of the world today women are less well nourished than men, less healthy, and more vulnerable to physical violence and sexual abuse. Martha Nussbaum argues that international political and economic thought must be sensitive to gender difference as a problem of justice, and that feminist thought must begin to focus on the problems of women in the third world. Taking as her point of departure the predicament of poor women in India, she shows how philosophy should undergird basic constitutional principles that should be respected and implemented by all governments, and used as a comparative measure of quality of life across nations.

The account is based on the idea of human capabilities: what people are actually capable of doing or becoming in the real world. This approach is then defended against the charge that all universals are bound to be insensitive to regional and cultural specificity. Martha Nussbaum also argues that it is an approach superior to the preference-based approaches prevalent in contemporary economics. Two final chapters consider the particular problems that arise when sex equality clashes with the claims of religion or family.

This is a vividly written book that is rich in narrative examples. It offers a radically fresh account of how we should understand the "quality of life" in a nation, and how we should think about the basic minimum that all governments should provide for their citizens. Moreover, it calls for a new international focus to feminism, and shows through concrete detail how philosophical arguments about justice really do connect with the practical concerns of public policy.

Martha C. Nussbaum is Ernst Freund Distinguished Professor of Law and Ethics at the University of Chicago, appointed in the Philosophy Department, the Law School, the Divinity School, and the College. She is an Associate in the Classics Department, an Affiliate of the Committee for Southern Asian Studies, and a member of the Board of the Committee on Gender Studies.

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WOMEN AND HUMAN DEVELOPMENT

The Capabilities Approach

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In Memory of Sara Nussbaum
1912–1999

We come from our family's house to live in our husband's house. If we mention *our* name in this house, they say, "Oh, that is *another* family." Yet when it comes to working, they say, "What you earn is ours, because you are in *this* family's house," or "because you are working on *this* family's land." Let the land be registered in our names, so that we will not always feel like we are in someone else's family.

Santokbehn, agricultural laborer, Ahmedabad

In your joint family, I am known as the second daughter-in-law. All these years I have known myself as no more than that. Today, after fifteen years, as I stand alone by the sea, I know that I have another identity, which is my relationship with the universe and its creator. That gives me the courage to write this letter as myself, not as the second daughter-in-law of your family. . . .

I am not one to die easily. That is what I want to say in this letter.

Rabindranath Tagore, "Letter from a Wife" (1914)

On the roads I have had banyan trees planted, which will give shade to beasts and men. I have had mango groves planted and I have had wells dug and rest houses built every nine miles . . . And I have had many watering places made everywhere for the use of beasts and men . . . This benefit is important . . . I have done these things in order that my people might conform to *Dhamma* [moral law].

Ashoka, emperor, third century B.C. (edict translated by Romila Thapar)

We not only want a piece of the pie, we also want to choose the flavor, and to know how to make it ourselves.

Ela Bhatt, founder, Self-Employed Women's Association (SEWA) (1992)

CONTENTS

PREFACE

This study of human capabilities as the basis for fundamental political principles focuses on the lives of women in developing countries. That is obviously only one area where this approach might be used to think about political principles; my discussion will allude to some of its other implications. Even within the study of women, this account deals with only some of the issues that might be addressed in a more exhaustive treatment of the capabilities approach. Thus religion and the family receive detailed treatment, while other equally important topics, such as property rights and education, do not.

In another way as well the present account is narrow: it presents the capabilities approach for a broad interdisciplinary audience, with a view to shaping public policy. Because my version of this approach is philosophical and would offer nothing if stripped of its philosophical arguments, those arguments are here, but sometimes in a brief and compressed form. Many philosophical issues that deserve detailed analysis – in particular, issues of justification, realism, and objectivity – are only sketched (although I have given some of them more detailed treatment in articles cited in the notes).

Finally, I discuss only my own version of the capabilities approach. I do not spend time on its historical antecedents in Aristotle and Marx, or on relatives such as Mill's Aristotelian view of human flourishing, the writings of the Yugoslav humanist Marxists, and various forms of modern Thomism. Nor do I even engage in detailed analysis of the writings of Amartya Sen, the pioneer of the capabilities approach in economics. Finally, I do not address the by-now extensive economic literature debating various aspects of the capabilities approach and the measures used in the *Human Development Reports*.

These omissions reflect a long-term strategy. In this book I aim to present a single clear line of feminist argument, accessible to a wide variety of readers. Over the long term, I intend to produce a much more compendious and scholastic book on capabilities that will discuss all the topics I omit here. That book (I hope) will answer many questions philosophers will have about aspects of the present book, and other more technical questions that economists regard as salient. It will also address a wider range of specific political problems. The present book is to that book as a 10K race is to a marathon: it is complete in itself, it has a beginning and an end, but it doesn't require as much stamina either of the reader or of the author. I believe that enough is said about my views on the most salient contested issues to convey the approaches that I would favor. Nonetheless, I ask readers eager for fuller discussions in some areas to wait for the marathon.

Chicago
February 1999

ACKNOWLEDGMENTS

The work that ultimately became this project began in 1986, when I became a research advisor at the World Institute for Development Economics Research (WIDER) in Helsinki, an institute of the United Nations University. Before this, like most American academics, I had lived a relatively insular life. I was ill-educated about the problems of developing countries and, more generally, about non-Western traditions and ways of life. My office neighbors from Sri Lanka and India could talk easily about Sophocles and Aristotle, but I had absolutely nothing to say about the *Mahabharata*, or about Buddhist ethics. Although my work was beginning to focus on social justice, I had thought relatively little about problems of global justice. Nor had feminist philosophy been a particular focus of my work. My eight years at WIDER (in residence for one month every summer) transformed my work, making me aware of urgent problems and convincing me that philosophy had a contribution to make toward their solution. I also began to see that the peculiar combination of philosophical concerns I had brought to WIDER might actually be an asset rather than a liability. The ancient Greek philosophers contended with the misery of people whose living standard more closely approximated that of present-day India than that of the United States or Europe; their proposals have, in some respects, great pertinence to the diagnosis and amelioration of problems in developing countries. And Aristotle's insistence on the ethical importance of a vivid perception of concrete circumstances had its own contribution to make, I felt, to a field that is frequently so preoccupied with formal modeling and abstract theorizing that it fails to come to grips with the daily reality of poor people's lives.

For his help during the early years of this work, I owe great thanks

to Lal Jayawardena, WIDER's director, who believed in the strange idea that philosophy should be brought to bear on the foundations of development economics. Above all I am grateful to Amartya Sen, who helped to formulate the project, and whose work has been, and continues to be, a source of insight and inspiration, especially for the way it combines a passion for justice with a love of reason. Stephen and Frédérique Marglin provoked me to respond to their attacks on universalism, thus getting me started on that aspect of the present project. As I formulated my ideas during the WIDER years, I also received tremendous help from Martha Alter Chen, David Crocker, Jean Drèze, Jonathan Glover, Valentine Moghadam, Nkiru Nzegwu, Onora O'Neill, Siddiq Osmani, Hilary and Ruth Anna Putnam, John Roemer, Margarita Valdés, Roop Rekha Verma, and the other participants in our three conferences. As I developed the views further in a series of articles, I was especially grateful for the encouragement and the criticisms of John Rawls, Henry Richardson, Cass Sunstein, and Paul Weithman. My own sense of the issues and their urgency took shape, too, through time spent with the other members of the Sen family: Amita, Indrani, Kabir, Picco, Tumpa, and Babu. I am grateful to Amita for many keen observations about modernity and tradition, and about the situation of India's women, and to Babu for comments on the lecture drafts.

In March 1997 I went to India to look at women's development projects, because I wanted to write a book that would be real and concrete rather than abstract, and because I knew that I knew too little to talk about the problems of poor working women in a country other than my own. I had to hear about the problems from them. This was not my first visit to India, but it was the first in which I had focused on learning as much as I could about women's development projects. My greatest thanks are due to Martha Alter Chen, who orchestrated the entire visit and put me in touch with people whom I never would have been able to meet without her. The daughter of American Christian missionaries, Chen grew up in India, and now divides her time between India and the United States; she is as close to being a fully bicultural person as an American can be, and her unique insight into issues of human aspiration across boundaries has been extremely important to me as I developed these ideas. Her sure-footed knowledge, linguistic mastery, expertise in fieldwork, and personal warmth made easy and exhilarating days that were different from any days I had ever spent,

going around with credit-union collectors in the slums of Kolaba in the hundred-degree heat, visiting a squatters' settlement in Trivandrum in the thick March humidity, seeing the daily operations of the Self-Employed Women's Association (SEWA) bank and union. Because I knew that Marty is committed, in her work, to letting the voices of poor women speak and to writing books that are above all their own, I knew I could trust her to help me learn. Though I am still in many respects a neophyte, she did more than I can ever adequately thank her for.

I returned to India in December 1998, visiting still more projects in other regions; once again I am grateful to Martha Chen for her help and advice, and also to Bina Agarwal and Leela Gulati for their recommendations and to Bina for invaluable help with travel and contacts.

I am especially grateful, too, to people with whom I met in various regions for their kind assistance and their generosity with their time. In connection with the 1997 trip, I owe thanks to Ela Bhatt, Renana Jhabvala, and Mirai Chatterjee of SEWA in Ahmedabad; to Leela Gulati, who showed me the field site for her study of working women in Trivandrum, and whose wonderful work on the daily lives of poor women has been one of my greatest inspirations; to Yedla Padmavathi, who accompanied me during my visit to a desert work site outside Mahabubnagar, and whose work with the Mahila Samakhya Project, a national government-run project promoting women's empowerment through education, showed me new dimensions of the difficulty of effecting change, in regions that almost totally lack basic infrastructure and schools. I am grateful, too, to all the staff at the Mahabubnagar field station for spending so much time telling me about their work. Indira Jaising of the Lawyers' Collective gave me advice and insight about personal laws and other aspects of the legal scene. Abha Bhaiya, of the Jagori women's project, helped me learn about initiatives on domestic violence and other issues of bodily integrity. Prema Purao, director of the Annapurna Mahila Mandel, met with me in Bombay to describe her work with poor self-employed women; I am most grateful to the staff for taking me along on a loan-collection visit to one of their work sites. Sheela Patel helped me understand projects for homeless pavement dwellers in Bombay. Sudha Murali of UNICEF helped me to learn about current problems of child labor in Andhra Pradesh. Ritu Menon, of the feminist publishing house Kali for Women in Delhi, was

extremely generous, setting up a lecture for me to try out some of these ideas, and introducing me to many people. I was most grateful, too, to a number of fine economists and other social scientists who met with me and gave me advice about India, including Bina Agarwal, Praful Bidwai, Veena Das, Devaki Jain, Zoya Hasan, Tanika Sarkar, Romila Thapar, and Patricia Uberoi. Antara Dev Sen (Picco) was, as always, an insightful commentator and a warm friend.

In connection with the 1998 trip, I owe special thanks to Ginny Srivastava, Bhanwar Singh Chandana, and Nan Lal Pandey of Astha, a nongovernmental organization in Udaipur, Rajasthan, that works with women, especially tribal women, in rural areas, helping them to improve their economic situation through cottage industries and political action; to Sarda Jain in Jaipur, who helped me see some of the activities in that region (conducted by Vishaka and other local organizations) concerned with female education. In Bihar, I owe thanks to Viji Srinivasan, founder of Adithi, a nongovernmental organization that organizes many different projects in the areas of female education and economic empowerment, for taking me with her on a visit to project sites in Muzaffarpur and other parts of northern Bihar; to Sita Narasimhan for illuminating discussion on that same trip; to Dolly and the other peer educators in Muzaffarpur for telling me about their work with other daughters of sex workers; to Asma (a singer and sex worker) for challenging me, making me think hard about the differences in capability between her life and mine. In West Bengal, I wish to thank the department of philosophy at Vishva-Bharati University in Santinketan, and especially Maya Das, Bijoy Mukherjee, and Asha Mukherjee for their hospitality when I lectured there and their valuable comments; in Calcutta, the program in women's studies at Jadavpur University, where I lectured, and Sheftali Moitra, Anuradha Chanda, and Jasodhara Bagchi for organizing the event. Thanks also to Amiya Kumar Bagchi and Jasodhara Bagchi for hospitality and helpful comments; and above all, to Amita Sen for her warmth, her hospitality, and for her generosity in talking with me about the history of Tagore's educational ideas.

For comments on earlier drafts of the lectures I am extremely grateful to Bina Agarwal, Jeremy David Bendik-Keymer, Homi Bhabha, Joshua Cohen, Thomas D'Andrea, John Deigh, David Estlund, Mary Kimura, Andrew Koppelman, Richard Kraut, Angelika Krebs, Charles

Larmore, Catharine MacKinnon, Michelle Mason, Jeremy Mynott, Uma Narayan, Susan Moller Okin, Herlinde Pauer-Studer, Eric Posner, Richard Posner, Mark Ramseyer, Henry Richardson, Stephen Schulhofer, David Strauss, Cass Sunstein, Susan Wolf, and an anonymous referee. Sonia Katyal provided invaluable research assistance and productive comments; conversing with her about her bicultural experience was another source of insight. I am extremely grateful to Amartya Sen, Quentin Skinner, and Gareth Stedman Jones for their warm hospitality and their helpful comments during my stay in Cambridge, and to Jasodhara Bagchi, Diemut Bubeck, and Frances Olsen for other valuable comments. In addition to presenting the lectures as Seeley Lectures at Cambridge University, I presented three of the lectures as Thalheimer Lectures at Johns Hopkins University, two as Hesburgh Lectures at the University of Notre Dame, three at Northwestern University, two at Stanford University, and individual lectures at the University of Arizona, Tufts University, the University of Michigan, the University of Illinois at Chicago, the University of Pennsylvania, the Law-Philosophy Group at the University of Chicago, the Institut für die Wissenschaften vom Menschen in Vienna, Creighton University, the UCLA Legal Theory Workshop, the Human Development Workshop at the University of Chicago, a seminar on Human Rights in a Multicultural World at the National Center for the Humanities, the Wittgenstein Symposium in Kirchberg-am-Wechsel, Austria, Wayne State University in Detroit, Mercer University, Rice University, the Australian National University, and Harvard University. I am grateful to Sudhir Anand, Julia Annas, Richard Arneson, Daniel Brudney, Mary Ann Case, Juan Cole, Cioran Cronin, Norman Daniels, Steve Darwall, John Deigh, Richard Epstein, Sam Freeman, Alvin Goldman, David Golove, Robert Goodin, Mitu Gulati, Barbara Herman, Stanley Hoffman, Frances Kamm, Kenneth Karst, Erin Kelly, Elizabeth Kiss, Anthony Laden, Jane Mansbridge, Charles Mills, Christopher Morris, David Owen, Jack Sammons, Jerome Schneewind, Thomas Scanlon, Seana Shiffrin, Larry Temkin, Lori Watson, and Paul Weithman, among others, for their most helpful comments on those occasions. I feel lucky that so many people have helped me, and I have tried to make the arguments better in response to their suggestions and questions.

Chapter 2 was delivered at the Jean Hampton Memorial Conference at the University of Arizona at Tucson, November 1997, and it is ded-

icated to her memory. Before her tragic and untimely death from a stroke at the age of forty-two, Jean, a graduate student at Harvard while I was teaching there, and a fellow member of a discussion group there on the relationship between feminism and philosophy, was one of this country's leading moral philosophers. Her contribution to feminist thought was very important for its insistence on the worth of the social contract tradition for feminists. Her tough-mindedness, humor, creativity, and commitment to rationality live in her remarkable books and articles, which will continue to be an inspiration to feminists and to anyone who wants to think about justice.

During the final days of work on this manuscript, I had the good fortune to present it as a seminar at the Bunting Institute of Radcliffe College, Harvard University. The seminar was designed to bring non-academic professional women back for a week-long immersion in an academic topic; participants included lawyers, bankers, doctors, a foundation director, a psychoanalyst, a director of family support services for the U.S. Air Force, an insurance executive, and a director of an M.B.A. exchange program; their countries of residence included Switzerland, France, and Romania, as well as the United States. Their intelligence, their practical experience, and the sheer sense of reality they brought to the academic discussions were very moving to me, and made me think better about some of my ways of presenting ideas. They also confirmed my preference for women's collectives as both supporters of women's capabilities and incubators of good thought about women's problems. (I guess it could be the closest I've ever come in my own life to the sense of group solidarity that animates so many of the self-descriptions of Indian women in this book.) I am extremely grateful to Rita Brock, director of the Bunting Institute, for having the idea and for designing a wonderful interchange; to Mim Nelson for encouraging us all to lift weights instead of taking a coffee break; and above all to Sondra Albano, Kay Boulware-Miller, Mary Brandt, Margaret Eagle, Renee Grohl, Silvia Gsell-Fessler, Judith Melin, Claire O'Brien, Patricia Peterson, Ellen Poss, Cherie Taylor, Maria Tedesco, and Avivah Wittenberg-Cox for the friendship and illumination they gave me and, I hope, will in the future.

Above all, I am grateful to the working women in India who took time from their work to speak with an ignorant stranger through interpreters, often welcoming me into their homes and introducing me to

their families. Their lives are the reality in this book; I hope and believe that it is possible to write a kind of philosophy that doesn't efface that reality.

For research support I am grateful to the Shure Fund and to the Elsie O. and Philip D. Sang Faculty Fund of the University of Chicago Law School.

This book is dedicated to a woman for whom I had and have deep admiration and love. Sara Nussbaum, my late mother-in-law, was born in Galicia and moved to Vienna at the age of two. She was educated at the University of Vienna, where she received a Ph.D. in German and English literature. A gifted student, she attended Friedrich Waismann's seminar and was present on the day Moritz Schlick was shot. She left Vienna shortly before the Anschluss, with her husband Nathan Nussbaum, a second-generation American who had come to Vienna to study medicine. She worked for the U.S. Censors' Bureau during the war, as a translator of German prisoners' letters, and she taught in the public schools. Although she later abandoned formal career plans to focus on raising her four children, she remained a passionate intellectual and lover of the arts. She often came to hear philosophy lectures, and even sometimes attended the meetings of the American Philosophical Association. She was a warm and extraordinary person, so alive that it is very difficult to conceive of her not being alive. She died on February 3, 1999, at the age of eighty-seven.