



Sen and Nussbaum: Agency and Capability-Expansion¹

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ABSTRACT

Capability approach pioneers Amartya Sen and Martha Nussbaum both recognize empowerment as an important aspect of human development. They seem to disagree, however, about how empowerment should be represented within the capability approach (CA). This essay is concerned with the analysis of the foundational concepts at work within Sen and Nussbaum's CAs. Part One concerns the key concepts of empowerment at work in Sen's CA and has three goals. 1) Clarify Sen's various empowerment concepts. 2) Argue that Sen's concept of Realize Agency Success is flawed. 3) Make clear that empowerment in Sen's approach can be helpfully understood in terms of agency and capability set expansion. Part Two considers Nussbaum's CA and the debate over whether it can account for empowerment. I conclude that not only can Nussbaum's CA account for empowerment, but that the role of empowerment in *both* Sen's and Nussbaum's CAs can be understood in terms of agency and capability set expansion. In other words, Sen and Nussbaum actually agree about empowerment at the foundational level.

Keywords: Capability Approach; Empowerment; Amartya Sen; Martha Nussbaum; Foundational issues

RÉSUMÉ

Les pionniers de l'approche par les capacités, Amartya Sen et Martha Nussbaum, reconnaissent tous deux l'empowerment comme un aspect important du développement humain. Ils semblent être en désaccord, cependant, sur la façon dont l'empowerment devrait être représenté au sein de l'approche par les capacités (CA). Cet essai concerne l'analyse des concepts fondamentaux mis en œuvre au sein de l'approche des capacités chez Sen et Nussbaum. La première partie porte sur les concepts clés de l'empowerment dans l'approche des capacités de Sen et a trois objectifs. 1) Clarifier les différents concepts d'empowerment chez Sen. 2) Montrer que le concept chez Sen de Realize Agency Success est vicié. 3) Mettre en évidence que l'empowerment dans l'approche de Sen peut être utilement compris en termes d'agence et d'expansion de l'ensemble des capacités. La deuxième partie porte sur l'approche des capacités chez Nussbaum et le débat quant à savoir si elle peut tenir compte de l'empowerment. Je conclus que non seulement l'approche de Nussbaum peut tenir compte de l'empowerment, mais que le rôle de l'empowerment dans les approches de Sen et Nussbaum peut être compris en termes d'agence et d'expansion de l'ensemble de capacités. En d'autres termes, Sen et Nussbaum sont d'accord sur l'empowerment au niveau fondamental.

Mots-clés: Approche des capacités, empowerment, Amartya Sen, Martha Nussbaum, questions fondamentales

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INTRODUCTION

Capability approach pioneers Amartya Sen and Martha Nussbaum both recognize empowerment as an important aspect of human development in a number of ways. They seem to disagree, however, about how empowerment should be represented within the capability approach (CA). Two concepts that connote empowerment, “agency” and “freedom,” play prominent roles in much of Sen’s work on the CA (Sen 1992; 1999; 2009). These concepts are shaped by two cross-cutting distinctions central to his approach: (1) the distinction between agency and well-being, and (2) the distinction between freedom and achievement. Nussbaum recognizes the importance of the concepts introduced by these distinctions, but she argues against using the distinctions (Nussbaum 2000). This rejection has led some to question whether or not Nussbaum’s version of the CA can properly account for empowerment, and in some cases to conclude that her CA is flawed by comparison to Sen’s account (Crocker 2008; Crocker and Robeyns 2010; Robeyns 2005).

This essay is concerned with the analysis of the foundational concepts at work within Sen and Nussbaum’s CAs. Part One systematically presents and rationally scrutinizes the key concepts of empowerment at work in Sen’s version of the CA. This part of the paper has three goals: 1) to clarify to Sen’s various empowerment concepts, which are a source of confusion and debate among scholars; (Crocker 1992; 1995; 2008; Iversen 2003; Keleher 2007) 2) to argue that Sen’s concept of Realize Agency Success (RAS) is flawed; and 3) to make clear that the role of empowerment in Sen’s approach can be helpfully understood in terms of 1) agency and 2) capability set expansion. Part Two considers Nussbaum’s rejection of Sen’s distinctions and briefly engages the debate over whether her CA can properly account for empowerment. The essay concludes that not only can Nussbaum’s version of the CA properly account for empowerment, the role of empowerment in *both* Sen’s and Nussbaum’s versions of the CA can be understood in terms of agency and capability set expansion. Thus, although Sen and Nussbaum seem to disagree about how empowerment should be represented within the capability approach, there is actually agreement at the foundational level.

This work is both philosophically and practically significant. It is philosophically significant because it allows a sharper and deeper understanding of the conceptual foundations of the CA, which are often criticized for being unclear. It is practically significant because it allows us to draw confidently on both versions of the approach as we develop policy proposals without concerns about the theoretical integrity of our proposals.

1. PART ONE: SEN’S CAPABILITY APPROACH

1.1. Sen’s Basic Distinctions and Concepts

“Agency” and “freedom” play prominent roles in much of Sen’s work on the CA (Sen 1992; 1999; 2009). These concepts are shaped by a set of cross-cutting distinctions central to his approach. The first distinction is between two related but irreducible dimensions of each person: agency and well-being. Each dimension calls for respect (often in the form of aid or protection) from institutions and individuals. The second distinction is between the

achievement and the freedom dimensions of both agency and well-being. Thus, the two cross-cutting distinctions of agency and well-being, and achievement and freedom, provide four important concepts: (1) agency achievement, (2) well-being achievement, (3) agency freedom, and (4) well-being freedom. Table One illustrates the basic relationship between these distinctions and concepts.

Table One: Sen’s Distinctions: Agency and Well-Being and Freedom and Achievement²

	Agency	Well-Being
Achievement	<i>Agency Achievement</i> – the realization of goals and values a person chooses and has reason to pursue.	<i>Well-Being Achievement</i> (Functionings) - the quality of the life an individual is living based on the interrelated beings and doings she realizes.
Freedom	<i>Agency Freedom</i> – the freedom to choose and bring about the achievements one has reason to value.	<i>Well-Being Freedom</i> (Capabilities) - the freedom to achieve the beings and doings that are constitutive of one’s well-being.

The following two sections (1.2 and 1.3) of the part of the paper offer a conceptual analysis of the four concepts represented on the table. Readers who are not interested in such detailed analysis may want to skip to section 1.4 in which I summarize the results of this analysis.³

1.2. Agency Freedom and Agency Achievements

A person’s *agency achievement* is her “success in the pursuit of the totality of her considered goals and objectives” (Sen 1992 p. 56) whatever they may be: including being well-nourished, owning a sports car, having her children’s lives go well, protecting the environment, or the demise of her enemies. The achievement of these goals may enhance or diminish one’s own well-being. However, the goals must be ones that she autonomously chooses to pursue, and not simply the goals of others – even if others happen to share the goal. The CA is concerned with an individual’s agency in *all* spheres of life (political, social, etc.), not simply the economic sphere.

On Sen’s account “agency success” occurs when agency objectives are achieved. Sen distinguishes between (1) *Realized Agency Success (RAS)* and (2) *Instrumental Agency Success (IAS)*. RAS occurs whenever a person’s objectives are realized whether or not she plays any role in their achievement. IAS, by contrast, is obtained only when an individual plays some role in the realization of her objectives. Suppose, for example, that my agency objectives include both 1) an end to violence in country *A*, and 2) an end to the unrelated violence in country *B*, and that I am involved in the peace process for country *A*, but not for country *B*. Suppose further, that violence in both country *A* and in country *B* does end. On Sen’s account, RAS has occurred with regard to my agency objectives for *both A* and *B*. IAS, on the other hand, has occurred only with regard to Country *A*, where I was involved in ending the violence. IAS is a subset of RAS. This distinction allows Sen to recognize

² See Crocker 2008 p. 151.

³ Readers interested in an even more detailed analysis should see: Keleher 2007, Ch. 4.

formally the important difference between having one's objectives realized and participating in the realization of one's objectives (Sen 1992 p. 56 - 58).

IAS is clearly a measure of one's success *as an agent*. Sen is right to recognize this concept as a form of agency achievement. However, Sen also seems to recognize *all* instances of RAS as agency achievement. This is a mistake. Outcomes of processes in which an individual is not a purposive factor *in any way* are *not* measures of her success *as an agent*, and should *not* be considered *agency* achievements or instances of RAS.

Yet, Sen's account suggests that if Alex's (A's) agency objectives include having chocolate cake and Bailey (B) bakes a chocolate cake for A for any reason, then the conditions for RAS are met. On this account, the conditions for A's RAS are met even if A is not *in any way* involved with the achievement. For example, if B baked the cake by coincidence, or to please someone else, or by mistake (e.g., B used the wrong cake mix). Even in the case in which B makes the cake with the explicit intention of frustrating A's agency objectives: for example, in a case in which B believes A is dieting (to achieve the agency objective of better health) but that A would forsake her diet to eat chocolate cake. Sen would consider each of the above instance of A's RAS. It is difficult to understand why Sen suggests that this event should be a measure of *agency* and not simply well-being or some other sort of achievement. After all, it is the achievement of A's goal, but *by B's agency*. The event does not reflect any power A has. Nevertheless, the above cake situations meet Sen's standard for RAS: A's agency objective was achieved irrespective of the part [A] manages to personally play in bringing about the achievement (Ibid. p. 158).

Agency freedom is "one's freedom to bring about the achievements one values and which one attempts to produce" (Ibid. p. 158). Although agency freedom is concerned with the freedom of the individual, it is also "inescapably qualified and constrained by the social, political, and economic opportunities that are available to us" (Sen 1999 pp. xi – xii.) To have more agency freedom is to have "more *opportunity* to achieve those things that we value, and have reason to value" (Sen 2002 p. 585). Sen distinguishes between this *opportunity aspect of freedom*, which is "concerned primarily with our ability to achieve" and the *process aspect of freedom*, which is concerned primarily with "the processes through which that achievement comes about" (Ibid.).

Control freedom, the ability to achieve objectives by making influential decisions and directly controlling the levers of change, is the most robust form of opportunity freedom. Control over resources is significantly different from access to resources. A woman who lives in a nice house with plenty to eat and nice clothes to wear may not be free to choose how to dress, or to invite others to her home for a meal. She may even be denied access to these resources upon the death of her husband. Such a woman has (some) access to resources, but not control over them.⁴

Of course, direct control over the objects and events is not always better. For example, I am free to access the postal system to send letters great distances. However, I neither have - nor want - direct control over the system. My life would not be better if I had countless decisions to make about how each of my letters are collected (by truck or by van, at noon or at 10:00

⁴ For more on the distinction between access and control see: March, Candida, Ines Smyth, and Maitrayee Mukhopadhyay. *A Guide to Gender Analysis Frameworks*. Oxfam GB.

am, etc.), routed (which airports should be used, which roads, etc.) and delivered (what vehicle, what time of day, etc.). Sen rightly recognizes that such an increase in my options would not enhance my agency. Expanding my *trivial* options (e.g., routing my letters), as opposed to opportunities that we have reason to value “may be the result of misspecifying freedom by overlooking *the loss of [the] option* of leading a peaceful and unbothered life” (Sen, 1992 p. 63). I meet more of my agency objectives (including enhancing my well-being) because the postal service coordinates the details involved in transporting my letters. Thus, while control freedom is a valuable empowerment concept used to identify and discuss a robust level of participation, more control, especially over trivial matters, is not necessarily empowering, but can diminish both agency freedom and well-being.

Not only would it be a mistake to think that expanding the scope of our direct control always expands the set of freedoms we value, it would also be a mistake to think that our freedom to achieve our agency objectives is limited to what we can control directly. Sen uses the concept of “effective freedom” to explain how opportunity freedom extends beyond what we ourselves control directly:

Many freedoms take the form of our ability to get what we value and want, without the levers of control being *directly* operated by us. The controls are exercised in line with what we value and want (i.e., in line with our ‘counterfactual decisions’—what we *would* choose), and in this sense gives us more power and more freedom to lead the lives that we would choose to lead (Sen 1992, p. 64)

Sen claims that effective freedom is closely related to his concept of RAS. I argue that the concepts are significantly different. Like Sen’s RAS, effective freedom extends beyond the limits of our direct participation, and is enhanced whether or not we play a role in realizing our outcomes. My effective freedom does not depend on *any* action from me beyond my having, and in some cases expressing, the goal. However, unlike RAS, effective agency achievements cannot be pure coincidence or error; some elements of process are also important. Effective freedom requires not only that (1) our objectives are achieved, but also that those who operate the levels of control do so (2) in line with what we would have chosen, and (3) *because* it is what we would have chosen. Honoring the wishes of a person expressed in his will after his death captures the spirit of Sen’s effective freedom. When we honor someone’s will, we take actions (bury him in the family plot, provide for cousin John’s education, etc.), precisely because the actions reflect the intentions of the deceased.

Consider the cake example: A’s effective freedom is enhanced if and only if B made chocolate cake *because* B knew it is what A would have chosen if the choice were A’s to make and A’s intention is a reason for B’s action. As Sen puts it: “As long as the levers of control are systematically exercised in line with *what I would choose* and *for that exact reason*, my ‘effective freedom’ is uncompromised, though my ‘freedom of control’ may be limited or absent” (Sen, 1992. p. 64 - 65). If B gives A chocolate cake by chance or mistake, and not *because* A would have chosen it, A’s effective freedom is not enhanced despite the achievement of A’s objective. Cases of coincidence or mistake are cases of RAS, but *not* effective freedom enhancement. In such cases, A’s well-being might be enhanced by eating the cake, but that is a separate issue.

If B believes that A would choose tiramisu over chocolate cake (when A would have chosen cake), and for this reason B prepares tiramisu, then A's agency objective or intention is not realized (no RAS) and A's agency is not enhanced (no effective freedom).⁵ This is true even if A enjoys the tiramisu as much, or more than, A would have enjoyed the cake. In a case where A wanted cake, but enjoyed the tiramisu, A's well-being is enhanced, but *not* A's agency. If B attempts to make chocolate cake because B knows A would choose it, but fails (the cake burns), then A's agency objective is not achieved. Yet, I submit that A's agency seems to be enhanced by B's attempt to bring about A's actual (not hypothetical) intention on A's behalf, *if* my intention is a reason for B's action. It is not clear what Sen would say about this. Perhaps he would say that A's goal of B's working on B's behalf is achieved, but not A's goal of getting cake. Sen's position on these issues is summarized below in Table Two.

Table Two: Sen's Realized Agency Success vs. Effective Freedom

	Realized Agency Success	Effective Freedom
B gives A cake, because A wants it.	Yes	Yes
A wants cake, and B gives A cake, but not because A wants it.	Yes	No
A wants cake, but doesn't get it.	No	No
B works to provide cake, because A wants it, but B fails.	No	Perhaps, but only to the extent that A's goal of B's working on A's behalf is realized

To consider an example in a public policy context, suppose we want peace in Country B but are not in a position to choose or do anything to bring an end to the violence there. If our representative works to establish peace in Country B, *because* she believes that it is what we want, then our agency freedom is enhanced by her actions and the resulting achievements that we value, and have reason to value. This is so even if do not (or cannot) play any role in the peace process ourselves. This holds true whether we have acted to inform her of our desire for peace directly, or if she anticipates our desire without any direct action from us, for example, based on our expressed desire in a similar situation, or from general polls in which we did not personally participate. Again, *the process* is important. If someone works for peace, not because we would choose it, but *only* because she thinks a petroleum company in which she has a financial interest will make more money if there is peace, then our effective freedom is not enhanced. She is not representing *our* actual interests or will.

Table Three offers a summary of Sen's interrelated empowerment concepts and their corresponding attainment using the above peace example. The concepts are ordered as they

⁵ See: Sen, 1992. p. 67. n.14.

reflect robust empowerment. Control freedom, is the most robust of these concepts, followed by IAS, and then achievement realized by effective freedom. At the bottom is Sen's RAS, which Sen describes as a measure of my agency "irrespective of the part I manage to personally play in bringing about the achievement" (Sen, 1992. p. 58). I have argued that *some* forms of RAS are too weak to qualify as a type of agency. I believe that Sen should not consider an individual's satisfied objectives an agency achievement when they occur irrespective of *any* role of the individual plays. Such achievements may enhance her well-being, and may even be considered realizations of her agency objectives, but are not exercises of her agency.

Table Three: Sen's Agency Concepts

Agency Concept	Example
Control Freedom	I want peace in country A. I personally negotiate a cease-fire and ensure that it takes place.
Instrumental Agency Success	I want peace in country A. I play some role in securing peace. For example, I start a campaign for peace, actively lobby politicians to work for peace, and so forth.
Effective Freedom	I want peace in country A and because my representatives are aware that (I and others like me) want peace, a peace pact is negotiated and implemented. (Note: My will does not have to be the <i>only</i> motivating factor for peace, but it must be one of the motivating factors).
Realized Agency Success	I want peace in country A. Peace takes hold in country A irrespective of any role I have in bringing about peace.

Thus far I have focused on agency achievements and agency freedom, choosing and achieving one's objectives. However, Sen is also concerned with limitations and violations of agency freedom. For Sen if a person is forced to perform an action that she would have performed voluntarily, she might get what she wanted and thereby realize the desired functioning, but she is *not* acting as an agent due to a "violation of the process aspect of [her] freedom, since an action is being forced on her (even though it is an action she would have chosen freely)" (Sen 2005, p. 153; see also Sen, 2004). Suppose I want Candidate X to win and I intend to vote for her. Suppose further that on Election Day I am confronted by armed Candidate X enthusiasts who force me to vote for Candidate X. In this case my objective is successfully realized (I voted for Candidate X), but my agency is compromised. The realization of the agency objective is disqualified as an agency achievement due to violations of the process aspect of freedom.

My well-being may be enhanced despite the violation of my agency, if for example, voting for Candidate X really meant a lot to me. But, it is likely that any enhancement of my well-being will be offset (I am glad I voted for X, but wish it did not happen this way) or entirely outweighed (I wanted to vote for X, but not this way), by the violations of my process freedom. Violations of process freedom are not simply occasional events (like armed zealots on Election Day), but can be products of oppressive social arrangements and part of daily life. For example, some women may be not be free to Sen calls on those who design and

implement public policies and development projects to work towards promoting, protecting, and restoring both agency freedom and well-being freedom:

Social arrangements, involving many institutions (the state, the market, the legal system, political parties, the media, public interest groups, and public discussion forums, among others) are investigated in terms of their contribution to enhancing and guaranteeing the substantive freedoms of individuals, seen as active agents of change, rather than passive recipients of dispensed benefits (Sen, 1999. pp. xii – xiii).

Thus, Sen's view has a robust role for empowerment in the form of agency as it calls for individuals to be empowered agents of change throughout the development process.

1.3. Well-Being Freedom and Achievements

In addition to promoting empowerment in the form of agency, Sen also advocates that institutions and development polices be created and evaluated in relation to human well-being. As we have seen, well-being and agency are distinct, but closely related concepts. My well-being may be enhanced or diminished as a result of my agency freedom and achievements, which can extend beyond my direct control. For Sen a person's well-being may be influenced or affected by other-regarding concerns and by events that she cares about even if they do not affect her directly. For example, my well-being may be enhanced by learning that a peace agreement has been reached in a distant country even if I have never been there and do not know anyone who has. My well-being is enhanced because these events contribute to my happiness, even though they do not change my personal circumstances or advantage in other ways.

The concept of "standard of living" is narrower than that of well-being. It relates only to aspects of one's own personal advantage and does not reflect satisfaction caused by the success of my other-regarding aims. As David Crocker suggests, the nature and relations of Sen's concepts of agency, well-being, and standard of living can be helpfully represented in terms of three concentric circles:

The largest (agency) circle represents a person's autonomous choice of action or, more generally, of a way of life. Among choices that the person might make are those that enhance or diminish his own well-being (as well as those that concern others or impersonal causes). Still narrower are those choices that affect one's standard of living—those aspects of his well-being such as nutrition or physical health that derive from his own being rather his response to the well or ill-being of others (Crocker, 2004).

Crocker quickly, and correctly, adds that for far too many well-being and living standards are not matters of their own control. I add that this is true, not only for the economically or socially impoverished, but also for the ill, the grief stricken, the socially oppressed, and many (if not all) others to varying extents. Of course, Sen's focus is those whose lack of basic capabilities results in an impoverished well-being or standard of living, not those whose ability to own a yacht or win an Olympic medal is beyond their control.

Thus, Sen's concept of well-being is related to empowerment in that well-being can be limited by the power one has to make choices. For example, choosing to eat enough nutritious food to be healthy can have a tremendous effect on one's standard of living, but

not everyone is free (or empowered) to do so. Well-being is also related to empowerment in that individuals who are healthy and/or have other personal advantages have a greater power to make choices, act, and impact the world.

Like his concept of agency, Sen's concept of well-being has an achievement dimension and a freedom dimension. A person's *well-being achievement* can be understood as a set of interrelated beings and doings, or functionings. Sen explains:

The relevant functionings can vary from such elementary things as being adequately nourished, being in good health, avoiding escapable morbidity and premature mortality, etc., to more complex achievements such as being happy, having self-respect, taking part in the life of the community, and so on. The claim is that functionings are constitutive of a person's being, and an evaluation of wellbeing has to take the form of an assessment of these constituent elements (Sen 1992, p. 39).

A person's *well-being freedom* is her *capability* to achieve various combinations of functionings represented in her *capability set*: the set of "all the alternative combinations of functionings a person can choose to have" (Ibid.). In other words, one's capability set represents the various lifestyles that person is empowered to achieve. Sen recognizes this freedom to choose from various options as a very important aspect of well-being. He writes:

A properly described social state need not merely be described in terms of who did what, but can also be seen as telling us what options each person had. Thus seen, the preference or valuation over different social states can include assessment of the opportunities enjoyed by different persons...The rejection of alternatives that were available but not chosen are a part of 'what happened' and thus a part of the appropriately described social state (Sen 2002, p. 593).

Sen makes a comparison between person A, who chooses to fast (over the available option of eating), and person B, who has no choice but to starve, effectively conveys the significance of capabilities for well-being. Both A and B may have realized the same functioning of malnourishment. But A chooses not to eat, even though she has the resources and freedom to do so, and for this reason is said to be better off (to have a better standard of living) than B. It is in this way that available, but un-chosen alternatives of one's capability set are an important part of "what happened" and of one's wellness of being. One's capability set, including un-chosen options, reflects an individual's freedom to engage the world and make significant decisions about what she will be and do in her life. In other words, a person's capability set can reflect the level of empowerment she is experiencing. The more valuable capabilities she has, the more empowered she is. Similarly, if a person lacks certain basic capabilities she may be poor, oppressed, or disempowered.

Thus, Sen's CA offers an understanding of empowerment as the process of expanding an individual's well-being freedom, or set of *valuable* capabilities. Of course, for reasons discussed above, the addition of trivial capabilities will not be empowering. This understanding of empowerment is less obvious, than the role of empowerment as agency in Sen's account. Indeed, although many cite the acquisition of individual capabilities (literacy, employment, etc.) as empowering, few make explicit that this process of expanding of an individual's set of valuable capabilities is an *empowerment* process in Sen's account.

Nevertheless, I believe that the understanding of empowerment as capability-set expansion is an important feature of Sen's CA.

1.4. A Summary of Sen's Empowerment Concepts

Sen's CA offers two valuable and central roles for empowerment: (1) agency, and (2) capability-set expansion. Agency empowerment is grounded in Sen's concept of agency freedom, which has both an opportunity aspect: our ability to achieve, and a process aspect: the process of that achievement. Other things being equal, the more valuable and valued functionings that we are able to achieve, the more empowered we are. However, if we are forced to achieve a functioning that we value our process freedom is violated, our agency is frustrated, and our achievement is not a reflection of empowerment.

Our capability sets reflect opportunities we have to achieve valued objectives. Expanding capability sets to include more valuable and valued capabilities is an empowerment process. Other things being equal, the more *valuable* capabilities we have, the more power we have to decide about and achieve valuable functionings. Both the process and the status of individual empowerment can be accounted for within the freedom aspect of both sides of Sen's agency/well-being distinction.

2. PART TWO: NUSSBAUM'S VERSION OF THE CAPABILITY APPROACH

2.1. Nussbaum and Sen; Capabilities and Functionings; Agency and Well-Being

In Part One I discussed how distinctions between agency and well-being and between capabilities and functionings give shape to key concepts of Sen's account. I concluded that (1) agency and (2) capability-set expansion can be helpfully understood as the fundamental empowerment concepts of Sen's CA. In this section I argue that like Sen, Nussbaum has a strong role for empowerment that can be helpfully represented as both agency and capability-set expansion.

Nussbaum accepts Sen's distinction between capabilities and functionings but not his distinction between agency and well-being. Although she agrees with Sen that "the concepts introduced by these distinctions are important" she claims that "all the important distinctions can be captured as aspects of the capability/function distinction" (Nussbaum 2000, p. 14). Before discussing why Nussbaum rejects Sen's distinctions, it is important to be clear about what Nussbaum is *not* claiming.

Nussbaum is not claiming that the empowerment concept Sen calls "agency" is misguided or an unimportant part of the CA. Indeed, several of Nussbaum's central capabilities concern one's ability to reflect on one's own life and make choices about how to live (Nussbaum, 2000; 2006; 2011). Moreover, Nussbaum argues that people should be recognized as "sources of agency and worthy in their own right, with their own plans to make and their own lives to live...deserving of all necessary support for their equal opportunity to be such agents" (Nussbaum 2000, p. 58). So, it is not agency per se that Nussbaum is reluctant to accept; rather it is Sen's well-being/agency distinction.

Nussbaum provides two reasons for avoiding Sen's distinction: (1) she is "not sure that any extra clarity is added by using a well-being/agency distinction" or "that any important philosophical distinctions are blurred by sticking to a simpler set of distinctions" and (2) she

“fears that the Utilitarian associations of the idea of ‘well-being’ may cause some readers to suppose that [Sen] is imagining a way of enjoying well-being that does not involve active doing and being” (Ibid. p. 14). I consider (2) first.

The “Utilitarian associations” that Nussbaum fears refer to development approaches that seek to maximize utility and typically rely on subjective reports of individual welfare. On such accounts “well-being” is used interchangeably with “welfare” and both terms represent a *passive* state of preference satisfaction. As Nussbaum explains: “[B]y focusing on the state of satisfaction, Utilitarianism shows a deficient regard for agency. Contentment is not the only thing that matters in a human life, active striving matters too” (Nussbaum 2006, p. 73).

Nussbaum contends that some familiar with utilitarianism may conflate Sen’s relatively objective concept of well-being, which reflects *actively* being and doing, with the more traditional utilitarian concept of “well-being” which is *passive*, and problematically subjective (Nussbaum 2000 pp. 111 - 161; see also Sen 1985 p. 53). She argues that we can avoid this confusion by avoiding Sen’s well-being/agency distinction, which may suggest to some that all the action is on the agency side of the dichotomy. Thus, Nussbaum’s refuses to adopt Sen’s agency/well-being distinction because she values agency and is concerned that the distinction may result in confusing the CA with a view that has a deficient regard for agency.

Nussbaum is correct that some familiar with *passive* utilitarian concepts of welfare and well-being, might initially find Sen’s use of “well-being” confusing or misleading. However, I submit that this initial confusion of some does not require avoiding the well-being/agency distinction. Economics and philosophy are loaded with technical jargon. Thus Sen’s “well-being” is not the only concept that calls for continual attention. (Consider Aristotle’s *eudaimonia* or Mill’s *utility*.) It is not obvious that any initial confusion that may result from Sen’s use of “well-being” would damage the success of the CA enough to avoid the well-being/agency distinction, even if using the distinction requires theorists to stress the active role of “well-being” within the approach.

It is possible that the benefits of using Sen’s agency/well-being distinction outweigh the costs. But Nussbaum does not recognize any benefits of using Sen’s distinction. She does not think any clarity is added by using the distinction or that “any important philosophical distinctions are blurred by sticking to a simpler set of distinctions” (Nussbaum 2000, p. 14). Nussbaum holds that all the important concepts and distinctions represented in Sen’s CA “can be captured as aspects of the capability/function distinction” (Ibid.).

Nussbaum holds that Sen’s “agency freedom” can be represented entirely within the category of capability. If an individual has the capability to do X, i.e., the freedom to choose and achieve functioning X – then she is free to act *as an agent* with regard to X.⁶ In other words, agency is central to the concept of capability. The capability for X represents both one’s freedom to choose and to achieve X. Similarly, Sen’s “agency achievements” can be accounted for as a subset of functionings: those functionings an individual autonomously

⁶ I am here concerned with Nussbaum’s “combined capabilities.” 2000, pp. 84 – 85.

chooses and freely achieves.⁷ In this way, both the freedom and the achievement aspect of Sen’s concept of agency can be represented by the capability/functioning distinction.

Recall that if one has the capability to be well-nourished then she can choose whether or not to achieve the functioning being well-nourished. Because she can decide, i.e., act as an agent with regard to fasting and eating, the functioning she achieves is what Sen calls an agency achievement. The starving person lacks the capability, that is, *the ability to choose* to be well-nourished. (She also lacks the capability to fast.) Because she has no choice but to starve, the functioning she achieves – starving – does not reflect her agency, but rather her impoverished capability set. If my interpretation is correct, then Nussbaum believes that we would do well to replace Table One (above) which represents Sen’s Agency/Well-Being, and Freedom/Achievement distinctions with Table Four (below) which represents only the distinction between capability and functioning.

Table Four: Nussbaum’s Capability/Functioning Distinction

Capability	Functioning
Freedom to achieve - opportunities to make choices and decisions about and realize goals and objectives including, but not limited to personal well-being.	Achievements - realized goals and objectives, including, but not limited to personal well-being and passive achievements (for example, digesting food.)

2.2. The List

David Crocker proposes an additional reason for Nussbaum’s reluctance to make use of Sen’s agency/well-being distinction. He claims that “the very structure of Nussbaum’s capabilities approach require that she reject Sen’s normative duality of agency and well-being in favor of an integrated and complex norm of human functioning composed of both functionings and capabilities” (Crocker 2008 p. 161). Crocker suggests that Nussbaum *cannot* accept Sen’s distinction because of deep structural and normative differences between Sen and Nussbaum’s accounts.

Crocker (correctly) describes Sen as holding that persons as individual and collective agents should decide their own actions rather than having them decided by others or by impersonal events (Crocker 2008). The emphasis in this position, according to Crocker, is on the contrast between a person or group deciding for itself and being the ‘recipient’ of someone else’s decision (Ibid.). Sen leaves it to the agents involved in the relevant community to determine what capabilities to value, and how to understand and weight them in relation to local beliefs and circumstances through a process of democratic deliberation. It is assumed that this valuation process in which the details of process and outcome are completely left to the relevant community is an empowering exercise of agency.⁸ Crocker contrasts this account of Sen with the following description of Nussbaum’s account:

⁷ It may be worth noting that Crocker proposes that agency achievement is distinct from functionings; which he claims are all strictly well-being achievements. This is an interesting position, and not one shared by Sen.

⁸ For more on this process see Keleher (2008).

Nussbaum gives prescriptive priority to a vision of truly human functioning and capabilities—of which practical reason is one such. This vision, the result of philosophical argument, is to be enshrined in a nation’s constitution and should function to protect but also constrain individual and collective exercise of practical reason. Nussbaum restricts the scope of practical agency to that of specifying the norms the philosopher sets forth and the constitution entrenches...The basic choice that Nussbaum leaves to individuals and communities is how to *specify* and *implement* the ideal of human flourishing that she – the philosopher – offers as the moral basis for constitutional principles (Crocker 2008. p. 161 – 62).

Thus, Crocker suggests that Nussbaum’s CA has an impoverished role of agency and empowerment relative to Sen’s account.⁹ Crocker is correct that Nussbaum proposes a list of central capabilities that reflect a philosophical account of what is universally human, and that she argues that the basic political principles underpinning these capabilities should be guaranteed by constitutions. However, the scope of agency in Nussbaum’s CA is more robust than Crocker recognizes. I argue that within Nussbaum’s CA, agency extends beyond “specifying the norms the philosopher sets forth and the constitution entrenches” and offers individuals much more than the basic choice of “how to specify and implement the ideal of human flourishing that she offers.”

Nussbaum’s list of central capabilities is “open-ended and humble,” it “can always be contested and remade” (Nussbaum 2000 p. 77). It is not a “fixed forever” list. Indeed, Nussbaum’s current list is a product of revision. Nussbaum says her current list “represents the results of years of cross-cultural discussion, and comparisons between earlier and later versions will show that the input of *other voices* has shaped its content in many ways” (Ibid. p. 76). Moreover, Nussbaum counts variations of the list reflected in constitutions as a success for her overall view: “Indeed it is by design that the capabilities list starts from an intuitive idea, that of human dignity, that is already basic to the constitutional framing in many of the nations of the world (prominently including India, Germany, and South Africa)” (Nussbaum 2006, p. 155).

Nussbaum tells us that “we should view any given version of the list as a proposal put forward in a Socratic fashion, to be tested against the most secure of our intuitions as we attempt to arrive at a type of reflective equilibrium for political purposes” (Nussbaum 2000 p. 77). Moreover, Nussbaum believes the list can and should reflect “a wide range of religious and other views about human life” (Nussbaum 2006 p. 296). She explains that: “a concern for cultural variety (both within a nation and across nations) has been a prominent part of [this] version of the approach. This concern is internal to the capabilities list itself” (Ibid.).

It is with this concern in mind that Nussbaum explains her consideration of “the list as open-ended and subject to ongoing revision and rethinking, in the way that any society’s account

⁹ Crocker asserts that “Nussbaum’s concepts of practical reason and control are less robust and less defensible than Sen’s ideal of agency.” Although, I do not pursue the issue here, I believe that in limiting his comparison with Sen’s ideal of agency to only two of Nussbaum’s listed capabilities, as opposed to considering her account as a whole, including her use of the concept capability, Crocker has fails to fully appreciate the role of empowerment as agency on Nussbaum’s account, and consequently mis-framed the debate. For more see Keleher (2007).

of its most fundamental entitlements is always subject to supplementation (or deletion)” (Ibid. p. 78). Thus, Nussbaum clearly holds that it is always possible for items to be both added to and taken away from her version of the list. These passages show that Nussbaum ideal list is not merely a product of her philosophical reflections, but a consensus that emerges from a global exchange of ideas in an on-going debate about what is required for life with dignity. Thus, any version of the list is more like a snapshot of an ongoing process that can be used as a starting point for further debate by national and global political communities as constitutions are written and amended, than a fixed forever list carved in stone to be handed down from the philosopher on high.

Moreover, use of Nussbaum’s list does not force individuals or groups to achieve every functioning on the list. In contrast, it asserts that citizens should have the capability, that is, *the freedom to choose as autonomous agents* which functionings to achieve, and which to pass up, as they live in accordance with their own conception of the good (without harming others). In this way, Nussbaum, like Sen, believes that the capabilities an individual chooses *not* to realize, the *un-chosen* capabilities in one’s capability set, are an important reflection of the freedom an individual enjoys. The options a person has but chooses not to pursue reflect her empowerment, and in this way are an important part of well-being.

Moreover, Nussbaum’s CA can be understood as seeking to empower individuals by ensuring that their capability sets include certain valuable capabilities that are central to human dignity. To be empowered in this way is to be empowered to expand one’s own capability set to include capabilities not specified by the list, but determined to be valuable by the individual (or community). Thus, the important understanding of empowerment as capability-set expansion found in Sen’s version of the CA also plays a robust role on Nussbaum’s version.

Nussbaum’s choice not to use Sen’s well-being/agency distinction results in more emphasis on capability-set expansion than on Sen’s account. This is because expansions of both agency freedom and well-being freedom on Sen’s account, are simply considered capability set expansions on Nussbaum’s account. Thus Sen and Nussbaum’s versions of the CA both accommodate the same sort of empowerment of individuals (and groups) but represent it differently.

Although the role agency plays as a necessary part of capability is relatively implicit; Nussbaum’s list makes the importance agency explicit. Nussbaum’s inclusion of “affiliation” in her list makes clear that her use of the concepts “capabilities” and “functionings,” like Sen’s use of “well-being,” “agency,” “freedom,” and “achievement,” extends beyond the individual agent. Nussbaum adds that “Protecting this capability means protecting institutions that constitute and nourish such forms of affiliation, and also protecting the freedom of assembly and political speech” (Nussbaum 2000, p. 79). On Nussbaum’s account, an individual who is capable of affiliation is capable of (1) having (what Sen calls) agency objectives that extend beyond one’s own personal advantage, for example, wanting the lives of her children to go well, and (2) working with others towards the achievement of shared (yet autonomously chosen) goals.

Several other capabilities on Nussbaum’s list also stand out as empowerment concepts for individuals and groups. Perhaps most significantly, practical reason: “the ability to form a conception of the good life and to engage in critical reflection about the planning of one’s

life” (Ibid.). Practical reason, together with affiliation, has a “special importance” for “characteristically human thought and planning about one’s own life... [through] complex forms of discourse, concern, and reciprocity with other human beings” (Ibid. p. 82). Several of the other capabilities on Nussbaum’s list explicitly address empowerment concepts that Sen would call agency (see: Keleher 2007 ch. 5).

Thus, when one understands Nussbaum’s list as open-ended, revisable, multi-realizable, and focused on individual capabilities (or freedoms), it is clear that her account of practical agency extends well beyond “specifying the norms the philosopher sets forth and the constitution entrenches” and offers individuals and communities much more than the basic choice of “how to specify and implement the ideal of human flourishing that she offers.” Thus, the differences between Sen and Nussbaum with regard to agency are not as significant as Crocker suggests.

Nussbaum accounts not only for agency, as an essential aspect of capability, but also for many of Sen’s other key concepts, including: agency freedom, as an aspect of capability; agency achievement, as a subset of functionings; well-being freedom, as capability; and well-being achievement, as functionings. For his part, Sen has made clear that he “has nothing against the listing of capabilities” as long as they are not “fixed forever lists” and that he sees “Nussbaum’s powerful use of a given list of capabilities for some minimal rights against deprivation as being extremely useful” (Sen 2005 pp. 159 -160). Thus, there is a great deal of common ground between Sen and Nussbaum on the role of empowerment within the CA.

As discussed above, Nussbaum believes that the important concepts of Sen’s account are adequately represented in her version of the CA, but with a simpler set of distinctions: namely the distinction between capabilities and functionings. Sen agrees that both well-being freedom and agency freedom can be represented as capabilities. But holds that it is important to recognize both *types* of capabilities because the former may be of “more general interest to public policy” while the latter is of “primary interest to the person’s own sense of values” (Sen, 2008 p. 289). It seems that just as those who choose to use Sen’s distinction may need to make clear that well-being is not a passive utilitarian concept, those who elect to follow Nussbaum in choosing not to use the distinction may have to emphasize that agency and autonomous choice are part and parcel of capabilities and that some, but not all capabilities (i.e., other regarding capabilities) enhance an individual’s own well-being.

I do not advocate either using or avoiding Sen’s agency/wellbeing distinction here. Instead, I wish to underscore the fact that despite emphasizing different language of empowerment, both Nussbaum’s and Sen’s versions of the CA make sense of empowerment, not only as agency, but also as capability-set expansion. I submit that many of the often-cited differences in the interpretation and role of empowerment of the two versions are a matter of style and emphasis not a matter of disagreement on fundamental conceptions of empowerment within the Capability Approach.

CONCLUSION

This essay considers empowerment within Amartya Sen’s and Martha Nussbaum’s respective versions of the CA. Neither Sen nor Nussbaum explicitly use the language of empowerment. However, empowerment plays a robust role on both versions of the CA. Two

of the most important forms of empowerment found within the CA are (1) agency, and (2) capability-set expansion. Agency, or the ability to decide for oneself and act autonomously to bring about change in the world, is heavily emphasized on Sen's account as a critical dimension of his agency/well-being distinction. Nussbaum rejects Sen's distinction, but often uses the language of agency and freedom as she explains her approach. Moreover, she systematically accounts for agency as part of the capability/functioning distinction. For Nussbaum, agency is already represented within the concept of capabilities. If an individual has the capability to achieve functioning X, then they have the ability to decide for oneself and to act autonomously to achieve X where the achievement of X is a change in the world. In focusing on the capability/functioning distinction, Nussbaum places great emphasis on empowerment as capability-set expansion. Of course, given Nussbaum's use of agency and capability, capability-set expansion is a promotion of agency. For Nussbaum, this sort of empowerment involves ensuring that individuals have certain valuable capabilities so that they can freely choose for themselves what to do and be. Sen's account can also be read as advocating empowerment as capability-set expansion and he acknowledges that well-being freedom and agency freedom are both types of capabilities. Thus, it seems that although they use different language and at times emphasize different aspects of empowerment, Sen and Nussbaum are both promoting the same robust role of empowerment in human development: enhancing the substantive freedom of individuals to achieve a lifestyle they value.

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