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978-0-521-00385-8 - Women and Human Development: The Capabilities Approach

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Excerpt

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INTRODUCTION

Feminism and International Development

I. DEVELOPMENT AND SEX EQUALITY

Women in much of the world lack support for fundamental functions of a human life. They are less well nourished than men, less healthy, more vulnerable to physical violence and sexual abuse. They are much less likely than men to be literate, and still less likely to have preprofessional or technical education. Should they attempt to enter the workplace, they face greater obstacles, including intimidation from family or spouse, sex discrimination in hiring, and sexual harassment in the workplace – all, frequently, without effective legal recourse. Similar obstacles often impede their effective participation in political life. In many nations women are not full equals under the law: they do not have the same property rights as men, the same rights to make a contract, the same rights of association, mobility, and religious liberty.¹ Burdened, often, with the “double day” of taxing employment and full responsibility for housework and child care, they lack opportunities for play and for the cultivation of their imaginative and cognitive faculties. All these factors take their toll on emotional well-being: women have fewer opportunities than men to live free from fear and to enjoy rewarding types of love – especially when, as often happens, they are married without choice in childhood and have no recourse from bad marriages. In all these ways, unequal social and political circumstances give women unequal human capabilities.

¹ For examples of these inequalities, see Chapter 3, and my “Religion and Women’s Human Rights,” in Paul Weithman, ed., *Religion and Contemporary Liberalism* (Notre Dame: University of Notre Dame Press, 1997), 93–137, also in Nussbaum, *Sex and Social Justice* (New York: Oxford University Press, 1999).

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One might sum all this up by saying that all too often women are not treated as ends in their own right, persons with a dignity that deserves respect from laws and institutions. Instead, they are treated as mere instruments of the ends of others – reproducers, caregivers, sexual outlets, agents of a family’s general prosperity. Sometimes this instrumental value is strongly positive; sometimes it may actually be negative. A girl child’s natal family frequently treats her as dispensable, seeing that she will leave anyhow and will not support parents in their old age. Along the way to her inevitable departure she will involve the family in the considerable expense of a dowry and wedding festivities. What use would it be, then, to care for her health and education in the same way that one would care for a boy’s? What wonder, that the birth of a girl is often an occasion for sorrow rather than for rejoicing? As the old Indian proverb puts it, “A daughter born / To husband or death / She’s already gone.”

Nor is the marital home likely to be a place of end-like respect for such a daughter, although here her instrumental value may become positive. Her in-laws are likely to see her as a mere adjunct of a beloved son, a means to (especially male) grandchildren, an addition to the number of household workers, perhaps as a device to extract money in dowry payments from her parents. Even when she is not abused, she is unlikely to be treated with warmth, nor is her education likely to be fostered. Should her husband prove kind, he can be a buffer between her and the demands of his parents. Should he prove unkind, the woman is likely to have no recourse from abuse in the marital family, and no good exit options. Her natal family will probably refuse to have her back, she probably has no employment-related skills, and the law is not very interested in her predicament. Should the husband die, her situation is likely to become still worse, given the stigma attached to widowhood in many parts of the world. A tool whose purpose is gone: that is what a widow is, and that’s rather like being dead.

These are not rare cases of unusual crime, but common realities. According to the *Human Development Report 1997* of the United Nations Development Programme, there is no country that treats its women as well as its men, according to a complex measure that includes life expectancy, wealth, and education.² Developing countries,

2 *Human Development Report 1997*, United Nations Development Programme (Oxford and New York: Oxford University Press, 1997), 39.

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however, present especially urgent problems. Gender inequality is strongly correlated with poverty.³ When poverty combines with gender inequality, the result is acute failure of central human capabilities. In the developing countries as a whole, there are 60% more women than men among illiterate adults; the female school enrollment rate even at the primary level is 13% lower than that of males; and female wages are only three-fourths of male wages. We do not yet have reliable statistics for rape, domestic violence, and sexual harassment, because in many countries little attention is paid to domestic violence and sexual harassment, rape within marriage is not counted as a crime, and even stranger-rape is so rarely punished that many women are deterred from reporting the crime.⁴

If we turn to the very basic area of health and nutrition, there is pervasive evidence of discrimination against females in many nations of the developing world. Researchers standardly claim that where equal nutrition and health care are present, women live, on average, slightly longer than men: thus, we would expect a sex ratio of something like 102.2 women to 100 men (the actual sex ratio of sub-Saharan Africa).⁵

- 3 The four countries ranking lowest in the gender-adjusted development index (GDI) (Sierra Leone, Niger, Burkina Faso, and Mali) also rank lowest in the Human Poverty Index (HPI), a complex measure (see 126–7) including low life expectancy, deprivation in education, malnutrition, and lack of access to safe water and health services; among the four developing countries ranking highest in the HPI, three (Costa Rica, Singapore, and Trinidad and Tobago) also rank among the highest in the GDI: see *1997 Report*, 39.
- 4 On India, see the special report on rape in *India Abroad*, July 10, 1998. According to recent statistics, one woman is raped every 54 minutes in India, and rape cases increased 32% between 1990 and 1997. Even if some of this increase is due to more reporting, it is unlikely that all is, because there are many deterrents to reporting. A woman's sexual history and social class is sure to be used against her in court, medical evidence is rarely taken promptly, police typically delay in processing complaints, and therefore convictions are extremely difficult to secure. Penile penetration is still a necessary element of rape in Indian law, and thus cases involving forced oral sex, for example, cannot be prosecuted as rape. Rape cases are also expensive to prosecute, and there is currently no free legal aid for rape victims. In a sample of 105 cases of rape that actually went to court (in a study conducted by Sakshi, a Delhi-based NGO) only 17 resulted in convictions.
- 5 Sub-Saharan Africa was chosen as the “baseline” because it might be thought inappropriate to compare developed to developing countries. Europe and North America have an even higher ratio of women to men: about 105/100. Sub-Saharan Africa's relatively high female/male ratio, compared to other parts of the developing world, is very likely explained by the central role women play in productive economic activity, which gives women a claim to food in time of scarcity. For a classic study of this issue, see Esther Boserup, *Women's Role in Economic Development* (New York: St. Martin's Press, 1970; second edition Aldershot: Gower Publishing, 1986). For a set of valuable re-

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Many countries have a far lower sex ratio: India's, for example, is 92.7 women to 100 men, the lowest sex ratio since the census began early in this century. If we study such ratios and ask the question, "How many more women than are now present in Country C would be there if C had the same sex ratio as sub-Saharan Africa?" we get a figure that economist Amartya Sen has graphically called the number of "missing women." There are many millions of missing women in the world today.⁶ Using this rough index, the number of missing women in Southeast Asia is 2.4 million, in Latin America 4.4, in North Africa 2.4, in Iran 1.4, in China 44.0, in Bangladesh 3.7, in India 36.7, in Pakistan 5.2, in West Asia 4.3. If we now consider the ratio of the number of missing women to the number of actual women in a country, we get, for Pakistan 12.9%, India 9.5%, Bangladesh 8.7%, China 8.6%, Iran 8.5%, West Asia 7.8%, North Africa 3.9%, Latin America 2.2%, Southeast Asia 1.2%. In India, not only is the mortality differential especially sharp among children (girls dying in far greater numbers than boys), the higher mortality rate of women compared to men applies to all age groups until the late thirties.⁷

Women, in short, lack essential support for leading lives that are fully human. This lack of support is frequently caused by their being women. Thus, even when they live in a constitutional democracy such as India, where they are equals in theory, they are second-class citizens in reality.

II. THE CAPABILITIES APPROACH: AN OVERVIEW

I shall argue that international political and economic thought should be feminist, attentive (among other things) to the special problems women face because of sex in more or less every nation in the world, problems without an understanding of which general issues of poverty and development cannot be well confronted. An approach to interna-

sponses to Boserup's work, see *Persistent Inequalities*, ed. Irene Tinker (New York: Oxford University Press, 1990).

6 The statistics in this paragraph are taken from Jean Drèze and Amartya Sen, *Hunger and Public Action* (Oxford: Clarendon Press, 1989) and Drèze and Sen, *India: Economic Development and Social Opportunity* (Delhi: Oxford University Press, 1995), Chapter 7. Sen's estimated total number of missing women is one hundred million; the *India* chapter discusses alternative estimates.

7 See Drèze and Sen, *Hunger*, 52.

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tional development should be assessed for its ability to recognize these problems and to make recommendations for their solution. I shall propose and defend one such approach, one that seems to me to do better in this area than other prominent alternatives. The approach is philosophical, and I shall try to show why we need philosophical theorizing in order to approach these problems well.⁸ It is also based on a universalist account of central human functions, closely allied to a form of political liberalism; one of my primary tasks will be to defend this type of universalism as a valuable basis from which to approach the problems of women in the developing world.

The aim of the project as a whole is to provide the philosophical underpinning for an account of basic constitutional principles that should be respected and implemented by the governments of all nations, as a bare minimum of what respect for human dignity requires. (Issues of implementation are complex, and I shall give these separate discussion in section VII of this chapter.) I shall argue that the best approach to this idea of a basic social minimum is provided by an approach that focuses on *human capabilities*, that is, what people are actually able to do and to be – in a way informed by an intuitive idea of a life that is worthy of the dignity of the human being. I shall identify a list of *central human capabilities*, setting them in the context of a type of *political liberalism* that makes them specifically political goals and presents them in a manner free of any specific metaphysical grounding. In this way, I argue, the capabilities can be the object of an *overlapping consensus* among people who otherwise have very different comprehensive conceptions of the good.⁹ And I shall argue that the capabilities in question should be pursued for each and every person, treating each as an end and none as a mere tool of the ends of others: thus I adopt a *principle of each person's capability*, based on a *principle of each person as end*. Women have all too often been treated as the supporters of

8 On this see my “Public Philosophy and International Feminism,” *Ethics* 108 (1998), 770–804; “Why Practice Needs Ethical Theory: Particularism, Principle, and Bad Behavior,” forthcoming in *The Path of the Law in the Twentieth Century*, ed. S. Burton, Cambridge University Press; and “Still Worthy of Praise: A Response to Richard A. Posner, The Problematics of Moral and Legal Theory,” *Harvard Law Review* 111 (1998), 1776–95.

9 The terms “political liberalism,” “overlapping consensus,” and “comprehensive conception” are used as by John Rawls in *Political Liberalism* (expanded paperback edition, New York: Columbia University Press, 1996), hereinafter PL.

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the ends of others, rather than as ends in their own right; thus this principle has particular critical force with regard to women's lives. Finally, my approach uses the idea of a *threshold level of each capability*, beneath which it is held that truly human functioning is not available to citizens; the social goal should be understood in terms of getting citizens above this capability threshold.

The capabilities approach has another related, and weaker, use. It specifies a space within which *comparisons of life quality* (how well people are doing) are most revealingly made among nations. Used in this way, it is a rival to other standard measures, such as GNP per capita and utility. This role for the conception is significant, since we are not likely to make progress toward a good conception of the social minimum if we do not first get the space of comparison right. And we may use the approach in this weaker way, to compare one nation to another, even when we are unwilling to go further and use the approach as the philosophical basis for fundamental constitutional principles establishing a social minimum or threshold. On the other hand, the comparative use of capabilities is ultimately not much use without a determinate normative conception that will tell us what to make of what we find in our comparative study. Most conceptions of quality of life measurement in development economics are implicitly harnessed to a normative theory of the proper social goal (wealth maximization, utility maximization, etc.), and this one is explicitly so harnessed. The primary task of my argument will be to move beyond the merely comparative use of capabilities to the construction of a normative political proposal that is a partial theory of justice. (The reasons for saying that it is not a complete theory of justice will be presented in section IV.)

The capabilities approach is fully universal: the capabilities in question are important for each and every citizen, in each and every nation, and each is to be treated as an end. Women in developing nations are important to the project in two ways: as people who suffer pervasively from acute capability failure, and also as people whose situation provides an interesting test of this and other approaches, showing us the problems they solve or fail to solve. Defects in standard GNP- and utility-based approaches can be well understood by keeping the problems of such women in view; but of course women's problems are urgent in their own right, and it may be hoped that a focus on them

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will help compensate for earlier neglect of sex equality in development economics and in the international human rights movement.

This project is somewhat unusual in feminist political philosophy because of its focus on developing countries. Such a focus, already common in feminist economic thought and feminist activism, is becoming more common in feminist philosophy, and rightly so. Feminist philosophy, I believe, should increasingly focus on the urgent needs and interests of women in the developing world, whose concrete material and social contexts must be well understood, in dialogue with them, before adequate recommendations for improvement can be made. This international focus will not require feminist political philosophy to turn away from its traditional themes, such as employment discrimination, domestic violence, sexual harassment, and the reform of rape law; these are all as central to women in developing countries as to Western women. But feminist philosophy will have to add new topics to its agenda if it is to approach the developing world in a productive way; among these topics are hunger and nutrition, literacy, land rights, the right to seek employment outside the home, child marriage, and child labor. (Some of these topics are also essential in framing a philosophical approach to the lives of poor women in wealthier nations.) In general, it seems right that problems of poor working women in both developing and developed nations should increasingly hold the center of the scene, and that problems peculiar to middle-class women should give way to these.

Feminist philosophy has frequently been skeptical of universal normative approaches. I shall argue that it is possible to describe a framework for such a feminist practice of philosophy that is strongly universalist, committed to cross-cultural norms of justice, equality, and rights, and at the same time sensitive to local particularity, and to the many ways in which circumstances shape not only options but also beliefs and preferences. I shall argue that a universalist feminism need not be insensitive to difference or imperialistic, and that a particular type of universalism, framed in terms of general human powers and their development, offers us in fact the best framework within which to locate our thoughts about difference.

In the first chapter, I map out and defend an approach to the foundation of basic political principles using the idea of human capability.

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I argue that this approach yields a form of universalism that is sensitive to pluralism and cultural difference; in this way it enables us to answer the most powerful objections to cross-cultural universals. I also explain the relationship of my approach to various forms of liberalism and defend a form of political liberalism in connection with the capabilities idea. I then explain the relationship of this approach to the idea of fundamental human rights. And I offer an account of the relationship between political justification and political implementation.

But to display the attractive features of a conception is only one small part of the task of justification. In the second chapter, I take on one further part of that task by arguing that this approach is superior to approaches based on subjective welfarism, the idea that each person's perceived well-being should be the basis for social choice. Welfarist conceptions are ubiquitous and highly influential in economics and therefore in development; so it seems important, both philosophically and practically, to think clearly about the relationship between the capabilities view and welfarism. I shall argue that the problem of preference-deformation makes a welfarist approach unacceptable as the basis for a normative theory of political principles; we need a substantive account of central political goods, of the sort the capabilities approach gives us. Recognizing the phenomenon of adaptive preference-formation does not entail an unacceptable type of paternalism, if this recognition is combined with a version of political liberalism and a focus on capabilities (not actual functions) as political goals. But the welfarist approach, by showing respect for human desire, gets something right: and I shall try to say what that something is, contrasting my capabilities approach with Platonist accounts of the human good.

The third and fourth chapters investigate two specific problem areas that have particular salience for women's lives. There are several such areas that one might fruitfully pursue. Education and property would be obvious choices, as would rape, domestic violence, and sexual harassment.¹⁰ I have chosen religion and the family, both because of their

10 On education, see Drèze and Sen, *India*, Chapter 6; on land rights, see Bina Agarwal, *A Field of One's Own: Gender and Land Rights in South Asia* (Cambridge: Cambridge University Press, 1994); on sexual harassment, see my "The Modesty of Mrs. Bajaj: India's Problematic Route to Sexual Harassment Law," in a volume on sexual harassment ed. Reva Siegel and Catharine MacKinnon, forthcoming from Yale University Press.

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complexity (in a way, they include all the others) and because they raise complicated problems of a distinctively philosophical kind. The chapter on religion analyzes conflicts between religion and sex equality, developing a strategy for dealing politically and legally with such conflicts. I argue that any good approach to this problem must balance recognition of religion's importance in the human search for meaning (including women's search) against a critical scrutiny of religion when it threatens valuable areas of human functioning. Here the tradition of U.S. constitutional law provides helpful insights, which can be suitably adapted to the problems of pluralistic democracies in the developing world; most of the materials for my solution are already present in the Indian Constitution. Chapter 4, finally, tackles the difficult question of family love and care, asking how, if at all, it is possible to retain the idea that women have value as givers of love and care while promoting political goals of full equality and family justice. Tackling this problem requires, first, giving an adequate philosophical account of love (or at least the general outlines of one), and then examining the social and political origins of that apparently "natural" entity, the family.

I focus throughout on the case of India, a nation in which women suffer great inequalities despite a promising constitutional tradition. Some writings about women and development pull in thinly described examples from many different cultures, without setting any of them in a deep or rich context. I feel that this is unwise; we cannot really see the meaning of an incident or a law without setting it in its context and history. By focusing on India, I can write on the basis of personal observation and familiarity, as well as study, and I am able to assess scholarly debates in a way that I could not had I tried to cover a wider area. The best way of thinking about the relationship between the political ideal presented here in connection with India and its wider application was suggested by Jawaharlal Nehru, in these famous words:

The service of India means the service of the millions who suffer. It means the ending of poverty and ignorance and disease and inequality of opportunity. The ambition of the greatest man of our generation has been to wipe every tear from every eye. That may be beyond us, but as long as there are tears and suffering, so long our work will not be over . . . Those dreams are for India, but they are also for the world, for all the nations and people are too closely knit together today for any one of them to imagine that it can live apart. Peace has been said to be indivisible; so is freedom, so is prosper-

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ity now, and so also is disaster in this One World that can no longer be split into isolated fragments.¹¹

Similarly, this ideal political proposal takes its orientation from the example of India, but pertains to all nations.

I am doubly an outsider vis-à-vis the places about which I write, that is, both a foreigner and a middle-class person. But most Indian scholarship about India is also the work of foreigners in at least some sense, that is, people who live middle-class lives that are not remotely like the lives about which they write. (So too is most American scholarship about poverty and welfare reform.) I believe that through curiosity and determination one can surmount these hurdles – especially if one listens to what people say. Maybe at times a foreigner can maintain, too, a helpful type of neutrality amid the cultural, religious, and political debates in which any scholar living in India is bound to be enmeshed. Certainly one is sometimes more warmly received as an unimplicated foreigner than as an upper-class person from the person's own culture. I would not find the warm and trusting reception I found in working-class homes in India, were I to walk one block from my office into the Woodlawn area (a poor African-American neighborhood) that borders the prosperous university community. In a situation of entrenched inequality, being a neighbor can be an epistemological problem.

This is a philosophical project, whose aim is to develop a particular type of normative philosophical theory. I am not an empirical social scientist, nor is this book intended as the record of sustained empirical research. But I do attempt to be responsive to empirical facts and to what I have seen. I believe that philosophical theorizing has practical political value, and that its place cannot be filled by other more empirical types of inquiry. Part of theory's practical value lies in its abstract and systematic character. Feminists who disparage abstraction in a global way are, I believe, very unwise to do so. Without abstraction of some sort, there could be no thought or speech; and the type of abstraction characteristic of the tradition of political philosophy has great value, so long as it is tethered in the right way to a sense of what is relevant in reality (something that has not always been the case).¹²

11 Speech delivered in the Constituent Assembly, New Delhi, August 14, 1947, on the eve of Independence.

12 See my "The Feminist Critique of Liberalism," a Lindley Lecture published in pamphlet form by the University of Kansas Press, and in Nussbaum, *Sex and Social Justice*.