

CITIZENSHIP AS A HUMAN WELL-BEING CAPABILITY

by

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Declaration

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Date: March 2018

Abstract

The aim of this dissertation is to defend the claim that citizenship is an architectonic human well-being capability. Citizenship so conceived is a necessary condition for human flourishing. I make and defend this claim in an endeavour to bridge the theory-practice gap that exists in Sen's and Nussbaum's notions of capability – a gap that has led some critics to describe the capability approach as an unworkable idea. By “citizenship” I mean, firstly, the formal status of being a legally recognised member of a state, and secondly, the formal capacities and immunities connected with such status – in short, citizenship rights. My claim, then, is that being a citizen in both senses of the word is a condition for achieving various functionings and, in this way, enabling human beings to live lives they have reason to value. The conception of capabilities in Sen's capability approach is essentially theoretical and abstract. However, the value of the capability approach as an evaluation space for human well-being ultimately depends on its translation into a practical evaluative tool accessible to both academic researchers and policy-makers. Adopting the position that citizenship is an architectonic capability operationalizes the capability approach in particular ways. Firstly, defining citizenship as a capability gives specific *content* to, and thus improves our theoretical understanding of, capabilities. Secondly, defining capabilities in this way makes it easier for us to develop appropriate *methods* for their measurement. Thirdly, this approach develops a richer concept of citizenship, according to which citizenship is not simply a legal designation, but an important condition of human flourishing. I take this dissertation to be a contribution to growing efforts that are aimed at clarifying and operationalizing the capability approach.

Opsomming

Hierdie proefskrif het ten doel om aan te toon dat burgerskap verstaan kan word as 'n argitektoniese kapasiteit-vir-welstand ("well-being capability"). Hierdie siening word ontwikkel as deel van 'n oorhoofse poging om die gaping tussen teorie en praktyk in Sen en Nussbaum se opvatting van kapasiteit ("capability") te oorbrug – 'n gaping wat verskeie kritici daartoe gelei het om die kapasiteitsbenadering ("capability approach") as onwerkbaar te beskryf. Met "burgerskap" bedoel ek eerstens die formele, wetlike lidmaatskap van 'n staat en tweedens, die kapasiteite en beskermings wat met hierdie status gepaardgaan – in kort, burgerregte. My bewering is dat om 'n burger in albei opsigte te wees 'n noodsaaklike voorwaarde is vir die realisering vir vorme van menslike funksionering op grond waarvan persone rede het om hul eie lewens as waardevol beskou. Sen se bekende kapasiteitsbenadering ("capability approach") is teoreties en abstrak. Uiteindelik hang die waarde van hierdie benadering egter daarvan af of die begrip "kapasiteit" vertaal kan word in 'n praktiese maatstaf vir die evaluering van menslike welstand vir die gebruik van navorsers en beleidmakers. Die omskrywing van burgerskap as 'n argitektoniese kapasiteit operasionaliseer die kapasiteitsbenadering in spesifieke opsigte. Eerstens, hierdie definisie gee bepaalde inhoud aan, en verbeter dus ons teoretiese begrip van, die kategorie: kapasiteit. Tweedens maak hierdie definisie van kapasiteit maak dit makliker om toepaslike metodes vir die meting van menslike welsyn te ontwikkel. Dertens lei hierdie benadering tot 'n meer omvangryke opvatting van burgerskap, waarvolgens burgerskap nie bloot 'n regstatus is nie, maar 'n belangrike voorwaarde vir menslike florerings. In al drie opsigte lewer hierdie proefskrif 'n bydrae tot die groeiende pogings om die kapasiteitsbenadering tot menslike welstand te verhelder en te operasionaliseer.

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INTRODUCTION

The capability approach, developed in the 1980s by Amartya Sen and Martha Nussbaum, offers us a normative theoretical framework for evaluating human well-being. The purpose of this dissertation is to apply the capability approach to the notion of citizenship. More specifically, I will argue that citizenship is best understood as a specific kind of architectonic capability and, as such, as a condition for human well-being or flourishing. By “citizenship” I mean both the formal status of being a legally recognized full member of a state and the freedoms connected with such status. My claim, then, is that being a citizen in both senses of the word is a necessary condition for realising and enhancing valued functionings and, in this way, enabling human beings to live lives they have reason to value. Citizenship is architectonic in the sense that it is a foundational capability that paves way for the securing of other capabilities that are essential for human well-being. My use of the term “architectonic” is informed by Aristotle’s (1962), Nussbaum’s (2011) and Le Grange’s (2012) use of the term. For all these thinkers, something is architectonic if it is pivotal or foundational in the design, and/or structuring of a desired state of affairs. For example, Aristotle (1962: 29) defines the *polis* as the architectonic community that enables human flourishing. Commenting on the capabilities of practical reason and affiliation, Nussbaum (2011: 39) posits that these are architectonic in the sense that they organise and pervade the others, or in simpler terms, they influence and structure all other capabilities. In a similar fashion, Le Grange (2012: 143) argues that our humanness or *Ubuntu* (in the African sense) is an architectonic capability. *Ubuntu* here refers to the interconnectedness, the relatedness, and the interdependence of human beings, and of human beings with the non-human nature (see also Samkange and Samkange (1980), Ramose (1999), Metz 2011). For Le Grange, all the “innate capabilities” listed

by Nussbaum (see Chapter Two, Section 3.1) are made possible by our interdependence. This means the freedom to do or be is dependent on others. This comes down to the African saying that, “I am what I am because of who we are”.¹ I apply the same reasoning to the case of citizenship. Citizenship is a condition for achieving valued functionings, and it is architectonic in the sense that it is an essential capability for achieving and organising other human well-being capabilities. Stated differently, it is the “capability to have capabilities”. For one to secure important well-being capabilities, one has to achieve the capability of citizenship in the first place. For the sake of clarity it is possible to talk of the capability of citizenship as being one kind of end that functions, in turn, as necessary means to the realisation of other capabilities. Cases where one capability is a means to other capabilities are numerous. For example, the capability of being educated is a *means* to achieving the capability for political participation. It is thus possible that one end can be a means to another end. The term “means” in this context has a special meaning that makes it different from, say, money as a means to the capability of being well-nourished. In the latter scenario, money is strictly a means to an end. Money is not an end in itself. In this dissertation, I will stick to the term “architectonic” rather than “means”, with reference to citizenship.

Both Sen and Nussbaum conceive of human capabilities as substantial freedoms – a set of opportunities to choose and to act (see Sen 1992, 1999; Nussbaum 2011). The two theorists largely understand the concept of capability in the same way, although their focus differs slightly. Sen’s approach is usually referred to as the Human Development Approach, because he mainly focuses on human development. Nussbaum, on the other hand, does not employ this term, as she is concerned with the capabilities of non-human animals as well as human beings (Nussbaum

¹ I have adopted Le Grange’s definition of architectonic capability, but I will not use the rest of his argument on *Ubuntu*.

2011:18).² For the purposes of this dissertation, I am only concerned with the question of human capability as it relates to citizenship. Capabilities in this sense are not merely abilities residing inside a person, but the freedoms or opportunities created by a combination of personal abilities and the political, social, and economic environment (Nussbaum 2011:20). Moreover, the extent of people's freedom(s) to do and to be what they wish to do and be – that is, the range of their capabilities – is a measure of their well-being or quality-of-life. The capability *approach*, then, is a theoretical framework that allows us to assess the content and range of human well-being within and across societies. When comparing societies in terms of human well-being, capability theorists ask: “What is each person able to do and to be with the resources available to her?” In other words, what are the genuine choices or freedoms (capabilities) available to people to do the things they want to do or to assume desired states of being (functionings)? Choice matters here; even if a person decides *not* to do something, we can still ask whether there was a real opportunity to do it in the first place. There is a difference between not eating because you have decided not to eat the food that is available, and not eating because there is no food to be had. In the latter scenario, even if you do not feel like eating now, you still do not have a choice because if you *had* wanted to eat, you would not be able to do so.

In developing the capability approach (CA), Sen and Nussbaum draw attention to notable defects in traditional welfare economics, which understands human well-being as being synonymous with economic growth or an increase on income measurement scales. For example, Sen (1999:5-6) points out that merely counting income per head (e.g. per capita GDP) fails to take into account

² Scholars like Robeyns (2003, 2005) think that Nussbaum also differs with Sen in the sense that she aims to develop a partial theory of justice, whereas Sen develops a framework that has no such single aim. However, I disagree with Robeyns on this count. More on this below, as well as Chapter 5, Section 1.3 where I defend the view that Sen does develop the CA as a framework for social assessment, including the assessment of social justice (see Sen 2004: 78).

the many factors that may affect the ability of different groups and different individuals to convert income into well-being. There are many more factors critical in evaluating the quality of human life than people's incomes, assets, and levels of satisfaction or desire fulfilment, all traditionally considered by mainstream economics. As a consequence, Sen (1999:3) redefines development as the process of expanding the real freedoms that people enjoy. Freedom in this sense is not merely the absence of constraint; it is the real opportunity to live a flourishing life. What is at stake here, in other words, is human well-being in the broadest sense of the term, and the goal of human development as maintaining, nurturing or improving well-being (Alkire 2010:2; UNDP 1990:10). Thus, unlike traditional welfare (or income) economics, the capability approach to human development is significant in being person-centred. It focuses on measuring the real lives people are capable of leading rather than taking for granted that economic growth will automatically result in greater well-being. The capability approach thus puts people's lives at the centre of the development process. People are not just the principal means but, even more importantly, the principal *ends* of development.

The substantive freedoms that Sen and Nussbaum suggest should inform our assessment of well-being include capabilities of avoiding deprivations such as starvation, undernourishment, and premature death, as well as civil and political freedoms of political participation, speech, conscience and so on (Sen 1999:36). The political, social, and economic environment matters in advancing substantive freedoms or opportunities. That is to say, the development of capabilities and hence the promotion of human well-being requires a functioning human society. From an Aristotelian perspective – which is the background against which the capabilities approach is developed – the human being can only reach her full development in a state, for “not being self-sufficient when they are isolated, all individuals are so many parts all equally depending on the

whole [which alone can bring about self-sufficiency]” (Aristotle 1962:29). Outside the political community characterized by a functioning and effective state, human beings are reduced to providing for themselves, whereas the state plays a pivotal role in nurturing the political, social and economic environment for the development of members’ capabilities. Citizenship or membership of a state is thus intricately connected to capabilities. In particular, I will argue in this dissertation that citizenship (as status) is a capability that in turn promotes the development and expansion of other capabilities. The other capabilities that are attached to citizenship status are the political, civil and social freedoms individuals require to flourish and reach their potential. Persons become equipped with certain freedoms to undertake particular actions or make certain claims for the enrichment of their lives as a consequence of their status or membership as citizens.

Following Marshall (1950:29), my concern here is with citizenship as a capability and therefore a standard “against which achievement can be measured and towards which aspiration can be directed”. Citizenship in this sense is defined by the possession of three sets of freedoms; political, civil and social (ibid: 10-11). Political freedoms are freedoms to participate in the exercise of political power either as an office bearer or a voter. Civil freedoms are individual freedoms of speech, conscience, and holding property among others. Social freedoms are powers for citizens to receive social services from the state, among them health, education, economic welfare and security (ibid.). All three sets of freedoms are possible only within the confines of the state, and this seals the relationship between citizenship – that is, membership of a state – and capability. Such freedoms cannot be exercised by solitary individuals on a desert island because rights are correlative to duties and in this regard, rights can only be exercised where both right claimers and duty bearers exist. Stateless persons are thus unable to exercise their rights. This is one of the important arguments that Arendt (1968) makes in *The Origins of Totalitarianism*. Citizenship, for

Arendt, is the primary right each individual needs insofar as it constitutes “the right to have rights”, and it is this primary right that makes opinions significant and actions effective (Arendt 1968: 296). Conversely, the condition of statelessness – of existing outside the protective/punitive legal and political auspices of a home state – means the loss of the right to have rights. Absent from any institutionalized source of authority, universal human rights become unavailable in practice to those who have no state to protect them; that is to say, without the legal and political status that entitles individuals to government protection, stateless persons find themselves unable to make use of their human rights. The conclusion Arendt draws from this situation is that once an individual is prevented from participating in any political community (whether through the withdrawal of her citizenship rights or the dissolution of the polity in a failing state), she is in effect expelled from the category of humanity (Arendt 1968: 297). Conversely, it is through being a full member of a political community, with all the attendant rights and privileges of such membership, that human beings are able to convert their rights into actual freedoms. In this dissertation, my focus is primarily on those people who are legally designated citizens of a particular state – people who look up to the state as the duty bearer of their rights. Some such people may not enjoy their citizenship rights in full owing to their sex, colour, tribe, religion and so on. To some extent, I also have in mind long-time residents, some of whom innocent descendants of long time migrants – residents who do not know any other state except the one they currently reside. Complicated cases involving refugees and recent illegal immigrants are not discussed in this work although the dissertation may provide a starting point for analysing such cases.

Following Arendt’s characterisation of citizenship as “the right to have rights”, and in keeping with my conception of citizenship rights as capabilities, I therefore want to propose a conception of citizenship as “the capability to have capabilities”. I have three objectives in advancing the

argument that citizenship is a constitutive capability. First and foremost, I want to distinguish citizenship rights from universal human rights. Citizenship rights are positive rights created and secured by the state, while universal human rights are traditional political rights that do not have a clearly defined duty bearer. Although citizenship rights also comprise civil and political rights, such rights are not only negative rights that demand state inaction (see Nussbaum 2011:65). On the contrary, securing citizenship rights requires constant positive action by the state with a view to advancing people's capabilities to live the kinds of lives they have reason to value. The concept of universal human rights that prioritizes negative civil and political rights downplays the idea of social rights, and thus disregards their significance for human well-being.

Secondly, I seek to give practical content to the concept of capability. Since its inception, Amartya Sen's capability approach as a framework of evaluating human well-being has been criticized on the grounds that its central concepts – capabilities and functionings – are relatively abstract and therefore difficult to conceptualize and adopt as practical guides for action (see Srinivasan 2009;; Smith and Seward 2009). Accordingly, Nussbaum (2003: 36) has argued that the capability approach will provide useful practical guidance, “only if we formulate a definite list of the most central capabilities, even one that is tentative and revisable.” Although I agree with the above observation, it is also important to note that Sen's reluctance to be specific on which capabilities matter more than others, and why, is understandable given the fact that he wanted the CA to be used in various contexts, and each context may require a different list of capabilities. The CA can be used in the analysis of poverty, in the assessment of inequality, in the evaluation of well-being and so on. For Robeyns (2005:94) it can also be used in the evaluation of policies, ranging from social policies to development policies by governments and non-governmental organizations in developing countries. However, regardless of this fact, Sen's refusal to give definite content to

capabilities has not been welcomed by all researchers. For instance, Srinivasan (2009:460) argues that, from a purely practical perspective, Sen's "silence" is an obstacle for operationalizing the capability approach. For Nussbaum (2003:35), although Sen's consideration of capabilities "gives us a general sense of what societies ought to be striving to achieve, his reluctance to make commitments about substance (which capabilities a society ought most centrally to pursue), means that this guidance remains but an outline". Most of Sen's critics thus argue that it is precisely the vagueness of the concept of capability that begets the operational weakness of the capability approach. By arguing that citizenship is a capability, this dissertation is an advance towards operationalizing the CA, particularly with regards to human development, in that it (i) provides the notion of capability with positive content and (ii) thereby clarifies the notion of capability itself. To academics, the CA is useful in conceptualizing justice, human development and related human institutions. However, as an evaluative tool, the CA should also conceptually be within the grasp of policymakers, politicians and civil society in general. The practical relevance of the CA will only hit home, in turn, if it can be shown how capability can be operationalized for a particular society. Thus, while this remains an academic dissertation, it is nevertheless my aim to give practical content to the CA.

Thirdly and equally importantly, in arguing for citizenship as capability, I aim to demonstrate the reasons for taking citizenship in general and citizens' well-being in particular seriously. Citizenship that is not defined by the actual lives people live and the freedoms they possess is nothing but paper or nominal citizenship. The capability approach calls on us to consider both the substantive content of the freedoms secured by citizenship and how these freedoms are distributed; this bolsters the equality component of citizenship. Introducing citizenship in human development discussions offers an alternative way of conceptualizing and addressing inequality in all its forms.

All those endowed with the status of citizenship should have equal opportunities to exercise their capabilities. To this end, inequality engendered by race, gender, or caste systems technically relegates some people to the status of non-citizens, irrespective of their formal legal status. Against this background, we are also better able to make sense of the deprivations faced by non-citizens such as refugees, asylum seekers, illegal immigrants, and all those that live outside the protection of the state.

Before I set out the overall structure of the dissertation, I briefly want to clarify my own position vis à vis the different approaches of Sen and Nussbaum, the main theorists of the capability approach on whose views I will be drawing throughout. To begin with, the differences between Sen and Nussbaum are in my view exaggerated. The concept of capability they both advocate is fundamentally the same, although each has a different focus. Scholars like Robeyns (2003, 2005) argue that Nussbaum differs from Sen in the sense that she is clear in her pursuit to develop a partial theory of justice, whereas Sen develops a framework that has no clear aim. However, I disagree with this view. Sen is concerned with issues of poverty and inequality and these are essentially issues of justice. The publication of *The Idea of Justice* by Sen in 2009 further supports my view. Secondly, Sen's approach is usually referred to as the Human Development Approach because he mainly focuses on human development. Nussbaum on the other hand claims that she cannot call her approach the Human Development Approach because she is concerned with the capabilities of nonhuman animals as well as human beings (Nussbaum 2011:18). While I have grave reservations about the way in which Nussbaum mixes human and nonhuman capabilities on her list, this point is moot, as I am only concerned with Sen's and Nussbaum's theories in so far as they relate to matters of well-being. Like both Sen and Nussbaum, I am concerned with the well-being of human beings and their agency freedoms (irrespective of Nussbaum's further

concern with nonhuman animals). However, I support Nussbaum in recommending a list of central capabilities that every government should protect. I see this as important in making the CA practically useful.

Turning now to the structure of my argument: the dissertation is composed of five chapters, each contributing to the justification of the thesis that citizenship is an architectonic capability. Starting from the assumption that the object of human development is human well-being, Chapter One is devoted to an analysis of the concept of human well-being. This sets the scene for the argument to follow, in so far as my analysis of development, capabilities and citizenship all relate to human well-being. Such discussions strive, as it were, to answer the Socratic question, “How should one live?” (Sen 1988:2) For Aristotle, politics must use the rest of the sciences, including economics, to advance its end, which is the human good (ibid: 3). The question about the nature of and conditions for human well-being is precisely the question of the human good. It is thus critical that analysing the meaning of well-being comes before everything else. I discuss several theories of well-being in this chapter, in so far as they provide background to the emergence of the human development concept in particular and the capability approach in general. The idea of capability was introduced by Sen in 1979 and the concept of human development gained prominence in 1990 when the first Human Development Report was published. The CA did not emerge by chance; rather, it was prompted by shortcomings of two prior approaches to well-being. The first of these consists of one-dimensional theories of well-being, specifically monetary and utilitarian theories. One-dimensional theories define well-being in terms of a single dimension like income or pleasure and this, as noted above, is grossly inadequate as definition for well-being. Secondly, the CA was developed in response to a number of inadequate multi-dimensional conceptions of well-being which, despite being an improvement over one-dimensional concepts, fail to give an adequate

account of well-being for reasons to be detailed in the chapter. Such approaches include those developed by Doyal and Gough (1991, 1993), Ramsay (1992), Rawls (1971) and Morris David (1979).

After analysing the concept of well-being in Chapter One, I explore the central features of the Capability Approach in detail in Chapter Two, arguing in particular why the CA should be preferred over other approaches as a framework for assessing human well-being. It should be noted that the capability approach is a broad normative framework that can be used in various fields to conceptualize and evaluate human well-being, social justice, social change and several other social phenomena. Sen (1999) uses the CA to conceptualise human development and justice (2009), while Nussbaum (2003) employs the CA to develop a partial theory of justice, both of these being matters of human well-being. Although my focus will be on human well-being, it is important to state that the basic elements of the CA are the same regardless of the purpose for which the approach is being applied. In defining the key concepts of the capability approach, I will focus on both Sen and Nussbaum's versions of the capability approach, while incorporating aspects of other theorists' arguments where appropriate.

This dissertation aims to connect the ideas of capability and citizenship in a systematic way. Having defined capability in Chapter Two, I move on to an analysis of the concept of citizenship in Chapter Three. Citizenship issues are of interest to many disciplines, and to avoid using the term haphazardly, I confine myself to normative notions of citizenship. I particularly focus on republican and liberal models of citizenship, but I argue at the end that the liberal model provides a better account of citizenship that relates well with the idea of capabilities. The republican model produces a partial or inadequate understanding of citizenship because it characteristically denigrates the social rights element of citizenship. I argue that, although there is some resistance

to the inclusion of social rights in the definition of citizenship, no conception of citizenship that excludes them can be complete. Citizenship rights are a sub-set of human rights but I distinguish citizenship rights so understood from general human rights. I clarify this position in Chapter Four which deals mainly with the concept of rights. Having defined the concept of capability in Chapter Two and delineated a normative conception of citizenship in Chapter Three, in Chapter Four I offer a more detailed investigation into the concept of human rights with the aim of justifying why I chose to use the capability approach rather than the human rights approach for conceptualising well-being. The capability approach and the human rights approach share a lot in common. They share a common motivation in that they are both concerned with matters of human freedoms and human dignity (see Sen 2005, Nussbaum 2011, Vizard et al. 2011, 2012). Both the capability approach and the human rights approach deal with the issue of people's quality of life. It is therefore important that I justify my preference for the capability approach. Generally, I take the position that the capability approach is an improvement over the human rights approach and helps in addressing some of the important controversial and unresolved issues in ethical debates about human rights. In addition, the concept of capability, as Vizard et al (2011:2) rightly point out, provides an important entry-point for defending the validity of a broad class of human rights concerns, covering, for example, political, civil, economic and social rights. As for the structure of the chapter, I begin by giving a brief overview of the historical origins of the notion of human rights, before examining two central debates about, respectively the ontological status and the scope of such rights. Once that is done, I then go on to show how citizenship rights differ from universal human rights, and how the former are related to capabilities.

Chapter Five contains the main argument of the dissertation. Here I reconcile all issues discussed in Chapters One to Four so as to demonstrate that citizenship is not only a capability, but it is an

architectonic capability. I show that individuals that lack equal citizenship lack the real freedoms to live the lives they value. I use the case of gender inequality to clearly argue my case. Using several examples, I demonstrate in which respects the lack of equal citizenship – in the specific sense as defined in Ch. 2 – prevents women from realising valued functionings. Specifically, I demonstrate how the notion of citizenship as the capability to have capabilities enables us to conceptualize and evaluate gender inequality as a problem of citizenship rights that carries with it a specific duty of the state towards its citizens. I argue that the failure of the state to establish and secure the conditions for women to develop their capabilities constitutes a deprivation of their citizenship, irrespective of their legal status. Conversely, women are only citizens to the extent that they can lay claim to equal opportunities to flourish as every other citizen. For Marshall (1950:29) “...all those who possess the status of citizenship are equal with respect to the rights and the duties with which the status is endowed”. The implication of this is that unless one is equal to other members enjoying full rights of citizenship, he or she is excluded from citizenship. In arguing this way, I demonstrate the practical usefulness of conceptualizing citizenship as a capability. I choose gender inequality because it provides a useful case for comparison between my own conception of citizenship as the capability to have capabilities and other attempts to operationalize the CA, particularly in the work of Robeyns (2003) and Nussbaum (1995). My aim is to demonstrate that treating citizenship as a capability is simpler and can more easily be adapted for policy and practical purposes than the list-based approach favoured by Robeyns, Nussbaum and others.

The fact that citizenship is a basic capability for enjoying the benefits and privileges of the state is supported by the conception of citizenship I will defend here. Regardless of the fact that it was developed six decades ago and also the fact that it mirrored the socio-political development of a

particular society, T.H. Marshall's (1950) conception of citizenship has remained influential in most citizenship conceptual analyses. Marshall's conception of citizenship thus plays a pivotal role in my definition of citizenship, particularly because he defines citizenship as including three sets of rights – civil, political and social – which, put together, bear on human well-being in a significant way. A major highlight of this concept is that it takes particular note of the social component of citizenship, which I argue to be indispensable to any complete account of citizenship. By the “social component” I mean the rights to moderate economic welfare and security, of which the duty bearer is the state.

My argument in this dissertation is by-and-large liberal egalitarian. I draw significantly from Anglo-American scholars mainly because my primary goal at this point is to establish a link between the concepts of citizenship and capability, and I analyse these concepts in the context in which they were originally developed. A successful bridging of these two concepts will become a springboard from which I will, in subsequent works, move to analyse well-being issues in other contexts, particularly within the Africa. I am aware that some African scholars have already started applying the capability approach to African issues (see Le Grange 2012, Mets 2016, Hoffmann and Metz 2017). This dissertation seeks therefore to establish another avenue or platform for conceptualising a variety of well-being in any context, including Africa.

In conclusion: this dissertation defends the claim that there is a necessary relationship between the concepts of citizenship and capability, in so far as the former is an example of the latter. Capabilities are substantive freedoms to achieve alternative functionings, while citizenship is a bundle of state-secured freedoms vested in members. Citizenship is thus the fundamental capability we require in order to secure persons' political, social, and economic freedoms. In other

words citizenship is a capability to other capabilities³. I do not claim that citizenship is the *only* condition for human well-being, or that citizenship rights are the only metric for measuring well-being. Nevertheless, I conclude that, at least at the ideal level, citizenship is an indispensable human well-being capability, and the five chapters comprised herein justify this position.

³ I am aware of many other arguments on the right to have rights and on citizenship from within different philosophical traditions. My aim, however, is not to survey all of them, or to develop some kind of amalgam of all of them. Rather, I stick to arguments that have a bearing on the relationship between citizenship and capabilities. Moreover, while I am specifically concerned with the ways in which the lack of citizenship impacts on vulnerable groups, arguments concerning expatriates, legal refugees, and holders of Green Cards (see Ong 2003, Baubock 2005, Hammer 1990 etc), are not contrary to my conclusion, which is that citizenship is a capability, and that it is precisely those without legal citizenship are most vulnerable to being excluded from important civil, and political citizenship rights.

CHAPTER ONE

HUMAN WELL-BEING: MEANINGS AND MEASUREMENTS

Introduction

This chapter is the first of the steps I wish to take to develop a richer conception of citizenship as the capability to have capabilities and thereby to show that citizenship is foundational to human well-being. By a richer conception of citizenship, I mean a conception that is more expansive or more qualitative – a conception that does not limit or give a partial understanding of citizenship. This means that citizenship is not just a legal tag, but a fundamental capability for human well-being. The first step in developing such a conception of citizenship involves analysing alternative conceptualizations and measurements of well-being, and revealing where each falls short. The second step is a clear elucidation and justification of the CA in Chapter Two. I will, however, draw on the CA theorists' criticism of well-being theories discussed in this chapter. In analysing the various conceptualizations of well-being, the guiding questions are: (i) what is well-being and (ii) how do we evaluate or assess it? These questions have occupied philosophers since the classical Greek period, but the meaning of well-being has remained contested. Well-being researchers, among them Doyal and Gough (1991), Sen (1993), Dasgupta (1993), and Gasper (2007) offer disparate conceptions, as it is not intuitively obvious which items should be included in a finite set of elements that contribute to, or constitute, human well-being. It is also not agreed whether or not elements included on existing lists are necessarily important for overall human well-being. The existing conceptual contestations mean that it is a real challenge to come up with one widely acceptable conception of well-being. Even though the concept is attractive, it has remained elusive, partly owing to the fact that it is topical in several disciplines, among them psychology, economics and philosophy. Definitions coming from these disciplines cannot be reconciled easily, although

some common elements can be singled out from them. Common among all the conceptions of well-being is that they are a matter of the quality of life, usually a positive quality of life. The term “well-being” usually encompasses what is good for a person, and this is the usage of the term that I have adopted in this dissertation. Well-being is about the good life, or human flourishing in general. However, I am aware that in philosophy some may also talk of “negative” well-being, when a person’s life is not going well for her. In my view, the idea of negative well-being is problematic in the sense that we cannot talk of “wellness” as negative. In view of the fact that there are several approaches to conceptualising well-being, most researchers classify theories so that those that use a similar approach are analysed together. For example, Deci and Ryan (2008) and also Phillips (2006) argue that well-being can be classified into two traditions—the hedonistic tradition and the eudaimonic tradition. In the hedonistic tradition, focus is on pleasure, generally defined as the presence of positive affective states and the absence of negative affective states. As for the eudaimonic tradition, focus is on living life in a full and deeply satisfying way (Deci and Ryan 2008:1). This eudaimonic tradition is clearly defined by Sirgy (2012:8) who states that it derives from the Aristotelian conception of the good life, prudence, reason, and justice. The goal is to have people flourish or function to meet their full potential, to contribute to society, and to achieve the highest standards of morality.⁴

Other researchers divide well-being theories into substantive and formal theories of well-being (see Boz 2009; Wrens-Lewis 2014). Substantive theories focus on what constitutes well-being. For example, hedonism states that well-being is constituted by pleasure. Formal theories specify

⁴ There is a growing literature on well-being as part of an African communitarian ethic – in particular, in relation to the concept of *ubuntu* (cf. La Grange 2012; Metz 2016; Hoffmann & Metz 2017; Rapatsa 2016). While this is a fruitful avenue of exploration, my focus in this chapter is on the shortcomings of some of the standard conceptions of well-being that have held sway up to now, while the focus in the coming chapters will be on the concept of citizenship as a feature of the regime of political and social rights, rather than on a particular (communitarian) ethic.

how one finds out what things are intrinsically good for people, but they do not say what those things are. To take well-being as satisfaction of preferences is to offer a formal theory of well-being. This theory does not say what things are good for individuals, but it indicates how to find out by seeing what they prefer (Boz 2009:2). In addition to these, other theories of well-being are classified as objective list theories (see Finnis 1980, Parfit 1984, Griffin 1986). Objective list theories propose that well-being is the outcome of several objective conditions of humans, rather than the subjective experience of pleasure or the satisfaction of subjective preferences (Brey 2012: 4). According to this view, there are goods that enrich our well-being even if we do not desire them or experience pleasure from them. Well-being is achieved by living a life comprising all or most of the goods on a prescribed list. The list is objective in the sense that elements on the list are not determined by one's tastes, attitudes, traits or interests. Possessing goods or doing things on the list makes one's life rich, even if one does not desire or want them. As Parfit (1984: 4) argues, some things like the development of one's abilities, knowledge, and the awareness of true beauty, are simply good for us even if we would not want to have them.

In my analyses of the theories of well-being, I will adopt a way of classifying such theories that is slightly different to the ones listed above. I divide the theories into two categories – unidimensional or one-dimensional theories of well-being on one hand, and multi-dimensional theories on the other. This means I will divide this Chapter into two parts. I discuss one-dimensional theories that comprise utilitarian and monetary theories under Part One and multi-dimensional theories under Part Two of the chapter. One-dimensional theories, in short, reduce well-being to a single dimension, such as utility or satisfaction of preferences (or desires)⁵. I will begin by discussing utilitarian theories, with reference to the two most prominent types, namely hedonistic and desire

⁵ Desire-fulfilment theories are also called preference-satisfaction theories (see Brey 2012: 3)

satisfaction theories. According to Ransome (2010:42) both hedonistic and desire-satisfaction theories of well-being source their evaluative foundations in the utilitarian ethical tradition, and together for a while have dominated the evaluative foundations of well-being research. Hedonistic theories of well-being focus on the intrinsic value of certain psychological states, holding that what is good for a person overall is the greatest achievable balance of pleasure over pain. The balance of pleasure over pain for them is what constitutes happiness.⁶ Desire-satisfaction theories on the other hand hold that well-being consists in the satisfaction of a person's desires or preferences. But is pleasure or satisfaction of a desire all that counts for well-being? Researchers like Wren-Lewis (2014) argue that "happiness" is a possible indicator of well-being while others like Sen are against using "happiness" for measuring well-being because it (happiness) suffers from "the problem of adaptation". The problem of adaptation is explained in sections below.

In addition to utilitarian theories, one-dimensional approaches also include the monetary or income conceptualizations of well-being that have dominated research in welfare economics. In welfare economics, comparisons of living standards and development between countries and regions are commonly made referring to the Gross Domestic Product per person or Gross National Product per person (per capita GDP or GNP). As will be argued in this section, income approaches to well-being are grossly limited on various accounts, including the common scenario where aggregate output and income may be relatively high whereas actual well-being is low. Discussions on monetary approaches complete Part One of Chapter One. Under Part Two of Chapter One, I analyse three multi-dimensional conceptualizations of well-being: Rawls's primary goods approach, Morris' Physical Quality of Life Index, and Doyal and Gough's Basic Needs Approach.

⁶ Hedonistic happiness is narrowly defined by pleasure and is therefore distinct from Aristotelian happiness which is much broader.

Such conceptualizations, according to Ransome (2010:42), shift well-being discussion away from the traditional theoretical presumption of foundational monism, towards a more flexible pluralist approach to human well-being. While these multi-dimensional theories are an improvement over one-dimensional theories, they still fall short in a number of respects. I will analyse some of these shortcomings in the present chapter, before turning to the capability approach in Chapter Three. Here I will demonstrate that the latter approach is able to address the shortcomings of both uni- and multidimensional theories of well-being.

1. One-dimensional theories of well-being

1.1 Utilitarian theories

1.1.1 Hedonistic theories

In answer to the question, “What does well-being consist in?” the hedonist will answer, “The greatest balance of pleasure over pain”. Happiness for hedonists depends upon the balance of pleasures and pain. Jeremy Bentham (2001:205), the founder of modern hedonist utilitarianism, begins his *Introduction to the Principles of Morals and Legislation* thus: “Nature has placed mankind under the governance of two sovereign masters, *pain* and *pleasure*. It is for them alone to point out what we ought to do as well as to determine what we shall do” (Bentham, 2001:205). Bentham further argues that the principle of utility recognizes this fact. By utility he means: “that property in an object whereby it tends to produce benefit, advantage, pleasure, good, or happiness (all this comes to the same thing) ... to prevent the happening of mischief, pain, evil, or unhappiness to the party whose interest is considered: if the party be the community in general, then the happiness of the community: if a particular individual, then the happiness of that individual” (ibid.).

For hedonists, the level of well-being is determined by pitting the amount of positive feelings experienced by every person who is positively affected by a particular action against the negative feelings experienced by every person who is negatively affected by the action, and then subtracting the latter from the former (Fissi 2014:3). A positive result indicates that the action in question increases the total level of well-being across the relevant individuals, while a negative outcome means the action decreases well-being. This is Bentham's so-called "felicific calculus" that underpins the well-known principle of the greatest happiness of the greatest number (ibid: 3).

The fact that happiness is linked to well-being is not in dispute. Philosophers since the classical period have acknowledged that happiness is linked to the conditions of leading a good and valuable life, and Aristotle famously argued in the *Nicomachean Ethics* (1914:275) that happiness is the end of human actions. However, we need to be cautious when conceptualizing happiness. There is a difference between Aristotle's and Bentham's conceptions of happiness. Bentham's happiness is hedonistic in that it is defined by physical or psychological pleasure and pain. Aristotle's conception of happiness, on the other hand, is not hedonistic and means much more than just pleasure and pain or state of mind. Aristotle focused on happiness as *eudaimonia*, which translates as flourishing, success, or the opportunity to lead a purposeful and meaningful life (Sirgy 2012:8). It is a conception of the good life, prudence, reason, and justice. For Sirgy, Aristotle's happiness as it pertains to people means to flourish or to function to meet their full potential, to contribute to society, and to achieve the highest standards of morality. In this regard, well-being consists of more than pleasure-defined happiness, but, more importantly, it is concerned with living well or actualizing one's human potentials (Deci and Ryan 2008:2). Contra the utilitarian calculus, this conceptualization maintains that well-being involves fulfilling one's virtuous potentials and living as one was inherently intended to live (ibid: 2). In Chapter Two and later, I will argue that we have

good reason to adopt this wider conception of well-being (without necessarily conceiving it in these exact Aristotelian terms). For our present purposes, it is enough to note that there is a real distinction between the Aristotelian-inspired conception of happiness as flourishing and hedonistic utilitarian happiness, and to keep in mind that it is the former that is the inspiration behind the capability approach that I discuss in detail in Chapter Two. Hedonism, on the other hand, reduces well-being to physical or psychological pain and pleasure or to what Aristotle called “amusement”, and viewing happiness that way is problematic.

There are several reasons why hedonistic pleasure and pain are too narrow and inadequate if taken as the sole determinants of well-being. Firstly, hedonism is generally criticized for its view that nothing can matter prudentially to an individual except the quality of their experience. However, this goes against our common beliefs, because we also need consider the source, process and consequences (both current and future) of an experience (see Arneson 1999:2). Our conscience tells us that a pleasurable experience that results from, say, raping a minor is wrong. Secondly, hedonism defines both happiness and well-being very narrowly by claiming that all that matters to well-being is pleasure. Thus, before we even think of pleasure and pain as determinants of well-being, we must first ask ourselves whether or not excess pleasure over pain is all that counts for well-being. For Haybron (2001:501), hedonism is clearly a false definition of happiness owing to the fact that some pleasures it enumerates cannot plausibly be construed as constitutive of happiness. All sorts of shallow and flitting pleasures are made to count as happiness. Haybron goes on to argue that such pleasures, however intense, play no constitutive role in determining how happy a person is. Watching a good movie, or having sexual intercourse, may be intensely pleasurable, but still fail to make one any happier. In Haybron’s words, “such pleasures, don’t

reach ‘deeply’ enough, so to speak ... they flit through consciousness and that is the end of it” (ibid: 505). It is thus erroneous to equate happiness with pleasure.

Matters are further made complex by the fact that the concepts of pleasure and pain are not by any means clear. What sort of experiences constitute pleasure and what sort of experiences constitute pain? (cf. Dworkin 1983:193). For example, “pleasure,” which suggests a specific kind of sensuous glow, poorly describes the experience produced by a harrowing piece of drama or poetry, an experience people nevertheless sometimes aim to have, and “pain” does not easily capture experiences of boredom or unease or depression. Thus, the content of experiences of pleasure and pain are themselves vague. To complicate matters further, what will we say about a woman who finds pleasure and celebrates in having conceived when we know the pain that pregnancies bring, which might even mean death in some cases? To add to this, what if one’s pleasure is being externally induced by a malevolent god or by a naughty scientist? I am thinking here of Descartes’ demon argument or Nozick’s (1974) “brains in a vat” hypothesis.

All this goes to show that hedonism is fundamentally flawed as a theory of well-being. The fundamental problem of hedonism is reducing well-being to pleasure, which is just one aspect of a person’s life, instead of assessing various valued life aspects both internal and external to the person. To summarise the main points here: firstly, pleasure on its own cannot define well-being, as there is more to human well-being than just pleasure. Secondly, the concept of pleasure is itself vague; and thirdly, pleasure poorly defines happiness. We are thus confronted by a chain of conceptual flaws that disqualify hedonism as a factor in determining well-being. There are therefore no strong grounds to believe that hedonistic happiness relates to well-being in a significant way. The section below discusses another theory of well-being that has been argued to be an improvement over hedonistic theories. Desire satisfaction theories are arch-rivals of

hedonistic theories that for some time were thought to give a more plausible account of well-being. As the discussion below reveals, desire satisfaction theories are as unconvincing as hedonistic theories.

1.1.2 Desire Satisfaction Theories

Desire satisfaction theories, which also source their evaluative foundations in the utilitarian ethical tradition, hold that well-being consists in the satisfaction of a person's desires or preferences (Ransome, 2010:42). For desire satisfaction theorists, people desire or value more things than just physical pleasure. People often find such things as friendship, love, truth, beauty, freedom, achievement, among others, to be desirable. One's life is doing well to the extent that one's life is filled with such things (Heathwood 2006:540). In other words, a desire is fulfilled when the associated proposition becomes true (Arneson 1999:16). Desire satisfaction theories seem appealing owing to the fact that they define happiness as comprising more aspects of human life than simply pleasure. In addition, the evaluative principle of such theories is at face value quite appealing: one's life is doing very well if one is realizing one's desires. What more does one want? Upon closer analysis however, desire satisfaction theories are far from being uncontroversial. Several challenges confront desire satisfaction theories to the extent that they fail to convince as a serious theory of well-being.

Firstly, desire satisfaction theories fail to deal with cases of changing desires or preferences (see Dworkin 1983, Heathwood 2006). Desires are by their nature unstable; people's preferences change, for example, so that the question of how far someone's preferences for his life have been fulfilled overall will depend on which set of his preferences is chosen as relevant, or which function of the different preferences he has at different times (Dworkin 1983: 193). Some philosophers argue that preferences only refer to ideal preferences (those preferences we would have if we were

fully informed, or were more rational) and the hope is that these are stable. Heathwood (2006: 541) rejects this solution, arguing that even a fully informed person can change her preferences, and thus the theory requires us to force people to desire things they no longer desire. Apart from the problem of changing desires, the desire satisfaction theory of well-being has been criticized on the grounds that people may desire remote things – remote in terms of importance, time and place, and so on. Sometimes people desire things that are trivial and unrealistic and such desires do not, in any way, contribute to their well-being. For example, I may desire to meet a man from another planet or marry a mermaid, but that desire does not contribute to my well-being in any way. Thirdly, some people desire not to be well-off. A person who accidentally killed his whole family might desire to live a difficult and painful life, as a way of coping with the loss, although this does not have any positive impact on his well-being as we know it. States of pain, boredom and hunger, which he may prefer, are not in any way candidates for well-being. In addition, someone might have outrageous preferences, something like a penchant for murder. Such a defective desire is obviously not good for that person, hence there are preferences that are not good for the person and therefore do not add to their well-being.

Forgeard et. al. (2011:86) criticize the idea of life satisfaction, first of all because satisfaction is often dependent on how good one is feeling at a particular time, and therefore it may be contaminated by mood and other contextual effects. Secondly, they argue that the biggest problem with desire satisfaction measures is that this construct has too often been equated to overall well-being, leading researchers to ignore other facets that contribute to overall human well-being such as autonomy, equality and the capability to make choices. The conclusion that can be drawn at this stage is that neither hedonistic nor desire-satisfaction theories give us a sufficiently holistic conception of well-being. I reiterate, however, that I am critical overall of the hedonistic and

desire-satisfaction ideas of happiness, which are distinct from eudaimonic happiness. The eudaimonic conception of happiness is, in my view, central to well-being, and this argument is fully discussed in Chapter Two.

In the next section, I shall discuss the general criticisms that have been levelled against utilitarianism as a theory of well-being. Although hedonistic and desire satisfaction theories of happiness are argued to rival each other, they are nevertheless both utilitarian. We can call the former hedonistic utilitarianism and the latter preference utilitarianism, and both forms are consequentialist. In this regard, the problems of utilitarianism discussed in the next section refer to both hedonistic and desire satisfaction theories of happiness. I particularly focus on Rawls's and Sen's criticisms of utilitarianism because of their appeal or relevance to issues of human well-being.

1.1.3 General criticisms of utilitarianism as a well-being theory

Some far-reaching criticisms of utilitarianism have come from Rawls and Sen (see Rawls 1971, 1974, 2005; Sen 2009, 1999, 1997, and 1992). Both thinkers see utilitarianism as a defective theory of well-being, although I shall argue that Rawls's alternative theory faces different but equally strong challenges. Rawls's criticisms with regard to utilitarianism are considerable and I discuss them first. All in all, Rawls sees utilitarianism as defective as a well-being theory in that it does not take seriously the distinctions between persons (Rawls 1971:26). This is because, in matters of social policy, it focuses on net utility without due attention being paid to distributional matters. Utilitarians prioritize maximizing overall well-being and reject distributive principles. They aim for the greatest net sum of benefits over burdens, regardless of the pattern of distribution. This is true for both hedonistic and preference utilitarianism. Accordingly, a policy in which the satisfactions of a third of a population comprising the rich outweigh the dissatisfactions of the two

thirds poor will be welcomed by utilitarians – or, at the very least, cannot be discounted by them from the outset. In some sense, it is possible within a utilitarian society that the general well-being of society could be increased at the expense of individual members of that society. This, according to Rawls (1971:26), violates the third formulation of Kant’s categorical imperative which states: “Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end”. Thus, utilitarianism suffers from distributional indifference by ignoring the extent of inequalities in what is needed to obtain happiness on an individual level. Parfit (1984: 338), however, questions Rawls’s conception of the distinction between persons. He argues that our burdens cannot be compensated by mere benefits to someone else, but may be morally outweighed by such benefits. Thus it may still be right:

to give the benefits rather than relieve the burdens. Burdens are morally outweighed by benefits if they are factually outweighed by these benefits. All that is needed is that the benefits be greater than the burdens. It is unimportant, in itself, to whom both come (ibid: 338).

Rawlsians might reject the above explanation on the grounds that it presents different persons as one super-human. It is possible to weigh the benefits and burdens of one person only, but when several people are involved, utilitarian maximization fails. Singer (2002:1) has responded to this criticism, explaining that utilitarians obviously know perfectly well that persons are separate, but what they deny is that it follows from this separateness that one ought not to trade benefits to one person against benefits to another. Singer’s response, in my view, still does not deal with the problem of blind maximization of benefits, and he has attempted to correct this through his own version of preference utilitarianism. This shifts attention from happiness to preferences because

people can be mistaken about what will make them happy but they are never mistaken about what they prefer. For Singer (1993:94) preference utilitarianism states that an action contrary to the preference of any being is wrong, unless this preference is outweighed by contrary preferences. There is a difference between what one prefers and what makes one happier. I might be happier eating a lot of sugary foods but may prefer to abstain from eating these to keep a healthy body. In terms of groups, the theory calls us to take into account the preferences of the individuals involved, except where those preferences come in to direct conflict with the preferences of others. We should therefore maximize the chance that everyone's preferences will be satisfied. This is however, problematic, simply because the preference of one person can sometimes be outweighed by the preferences of others, leading to that person's rights being violated. We might find it moral to eat one member of the family and save ten others that are starving to death. His preference to live might be outweighed by the preference of the ten others to survive. Maximization of preferences might be justifiable where no direct human rights violations are present. Yet I find it hard to justify a theory that turns a blind eye to justice towards individual persons in the weighting of benefits and burdens or preferences. Rawls's criticism of utilitarianism can therefore still be applied to Singer's preference utilitarianism. Also keep in mind the criticisms against taking preference satisfaction as a measure of well-being, discussed under 1.1.2 above.

Sen duly agrees with Rawls that utilitarianism neglects rights, freedoms and other non-utility concerns, and goes on to argue that the theory also does not deal with the problem of adaptation and mental conditioning – what Nussbaum (2001:78) calls the problem of adaptive preferences. In the first place, it may take much less to bring about happiness for some than for others, but subjecting the former to lesser opportunities and fewer resources and benefits is by no means fair or just. Thus, Sen argues that the utilitarian approach does not attach intrinsic importance to claims

of rights and freedoms, because these are only valued indirectly, in so far as they influence utilities (Sen, 1999: 62). Happiness, for Sen, is desirable, but he stresses that we do not want to be happy slaves. That is to say, there is more to living a worthwhile life than happiness, understood here as the satisfaction of desires or preferences. The second weakness of the utilitarian calculus for well-being that Sen cites is that our assumptions can be easily swayed by mental conditioning and adaptive attitudes, where people's happiness adapts to oppressive situations. The utility calculus can essentially be unfair to those who have come to terms with their deprivation as a means for survival, having adjusted their desires and expectations. Persistently underpaid factory and chain-store workers in exploitative economic arrangements, many African farm workers, and hopelessly oppressed housewives in sexist cultures and religious sects provide good examples. These groups of people may become reconciled with their circumstances to the effect that they may show signs of satisfaction or happiness. A utilitarian evaluation may approve such arrangements because it merely focuses on utility. It will not differentiate, say, between a happy, well paid, worker and an equally happy, but badly paid labourer who has mentally adapted to his/her situation. Singer (1993:12-13) responded to the problem of adaptive preferences by arguing that the preferences we should satisfy, other things being equal, are those that people would hold if they were fully informed, reflective, and vividly aware of the consequences of satisfying their preferences. But Singer admits that it is difficult to define being "fully informed", or being "vividly aware". Singer does not, in my view, respond to Rawls and Sen's criticisms convincingly.

It is undeniable that utilitarianism is a clear and simple theory to use in crafting policies or evaluating them, which is why it is still influential both in politics and economics. However, in view of the above discussion, it has too many defects to offer a convincing conception of well-being. Rawls (1971) and Sen (2009) have correctly argued that a lot more things contribute to

human well-being than just pleasure (both mental and physical). Rights, justice, and capabilities also matter. Of critical note is the fact that Aristotle's concept of happiness points to virtuous living and is thus different from utilitarian happiness. I have discussed this distinction above. In the next section, I discuss another one-dimensional theory of well-being that, even though treated separately by most researchers, is also founded on the principle of utility.

1.2 Income-based or monetary measures of well-being

Income-based or monetary measures of well-being are another example of one dimensional theories of well-being. These hold that one of the primary concerns – at least, in terms of stated objectives – of Government policies and other interventions is their potential to increase citizens' well-being. But to determine or evaluate well-being requires a method or framework for that exercise. For many years, almost since “development economics” was developed from the works of researchers such as Simon Kuznets (1941), income maximization or increasing Gross Domestic Product (GDP)⁷ has been the primary measure of international comparisons of living standards and of general welfare, inspired by the belief that economic growth subsequently increases the nation's welfare. The logic of using GDP as a measure of welfare was therefore simple and attractive: if the economy was growing, so was well-being (Islam and Clarke 2002:202). GDP was therefore said to enhance understanding of the general standard of living enjoyed by the average person. For example, it was generally believed that people living in countries with higher GDP per capita tended to have longer life expectancies, higher literacy, better access to safe water and lower infant mortality rates. In addition, according to Nussbaum (2011:47), GDP is very easy to measure, since the monetary value of goods and services makes it possible to compare quantities of different

⁷ Gross Domestic Product (GDP) is the monetary (usually USD) value of a country's final output of goods and services in a year. GDP per capita shows what part of a country's GDP each person would have if this GDP were divided equally.

types. Moreover, for her, GDP is preferred in being transparent, as it is difficult for countries to forge data to make them look better. Moreover, economic growth seems to be in the right direction in showing a region or country's relative achievement. Economic growth is argued to have a trickle-down effect which suggests that the benefits of economic growth are bound to improve the lot of the majority of the poor, even if no direct action is specifically taken for that (ibid.).

However, even Kuznets disapproved of the use of GDP as a general indication of well-being, cautioning that the well-being of a nation can scarcely be inferred from a measure of national income. Thus, long before the introduction of the capability approach, most economists had already started to notice that high GDP might occur along with growing unemployment, worsening income distribution, rising incidence of monetary poverty, poor provision of social services, deteriorating indicators of health and nutrition, and so on (see Stewart and Deneulin 2002, Morris 1979, Ray 2008).

Disillusioned by the shortcomings of GDP, Morris (1979) is one prominent figure who, before providing his alternative measure of well-being, first exposed the various limitations of per capita GDP, which he dismissed as not being an acceptable measure of well-being. First and foremost, GDP according to Morris concentrates on goods and services that have monetary value but neglects many productive activities – for example, small informal work and the work of housewives – that also contribute to people's well-being. Secondly, given its method, GDP does not measure what Morris called “subjective elements” of well-being such as the happiness, justice, security, freedom, or leisure a society provides (Morris, 1979:8). Similarly GDP does not directly concern itself with, physical qualities of life like life expectancy, birth, death, and morbidity characteristics, and literacy. Empirical evidence has shown that there is no direct impact of economic growth on these aspects (Morris, 1979:8). Income per head also raises problems. There

is no guarantee that rising disposable personal income over time as reflected by per capita GDP necessarily occurs in ways that improve well-being, as distribution patterns are not reflected. Some groups may even suffer declines in real income. GDP growth may be a result of favourable exports, whereas prices of goods and services rise locally due to other reasons. Moreover, economic growth may be accompanied by adverse consequences in health, especially if pollution and deforestation levels increase. Economic growth may thus be antagonistic to well-being. For instance, contemporary researchers on well-being like Azumdar (1999:1), observed that during the 1950s and 1960s, a large number of Third World countries achieved the overall economic growth targets of the United Nations, while the quality of life of the masses of people remained for the most part unchanged, demonstrating that something was very wrong with viewing development as economic growth. In addition, Amartya Sen (1999:5-6) observed in 1999 that citizens of Gabon, Namibia and Brazil were much richer in GDP per capita than the citizens of Sri Lanka, China and India, but the latter had substantially higher life expectancies than the former, clearly demonstrating the dissonance between GDP per capita and the freedom of individuals to live long and live well (Sen 1999:5-6).

These observations demonstrate the glaring limitations of income-based measures of well-being. While Sen does not entirely disregard the valuation of income in well-being conceptualizations, he stresses that the valuation of income is entirely as a means to other ends and also that it is one means among others (Sen 1997: 385). For him, income is, of course, a crucially important means, but its importance lies in the fact that it helps the person to do things that she values doing and to achieve states of being that she has reason to desire. The worth of incomes cannot, thus, stand separated from people's overall well-being or from how people actually live in society (ibid: 385). Moreover according to Sen, the relationship between income (and other resources) on the one hand

and individual achievements and freedoms on the other is not constant. Different types of contingencies lead to systematic variations in the conversion of incomes into the distinct functionings⁸ we can achieve (i.e. the various things we can do or be), and that affects the lifestyles we can enjoy (Sen 1997:385). Sen identifies five sources of parametric variations. The first variation he identifies concerns personal heterogeneities. According to him, people have disparate physical characteristics connected with disability, illness, age, or gender, making their needs diverse. For example, an ill person may need more income to fight her illness than a person without such an illness would need. Secondly, there are environmental diversities, variations in environmental conditions, such as climatic circumstances (temperature ranges, rainfall, flooding, and so on), that can influence what a person gets out of a given level of income. Thirdly, there are variations in social climate. Sen argues that the conversion of personal incomes and resources into functionings is influenced also by social conditions, including public health care and epidemiology, public educational arrangements, and the prevalence or absence of crime and violence in a particular location (Sen 2005: 154). The fourth variation concerns differences in relational perspectives. For Sen, the commodity requirements of established patterns of behaviour may vary between communities, depending on conventions and customs. Here, he gives the example of a relatively poor person in a rich community. That person may be prevented from achieving some elementary functionings (such as taking part in the life of the community) even though his/her income, in absolute terms, may be much higher than the level of income at which members of poorer communities can function with great ease and success.

Lastly, according to Sen, income distribution within the family is also a factor. He stresses that incomes earned by one or more members of a family are shared by all, non-earners as well as

⁸ I will provide a detailed analysis of this concept and other key concepts of the CA in Chapter Two.

earners. The family is, thus, the basic unit for consideration of incomes from the point of view of their use. The well-being or freedom of individuals in a family will depend on how the family income is used in furtherance of the interests and objectives of different members of the family. Hence intra-family distribution of incomes is a crucial parametric variable in linking individual achievements and opportunities with the overall level of family income. Distributional rules followed within the family (e.g. related to gender or age or perceived needs) can make a major difference to the attainments and predicaments of individual members (Sen 1997: 386). All of these variations lead Sen to argue that in comparing the well-being of different people, looking only at the commodities each can successfully command is to rely on insufficient information. We also need to pay attention to the different states of being that these resources are intended for, namely, being well-nourished, living a healthy and long life, leading a happy and satisfied life and so on. We must consider how well people are able to function with the goods and services at their disposal. The position that Sen is advocating is that the space of evaluation ought not to be the space of the *means* but the space of the *ends* of well-being.

I expand on Sen's argument in this regard in the chapters to follow. For now, I merely point to some of the practical problems with measuring well-being in terms of GDP. According to Dowrick (2007:65-6), the failure of measured GDP to capture well-being accurately is not surprising, given that the definitions and measurement practices of national accounts have been designed with a quite different purpose in mind, namely, to provide the accounting framework for the operation of monetary and fiscal policies. To begin with, GDP is therefore more properly regarded as a partial measure of aggregate output than as an indicator of either current or future well-being. In other words, GDP is a narrow and therefore limited as a measure of well-being. It merely focuses on formal economic output, and does not pay attention to other important aspects that matter to well-

being, like resource depletion, leisure, household production of goods and services, black market activities or external costs and benefits associated with production and consumption (ibid.). It can further be noted that the GDP does not separate costs from benefits. It simply adds them together under the heading of economic activity. Thus, if industries emitting toxic waste cause illnesses requiring expensive medical treatment, both the output of the polluting industry and the expenditure on medical services will be counted as positive contributions to GDP (ibid.). This is a mistake because, as I have already argued, well-being relates to those goods that contribute to the richness of human life. Illness, for example, cannot be counted as an ingredient of well-being. Moreover, increasing GDP does not indicate progress if the increasing income accrues to a very small number of people. We need to pay attention to how the income is distributed because it is possible to have a strong economy occurring alongside a starving and ill population. If the income is not spread in manner that enhances the lives of the generality of the population, its contribution to well-being is limited. I expand on this argument in the sections below.

In addition to the above, the method of computing the GDP is quite complex. Slottje (1991:684) argues that the coverage of the measure is incomplete, it changes over time, and there are various index number issues, as one has to add together all private consumption, plus all government consumption, plus all investment and net exports to come up with a country's GDP. Chances of ending up with misleading or wrong results are therefore high. Moreover, there is a serious problem that relates to the conversion of local currency measures into a common denominator, typically the U.S. dollar, as there are well known biases in the use of market exchange rates for such conversions, making it even more difficult to make comparisons across countries. Some governments may prefer to give a superficial value for their currency, making comparisons inaccurate in the process. As a consequence of these problems, development economists have

become increasingly dissatisfied with GDP and have started searching for more satisfactory measures of well-being.

To recapitulate: Utilitarian and economic theories of well-being are one-dimensional in so far as they reduce well-being to a single metric, be it happiness, satisfaction of preferences/desires or income. Each of these, while not irrelevant for the consideration of well-being, leaves much to be desired. Utilitarian happiness is difficult to define and does not capture all aspects of human well-being. In the same vein, our desires may not contribute positively to our well-being, and in addition some of them may be dangerous to other parties. Similarly, income defines well-being quite narrowly. Even with a high income, your life may not go well if you are living in an environment where, for instance, you are denigrated along racial, tribal, or religious lines. Given the failures of one-dimensional theories of well-being, a multidimensional concept, which takes into account the many different features of human life that cannot be reduced to a single metric, promises to give us a better handle on the notion of human flourishing. In the next part of the chapter, I select and analyse three multidimensional approaches that have gained prominence over the past three decades. As noted above, although I will use the CA to criticize these, I reserve a full discussion of the CA for chapter two.

2. Multidimensional conceptualizations of well-being

Multidimensional conceptions of well-being have been motivated by the failure of the utilitarian and income-based measures of well-being that have dominated well-being assessments for most of the 20th century (McGillivray 2007:3). As a consequence, it has become more common, at least from the early 1970s onwards, to treat well-being as a multidimensional concept. In this section I discuss three examples of such multidimensional approaches to well-being; Rawls's primary goods

approach, Morris' Physical Quality of Life Index (PQLI), and Doyal and Gough's Basic Needs Approach. The Capability Approach also belongs in this group; this is discussed in Chapter Two.

2.1 Rawls's social primary goods approach to well-being

The publication of Rawls's *A Theory of Justice* in 1971 marked a turning point in well-being research. In this influential book, Rawls conceives of well-being as the possession of "primary goods". Primary goods are those goods which every rational person can be presumed to want, because they "normally have a use whatever a person's rational plan of life" (Rawls 1999:79). That is, primary goods are the means by which an individual can achieve their ends – whatever those ends may be. Moreover, for Rawls (2005:180), being free and equal persons, citizens require for their advancement roughly the same primary goods. Ideally, these primary goods should be distributed equally among the citizens. He specifies the social primary goods as comprising some basic liberties like those of thought and action which are necessary for the rational pursuit of a conception of the good, freedoms of movement and choice of occupation, income and wealth and what he calls "the social bases for self-respect". By the latter he means a person's sense of value. If one lacks self-respect, one lacks the motivation and confidence to do anything, and this renders the other primary goods useless. In this regard, Rawls (1971:58) advises that we should strive to eliminate social conditions that take away individuals' self-respect. These are the "all-purpose means" for achieving directly or indirectly a wide range of ends, whatever they happen to be (Rawls, 1999:79, 2001:58-61). Civil and political primary goods should ideally be distributed equally. Economic primary goods can be unequally distributed, provided the inequality improves the life conditions of the least advantaged in society.

Primary social goods offer an alternative basis to utility or income alone for a more settled social agreement on what is important to well-being and also a social responsibility. Rawls's political

liberalism takes primary goods to be the foundation for human well-being. These primary goods should be available to every citizen, whatever their conception of the good. According to Boz (2009:6) Rawls's approach avoids the problems of expensive tastes and anti-social preferences associated with desire satisfaction theories and therefore provides a more impartial measure for comparing the well-being of different individuals than a preference standard does. Rawls's primary goods are those fundamental goods that all human beings want as opposed to the subjective, sometimes unrealistic and selfish, desires that we may individually have. However, in *The Idea of Justice*, Sen (2009:5) argues that Rawls's primary goods approach to well-being is flawed on three basic grounds. First and foremost, Rawls concentrates on identifying just institutional arrangements for a society, but this approach concentrates primarily on ideal institutions, and does not directly focus on the *actual* societies that would ultimately emerge. Here Sen directly attacks Rawls's primary focus on the basic structure. The 'basic structure' of society according to Rawls consists of some of the central interaction-shaping institutions of society, like the constitution, property laws, economic structures, parliament, the judiciary, the family, and so on (Rawls 1972:54). Rawls's idea is that these institutions govern the division of the advantages which accrue from social cooperation. These advantages are precisely the social primary goods discussed above. So a society is just when its fundamental institutions are arranged according to fair principles. Rawls identifies two such principles:

The First Principle

Each person has the same inalienable claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all.

The Second Principle

Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit to the least advantaged. (Rawls 2005:5-6)

The two principles are arranged in lexical order – the first being prior to the second. However, such an approach, according to Sen, is not convincing. Well-being should be analysed in terms of the *actual lives* that people are able to lead, given the institutions and rules (Sen 2009:10). Just institutions may not directly correspond to people’s actual realizations and accomplishments. For instance, a country can have a brilliant constitution that espouses the virtue of justice, yet this may be disregarded in practice. It is therefore not enough to just focus on just institutions without taking note of their practical efficacy. Secondly, Sen questions the weight that Rawls places on the liberty principle, arguing that it is wrong to prioritize liberty over such critical concerns as hunger, starvation and medical neglect, among others, all of which are important to well-being. The question is why liberty should get more attention than other things. Lastly, Rawls is criticized for focusing on primary goods such as liberties, incomes, wealth, and opportunities. Sen typically argues that focusing on these primary goods neglects some considerations that can be of great importance to the substantive assessment of equality and also of efficiency. For Sen, there is a strong need to for moving from focusing on primary goods to actual assessment of freedoms and capabilities, considering the fact that people vary in their ability to convert the same amount of primary goods into good living (Sen 2009: 66).⁹

Sen’s criticism of Rawls above follows a series of earlier criticisms (see Sen 1999, 1992, 1979).

In *Justice as Fairness: a Restatement*, Rawls (2001:169-176) attempts a response to Sen, arguing

⁹ While I agree with Sen and other capability approach theorists that the primary goods metric is an inadequate measure of well-being, I do agree with large aspects of Rawls’s liberal conception of citizenship. I defend this position in my discussion of citizenship in Chapter Three.

that the latter's interpretation of primary goods does not recognize the fundamental relationship between primary goods and persons' basic capabilities. Primary goods, for Rawls, are citizens' capabilities or powers that enable them to be normal and fully cooperating members of society. Such rights as equal political liberties, equal civil liberties, as well as income and wealth rights, according to Rawls, are essential conditions for the adequate development and full exercise of citizens' moral powers of liberty and equality (Rawls 2001:169). Sen, however, remains unconvinced, since – and this is central to his theory as a whole – there is still a distinction between the exercise of one's freedoms, should one so choose, and having the means to such freedoms.

Rawls also tries to defend his prioritising of the liberty principle, arguing that this priority rules out what he called “exchanges or trade-offs” between fundamental political and civil rights and the social and economic advantages regulated by the difference principle. For example, he argues that equal political liberties cannot be denied to certain groups on the grounds that their having these may block policies needed for economic growth and efficiency (Rawls 2001:47). This might seem convincing, but adherents of the capability approach can still argue that Rawls's problem is that he is operating at wrong a level. Instead of examining the ‘basic structure’ of society (institutions like the constitution and laws), why not instead look directly at the actual quality of life of the people, given their liberties? We can also contest the view that the distribution of primary social goods is fair in this case, owing to the fact that people differ in their ability to convert these primary goods into valued functionings. For example, women may need additional laws to protect them from violence if they are to freely participate in politics. The same applies to the acquisition and ownership of property.

Thus, although Rawls in *Justice as Fairness* (2001) attempts to link the idea of primary goods with that of basic capabilities, his account fails to measure up. This is precisely because his approach

focuses mainly on equality in the holding of these primary goods. However, according to Sen (1999:97), we ought to focus on real freedom—what each person is actually enabled to be and do with the ensemble of primary goods and other resources she has, given her personal traits and talents, in the context of her actual circumstances. To focus on primary goods is to focus on a means of uncertain significance; this is to focus on what does not really ultimately matter. Instead people's well-being should be measured by the capabilities they have to do various things or be what they want to be. (More on this in Chapter Two).

Apart from Sen's specific reservations about Rawls's primary goods theory, Arneson (1990:431) further maintains that this theory does not guarantee any minimal degree of satisfaction of any individual's aims. This emanates from the fact that some people's final aims are more expensive and more complex to satisfy than the aims of others. Suppose that two persons, X and Y, want a field in which to exercise. X simply wants to jog around the field, while Y wants to train to become a football star. Making a field available does satisfy X's aim, but does not do the same for Y, who needs additional things like goalposts and a ball. The conclusion that can be drawn from this football analogy is that justice as fairness might be unfair to individuals seeking to satisfy different conceptions of the good.

2.2 The Physical Quality of Life Index (PQLI) and Well-Being

The publication of Rawls's *A Theory of Justice* in 1971 succeeded in bringing to the fore the shortcomings of utilitarianism as a theory of justice or as a measure of well-being. At the same time, various well-being theorists had become disillusioned about viewing income maximization as a benchmark of human well-being. As a consequence, Morris (1979) developed the Physical Quality of Life Index (PQLI), which was a direct reaction against income-based measures of well-being. The PQLI is an average of what Morris calls "life-saving social characteristics", namely

infant mortality, life expectancy, and literacy indices (Morris 1979:31). The composite PQLI index is arrived at by combining the three indicators – life expectancy at age one (i.e. the expected number of years a child at age one is expected to live), infant mortality (calculated per 1000 births), and literacy (the percentage of a population 15 years or older that is literate) – into a single measure. For each indicator, the performance of individual countries is placed on a scale of 0 to 100, where 0 represents the worst performance and 100 the best performance. Once performance for each indicator is scaled to this common measure, the composite index is then calculated by averaging the three indicators, giving equal weight to each of them. The resulting Physical Quality of Life Index is then scaled on an index of 0 to 100. If, for example, life expectancy in Zambia is 49, infant mortality, 180/1000, and literacy, 25%, the PQLI is 25. Similarly, if the life expectancy at age 1 in the UK is 72, infant mortality 16/1000, and literacy 99%, the PQLI is 94. The PQLI gives information about the changing distribution of social benefits among countries, between the sexes, among ethnic groups, and by region and sector. In addition, the PQLI facilitates international and regional comparisons by minimizing developmental and cultural ethnocentricities (Morris 1979:34).

Morris argues that the three indicators that constitute the PQLI has several advantages as compared to using GDP/GNP. Firstly, he argues that these indicators are universal rather than society-specific, and therefore allow for international comparisons. People everywhere would prefer that newborn children live, and all people prefer to live longer rather than shorter lives. Secondly, literacy has become an accepted universal value, as it is a prerequisite for active participation in the contemporary world. In the third place, the three indicators measure results, not inputs (Morris 1979:32). A higher PQLI indicates positive well-being whereas a low PQLI indicates a poor state of being. The PQLI may also reflect how effective certain policies have been over a period of time.

This can be done by observing whether the PQLI is getting higher or lower. Finally, the three parameters of the PQLI are simple and comprehensible, unlike the computations characteristic of the GNP which require adding figures relating to all the economic activity of a country (Morris 1979:29-30).

However, while the PQLI is an improvement over the use of the GNP, it is still fundamentally limited. Firstly, while the index does start off by identifying multiple dimensions of well-being, it still leaves out some significant considerations. For Alkire and Moizza (2009:7) the PQLI is conceptually flawed on the grounds that it aggregates the different components that contribute to well-being into a single measure; yet because these components cannot morally or logically be traded off against each other, they cannot be aggregated into a single measure. Moreover, as Morris (1979:35) himself admits, two of the PQLI's three components relate to health. This makes the PQLI dimensionally limited, as it overemphasizes the importance of health in human well-being at the cost of other considerations. While health is an important component of well-being, it is not all there is to well-being. For instance, having a sense of self-worth and respect and the freedom to appear in public without shame may equally matter for well-being. Moreover, items that are prioritized for well-being differ across societies. Literacy may, for example, be valued differently by different cultures. A third impediment to the utility of the index is the limited availability of reliable data on a number of non-income achievements, particularly for comparative purposes at a global level. The US dollar that is usually used as a common measure is, in some instances, abused with some countries using superficial exchange rates. At the end of the day, we may not be able to obtain reliable data. In addition, components of the PQLI are biased in favour of poor people in poor societies and therefore do not provide a reliable measure of well-being across all societies. For example, evaluating the level of well-being using infant mortality and literacy rates in the UK

or US may not help much, as these rates are constantly low and high respectively in such states. Even though Morris claims that his prime aim was to measure the performance of the poorest countries in meeting the most basic needs of the people, we need a framework that can be applied in different kinds of societies. Lastly, by giving equal weighting to all parameters, the PQLI undermines the value of some significantly valuable parameters. For example, even though maintaining low infant mortality rates and high literacy rates are both critical, there is no doubt that in terms of weighting, the former is weightier than the latter, simply because having a chance to live is much more desirable than the ability to read and write (see Alkire and Mozzat 2009:7). The above reservations explain why the PQLI has received a lukewarm reception globally.

2.3 Satisfaction of basic needs as well-being

Another influential multidimensional well-being measure that has received significant attention was developed by Doyal and Gough and involves assessing the satisfaction of citizens' basic needs. This approach evaluates socio-economic systems and institutions according to the anticipated well-being outcomes enjoyed by their citizens and these outcomes are conceived in terms of the level of satisfaction of basic human needs (Gough 1994:25). According to Doyal and Gough (1991:55) "basic individual needs" refer to a particular category of goals that are universalisable – goals which must be achieved if any individual is to achieve any other goal. Basic needs are those needs that persons need to be protected from "serious harm" of some objective kind. A "serious harm" is defined, in turn, as a fundamental disablement in the pursuit of one's vision of the good such as the impeding of successful social participation in a particular time, place and cultural group. Doyal and Gough state that the basic needs for such successful social participation are physical health and personal autonomy (ibid.). Health and autonomy (autonomy being defined as agency: the ability of a person to initiate an action, to formulate goals and to act

to achieve them) are for Doyal and Gough humans' most basic needs, and these must be satisfied to some degree before individuals can participate in their form of life to achieve any other valued goals. They claim that the undertaking of physical tasks in daily life requires manual, mental and emotional abilities with which poor physical health usually interferes, while cognitive and emotional capacity (agency) is a necessary pre-requisite for a person to initiate an action.

While Doyal and Gough consider health and autonomy to be the basic requirements of well-being, they argue further that, in order for these to be attained, some second-order goals – which they call “intermediate needs” – have to be secured first. These “intermediate needs” are grouped into eleven categories: adequate nutritional food and water, adequate protective housing, a non-hazardous work environment, a non-hazardous physical environment, appropriate health care, security in childhood, significant primary relationships, physical security, economic security, safe birth control and child-bearing, and basic education (ibid: 59). Thus, while basic human needs are the universal prerequisites for well-being, it is the satisfaction of our intermediate needs that enables the realization of our basic needs. While physical health and autonomy are universal needs, Doyal and Gough accept that the ways in which these are satisfied may vary according to a specific society or time; however, they remain “universal” needs because they are necessary in any culture before any individual can participate effectively to achieve any other valued goals (ibid: 59).

Doyal and Gough's basic needs theory is undoubtedly a major contribution to well-being conceptualizations and, as we shall see, relates well to Amartya Sen's capability approach.¹⁰

However, a few problems still linger around this theory. The definition of needs is still a contested

¹⁰ Another promising attempt to think about needs and well-being is Lawrence Hamilton's *The Political Philosophy of Needs* (2003). I merely flag this here, as it is tangential to my overall project of developing a conception of citizenship as the capability to have capabilities.

terrain: how are they identified and do those that are identified carry the same weight? It is also important to carefully distinguish needs from related concepts such as desires and wants. At an individual level, it is sometimes difficult to separate between our desires and wants on one hand, and our needs on the other. According to Soper (1993:116) Doyal and Gough may claim that needs are distinguished from wants in being goals which all human beings have to achieve if they are to avoid “serious harm”, this latter being defined in terms of the maintenance of physical health and autonomy. But unlike our wants, our needs are such that we may be unaware of them and thus incapable of naming them. In other words, needs are universal, whereas wants and desires are personal choices. In addition, it remains contested that needs can really be “universal” given different cultures and religious beliefs that usually have significant influence on issues of health and autonomy (ibid: 116). The idea of basic needs thus causes difficulties, particularly in regard to cross societal comparisons of well-being. Finally, according to Alkire and Mozzat (2009:8), some operational forms of the basic needs approach were exclusively focused on resources and inputs, and this particular form overlooked people’s varying abilities to convert resources into what Sen later called “functionings”. In other words, the basic needs theory suffers from a problem similar to the one suffered by Rawls’s primary goods theory. Both theories wrongly assume that the same bundle of primary goods or of the “basics of life” results in similar life chances for everyone. There are many factors that cause people with the same amount of resources to live different lives. Two thousand dollars may be enough to cover the month’s needs of a healthy individual, but is grossly inadequate for one who goes through kidney dialysis every week. The concept of “needs” is thus ambiguous in this theory, and in matters of human well-being, focusing on whether people have access to basic needs is not as effective as focussing on the actual quality of their lives.

Conclusion

In this chapter, I have examined several possible conceptions of well-being, and in doing so, also demonstrated that there is no easy route to agreement on what constitutes “wellness of life”. Researchers differ in their moral outlook and ideological persuasions, and disagree about how to define well-being as well as about its benchmarks. However, we have also seen that there are increasing signs of convergence among researchers on particular aspects of well-being. Firstly, it is now generally agreed that well-being is a multidimensional rather than a one-dimensional concept. Section One of this chapter has highlighted the limitations of defining well-being solely on the basis hedonistic happiness, desire satisfaction or income. It is now commonly appreciated that well-being cannot be reduced to any one of these factors. Even some utilitarians, such as Mill, Singer and others reject hedonistic happiness as a measure of human well-being, as human beings take satisfaction from things in life that go beyond physical pleasures. In addition, happiness is a psychological state that is susceptible to adaptation and conditioning, meaning one can unwittingly become used to particular bad conditions or situations without feeling particularly unhappy. Income is also too narrow as a measure of well-being, as it has been shown in practice that economic growth in most instances does not “trickle down” or may actually be accompanied by declining incomes for some. The economy may grow, buoyed up by the retrenchments of workers or the removal of subsidies, but such moves have a detrimental effect on the affected persons’ well-being. Having a high income does not also mean that the income is spread evenly across all members of a country. The income might be concentrated among a few. These problems demonstrate the general insufficiency of basing well-being conceived as utility. Issues of distribution, rights and justice are ignored in favour of maximizing aggregate utility.

The multi-dimensional conceptions of well-being discussed in Section Two are arguably an improvement over one-dimensional concepts. The main challenge for multidimensional concepts is disagreement on the constituent dimensions that define well-being. More research is needed in order to arrive at an agreed conception of well-being for the benefit of those that have the task of advancing it. I have in mind here governments and other policy makers, who can only effectively work to improve the well-being of citizens if there is clarity about what it is they are trying to measure. It is the contention of this dissertation that the Capability Approach holds the most promise in that direction, with citizenship understood as the basic or anchoring capability. The first step in advancing this claim is to gain a clearer understanding of what this approach entails. This is the topic of the chapter to follow.

CHAPTER TWO

THE CAPABILITIES APPROACH TO HUMAN WELL-BEING

Human development, as an approach, is concerned with what I take to be the basic development idea: namely, advancing the richness of human life, rather than the richness of the economy in which human beings live, which is only a part of it (Sen, 1988:3).

Introduction

In Chapter One, I demonstrated the limitations of some of the most prominent one-dimensional and multidimensional conceptions of well-being. In developing the Capability Approach, Amartya Sen and Martha Nussbaum respond to the limitations of such conceptions, particularly income-based, utilitarian, and primary goods-based conceptions of well-being. I analyse the Capability Approach in detail in this chapter, and I do so with two main objectives in mind. Firstly, I aim to show that the Capability Approach provides us with a richer and more useful starting point for thinking about well-being than the other approaches discussed. I refer to it as providing a starting point, in the sense that the CA is not itself a *conception* of well-being but rather a *theoretical framework* for conceptualizing and evaluating well-being, among other aspects of human life. In other words, the CA does not tell us what well-being is, but guides us in determining the things that we should consider in thinking about well-being. My second aim is to present the CA as the theoretical foundation for the human well-being paradigm in well-being conceptualizations. This helps to lay the groundwork for my argument that citizenship should be understood as a human capability. As we shall see, Nussbaum also proposes capabilities for non-human species. While I do not wish to deny that capability approach might be applicable to non-human animals, I do not consider citizenship to be such a capability. For this reason, in analysing the concept of capabilities,

I draw significantly on both Sen and Nussbaum, but will avoid discussing the latter's capabilities for non-human animals.

Amartya Sen seems to have first used the term "capability" in 1979, while delivering a public lecture, "Equality of What?" and this lecture marked his entry into philosophical research and into matters of justice and well-being. Since then, scholars such as Alkire (2002), Clark (2002), Nussbaum (1992, 1995, 1997, 2000, 2001, 2003, 2005, 2011), Qizilbash (2002), and Robeyns (2000, 2005, 2006, 2011) have adopted his ideas and developed them into the Capability Approach. According to Sen (1997:394), this approach has clear linkages with Adam Smith's analysis of necessities and with Aristotle's treatment of eudaimonia in *The Nicomachean Ethics* and *The Politics*. However, in *The Idea of Justice*, Sen (2009:52) confesses that it was Rawls's ideas of justice that deeply influenced him to write on issues of well-being and justice.¹¹ Sen, however, departs from Rawls, arguing that in his "equality of primary goods" approach to justice, Rawls overlooks the fact that there are fundamental differences between human beings; or better: Rawls does not take into account the *kinds* of differences that lead to different outcomes even when there is equal distribution of primary goods. Well-being, for Sen, must thus be measured by assessing people's freedom and choices, rather than equality in the holding of primary goods, or their income or consumption. By focusing on freedom, Sen is reinforcing his belief that people differ in their capacity to convert goods into valuable achievements owing to diversity in internal characteristics such as age, gender, general abilities, particular talents, and proneness to illness, as well as in external circumstances such as social backgrounds, environmental predicaments and so on (Sen 1992:1).

¹¹ Rawls's theory of justice is briefly discussed in Chapter 1.

However, Sen develops the CA to respond not only to Rawlsian and utilitarian approaches to well-being, but also to development economics, particularly to what he considers to be the ‘non-ethical’ character of modern economics (Sen 1988:1-2). By this he means that, in contrast to what has been the case previously, say, from Socrates to Adam Smith, economics is now studied without *humanity* in mind, and has thus separated itself from ethics. Economics no longer concerns itself with the Socratic question, “How should one live?” – a question that is central to ethics. For Sen, by contrast, economics should be concerned with actual people, not simply representative persons. In view of this, he argues that we should move away from income-led evaluation methods of development, and focus instead on people’s ability – as opposed to formal equality of opportunity – to achieve the ends that they value. He argues that development is not just a question of the wealth or pleasure or goods that a person has; it is a question of how people manage to live their lives, and the ability (capability or freedom) they have to do certain things that are important to them (Sen 1992:40).

From this idea of capabilities, Sen develops a “freedoms” concept of development that is human-centred: hence the term *human* development. The concept of human development entails that the principal means and the primary ends of development should be the expansion of people’s substantial freedoms or opportunities to choose and act (Nussbaum 2011:20). For Sen, expanding people’s freedoms advances, firstly, their well-being (enriching their lives) and, secondly, their agency (freedom to pursue other goals that may not necessarily enhance well-being) (Sen 1999:36). The Capability Approach is thus the theoretical foundation for the concept of human development, meaning that a fuller understanding human development requires a full exposition of the CA first, and this is the strategy this chapter adopts in the four sections below. The concept of human development refers, in turn, to the process of improving human well-being. The concepts

of human well-being and human development are thus intricately linked and are usually studied together by CA theorists, particularly Sen (1999) and Alkire (2005, 2009, 2010).

In Section One, I analyse the concepts of capabilities and functionings which are the key elements of the CA. As already noted, the CA is neither a theory of justice nor a comprehensive theory of well-being, but rather a framework or yardstick for *evaluating* the many aspects of (human) well-being. What is distinct about this approach is its emphasis on the fact that in the evaluation of justice, development or other aspects of well-being, our focus should not be merely on the *means* but also on the *ends* of human development and justice. For example, when conceptualizing human development, our focus should not be confined to the income that people have, which is only a means, but we should focus on what people are able to do and be with that income. We should look at whether people are living longer, are being healthy or are being literate rather than focusing on, say, the per capita income for their particular society.

In Section Two, I follow up the initial overview of the capability approach with a more focused analysis of the concept of human development, showing its place in the capability discourse, and clarifying it as a process of enhancing human well-being. The concept of human development is linked to the idea of the CA in forwarding the thesis that development is about the expansion of people's capabilities and functionings (Fukuda-Parr 2003:117-118). Expanding people's freedoms and opportunities simply means improving their well-being. My focus will thus be on a concept of human development that is sensitive to the means-ends distinction, that is concerned with human freedoms and dignity and that recognizes human agency – that is, the role of people in the development process. On this view, human development entails improving human lives by expanding the range of things that a person can be and do, such as being healthy and well

nourished, being knowledgeable, and participating in community life. In other words, the end of the process of human development is human well-being.

Section Three is a follow up on Section Two as it analyses the Human Development Index (HDI) as a measure of human development. This index is a measure of human development that combines three human capabilities: health, education, and a decent standard of living (Stanton 2007:15). However, I argue that the HDI poorly represents the rich CA-inspired concept of human development. The HDI is simply too narrow and inadequate a measure of development. The notion of human development, as will be shown, is far broader than the HDI measure.

Section Four discusses whether or not researchers should complete the capability approach framework by proposing specific lists of capabilities for different researches. Sen and Nussbaum, who are the main proponents of the CA, are divided on this issue. Sen (2004) argues that the selection and justification of lists of capabilities interferes with the virtue of public discussion, whereas Nussbaum (1995, 2000, 2003), Sabina Alkire and Rufus Black (1997), and Ingrid Robeyns (2003), have all proposed some capabilities to complete the CA, but in different contexts. I follow Nussbaum's position that lists are required to complete the CA. However, I differ with her in the sense that her concept of capabilities is wider and includes capabilities for non-human species, something that is at variance with the goal of this dissertation. In addition, I have reservations about the nature of Nussbaum's human capabilities and how she lists together human and non-human concerns. The fifth section analyses previous attempts at completing the CA. I discuss Nussbaum's (1995:515-517) and Robeyns's (2003:71-2) lists in detail as I draw guidance from these in defending my own argument in Chapter Five. The sixth and last section of this chapter briefly discusses some criticisms levelled against the CA in general.

1. Key elements of the Capability Approach

1.1 Functionings and capabilities

Sen argues that living may be seen as a set of interrelated functionings, consisting of “beings and doings”. The concept of “functionings” reflects the various things a person may value doing or being (Sen 1999:75). Examples of “beings” are: being healthy, being educated, being well-nourished and so on. Examples of doings are: travelling, participating in an election, going to a party, getting married, and so on. These beings and doings together constitute what makes a life valuable. These are the various things a person may value doing or being and, taken together, these create a better conceptual space in which to assess well-being than utility or opulence (Alkire 2005:118). Sen claims that functionings are constitutive of a person’s being, and an evaluation of well-being has to take the form of an assessment of these constituent elements (Sen 1992:39).

Sen (1999:75) goes on to define capabilities as the alternative combinations of functionings that are feasible for a person to achieve. Capability is thus a kind of freedom; specifically, the substantive freedom to achieve alternative functioning combinations (or, less formally put, the freedom to achieve various lifestyles). Thus, while travelling is a functioning, the real opportunity to travel is the corresponding capability. The distinction between functionings and capabilities is between the *realized* and the effectively possible; in other words, between achievements, on the one hand, and freedoms or valuable opportunities from which one can choose, on the other. According to Gasper (2002:11), the term “valuable” implies that only desirable options of beings and doings are relevant choices. Negatively valued options like the option to become HIV-positive are not components of well-being.¹² A person’s capability is relevant to his or her well-being from

¹² As I argued in the introduction of Chapter One, well-being extends only to those things that are objectively good for a person.

two perspectives, firstly, if the *achieved* functionings constitute a person's well-being, the *capability to achieve* functionings constitutes the person's effective freedom to achieve a desired or valued state of being (well-being freedom). Secondly, achieved well-being is dependent on the capability to function, and choosing may itself be a valuable part of living, and a life of genuine choice with serious options is arguably richer than a life with little freedom to choose between different valuable functionings (Sen 1992:41).

A person's functionings and her capability are closely related but distinct. For Sen (1987:36), a functioning is an achievement, whereas a capability is the ability to achieve. Functionings are, in a sense, different aspects of our living conditions. They are states of being like being well nourished or being literate. For Nussbaum (2011:25) functionings are beings and doings that are the realizations of capabilities. Capabilities, by contrast, are notions of freedom, in the positive sense: what real opportunities you have regarding the life you may lead (Sen 1987:36). In other words, capability means freedom or the opportunity to select valued functionings. The distinction between achieved functionings and capabilities is thus between the realized and the effectively possible; in other words, between achievements and freedoms (Sen 1987:95). What is ultimately important is that people have the freedoms (capabilities) to lead the kind of lives they want to lead, to do what they want to do and be the person they want to be.

The evaluative focus of the capability approach can be either on the realized functionings (what a person is actually able to do) or on the capability set of alternatives she has (her real opportunities) (Sen 1999:75). Realized functionings and the capability set of alternatives give different types of information: the former about the things a person does and the latter about the things a person is substantively free to do. Both versions can be used, either separately or combined. Either way, the main argument of the CA is that for well-being evaluation, the appropriate space is neither that of

utilities, nor of primary goods, but the space of the substantive freedoms – the capabilities – to choose a life one has reason to value (Sen 1999:74).

When understood in this way, the CA enables us to make interpersonal comparisons of well-being. For example, a test of equality between different people is assessing whether their capability sets are equal or unequal. Instead of focusing on the resources or primary goods they have, we rather assess what they are able to do or be with these resources. The real freedoms people have to live the lives they value is what matters to well-being. For example, two people, A and B work and live in different cities, but both earn 5000 USD and have similar budgets per month. Both rent similar houses, but because A lives in the capital city, he pays five times more rent than B. Security and health cost more in the capital, and therefore A spends three times more money than B uses on these same services. If we are to use resources or primary goods to assess the well-being of these two persons, our conclusion will be that they both live similar lives, but it is clear that, comparatively, the range of things that A can do and be is much constrained. The CA is attractive in the assessment of well-being precisely because it focuses on real lives lived (ends) rather than resources (means) which sometimes mislead. I clarify the distinction between ends and means in the section below.

1.2 Means versus ends

According to Robeyns (2005:95) a key analytical distinction in the capability approach is that between the means and the ends of well-being. Only the ends have intrinsic importance, whereas means are instrumental to reach the goal of increased well-being. For Robeyns (2011:7) the approach stresses that we should always be clear, when valuing something, whether we value it as an end in itself, or as a means to a valuable end. This implies that the capability approach evaluates policies and other changes according to their impact on people's capabilities as well as their actual

functionings. The main reason why the capability approach holds that it is better to focus on the ends rather than the means is that people differ in their ability to convert means into valuable opportunities (capabilities) or outcomes (functionings) (Robeyns 2011:7; Sen 1992:1). Since ends are what ultimately matter when thinking about well-being and the quality of life, means can only work as reliable proxies of people's opportunities to achieve those ends if they all have the same capacities or powers to convert those means into equal capability sets.

This means-ends distinction is what ultimately makes the CA a unique and attractive framework for evaluating well-being. This argument, as Deneulin and McGregor (2010:505) point out, does not imply that incomes and commodities (means) are not necessary, but rather that, if we are concerned with well-being outcomes, we need to expand the informational basis for assessing well-being, since income is not an end in itself but a means to further human ends. What is ultimately important is to create an enabling environment for people to enjoy long, healthy and creative lives, but this is often forgotten in the immediate concern with the accumulation of commodities and financial wealth (ibid: 505). Human well-being is thus not captured by aggregate income measures, and is not about the resources people have, but about what they are able to do and to be with what they have, such as living long and healthy lives, being educated, or having a voice to participate in decisions which affect their lives (ibid: 505). It is therefore the space of capabilities that matters, rather than the space of means. This is where traditional mainstream welfare economics failed with regard to assessing well-being. In the next section, I will analyse the concept of capability further by discussing Nussbaum's specific understanding of this concept.

1.3 Nussbaum's combined capabilities

For Nussbaum (2011) the capabilities that we defined above as substantive freedoms should in fact be referred to as *combined capabilities*. They are combined capabilities in the sense that they are

freedoms created by a combination of internal personal abilities (or capabilities) and the political, social, and economic environment. They are the totality of opportunities one has for choice and action in his or her specific political, social and economic situation (Nussbaum 2011:20). An understanding of Nussbaum's idea of combined capabilities helps us understand her proposed list of capabilities in particular, and her view of justice in general. Of particular note is the special attention she gives to what she refers to as internal capabilities, which she proposes should be distinguished from combined capabilities. Internal capabilities are different from innate or personal natural traits, but they are abilities, skills, or traits that result from interacting with the social, economic, familial, and political environment (Nussbaum 2011:21). Nussbaum advises that it is important to distinguish internal capabilities from combined capabilities (of which they are a part) because there are instances when a society might do well in producing internal capabilities but hinder people from having the opportunity to function in accordance with those capabilities. For example, a society may develop the internal capability of free speech in its people but then deny them free expression in practice through repression of speech. A clearer example is that of people who have internal capabilities for political participation but are unable to make use of them in the sense of combined capabilities because they may be immigrants without legal rights; or in some cases, the state may use violence to hinder people from participating (Nussbaum 2011:22). Finally, Nussbaum argues that a society cannot develop citizens' combined capabilities without developing their internal capabilities, although it is possible for society to do well in creating contexts for choice in many areas but not to educate its citizens or nourish the development of their powers of mind. For example, it would be grossly undesirable to have a society in which the external conditions for free speech are available, but lacking a people with the internal (rational, emotional etc.) ability to make use of this freedom. For Nussbaum (2011:21), it is the duty of

society to develop these internal capabilities through education and, support for family care, and through availing resources to enhance physical and emotional health, among other interventions. This basically is her concept of combined capabilities.

It is to Nussbaum's credit that she has managed to clearly define the components or the constituent parts of a capability. It is beyond contest that a capability is characterized by both internal and "external"¹³ components as she defines them. However, in my view the concepts of *combined* capabilities and internal capabilities are far from convincing. If the ontology of a capability is internal personal skills plus favourable social, economic and political factors, internal skills alone cannot therefore be capabilities. For example, if water is made up of hydrogen and oxygen, hydrogen alone cannot constitute water. Both hydrogen and oxygen are needed to produce water. A component cannot be a component and a whole at the same time. For this reason, it is difficult to make sense of the separate concepts of internal capabilities and combined capabilities. If by capability we mean effective freedom or real opportunity, by implication, both internal and external components are present, otherwise it is not a capability. Nussbaum wants us to accept that internal skills or traits are capabilities, as is evident on her proposed list of capabilities, but she is unwilling to say the same for external components, and so she does not talk of "external capabilities". The fundamental question I ask in this regard is: What are the pre-conditions of a capability or real opportunity? In my view, effective freedom requires two preconditions: (1) the necessary material or institutional means to satisfy one's valued aims, and (2) developed and operational mental faculties. Nussbaum, however, reasons that we can talk of "internal capability" if at a given time a person can achieve a particular aim, should the appropriate circumstances present themselves. For example, all adult persons, for her, have the internal capability for

¹³ The term is in quotes because Nussbaum has for some reason avoided using it.

religious freedom and the freedom of speech (Nussbaum 2000: 84). My argument is that the absence of an enabling external environment takes away the capability. A permanently blindfolded person no longer has the capability of sight. The capability is present only when the person has real freedom to see. Either the capability is present or it is not. It is because of the above considerations that I am inclined to argue that the notion of combined capabilities does not add anything to the concept of capability in the same sense that the concept of combined water does not add anything to the concept of water.

This leads me to argue that there is no fundamental difference between Sen's and Nussbaum's concepts of capability. Even though Nussbaum mentions several levels of capability, beginning with basic to internal capabilities, the resultant *combined capabilities* mean no more than what Sen simply calls capability without the adjective "combined". Most definitions of capability are general and do not specify whether a given definition of capability is coming from either Sen or Nussbaum. What is important to note at this stage is that both Sen and Nussbaum agree that capabilities and functionings are the objects that should be considered relevant in the assessment of well-being. They agree that we must shift our evaluations of well-being away from utilities or income to capabilities and functionings. As Alkire (2010: 4) points out, all formulations of the capability approach agree that two concepts are central to the approach: freedom (capability) and valuable beings and doings (functionings). This conceptual convergence among the CA theorists trumps their disagreements on components of capabilities and on whether there should or should not be a recommended list of capabilities. My position here allows me to use the concept of capability freely, without having to constantly specify whether I will be using Sen's or Nussbaum's concept. Having defined the central concepts of the capability approach, in the section below I analyse the concept of human development – a concept that is intricately connected with the concept of

capabilities. According to the CA, well-being is conceptualized and assessed in terms of capabilities and functionings. The concept of human development to be discussed in the following section comes in here as the process of expanding capabilities (see Sen 1999:3). Almost all CA theorists, with the exception of Nussbaum, have embraced Sen's view that human development is the process of enlarging people's freedoms and opportunities (capabilities) – in short, their well-being. Nussbaum disagrees with this claim, as she thinks that human development gives only a *partial* account of well-being because it was introduced only for human beings and for political purposes, and is thus not a comprehensive doctrine of well-being. She therefore develops an expanded concept of well-being that encompasses other species like animals, plants and the world of nature (Nussbaum 2003:42). As I have indicated earlier, I will not pursue Nussbaum's expanded conception of well-being here and will restrict my focus to well-being as it pertains to human beings. Regardless of Nussbaum's concerns, the concept of human development is so central to the capability approach and human well-being that it needs a detailed analysis.

1.4 The concept of human development

The term “human development” qualifies the term of development through the addition of the adjective “human”. This move is the brainchild of Mahbub ul Haq (1934-1998), a Pakistani economist who, in the 1990s, helped in developing the United Nations' (UN) Human Development Reports (HDR) (Haq 1995:25). For Alkire (2010:2), the concept of human development is conceptually founded on, and is one example of, the application of the Capability Approach. The UN's Human Development Reports (HDR), which have been inspired particularly by Sen's capability approach, describe the objective of development as that of expanding capabilities, or, simply put, “expanding people's choices” (see HDR 1990:10). The idea, then, is that human development is a process of nurturing and improving well-being. In other words, the objective or

end of development is well-being, and the process involves enlarging people's freedoms and opportunities (Alkire 2010:2). This is the view of development that I have adopted for this dissertation. I am however aware that Sen does not only use the concept human development to refer to the expansion of well-being related freedoms. For Sen, human development has a much broader objective than well-being. In effect, well-being is only one of the two main objectives of human development. While development is the process of expanding the real freedoms that people enjoy, freedom itself can be sub-divided into *well-being freedom* and *agency freedom*. While these two types of freedom are closely related and interdependent (Sen 1999:40), they are nevertheless analytically distinct. *Well-being freedom* relates to the enrichment of human life, and in this regard human development advances human well-being. *Agency freedom*, on the other hand, relates to a person's freedom to promote certain causes and the occurrence of certain things, even though this may not advance his or her well-being and may even lower it (Sen 1988:41). For example, a person may value the freedom to be a political activist, constantly demonstrating for more political rights, but this may result in him or her getting beaten up by the police from time to time and spending long periods in detention. This person will be valuing her agency freedom – respecting her ability to form goals, commitments and values (ibid: 41). This freedom is, in a sense, aimed at well-being – particularly community well-being, because there is some value (or expected positive outcome) in, say, fighting for the rights of children, or some other community values – without yet being *equivalent* to well-being itself. In my view, even agency freedom contributes significantly to well-being if we admit that having the capability to form and shape our goals is psychologically rewarding. In view of my argument in Chapter One that well-being extends only to those aspects that are objectively good for the person, I am of the opinion that agency freedom contributes to

well-being to the extent that it is objectively good for the person. Generally, I adopt Alkire's (2010:2) view that human development is the process of nurturing well-being.

The general motivation for the idea of human development is to "re-direct" the function of economics in nurturing human well-being. In earlier times, economics was a branch of ethics (see Sen 1988:2), and was supposed to concern itself with "how people ought to live". Sen (1988) and Haq (1995) both believe that modern economics has overlooked this important function, as evidenced by its preoccupation with economic growth, without due attention being paid to how this growth affects people's lives. In coming up with the concept of human development, Sen, Haq and others, remind us that the basic objective of development is to create an enabling environment for people to enjoy long, healthy and creative lives. The human development concept, according to Fukuda-Parr (2003:117), unlike the monetary (economic) concept of development, serves the broader objectives of human well-being; for it stresses that the purpose of development is to enlarge people's choices. The Human Development Report (HDR) of 1990 lists the most critical of these wide-ranging human choices as: to live a long and healthy life, to be educated and to have access to resources needed for a decent standard of living. Additional choices include political freedom, guaranteed human rights and personal self-respect (HDR 1990:10).

According to Haq, the defining difference between the economic growth and human development approaches is that economic growth focuses exclusively on the expansion of only one choice – income – while human development embraces the enlargement of all human choices, economic, social, cultural and political. The main problem with the income-growth approach to well-being is that it takes it for granted that economic growth or an increase in national income improves people's well-being as well. Admittedly, that may be the case, but that connection (income to well-being) is by no means a necessary one. As Haq (1995:14) rightly points out, income may be

unevenly distributed in society (which is the case in most countries), or else national priorities as chosen by rulers (for example guns instead of butter) may not be for the betterment of people's lives. In such instances economic growth does not trickle down.

Although both Haq and Sen have written on human development – Haq in *Reflections on Human Development* (1995), and Sen in *Development as Freedom* (1999) – in the rest of this section I will focus on Sen's version of development because of its special emphasis on freedoms and because we can directly deduce that it has its theoretical foundations in the CA. The idea of capability is in turn critical for my dissertation because I link the concept of capability with that of citizenship.

If we may focus specifically on Sen's concept of human development, he conceives development as a process of expanding the real freedoms that people enjoy (Sen 1999:3). This arises from the key idea of the capability approach that social arrangements should aim to expand people's capabilities – their freedom to promote or achieve valuable beings and doings. Development, then, is the expansion of capabilities, the expansion of the range of things that a person can be and do, such as to be healthy and well nourished, to be knowledgeable, and to participate in community life. Seen from this viewpoint, development is about removing the obstacles to what a person can do in life, obstacles such as illiteracy, ill health, lack of access to resources, or lack of civil and political freedoms. The development process is one of giving individuals the freedom to realize more and better functionings and the removal of major sources of unfreedoms like poverty, tyranny, and poor economic opportunities as well as systematic social deprivation¹⁴ (Sen 1999:3). In other words, an essential test of development is whether people have greater freedoms. To this

¹⁴ Here I only flag the centrality of the state and citizenship to the process of development if development is understood this way. This argument will be expanded in Chapter Three.

end, Sen argues that if freedom is what development advances, concentration should therefore be on that overarching objective, rather than on some particular means.

Focusing on developing human freedoms, according to Sen, contrasts with narrower views of development such as identifying development with the growth of the GNP, a rise in personal incomes, technological advance, or social modernization. The GNP was never suited to be a measure of development. It was designed to measure monetized activity, much of which represents lack or loss of well-being. For example, Sen (1999:5-6) points out that opulence or income per head (e.g. per capita GDP) fails to take into account the many factors that may affect the ability of different groups and different individuals to convert income into well-being. There are many factors critical in evaluating well-being other than people's incomes, assets, and levels of satisfaction or desire fulfilment, all the things traditionally considered by mainstream economics. To this end, the process of development should be evaluated or assessed in terms of whether the freedoms that people have are enhanced (Sen 1999: 4). The success of society is to be primarily assessed by the substantive freedoms that the members of that society enjoy (Sen 1999:18). Examples of well-being freedoms are those of avoiding premature death, avoiding death from curable diseases, avoiding hunger and so on. These freedoms have a direct bearing on human well-being, and progress has to be assessed primarily in terms of whether the well-being freedoms of people are being enhanced.

However, a person can have goals and values other than the pursuit of their own well-being (Sen 1992:56). Since capabilities are an expression of freedom, what people are actually able to do or to be, "to choose to live as they desire", they also incorporate the notion of agency, what Sen refers to as "agency freedom". A person's agency achievement refers to the realization of goals and values he/she has reasons to pursue, whether or not they are connected with their own well-being.

If a person aims at, for example, the development of their country or the cleanliness of their community, their agency achievement would involve the evaluation of states of affairs in the light of those objectives, and not merely in the light of the extent to which they contribute to their own well-being (Sen 1992: 56). Agency in this case is concerned with the individual's freedom to choose and bring about the things that he/she values, social or political. To this end, an agent is someone who acts and brings about change, as a member of the public and as a participant in economic, social and political actions, whose achievement can be judged in terms of their own values and objectives, whether or not they are assessed in terms of external values as well (Sen 1999:19). In other words, in Sen's work, the term "human agency" represents people's ability to act on behalf of goals that matter to them, and this aspect of freedom, Sen argues, is a core ingredient of positive social change (Alkire 2005: 218). Agency means a responsible autonomy, an other-regarding way of deciding and acting. It may even lead to acts that decrease our well-being to the advantage of other persons, as when one gets beaten by the police in the street while demonstrating for children's rights. As Sen (1999: 19) states, "The people have to be seen ... as being actively involved – given the opportunity – in shaping their own destiny". Alkire (2005: 219) links Sen's use of the term agency with the concept of "empowerment". The term "empowerment" is not one that Sen's capability approach often employs, but it is related to, although not synonymous with, an increase in human agency. What this means is that for Sen human development has a much broader objective than enhancing well-being. It also entails expanding people's agency freedoms. Although Sen makes a distinction between well-being freedom and agency freedom, I have argued above that it is possible to view freedoms as contributing to well-being. For example, participating in a demonstration for a worthy cause may contribute to one's well-being through the achievement of some personal (or psychological)

satisfaction. It must be conceded, however, that an undertaking might end in frustration and failure, while *still* counting as an instance of agency freedom. Thus, while it is possible that agency freedom often contributes to well-being, it is not inevitable that it would do so in every case. Sen's argument should therefore make us careful not to turn well-being into a single master value that would trump all other considerations.

All in all, the CA in all its forms, including the human development approach is theoretically attractive. But how should we measure people's quality of life at the practical level? How are we to rank countries using the capability or freedoms approach? Such questions provide a background to the development of the Human Development Index (HDI) which was developed Mahbub ul-Haq with the help of Amartya Sen and launched in 1990. According to Nussbaum (2011:59), Haq believed that nations accustomed to seeing a single ranking like the GDP or the PQLI would accept nothing but a similar single ranking. The formulation of the HDI was therefore strategic. This explanation, however, does little to counter the various criticisms targeted at the HDI, as the discussion in the next section will show.

1.5 The Human Development Index (HDI)

The Human Development Index, or HDI, is a capability-based index for measuring a country's human development or well-being and is intended to provide an alternative to the still common practice of evaluating a country's progress using GNP or per capita national income. Mahbub ul-Haq actively participated in its formulation (see Haq 1995). The HDI seeks to capture both economic growth and improvements in the quality of life, and is thus a better measure of well-being compared to the use of GDP. It comprises three indicators: longevity, knowledge and income (Haq 1995:49). Longevity is measured by life expectancy at birth as the sole unadjusted indicator. Knowledge is measured by two stock variables, adult literacy and the mean years of schooling,

with a weight of two-thirds given to literacy and one-third to mean years of schooling. The income variable captures a bundle of goods and services needed for the best use of capabilities, or in other words, a level of income regarded as adequate for a reasonable standard of living (Haq 1995:49). The HDI itself is a weighted average of these three variables.

According to Gatt (2005:23) the major strength of the HDI is that it presents a single measure of development which takes into account the economic and social aspects of human life. To this end, this has served to broaden public interest in the other variables, notably education and health, which are crucial factors in human development or well-being. In other words, the HDI promotes more dimensions of well-being in addition to income. Moreover, this measure is easily comparable between countries, and is flexible enough to accommodate some refinements (Haq 1995:56). However, the HDI has also been extensively criticized. I focus here on Elain Gatt's (2005) criticisms of the HDI, as they are representative of the most common problems with employing the HDI. The obvious criticisms relate to the equal weighting of the three indexes, and the inattention to a host of other important dimensions relating to development, such as the presence of democracy, good governance of society, a fair judicial system, housing quality, pollution, gender equality, corruption, crime rates, unemployment, quality and variety of goods and services, economic growth, and quality of education. Haq acknowledges that this criticism is justified, but he defends the use of a limited number of variables, arguing that more variables blur the main trends and confuse the picture and therefore it is reasonable to keep the index sharp and simple rather than integrating everything into the HDI (Haq 1995:58). Too many variables would exacerbate the weighting problem, as some variables involve serious measurement problems. It is better that some legitimate concerns, that have been left out, be studied separately.

Another challenge with regard to HDI is that there is not enough justification underlying the choice of the indicators within the HDI (Gatt 2005:24). The Human Development Report (1993) gives a brief explanation as to why each indicator was chosen and outlines the relative advantages as well as disadvantages, but the reasoning is far from convincing. For example, it is stated that the advantage of the use of the life expectancy variable is that its variance across individuals within a country is likely to be much smaller than that of income. However, Gatt thinks that there could be equally important indicators which could be used, such as infant mortality. Proponents of the HDI should give more justification as to why this variable is weightier than other possible variables.

Gatt directs another criticism at the literacy variable. The variable involves a combination of two indicators, adult literacy rate and the mean years of schooling for individuals over 25 years of age. Yet literacy is quite difficult to measure (Gatt 2005:25). She thinks that non-traditional modes of acquiring education should also be incorporated in the HDI, though it would be difficult to obtain reliable data on these issues across countries and over time. Haq (1995:60) responds that the fact that the HDI uses unreliable data does not mean we should stop using the HDI, but all that is needed is to improve it. His argument is that the HDI is at least an improvement over other measures, like the GDP, which also suffer from the problem of unreliable data. The third indicator, namely income per capita, is commonly viewed as the most problematic one. The indicator used is per capita GDP in purchasing power parity (PPP) dollars. For Gatt (2005:26), apart from the discounting procedure used, there is the problem of income distribution, which, if very uneven, can be a misleading indicator of well-being of households. Other researchers question the relevance of the HDI for industrialized nations, commenting that the approach is more suited for developing countries. In addition, one may also argue that the HDI is simply an adjustment to GDP

statistics without fundamentally altering their results, given that there is a strong correlation between health, education and GDP per capita (ibid: 26; see also Chowdhury 1990:26).

It can also be argued that the HDI, although used as a yardstick, is less about human development than about the state's ability to present a picture according to its interests. Gatt (2005:25) suggests that although longevity is not something that can be played around with easily by government statistics, small changes in this variable lead to substantial differences in the place the country occupies in the HDI. It would not be a surprise that certain authoritarian regimes are ready to add three or four additional months to their citizen's average lifespan. For another thing, the HDI does not make any reference to the *quality* of education. Just like real incomes and life span, school enrolment statistics can be manipulated at will. For example, two countries producing equal amount of goods with equal longevity and education levels must have the same HDI. However if one of the countries spends much more on defence than the other, the level of welfare in the two countries will be different. This will reduce the disposable income and make the country less affluent than the other. The HDI does not take this into account (Gatt, 2005:25).

The last issue Gatt notes with regard to HDI relates to the reliability and accuracy of statistics (ibid:25). One has to keep in mind that data are very often dependent on sample surveys and censuses, which are not necessarily carried out by every country and over sufficiently frequent periods. Furthermore, the political sensitivity of the HDI may encourage statistical forgery. Countries trying to attract tourists or foreign investment may resort to providing inaccurate statistics just to present that favourable picture. It is important to note that the human development approach to well-being gave birth to the Human Development Index (HDI), but, as this discussion has demonstrated, the HDI is grossly inadequate as a measure of well-being. Although an improvement over income measures, the HDI measure poorly represents the human development

approach to human well-being. It is that movement from human development theory to the HDI index that needs reworking.

All in all, Haq (1995:59) admits that human development is a much richer concept than the HDI can ever hope to capture. He also acknowledges that the HDI is neither perfect nor fully developed. My position on this is that the HDI need not be rejected, but requires improvement in light of the criticisms mentioned above. The several shortcomings discussed in this section are just too many to ignore, but we also need to acknowledge the contribution of the HDI so far, particularly in the operations of the United Nations Development Programme (UNDP). The HDI is discussed in this section as an extension of the discussion on the concept of human development. It is critical to point out that most researchers who have adopted the concept of human development have not extended the same allegiance to the HDI.

Moving on, an analysis of the CA and human development will be incomplete without discussing whether or not the CA theorists should propose and defend a list of capabilities – substantive freedoms, in Sen's terminology – that states ought to advance or protect. In other words, should we operationalize the CA by drawing and justifying a clear list of capabilities to which governments and other policy-makers can refer? I deal with these questions in the next section.

2. Capability lists versus public reasoning

In all his writings, Sen has refrained from recommending a list of capabilities that matter to human well-being, arguing that the selection and weighting of capabilities depend on personal value judgments, which are partly influenced by the nature, context and purpose of the evaluative exercise (which could vary). Of even greater concern to him is the consideration that providing such a list does not respond to public reason and the formation of social values (Sen 2004:78). Sen

wants the CA to remain as a framework because capability assessment can be used for different purposes (varying from poverty evaluation to the assessment of human rights or of human development), and public reasoning and discussion are necessary for selecting relevant capabilities and weighing them against each other in each context. It would therefore be a mistake “to build a mausoleum for a “fixed and final” list of capabilities usable for every purpose and unaffected by the progress of understanding of the social role and importance of different capabilities” (Sen 2004:77). The choice of relevant capabilities has to be related to the underlying social concerns and values within a particular society. For Sen, it is the public reasoning in each society which is to determine which capabilities are valuable to promote. Public reason requires that the moral or political rules that regulate our common life be, in some sense, justifiable or acceptable to all those persons over whom the rules purport to have authority. This idea implies that, in certain contexts, citizens have a moral (not legal) obligation to give public reasons (Rawls (1997:776). This obligation follows from a political conception of the citizen combined with reasonable pluralism, the idea that under free political institutions, there will not be consensus on comprehensive conceptions of the good. Embracing public reason is a response to reasonable pluralism representative of the citizen's ethical capacity to be reasonable, in Rawls's technical sense of the term: “the ethical capacity to propose and abide by fair terms of social cooperation” (ibid: 776). For Rawls, civility requires giving public reasons that respect everyone's status as free and equal. We ought to reason with each other on political issues, and we want fundamental political policies to be debated and be endorsable by all reasonable citizens. Similarly, Sen (2004:80) believes that public discussion and reasoning can lead to a better understanding of the role, reach, and the significance of particular capabilities. Different societies have different priorities at each given time and such priorities can become known through public discussion. It is mainly for this reason

that Sen discourages providing a list of capabilities cast in stone, as that would displace the need for continued public reasoning (Sen 2005:157).

Sen's position above has largely been unacceptable to the majority of capability approach adherents. Thus Alkire (2005:122) argues that, without specification of valuable capabilities, the capability approach is fundamentally incomplete. Researchers insist that capability theories of well-being should include lists of basic capabilities, arguing that without such lists attempts to operationalize the approach would not succeed (see Srinivasan 2009; Nussbaum 2003; Smith and Seward 2009). They argue that Sen should have been specific about which capabilities matter, which ones matter more than others, and why. Accordingly, Srinivasan (2009:460) argues that, from a purely practical perspective, Sen's "silence" on this is an obstacle for operationalizing the capability approach. In the same vein, Nussbaum (2003:35) believes that Sen's argument for the importance of capabilities does not take us very far, because, although his consideration of capabilities gives us a general sense of what societies ought to be striving to achieve, the reluctance to make commitments about substance (which capabilities a society ought most centrally to pursue) means that the guidance remains but an outline (Nussbaum, 2003:35). For Sen's critics, it is precisely this shortcoming that begets the operational weakness of the capability approach.

Secondly, the capability approach's strength as a strong normative foundation is argued to be weak at the practical level, because the relatively abstract nature of the capabilities/functionings language leaves a lot of room for misinterpretation, rendering the approach difficult to operationalize. In addition, deliberation on such concepts proceeds through the philosophical method of practical reason, which is the general human capacity for resolving, through reflection, the question of what one is to do. But such deliberation raises two sets of philosophical problems. First, there are questions about how deliberation can succeed in being practical in its issue.

Practical reason takes a distinctively normative question as its starting point. It typically asks which set of alternatives for action none of which has yet been performed, what one ought to do, or which it would be best to do. It is thus concerned not with matters of fact and their explanation, but with matters of value, of what it would be desirable to do. Governments and some policy makers who may need to make use of the CA, however, may not have the patience or the luxury to regularly go through the rigorous process demanded by the ethics of practical reasoning. They require concrete descriptions of capabilities and of the specific goods that they should provide to the citizens. The capability approach can provide useful guidance in this regard “only if we formulate a definite list of the most central capabilities, even one that is tentative and revisable” (Nussbaum, 2003: 36).

It should be pointed out, however, that Sen is not completely against formulating lists of capabilities. He admits that he has on several occasions discussed the relevance of many capabilities that would seem to demand attention in any theory of justice, and more generally in social assessment – such capabilities as the freedom to be well nourished, to live disease-free lives, to move around, to be educated, to participate in public life, and so on (Sen 2004:78). He is, however, against the fixing of a cemented list of capabilities which is absolutely complete (nothing could be added to it) and totally fixed (it could not respond to public reasoning and to the formation of social values).

In this dissertation, I argue that the capabilities approach is a better framework for conceptualizing and evaluating human well-being. In my view, understanding development as the process of expanding the real opportunities (capabilities) people require in order to live valuable lives is far more justifiable than thinking of development in terms of increasing utility, command of resources or income. However, I also subscribe to Nussbaum’s (2003:36) argument that the capabilities

approach can supply definite and useful guidance, and prove useful to the cause of human development, *only* if we formulate a definite list of the most central capabilities, even one that is tentative and revisable, using capabilities so defined as to elaborate and make clear what societies should strive for. There is no harm in proposing revisable lists, and in fact public debate proceeds from given proposals. Although I am following Nussbaum's argument on the need to specify capabilities, my focus is nevertheless narrower than hers, owing to the fact that I am only concerned with human capabilities (at least in this dissertation), whereas Nussbaum's concept of capabilities is broader. In this dissertation, I am proposing a particular way of completing the CA with regard to human well-being. In order to prepare the ground for my own argument, I first analyse a number of other proposals for giving content to well-being and thus completing the CA in the following section.

3. Attempts at completing the CA

I have stated in the Introduction and in Section Four above that the CA can become more useful if it is completed by adding content to it through either clearly defining these capabilities or endorsing a revisable list of capabilities, which can be refined from time to time, if need be, through a process of public discussion. There are several attempts in that direction, but I discuss two of them, one by Nussbaum (2003) and the other by Robeyns (2003). I have chosen the two lists because they have shaped the development of my argument in Chapter Five. In arguing that well-being capabilities are essentially citizenship rights, I am making a similar proposal to the two lists, the only difference being in my focus. Although Robeyns' methodology for selecting capabilities provides clear guidelines for those wishing to recommend some capabilities, her eventual list of capabilities is concerned more with the special freedoms of women and is thus specific with respect to that group. There is, however, a central theme running through both Nussbaum's and Robeyns'

proposed lists below, namely the vital role of the state or government in securing or ensuring capabilities. This is important for my own attempt to conceive of citizenship as a core or architectonic capability. I analyse the two capability lists one after another. Of the two lists, Nussbaum's is the most debated, and I analyse it first.

3.1 Nussbaum's list of capabilities

Nussbaum (1995, 2001, 2003, 2005, 2011) presents a list of central human capabilities that are anchored on two levels of a universalistic conception of the human being. She claims that her approach is "universalistic" and "essentialist", meaning that focus is on universal or essential human attributes. The idea is to avoid the prejudices, biases, discriminations and inequalities that come with relativistic approaches that define, say, men and women separately. The key question is, "What similarities do all human beings share?" Her aim is to develop a list of capabilities and functionings based on what we all have in common, not our differences. As human beings there are things that we all must have. In view of this, she presents what she refers to as two levels of the conception of the human being. The first level defines the shape of the human form of life necessary for a life to be human, and these are: mortality, the human body (which needs food, water, shelter, and desires sex, and desires mobility), capacity for pleasure and pain, cognitive capability (perceiving, imagining, thinking), early infant development, practical reason, affiliation with other human beings, relatedness to other species and nature, the need for humor and play, and separateness (Nussbaum 1995:508-512). The first level thus defines the concept of human being.

From this first-level conception of the human being, Nussbaum moves to the second. Here, she specifies certain basic functional capabilities at which societies should aim for their citizens, and which quality of life measurements should measure (Nussbaum 1995:515). She presents the list as a list of capabilities to function, rather than of actual functionings because she thinks that

capability, not actual functioning should be the goal of public policy. Promoting capabilities leaves room for people to choose the lives they want themselves. Promoting functionings for people might be interpreted as being paternalistic, and therefore a violation of individual agency. Below is a general list of ‘central human functioning capabilities’ that she proposes should be incorporated in all constitutions, and which all governments should endorse:

1. Life. Being able to live to the end of a human life of normal length; not dying prematurely, or before one’s life is so reduced as to be not worth living.
2. Bodily Health. Being able to have good health, including reproductive health; to be adequately nourished; to have adequate shelter.
3. Bodily Integrity. Being able to move freely from place to place; to be secure against violent assault, including sexual assault and domestic violence; having opportunities for sexual satisfaction and for choice in matters of reproduction.
4. Senses, Imagination, and Thought. Being able to use the senses, to imagine, think, and reason – and to do these things in a truly “human” way, a way informed and cultivated by an adequate education, including, but by no means limited to, literacy and basic mathematical and scientific training. Being able to use imagination and thought in connection with experiencing and producing works and events of one’s own choice, religious, literary, musical, and so forth. Being able to use one’s mind in ways protected by guarantees of freedom of expression with respect to both political and artistic speech, and freedom of religious exercise. Being able to have pleasurable experiences and to avoid non-beneficial pain.
5. Emotions. Being able to have attachments to things and people outside ourselves; to love those who love and care for us, to grieve at their absence; in general, to love, to grieve, to experience longing, gratitude, and justified anger. Not having one’s emotional development blighted by fear and anxiety. (Supporting this capability means

- supporting forms of human association that can be shown to be crucial in their development.)
6. Practical Reason. Being able to form a conception of the good and to engage in critical reflection about the planning of one's life. (This entails protection for the liberty of conscience and religious observance.)
 7. Affiliation.
 - a) Being able to live with and toward others, to recognize and show concern for other human beings, to engage in various forms of social interaction; to be able to imagine the situation of another. (Protecting this capability means protecting institutions that constitute and nourish such forms of affiliation, and also protecting the freedom of assembly and political speech.)
 - b) Having the social bases of self-respect and non-humiliation; being able to be treated as a dignified being whose worth is equal to that of others.

This entails provisions of nondiscrimination on the basis of race, sex, sexual orientation, ethnicity, caste, religion, national origin.
 8. Other Species. Being able to live with concern for and in relation to animals, plants, and the world of nature.
 9. Play. Being able to laugh, to play, to enjoy recreational activities.
 10. Control Over One's Environment.
 - a) Political. Being able to participate effectively in political choices that govern one's life; having the right of political participation, protections of free speech and association.
 - b) Material. Being able to hold property (both land and movable goods), and having property rights on an equal basis with others; having the right to seek employment on an equal basis with others; having the freedom from unwarranted search and seizure. In work: being able to work as a human being,

exercising practical reason, and entering into meaningful relationships of mutual recognition with other workers (Nussbaum 1995:515-517).

Nussbaum argues that, “a life that lacks any one of these capabilities, no matter what else it has, will fall short of being a good human life” (Nussbaum 1995:517). A closer look at her specific capabilities confirms Robeyns’ (2003:75) and my observation above that, for Nussbaum, capabilities are related more to people’s skills, innate capabilities and personality traits than being understood as real or effective opportunities, and thus Nussbaum’s twin concepts of “internal” and “combined” capabilities obscure what she and other CA theorists define as capability. The listed capabilities are what Nussbaum calls *internal* capabilities. I have already shown that Nussbaum is not coherent on this point, as she is taking a component of a capability to be the whole capability. Although Nussbaum’s list looks attractive at first sight, a closer analysis reveals some serious conceptual and practical concerns, as highlighted below.

Fabre and Miller (2003:8) explain that Nussbaum’s list of capabilities is problematic in at least two crucial respects. In the first place, some of the capabilities Nussbaum claims to be central to all human beings are contestable. For instance, it is questionable whether a capability such as “being able to express oneself artistically” (capability 4) is a capability of paramount importance, or that to “live with concern for and in relation to animals, plants and the world of nature” (capability 8), is crucial universally. Some people may choose to live without concerning themselves with issues such as elephant population, global warming and so on, without any consequences to their well-being. In the same vein, some people choose not to practically make use of their singing, dancing, or drawing skills, but still are content with their lives. One can also argue that Nussbaum concentrates on innate capabilities connected to such a degree with nature or psychological inclinations (see capabilities 1, 4, 5, 6, 7 and 9 above) that they are insecurable by

the state and also very difficult to evaluate or assess. In as much as they are important capabilities, they are beyond the control of positive legislation. What, for example, do states have to do to facilitate capabilities of love, or grieving, justified anger (capability 5), or facilitate that people are satisfied sexually (capability 3)? What governments can do is protect girls from early and forced marriages, protect women from sexual abuse and from cultural practices that may include genital mutilation. It is not clear whether this is what Nussbaum recommends that governments do to protect the capability of sexual satisfaction. Most of Nussbaum's capabilities are thus either too abstract or so encompassing that it is very difficult to see how they can and ought to be translated into practice. Resources permitting, the state can guarantee that that people have adequate education, both humanistic and scientific. To that end we can assess (at the capability level) whether people have real opportunities to be adequately educated, or we can assess at the functioning level whether people are adequately educated, perhaps by looking at the quality of their work or their scientific and humanistic products. This is different from assessing whether people are imagining or are grieving in particular ways. I therefore strongly disagree with the all-encompassing nature of Nussbaum's list of capabilities.

Secondly, Nussbaum's approach to capabilities, which she claims to constitute a partial theory of justice, is criticised by Macleod (2010:185) for proposing an account of justice founded on human agency that is insensitive to the intrinsic goods of childhood. For him, the manner in which all the valuable functionings that figure in the definition of capabilities are to be identified and valued seems to be a closely associated with the development and exercise of mature agency. Macleod particularly attacks Nussbaum's (2000:72) contention that the true human being that is dignified and free is one that uses the human powers of practical reason and sociability to shape its own life in cooperation and reciprocity with others, rather than being passively shaped or pushed around

by the world like a herd or flock of animals. The conclusion that Macleod draws from this is that valuable functionings can only be attained by mature agents who are able to make use of practical reason in the adoption and pursuit of ends (ibid: 185). The CA is thus an inadequate account of justice if children lack the moral capacities to negotiate choice sets effectively and meaningfully.

For Richardson (2000:314) Nussbaum's capability proposal seems to reflect a contemporary conception of our duties, duties that we did not have traditionally. For instance, philosophers who argue for our duties to other species are divided as to whether these can or should be made out on the basis of an appeal to human well-being. It is thus debatable whether this concern belongs on a list of basic functionings constitutive of a good human life. A plausible solution would be to present human and animal capabilities separately. Mixing different capabilities with a different motivation is to some extent problematic. Human beings and animals have different capability requirements. This is why Richardson has problems with Nussbaum's list. Regardless of these shortcomings, Nussbaum's list remains useful for purposes of guiding policy, especially on issues of human well-being and justice. In being universalistic, her proposed capabilities appeal to every human being and are blind to sex, race, culture or religion.

Another philosopher who has proposed a determinate list of capabilities is Ingrid Robeyns (2003). Her list is, in my view, much clearer for practical purposes, even if she claims that her list is not meant for policy decisions. While Robeyns claims that her proposed list of capabilities is specifically aimed at women in post-industrialized societies, I see no reason to limit the scope of applicability of her capability list in this way. As I hope to show, Robeyns provides us with a conception of capabilities that is just as applicable to women in the developing world – and Africa in particular – as in the developed world (see Chapter Five, Section Two). Robeyns's list is discussed below.

3.2 Robeyns' list of capabilities

Robeyns (2003) develops a list of capabilities for the conceptualization of gender inequality in what she terms post-industrialized Western societies. Why she chooses to confine the capabilities to Western societies is unclear, but she might have been trying to sidestep the complexities of cultural and religious differences. It is however desirable that with regard to a particular variable, a proposed capability assumes a universal appeal so that we are able to overcome the prejudices of local cultures or religions. Even though Robeyns' list is less commented on than Nussbaum's, I view her list as clearer and more useful for practical purposes than that of Nussbaum. In addition Robeyns' concept of capability closely coheres with that of Sen, as she, just like Sen, focuses on real opportunities. She presents her list of essential human capabilities as follows:

1. Life and physical health: being able to be physically healthy and enjoy a life of normal length.
2. Mental well-being: being able to be mentally healthy.
3. Bodily integrity and safety: being able to be protected from violence of any sort.
4. Social relations: being able to be part of social networks and to give and receive social support.
5. Political empowerment: being able to participate in and have a fair share of influence on political decision-making.
6. Education and knowledge: being able to be educated and to use and produce knowledge.
7. Domestic work and nonmarket care: being able to raise children and to take care of others.
8. Paid work and other projects: being able to work in the labor market or to undertake projects, including artistic ones.
9. Shelter and environment: being able to be sheltered and to live in a safe and pleasant environment.
10. Mobility: being able to be mobile.

11. Leisure activities: being able to engage in leisure activities.
12. Time-autonomy: being able to exercise autonomy in allocating one's time.
13. Respect: being able to be respected and treated with dignity.
14. Religion: being able to choose to live or not to live according to a religion". (Robeyns 2003:71-2)

Robeyns' list also adheres to Sen's criterion that a list of capabilities must be context-dependent, where the context is both the geographical area to which it applies, and the sort of evaluation that is to be done (Robeyns 2003:68). I disagree with emphasizing the importance of geographical area when recommending lists of capabilities, mainly for the reason that we will then remain imprisoned in the problem of adaptation. If for example, we are to respect what women in some parts of Africa, Asia and the Middle East value, we are telling ourselves to turn a blind eye to injustices they have adapted to – injustices that may however shock the moral conscience of the rest of humanity. By presenting a capability list that is sensitive to the values of women in the West, Robeyns is implying that oppressed women in other regions should recommend their own lists, but the futility of this is that, having adapted to and accepted their cultural and religious situations, chances are that such women may recommend real opportunities to be "oppressed". Proposing central capabilities that apply, say, to all women helps us avoid leaving out those women who have adapted to conditions of great hardship or deprivation and may claim to prefer such conditions to any alternative. Yet it would be highly improbable to suggest that such preferences are in the best interests of these individuals' well-being. Coming up with capability lists that cater for specific society is also against the spirit of the capability approach, which argues that all individuals should be entitled to certain capabilities regardless of their satisfaction without them (see Begon 2014:241). For Begon, instead of a person's preference determining their specific entitlement, "we should come to an overlapping consensus on the opportunities necessary for a

flourishing life, which all individuals are then entitled to.” It is for this reason that I think that capabilities for evaluating gender inequality should be inclusive of all women anywhere. The context and purpose in this case is addressing women’s concerns and gender inequality. As Nussbaum (2000:1) argues, women in much of the world suffer similar problems. Women everywhere in the world are vulnerable to physical violence and sexual abuse, at home or in the workplace. As I will also show in Chapter Five, women in general are exploited in matters of property ownership. The degree of exploitation might differ from one society to another, but the fact remains that women in general suffer similar challenges. Women in advanced societies like Europe, admittedly, are more literate and have better legal protection, but here and there they suffer from the same abuses suffered by, say, their African counterparts. In any case, if we are proposing a list of capabilities, we propose these at an ideal level, and arguably, when we set models or standards, we try as much not to be limited by prevailing circumstances. Models must always be pitched above cultural prejudices. If we propose capabilities that rely on or are modelled by a particular culture, chances are that we won’t be able to correct the wrongs of that culture because there is no higher standard to look up to.

Robeyns’ list for conceptualizing gender inequality as stated above can be adopted for practical purposes – for the purposes of government legislation or policy formulations; but for some reason she has exempted her list from such purposes. She has weakened her position by stating that her list is appropriate for a range of measurement and evaluative problems, but not for political or policy decisions (Robeyns 2003:72). She claims that for political and policy purposes much more would need to be said on the importance and type of public debate, and hard issues would need to be discussed, such as deciding points on the list where deep disagreements exist. However, most capabilities are impossible to achieve or secure without some policy and legislative changes that

ultimately lead to desired social change. As I have argued in the sections above, a recommended list of capabilities can be an ingredient in public debate where adjustments, improvements, rejections and refinements can be applied. My aim so far has been to demonstrate my allegiance to the CA as a framework for assessing human well-being. As I have so far shown, all CA theorists agree that the space of evaluating well-being is the space of capabilities; in other words, a person's well-being is reflected in their capabilities or freedoms to be or do what they have reason to value. All of the CA researchers also agree that the goal of social, economic and political processes should be to advance a person's well-being. What is still to be agreed on is the nature of the capabilities that should count as being part of the evaluation space. What should be the form of these capabilities? Nussbaum and Robeyns have responded by recommending what they deem to be central capabilities, but, as the above discussion has shown, their lists have not received the same acceptance as the CA itself. However, only some capabilities on these lists have been contested, and therefore some of their capabilities can be strongly defended. Those capabilities that widen the choices of citizens have, in my view, a strong case in their favour. I discuss this in detail in Chapters Four and Five. In the following section, I analyse some of the general criticisms that have been levelled against the CA. I intend to demonstrate that most such criticisms only refer to some parts of the CA and therefore do not significantly detract from its general appeal.

4. General criticisms against the capability approach

Despite its tremendous influence globally, as evidenced by the ever-increasing quantity of supporting authors and literature, the CA has been criticized from several angles. The most common criticism against the CA is that it is a liberal-individualist approach that prioritizes individual liberty, not social solidarity; the freedom to choose, not the need to belong (Dean 2009:266). This is essentially a common communitarian criticism against liberalism in general:

that human beings cannot be free from their dependency upon other human beings. Secondly, for Dean, under capitalist social relations of production, individuals can be free neither from hegemonic controls over their participation in the public realm, nor from the direct or indirect consequences of the exploitation of human labour (ibid: 267). All in all, the complaint here is that the Capability Approach suffers from the same weaknesses as liberalism in general. But is the CA excessively individualistic? Does it pay lip service to communal values and inter-personal goods such as friendship, respect, and care? My take on this is that friendship and other social relations, constitute a part of what people have reason to value. Having a capability to live a life what one has a reason to value means, among other things, being able to form relationships and live lives free of racial strife. In addition, ontologically speaking, it is by and large the liberal position that society is made of individuals. By focusing on the well-being of the individual, we are ultimately concerned with the well-being of the collective because the individual is the building block of society. Conversely, what would be the justification of concerning ourselves with the well-being of the community except in so far this matters to the (current and future) individuals who comprise it? In addition to this, philosophers such as Marshall, Rawls, Dworkin, Sen and Nussbaum, among others, are welfare liberals. Welfare liberalism, according to Selznick (1987:447) leans toward a communitarian perspective, and therefore the antagonism between the CA and communitarianism, is to a greater degree exaggerated.¹⁵ It is true that welfare liberalism is still committed to individual choice. Unlike classical liberalism, however, it reaffirms the role of the political community in providing a balance between individual and communal interests. For example, with the doctrine he calls the “difference principle”, Rawls (1971) argues that social and economic inequalities may

¹⁵ I situate the CA within welfare liberalism

be unavoidable, but their moral worth must be evaluated by what they contribute to the well-being of the least advantaged members of society.

From a different perspective, Clark (2006:9) accuses the CA of underplaying the importance of negative freedom vis-à-vis positive freedom. The argument is that Sen's version of the CA seems to pay lip service to negative freedoms such as the freedoms of expression and conscience. Admittedly, Sen (1999) in particular takes freedom to be the central value in human development. For him the expansion of freedom is both the principal means and the primary end of development (Sen 1999: xii). This freedom is positive; it is the capacity to be and do and this seems to go in the opposite direction to negative freedom, which is freedom from interference. "Expansion of freedom is viewed, in this approach, both as the primary end and as the principal means of development" (ibid: xii). Clark's criticism above, in my view, fails to appreciate the connection between positive freedom, understood in Sen's usage of the term, and negative freedom. Having the capacity to do or be effectively means there exists a correlative state of non-interference. Capacity equals freedom or the absence of obstacles, or what Sen calls "unfreedoms". Domination or interference effectively takes away freedom. The key difference between positive and negative freedom is that the former requires intervention, while the latter demands state inaction on individual freedoms. To an important extent, these two sets of freedoms work together. Arguably, negative freedom is buoyed by positive freedom. A minimum level of, say, economic independence and education is necessary for the full exercise of negative rights. For instance, the freedoms of expression and political participation necessarily require a certain level of literacy. Clark also thinks that the CA concentrates too much on the ends and pays insufficient attention to the means of freedom, although these also matter (ibid: 11). The CA, so the argument goes, only pays lip service to the important means of freedom such as food, income and other resources.

However, Sen does not fail to distinguish between means and ends, and he certainly does not deny the importance of means to achieve valuable ends (see Sen 1999: 14-15). The CA does, however, require that, when valuing something, we should ascertain whether we value it as an end in itself, or as a means to a valuable end. Since the ultimate ends of interpersonal comparisons for the CA are people's capabilities, evaluation of policies and other aspects should be done while focusing on their impact on people's capabilities as well as their actual functionings. Interest is therefore in assessing whether people are being educated, are healthy and so on. Consequently, the CA is critical of approaches that value the means to well-being to the detriment of the ends, arguing that people differ in their ability to convert means into valuable opportunities (capabilities) or outcomes (functionings) (Sen 1992: 26–28, 36–38). At the end of the day, it is the ends that matter.

Another common criticism of the CA is that CA theorists, particularly Sen, appear to suggest that the well-being metric should be capabilities (opportunities) rather than functionings (achievements) (see Richardson 2000:331). Surely, even a liberal government will sometimes rightly be concerned with how citizens function – how healthy or educated they are, and not just with how they are capable of functioning? Admittedly, Sen prefers the metric to be capabilities, even though he concedes that we can use functionings as well. Sen's preference for capabilities is understandable given the fact that the CA is anchored in Kantian liberalism, which accords central importance to the capability to choose for oneself how to live (which, of course, is entirely compatible with choosing to live in community with others). In line with the liberal tradition, capabilities allow individuals to choose from a range of possible beings and doings, while a focus on achievements may suggest some form of paternalism or the privileging of some lives or functionings over others.

In addition to the above, Richardson is concerned that the CA focuses on the freedoms available to each person, while certain crucial concerns of social justice arise and are dealt with only at the institutional level. For example, the capability of “living in a non-discriminatory society” is not a matter under any one person’s control, and equally obviously depends upon the voluntary choices of several thousands of people. It is therefore a social condition, the promotion of which may directly form an aspect of the public good (Richardson 2000:331). A possible response to Richardson may arise from Nussbaum’s (2006, 2011) recent application of Rawls’s political liberalism, particularly the idea of an “overlapping consensus”, which proposes that citizens with diverse conceptions of the good can commit to have a consensus on fundamental issues of social justice, including issues of individual liberties (see Nussbaum 2006: 388). Such capabilities as living a life free from discrimination, or living a life free from violence, emerge and are sustained by this overlapping consensus, even though different groups may retain their respective conceptions. I am, however, aware that some scholars like Robeyns (2016) and Biondo (2008) are critical of Nussbaum’s credentials as a political liberal.

Given the various criticisms of aspects of the CA discussed above, supporters of a capabilities approach may at times struggle satisfactorily to implement it (Dean 2009:266). Thus, despite its attractiveness, there is no clear path to translate the CA into practice. However, most criticisms of the CA have so far failed to undermine its basic tenets. This is largely due to the fact that the CA is continuously being refined, and in fact CA theorists have formed an active association – the Human Development and Capability Association (HDCA) – in which the theory is continuously being refined and improved in view of emerging criticisms, some of which are cited above. This dissertation is one effort to translate the CA into practice in a particular respect, and hence contributes to the refutation of the above criticisms.

Conclusion

The main objective of this chapter was to define the CA and the concept of human development that developed from it. The sheer amount of available literature on the CA, and the fact that it is now used in various ways and in various fields, makes it imperative that anyone who wishes to make use of the approach clearly states the conception that he or she has adopted. I have made clear in this chapter that I am situating my own analysis and defence of the CA within the human development paradigm. This means that even though I will benefit immensely from both Sen and Nussbaum's approaches, I will set aside some aspects of Nussbaum that deal with non-human capabilities. Having defined capabilities and human development, the next step in my argument is to analyse citizenship in Chapter Three and then defend the position that citizenship is a capability in Chapter Five.

My claim at this stage is that, as compared to theories discussed in Chapter One, the CA is a richer and more appropriate framework for evaluating human well-being. It is clear from the discussions in this chapter that the CA underscores the position that well-being is multidimensional and it therefore provides a richer vantage position for assessing well-being. In other words, by focusing on actual freedoms and functionings, the CA is better placed as a framework for evaluating well-being than the utilitarian or income-based approaches. Theoretical and legal pronouncements are meaningless if we do not focus on actual lives. Though useful, the CA as discussed in Section Six above is still being refined and as such, some ambiguities and gaps remain. Two common concerns that can be singled out are firstly, the lack of agreement on the specific capabilities that matter for human well-being, and secondly, it is not yet fully appreciated as to how the CA can be implemented in practice. My argument that citizenship is a capability, aims to close some of the above gaps. By so arguing, I clarify what I deem to be capabilities and this subsequently provides

useful indicators of how the CA can be adapted and adopted for practical use. In Chapters Three and Four that follow, I am analysing the concept of citizenship, with the ultimate aim of demonstrating that it is a capability. I make the ultimate demonstration of this thesis in Chapter Five.

CHAPTER THREE

CITIZENSHIP

Introduction

Having dealt with the general features of the capability approach and human well-being, and having argued that the capability approach is the most appropriate means for assessing well-being, I now wish to demonstrate the necessary relationship between citizenship and capability. Through this demonstration, which spans this and the next two chapters, I bring out my own proposal for completing the CA. At the end of this dissertation I hope to have shown that citizenship – in brief: enjoying the formal status of being an equal or full member of the community – is a fundamental or architectonic capability, in the sense that it is the condition we require for achieving civil, political and social capabilities central to well-being. In view of this task, I devote the present chapter to the notion of citizenship. As the discussion below demonstrates, citizenship is a complex and often contested concept that lacks a straightforward definition¹⁶ However, my aim here is not to offer a final, all-encompassing *definition* of citizenship, but rather to argue for a particular *conception* of citizenship – that is, one possible interpretation of the concept of citizenship – namely citizenship as an architectonic human well-being capability.¹⁷ My approach here is largely normative, meaning that I will concentrate on how we ought to conceive of citizenship from a moral standpoint rather than on how different societies happen to define citizenship in their respective jurisdictions. My starting point is an overview of major philosophical discourses on the concept of citizenship.

¹⁶ For an exposition of “essentially contested concepts”, see Collier et al (2006:214).

¹⁷ For the distinction between concept and conception, see Rawls (1971: 5-6).

In recent decades, there has been heightened interest in the topic of citizenship across academic disciplines, among them political philosophy, political science, sociology, and law. This interest has been informed by the twin processes of general social change and increased human mobility. With regard to the former, Miller (2000: 41) notes that members of modern states are in the process of adopting an ever more disparate set of personal identities based on religion, personal morality, and personal values in general. In addition, increased human mobility has created increasingly multicultural and multiracial states, to the effect that modern states have become culturally fragmented (see Kymlicka and Norman 1995: 283, Kostakopoulou 2008: 2). As a response to increasing internal diversity and the ever-increasing movements across borders, states are reconfiguring citizenship and citizenship laws in different ways in an attempt to establish a shared basis for living together politically (Miller 2000:41).

From the perspective of social and political philosophy rather than political practice, there is similarly no shared conception of citizenship among researchers. Most analyses of citizenship distinguish between liberal and republican models of citizenship (see Abowitz and Harnish 2006; Kartal 2002).¹⁸ Other theorists, like Delanty (1997), further divide conceptions of citizenship into four models which emphasize different dimensions of what membership of a political community entails: the rights model (which is founded upon liberalism), the duties model (founded upon conservatism), the participation model (founded upon democratic radicalism) and the identity model (which is founded upon communitarianism). While I recognise that these are useful analytic distinctions that serve to draw our attention to (a) particular feature(s) of citizenship, I will confine my focus here to the distinction between the republican and liberal conceptions of citizenship, with

¹⁸ I am aware that there is a distinction (though thin) between republicanism and communitarianism. Communitarianism is better viewed as a variant of republicanism. I clarify this in sections below.

the aim of arguing in favour of a liberal conception of citizenship as being more suited to the capability approach (see Robeyns 2003). As the discussion spanning this and the next chapter will show, some elements of the civic republican model of citizenship are contrary both to the letter and the spirit of the capability approach. In this regard, my argument that citizenship is an architectonic capability makes use of the liberal, rather than the civic republican conception of citizenship. To reiterate: by arguing that citizenship is a capability, I am not attempting a full and final definition of citizenship, but defending a particular normative conception of citizenship which, so I will show, is an improvement over other influential conceptions that appeal to more restrictive criteria.¹⁹

This and the next chapter are a foundation for the capstone argument in Chapter Five, namely that citizenship ought to be understood as the capability to have capabilities. I locate the concept of citizenship that I have adopted in the human rights tradition, which I examine in Chapter Four. The success of my argument in Chapter Five depends partly on the clarity of the concept of citizenship which I develop here. Thus, in Section One of this chapter, I analyse what has come to be known as the “thick” (civic republican) conception of citizenship. This conception arguably has its origins in the works of Aristotle, particularly in the *Politics* and *The Nicomachean Ethics* (see O’Ferrall 2001:126). After Aristotle, civic republicanism is traced to Cicero in Roman times, through to Machiavelli in the Renaissance, to Harrington in the seventeenth century, and to Rousseau, Montesquieu and Paine in the eighteenth century. During the modern era, it has been associated with Hannah Arendt and its more recent adherents are, Oldfield, Dagger, Miller and

¹⁹ I am aware of efforts to develop an African communitarian notion of citizenship (see, for instance, Mamdani 1996). However, for reasons that will become clear, I will argue that liberal citizenship – understood in a particular way – is more suited to the operationalizing the CA than either African or European communitarian citizenship, even assuming that that it is possible to draw this kind of distinction in the first place.

Pettit (O’Ferrall 2001: 126). Central to this civic republican tradition is the idea of *res publica*, meaning, the good of the public (Dagger 2004:167). Republicanism, in brief, is the view that government is a public matter to be directed by the members of the public themselves (ibid: 168). It is this belief in self-government that makes political agency and civic duty sacrosanct elements of civic republican citizenship. This idea of the *res publica* distinguishes republicanism from a related but different school of thought, namely communitarianism. While republicanism concerns itself with the good of the republic, communitarianism is about “*communitas*”, meaning, the common life of people who form a community (ibid: 167). Communitarianism is simply put, a belief that in political theory, in social thought and action and in moral considerations, society is prior to the individual. Communitarianism may sanction certain actions that may be thought to benefit society, even if such actions may be at the disadvantage of some individuals. Communitarianism thus entails a holistic view of society. Civic republicanism, on the other hand, is concerned with political agency and dedication to civic duty. Republicanism and communitarianism, however, are both opposed to – or at the very least distinguishable from – liberalism. According to Dagger (2004:167), the emergence of both communitarianism and republicanism in recent years stems from an uneasiness with liberalism, which is accused of promoting some form of excessive or misguided individualism, and emphasising rights and liberties of the individual that are corrosive to society. As will become clear, I consider these accusations to be misguided, and I defend the liberal conception of citizenship against the republican and communitarian models.

In Section Two, I analyse what scholars like Miller (2000) refer to as the thin or liberal model of citizenship. Marshall (1950) is usually cited as the forerunner of its modern version, with its most prominent defenders being Rawls and Kymlicka. Liberal citizenship is more narrowly defined as

a legal status or alternatively a set of rights (political, civil and social) enjoyed equally by every member of society in question (see Miller 2000:44). Citizenship in the liberal model, by and large, means being protected by the law rather than *necessarily* participating in its formulation or administration (although the liberal model does not preclude such participation). In defining citizenship, Marshall, in my view was not oblivious to the importance of political agency. As I will show, the equal right to political participation is an essential attribute of liberal citizenship.

In the third section, I justify the position that citizenship should ideally be confined within states. In this work, I use the terms state, nation and nation-state interchangeably, although these terms were in some instances understood to carry different meanings. For instance, a nation was in some cases defined as a large ethnic group united by common history, culture, language, and so on (see Oomen 1997). However I follow Hobsbawm's (1990:18) view that the state is simply the political expression of the nation. The nation and the state thus refer to the same body of people, living together within a defined territory, who consider this territory their home, regardless of their background. This clarification is important because I am arguing for bounded citizenship, but such citizenship is not based on ethnic, racial, ancestral, or linguistic considerations. Although I argue against cosmopolitan or international citizenship, I have not assumed a communitarian position, because I am arguing for an inclusive, pluralized but bounded citizenship, and this position is founded upon feasibility or practical considerations. We can and ought to develop cross-national solidarity on issues of global concern like human rights, global warming, cyber-crime, fair trading and the like, but in my view, with regard to the day-to-day well-being of people, it is the state-citizen relationship that really matters. The capabilities of citizens are usually capabilities limited to the space that effectively grants such status.

1. The civic-republican conception of citizenship

1.1 Origins

The civic-republican conception of citizenship is directly influenced by the republicanism of the ancients. However, there is no consensus on the exact meaning of republicanism, and on who should count as a republican, whether in the ancient world or contemporary times (Dagger 2011:70). The republican conception of citizenship suffers from the same problem. For Dagger, the most salient feature of this conception is the conviction that government is a public matter the *res publica* to be directed by self-governing citizens. With respect to the civic-republican model of citizenship, the general position is that it has its clear origins in the works of Aristotle, although some scholars trace the name and origins of republicanism to ancient Rome (see Dagger 2004, O’Ferrall 2001). It was, however, in Aristotle’s works (particularly the *Politics* and the *Nicomachean Ethics*) that citizenship was clearly defined with reference to political agency, and political agency is arguably the most important defining characteristic of both old and new civic republican theories (see Oldfield 1990:5). Aristotle argues that, although there are many forms of government and therefore many varieties of citizenship, the criteria of assigning citizenship in each form of government remains the same: “a citizen in the highest sense is one who shares in the honours of the state or one who shares in the administration of justice” (*Politics* Book III, 1278). In other words, in any form of government, a citizen is one who actually takes part in the deliberative or judicial administration of the state, while the mere fact of living in a particular territory without participation would not be a sufficient criterion for according citizenship (*Politics* Book III, 1275). Participation is thus the hallmark of civic-republican citizenship. In fact, for civic-republicans, citizenship is a duty, and in this regard, the test by which the individual becomes a citizen is through the “performance of the duties of the practice of citizenship” (Oldfield 1990:5).

Thus, from its earliest understandings, citizenship in the eyes of civic republicans was an activity or practice that was the exercise of a duty. This is the reason why Aristotle found it problematic to ground citizenship on any other criterion such as descent, territory or birth, as these are simply accidental properties of citizenship. The substance of being a citizen is in being actively involved in the polis. For the same reason(s), Aristotle refuses to designate as citizens any resident aliens, women, the elderly and children who, for one reason or another, were not able to exercise fully-fledged political duties.²⁰ For him, the term citizen would at best be used of them in a qualified sense; for example, children are *potential* citizens. Individuals are thus eligible for the status of citizen by virtue of being born and living within some territory, but they only achieve this status by acting accordingly (political participation). In this sense, citizenship is a realized possibility that is itself a function of political participation. Participation, as Oldfield would have it, “sets the citizen apart from those who regard politics as a nuisance to be avoided or a spectacle to be witnessed” (Oldfield 1990:3). Political agency is thus the hallmark of Aristotle’s classical republican citizenship. However, this is a very restrictive conception, as it restricts citizenship to males (and not even all males, as male slaves were excluded), but more importantly – for the purposes of the present argument – to those who are active participants in polis life.²¹

I do not intend to analyse the contributions of each of the theorists of republican citizenship, but I will delineate and summarise what I take to be the defining features of the civic-republican model that remain intact throughout its various permutations. As we have seen, the classical republican

²⁰ Of course, it is precisely the refusal to accord slaves, women and resident aliens full political rights that prevents them from participating in the affairs of the polis and hence from becoming citizens in Aristotle’s sense. The deficiencies of Aristotle’s argument are well known, and I will not rehearse them here. However, the conception of citizenship as the capability to act in certain ways is important for my own argument, and is a point to which I will return.

²¹ Thus, even if we abandoned the citizenship restrictions on women, slaves and resident aliens, as has been the case in post-Aristotelian civic republican tradition, the connection between citizenship and political participation would still make it a more restricted conception than is the case with the liberal model.

model citizenship is quite demanding, in so far as it conceives of citizenship as an activity or practice, with the implication that not to engage in the practice is not to be a citizen (Oldfield 1990:5). The essential point of this practice is that citizens govern themselves. This idea of self-governance features prominently in Rousseau's (1762) idealized social contract. For Rousseau, citizenship is both a way of thinking and a way of acting. One becomes a citizen by reasoning in accordance with the general will with the view towards the public good, and not according to one's private will aimed at secure one's private good (Rousseau 1968:61). Far from demanding space to pursue individual interests, as is the case with citizenship in the liberal-individualistic tradition, citizenship for Rousseau means subjecting oneself to the common good. That is what it means to think under the direction of the general will. A citizen is one who does not pursue his or her interests by being an egoist, but one who subordinates him/herself to the law authored by the citizens as a collective (ibid: 62). From Rousseau, we can therefore single out two features of classical republican citizenship: commitment to the common good and participation. Participation in the form of co-authoring the laws that govern the state is the expected action of citizens, and through such participation, a citizen rules herself or himself. This means that it is possible to be ruled and be free or sovereign at the same time. Being governed by the laws that you have created for yourself is an expression of freedom, and if you violate such laws, then you ought to be forced to be free (ibid: 64). Rousseau represents one aspect of classical civic republicanism, which emphasizes participation in the civil community. He differs from Aristotle in the sense that his citizenship is inclusive; women, people without property and children are included.

In a fashion of classical civic-republican thinking on citizenship Rousseau argues for what appears to be some form of direct democracy as a foundation for citizenship; but this form of democracy has some difficult requirements. It demands the suppression of all private selfish interest in favour

of the common good. For Rousseau (1968:174-5), an ideal state ought to be organised and governed by all citizens, who prioritise the common good over their individual wants that may conflict with the former. Hence, “[e]ach associate puts his person and all his power under the direction of the supreme direction of the general will” (ibid: 10). I do not intend to present a more detailed discussion of the general will or the common good. Suffice it for now to say that, what is common to the civic-republican model is a particular political and civil way of life based upon political participation (O’Ferrall 2001:126). In the following section, I analyse what I deem to be the most important traits of contemporary civic-republican conceptions of citizenship.

1.2 Most influential contemporary civic-republican theories of citizenship

Contemporary republican theories of citizenship can either be found directly or are implied in the work of Skinner (2002), Pettit (1997, 2009), Viroli (2001), Honohan (2002) and Richardson (2002), among others. Contemporary republican theorists have applied the term ‘neo-republicanism’ to the works of current political scientists, philosophers, historians, lawyers, and others who draw on the classical republican tradition to develop a republican philosophy revised and adapted for contemporary purposes. Lovett and Pettit (2009:12) identify three main ideas running through neo-republican thought. Firstly, neo-republicans work with the concept of a free person: one who does not live under the arbitrary will or domination of others. Secondly, and related to the preceding point, they believe in a free state that promotes its citizens’ freedom from domination, (the condition of not being subject to the arbitrary or uncontrolled power of any person or group) without itself coming to dominate them (ibid:12). Thirdly, neo-republicans argue that good citizenship consists in a vigilant commitment to preserving the state in its function as an undominating protector against domination (ibid:12). Whereas classical republicanism emphasizes political agency and commitment to civic duty, at the heart of neo-republicanism is the importance

of political liberty, understood as non-domination or independence from arbitrary power. Citizens are members of state who are free from any domination, be it from the state or other groups within the state.

In contemporary political philosophy, we can piece together the neo-republican conception of citizenship from Skinner's (2002) and Pettit's (1997, 2008) general discussion of republican liberty. I hereby summarise the main ideas that I deem to have a bearing on citizenship. Both Skinner and Pettit argue for what they have called a third concept of liberty – third in the sense that it falls outside the two concepts previously developed by Berlin (1969). In his famous essay, “Two Concepts of Liberty” (1969), Berlin argued that there are two ways of thinking about liberty. The first sense is freedom as non-interference, and this is freedom in the negative sense. Secondly, there is freedom in the positive sense, which derives from the desire on the part of the individual to be her own master with regard to her life and decisions. Berlin famously argues that these two kinds of freedom cannot be reconciled with one another – at least not permanently so – and that only the first, negative, conception of liberty can be secured by the state. Skinner and Pettit, however, argue that defining freedom as non-interference is misleading. A slave serving under a compassionate master may enjoy a great deal of non-interference, but we would not intuitively and morally see such a slave as free; hence the need for a third conception of freedom. This is the conception of freedom as a status: specifically, the status of being free from domination rather than simply being free from state interference (Pettit 1997:80, 2002:340). The negative or non-interference view is problematic in the sense that one can enjoy non-interference while still being dominated. It is not enough to be a “free slave”. From the foregoing, we can deem citizenship, for neo-republicans, to be some kind of *status* – a status of freedom understood as non-domination. A citizen is a permanently free person enjoying the rights and privileges attached to the status,

whereas being unfree means being vulnerable to interference at any time (even if this doesn't happen in practice). A dominated wife may enjoy long periods of non-interference from the abusive husband, but this is pseudo-freedom in the sense that the abuse can come back at any time, randomly or unpredictably. Freedom as non-domination means freedom not in the liberal sense of non-interference, but in the sense of "absence of dependence" (see Dagger 2004:175). In this regard, one is not a citizen in the republican sense in so far as one lacks the freedom from domination. Thus, in the place of virtuous participation, the hallmark of classical republican citizenship, the neo-republicans place freedom from domination as the defining feature of citizenship. As briefly stated above, neo-republicans are thus committed to defining freedom as non-domination, and secondly, to holding a positive conception of freedom as collective self-mastery, which entails a form of self-government marked by an active citizenry that collectively charts its own political destiny. In the next section, I survey the most common criticisms of the civic republican conception of citizenship.

1.3. Criticisms of civic-republican citizenship

In this section, I discuss specific criticisms of civic-republican model that inform my preference for a liberal model. First and foremost, I am concerned with the central place accorded to the notion of the common good in the republican theory of citizenship. There is potential danger that, in a search for such a "common good", particularly in plural societies, we might end up manipulated by those that speak loudest. As Seidenfeld (1992:1536) rightly points out, the "common good" is hardly agreed, and what we usually have are individuals' aggregate private preferences. Thus, the state may be granted room to impose on the populace what is in fact an inaccurate conception of the common good. For Seidenfeld, because people are naturally inclined to pursue self-interest, the operative elements of civic-republicanism will not preclude politically powerful groups from

cutting deals to serve their separate interests (ibid: 1537). In addition to this, I see an uncomfortable relationship between the republican concept of freedom and the concept of the common good. The idea of equal freedom of citizens, in particular their freedom as non-domination, the freedom that goes with not having to live under the power of another (see Pettit 2008:170), seems to conflict with the equally republican central idea of the common good. It is not clear how a balance is to be established between these two republican ideals. Where there is a chance that, in some instances, community interests can trump individual interests, it may sometimes mean individual rights are compromised or are absent altogether. It would then require a conceptual sleight of hand to claim that the sacrifice of individual ends or interests to the common good would still be a form of self-mastery or freedom from domination. I am also not convinced that the willing submission of one's own ends to a common good is not freedom merely because one submits willingly. I am nevertheless cognisant of the fact that the problem of the "loudest voice in the room" may also feature in liberal citizenship. It is arguable that even an "overlapping consensus" (to be defined in the next section) in liberal democracy can be achieved through a manipulation of the weak by the powerful. However, the problem, in my view, is more pronounced in civic republican societies owing to the fact that in such societies there is no room for people to keep their pre-political differences, whereas an overlapping consensus may, to some extent, allow citizens to maintain their pre-political differences.

Moreover, there is the danger that the republican conception of the common good and the general will would be a threat to an open, egalitarian, and pluralistic society. As Young (2003:222) points out, the ideal of the "civic public" that results from the common good might well exclude women and other groups defined as different from citizenship, on the grounds that they could not adopt the general point of view, or that their inclusion would disperse and divide the public. In this way,

the ideal of a common good, a general will, a shared public life, might lead to pressures for a forced homogeneous citizenry (ibid: 222). Young's argument is thus that civic republican citizenship is both exclusive and divisive – or at the very least, it is potentially so – and thus defeats the purpose of citizenship as a catalyst for inclusion. Gey (1993:897) agrees on this point: the emphasis on the common good in civic republican theory is based on the unjustified assumption that citizens are able to deliberate and agree on the same version of the common good. In fact, the problem of diversity emanates from the realization that people are unable to agree on the good, and in this area civic republicanism does not offer any solution.

With regard to the concepts of freedom as non-domination and self-mastery, it can be questioned whether these are in any way uniquely republican (Honohan 2002:182). For instance, a similar conception of freedom is clearly deducible in Mill's (1859 [2001]) essay *On Liberty*, a core text of the liberal tradition.²² Thus Mill (2001:52) argues that "...the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. ... In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign". We can hardly distinguish Mill's concept of freedom from the one presented by civic republicans. In my view, Mill, just like the neo-republicans, was arguing for non-domination and self-mastery. The terms "absolute independence", and "sovereign" in Mill's definition are synonyms of the terms non-domination and self-mastery, which are deemed central to neo-republicans' concept of freedom. In addition, CA theorists like Nussbaum offer similar concepts of freedom. Nussbaum's capabilities, particularly capabilities 3, 4, 6, 7, and 10 (see Chapter Two Section 3.1), demand the

²² Some scholars, such as O'Ferrall (2001), situate Mill within the republican tradition, while some claim that he is a classical liberal. I tend to support the latter view on the grounds that Mill is silent on the ideas of civic duties and political agency.

total independence of the individual, something that neo-republicans seem to say by non-domination and self-mastery. It is thus debatable whether republicanism itself offers unique and distinctive concepts of freedom and citizenship. Civic republican theorists do admit that it is not easy to delineate the distinctive features of republican citizenship (see Dagger 2004, Sandel 1999). For instance, Dagger (2004: 168) avers that, the idea of self-government is not uniquely republican as it is also claimed by liberals, conservatives and socialists. The latter also claim to promote government of, by and for the people. In addition, it is for Dagger a mistake to go to extremes when opposing liberalism. He supports this position saying that “Any republicanism worth defending must include a commitment to liberal principles, such as tolerance, fair play, and respect for the rights of others” (Sandel 1999: 209).

In summary, the civic republican conception of citizenship is influenced by the ancient republican tradition, at the heart of which is the idea of self-governance. The earliest theorists of this model, Aristotle and Cicero for instance, argued for the ideal of self-governance to be expressed through political agency – some direct involvement in political deliberations or law-making processes. Influential contemporary theorists of this model, such as the likes of Skinner and Pettit, argue that self-governance finds expression in freedom, understood here as non-domination and self-mastery. The ideal citizen of both ancient and neo-republicanism is one who is not guided by private interest but by the common good – or rather, for whom private interest is aligned with the common good. For the critics of civic-republicanism, among them feminists and critical race theorists (see Bell 1992, Tate 1997, Delgado 1988b), this model opens doors for the powerful to impose their own interests on their fellow citizens in the name of the common good. Here, the problem of adaptive preferences rears its head (see the discussion in Chapter One, Section 1.1.3 above). Moreover the

feasibility of the civic-republican conception of citizenship is thus doubtful, particularly in increasingly diverse societies.

I acknowledge that the focus on the common good by civic republicans has in recent decades gained increasing prominence in the attempt to highlight the alleged failures of liberalism. Selznick (1987:447), for instance, argues that liberalism is mistaken in many ways, the chief mistake being the belief that the individual is the proper locus of moral choice and therefore should be left to decide for himself what it means to be free and which ends to pursue. Civic republicans insist that the public is neither an individual nor a group of individuals, but rather it is a sphere of life, a unit, with its own claims and considerations. Focus should therefore be on civic duties that promote the common good, and that restrain the possible abuse of individual rights (see Dagger 2004:168, Sandel 1999:209). Society is not the individual and therefore humans are social animals that depend on each other for psychological sustenance, including the formation of their personalities. Accordingly, moral competence depends on the nature and quality of social participation, and hence morality is to be encouraged and taught.

However, while civic republicans are rightly critical of particular aspects of the liberal model, they nevertheless fail to offer us a viable alternative to the liberal citizenship model. I demonstrate this at length in the following section.

2. The liberal conception of citizenship

2.1 Origins

Just as the republican conception of citizenship emerged from the republican school of thought, the liberal conception citizenship is a core component of the liberal tradition of political theory. The term 'liberalism' gained popular usage starting in the nineteenth century, although its central

tenets are agreed to hail from seventeenth and eighteenth century thinkers, particularly John Locke, who is generally accepted as the founding father of liberalism. However, Locke's predecessor, Thomas Hobbes, should be given due recognition within the liberal tradition for arguing, firstly, that human beings are equal, and secondly, that political obligation should be based on a contract or agreement (see Leviathan 1962). Arguably, Hobbes was the first modern thinker to clearly reject the then accepted idea of divine right of kings. Legitimate political power, for Hobbes, was not a matter of inheritance, but the outcome of an agreement. In arguing for equality and the self-interestedness of all mankind, Hobbes laid the groundwork for the philosophical ideas that were further developed by Locke, Kant, Mill and others.

The liberal conception of citizenship that is most relevant for my purposes, and which I will discuss in this section, can be called social liberalism, in distinction from the classical liberalism of Locke.²³ Both versions of liberalism view the individual as prior to society, be it in moral thought and action, or in political practice, and all liberals are committed to a conception of freedom and of respect for the capacities and the agency of individual men and women (Waldron 1987:128). However, notable differences exist between classical and social (or modern) liberalism. Classical liberals consider personal and economic liberty as conditional upon maximal limitation of state power – limited to the protection of people's natural rights of life, liberty and property. In economics, classical liberals are in favour of a self-regulating *laissez-faire* capitalist market, as free as possible free from government intervention or any forms of redistribution (see Smith 2005). Social or welfare liberalism, on the other hand, is not adverse to a more extensive role for the state, and is against unregulated capitalism on the grounds that an unregulated market can produce new

²³ Social liberalism is also sometimes called welfare liberalism or modern liberalism.

forms of injustice, including incursions in individual freedom (see Dworkin 1988). For social liberals, the state should also concern itself with other issues that affect people, issues like poverty, education, and health, among other issues of importance to human well-being. In this regard, social liberalism rejects the *laissez-faire* attitude of nineteenth-century liberalism, but instead recommends state welfare measures and regulation, precisely with the purpose of enhancing individual liberty. For social liberals, freedom is not just absence of constraints, but also personal development that is realized through good health and a good education, among other provisions. Examples of social liberals are Green (1836- 1882), Marshall (1893-1981), and Rawls (1921-2002).²⁴ There are therefore some notable differences between classical and social liberalism, even though the fundamental principles of liberalism – principles of individual liberty and the desire for a limited government – are present in both versions, though in varying degrees. Arguably, social liberalism is an improvement on classical liberalism, and this is the usage that I adopt in this dissertation. Unless indicated otherwise, I shall be using the term ‘liberalism’ to refer to social liberalism. This also means that the liberal citizenship model I discuss is anchored in the principles of modern liberalism. Classical liberalism is difficult to sustain, mainly because it does not have room for distributive justice, and, as a result, may have to condone – even if it does not actively promote – a society characterized by huge inequalities. This is a problem because such inequality itself undermines the basic tenet of liberalism, namely the fundamental equality of all persons.

Another defining characteristic of liberalism that has a bearing on citizenship is its tendency to prioritize “the right” over “the good”. This means that liberalism is concerned with conditions under which individuals and groups can pursue the good life as each defines it, with full protection

²⁴ For typical social liberal views, Please refer to my discussion of Rawls in Chapter One and my discussion of Marshall in Section 2.2 of this Chapter.

by the state, but it does not prescribe or try to promote any particular conception of the good independent of the principles of right. In the sections below, I analyse the specific elements of liberal citizenship that are relevant for my own argument about citizenship as a capability. These are: individual rights and freedom, public reason, toleration and pluralism.

2.2 Citizenship and rights

The conception of citizenship as a set of rights is the most distinguishing feature of the liberal model of citizenship. The civic republican conception, as already indicated, is concerned more with civic duties such as political agency and a concern with the common good. T. H. Marshall (1950) is credited for developing the clearest initial conception of citizenship as rights (see Kartal 2002, Kymlicka and Norman 1995, King 1988). In his view, the status of citizenship is achieved when one realizes the elements of (a) civil rights (b) political rights and (c) social rights (Marshall 1950:10-11). The expansion of the rights of citizenship was the expansion of individual freedoms, and subsequently the expansion of the class of citizens, making the status inclusive. The concept of citizenship Marshall developed was a direct effect of his study of the history of citizenship in Britain spanning three centuries. He argues that the development of citizenship was a gradual process, which started with the development of civil rights in the eighteenth century, followed by political rights in the nineteenth century and social rights in the twentieth century (ibid: 6). Although I am not in this work concerned with the history of the development of citizenship in Britain, I am however concerned with the concept of citizenship that Marshall drew from that history. From his analysis, Marshall concludes that citizenship should be understood both as a status and a set of rights – specifically, “a status bestowed on those who are full members of a community. All those who possess the status are equal with respect to the rights and duties with which the status is endowed” (Marshall (1950:28).

This concept of citizenship is liberal in the sense that the three sets of rights are aimed at the expansion of liberty or freedom of the individual. Civil citizenship rights comprise the freedoms of speech, religion, conscience and assembly, access to courts and the right to own property, among other civil rights. Political rights are freedoms to political participation, either as a candidate or as a voter (ibid: 10-11). Now, while civil and political rights ensure that all people are equal in terms of moral worth, this equality in moral worth remains unrealized if some people we deem equal to us are unable to access basic services like health and education, or are starving due to factors not of their own making. Marshall therefore adds a third set of rights: social rights, understood as rights to moderate economic welfare and security (ibid:11). The duty bearer of these rights is the state, and these rights can be categorized as entitlement to the whole range of social goods, “from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilized being according to the standards prevailing in society” (Marshall 1950:11). In addition to ensuring that every person is equal in terms of moral worth, social rights also ensure that every person is equal in terms of their “social worth”, which is at the core of social liberalism. Social worth here means having a personal status that makes one acceptable in social or interpersonal relations. One who lacks basic social rights, one who lacks basic education and is hungry, lives a harsh life, loses the sense of her own value, and is consequently unable to effectively participate in the public life of society. Social rights give individuals the right to claim social protection from the state, thereby protecting them against social and economic insecurities. In this regard, social rights are also a source of freedom, in so far as they expand citizens’ opportunities to exercise their well-being agency or live the lives they value (Sen 1999: xii). Social rights are thus one of the hallmarks of the liberal conception of citizenship. By guaranteeing political, civil and social rights to all, liberal citizenship ensures that

every member of society is a full member who is able to participate in and enjoy the common life of society (Kymlicka and Norman 1995:286). In the absence of the above rights, or if the rights are violated, the members of a society will be marginalized and unable to participate.

Two contemporary theorists of liberal citizenship (Kymlicka and Rawls) by and large agree with Marshall's view on rights, but their main concern is to define liberal citizenship in terms of cultural and moral plurality. I discuss this feature of liberal citizenship separately in the next section.

2.3. Liberal citizenship and pluralism

As Miller (2000:41) points out, the problem of plurality, together with its implications for how we conceive of citizenship, is a consequence of the increasing fragmentation of contemporary states, which are now made up of people from diverse backgrounds owing to historical and recent causes (see Kymlicka 1995:11). Historical reasons range from slavery to colonization, while major recent causes are the voluntary migrations of individuals and families. As a consequence, most states are now made up of people with an ever increasing disparate set of identities, as evidenced by their ethnic, religious and moral allegiances, as well as disparate beliefs about what is valuable in life. In so far as individuals and groups in such states demand the recognition of their identity and accommodation of their cultural differences on the grounds of equal citizenship, it becomes a challenge to accommodate these cultural and moral differences in a stable and morally defensible way. In liberal democracies, one of the major mechanisms for accommodating these differences is the protection of the civil and political rights of individuals (ibid: 26). The constitutionally guaranteed freedoms of association, religion, speech, mobility and political organization enable individuals to form and maintain various groups and associations. By not insisting on the common good, and thereby allowing individuals to define their own ends, the liberal model of citizenship provides a suitable environment for maintaining a wide range of social relationships.

Rawls (2005, 2003) buttresses the liberal solution to pluralism by introducing the concepts of “reasonable pluralism” and “overlapping consensus”. He attempts to answer the question: “how is it possible that there can be a stable and just society whose free and equal citizens are deeply divided by conflicting and even incommensurable religious, philosophical and moral doctrines?” (Rawls 2005:133). In his view, the diversity of comprehensive religious, philosophical, and moral doctrines found in modern democratic societies is not merely a passing historical condition that might soon pass away, but a permanent feature of modern democratic polities (Rawls 2003:161). To this problem of diversity, Rawls introduces the idea of an overlapping consensus. An overlapping consensus occurs when a diverse community of people agree on key principles of justice, even as they disagree on the fundamental reasons for those principles, and on more comprehensive details about how lives should morally be lived and what is valuable in human life. It is thus a genuine commitment to shared principles. This is possible because, according to Rawls, humans have at least the capacity for genuine toleration and mutual respect, which can be activated under specific conditions. This capacity gives hope that the diversity of worldviews in a democratic society may represent not merely pluralism, but *reasonable pluralism* (Rawls 2003: 168). Rawls hopes, that is, that the religious, moral, and philosophical doctrines that citizens accept will themselves endorse toleration and *accept* the essentials of a democratic regime. In the religious sphere, for example, a Rawlsian reasonable pluralism might contain a reasonable Catholicism, a reasonable interpretation of Islam, a reasonable atheism, and so on. Being reasonable, none of these doctrines will advocate the use of coercive political power to impose conformity on non-believers (Rawls 2005: 24-5). This is a viable way of mitigating the effects of pluralism. People from diverse backgrounds are unlikely to have consensus on ideas of the good, and they will hardly want to completely dispense with their personal interests; toleration of reasonable differences is

the most viable way to ensuring peace and stability in society. This means people with very different views of the good life may be able to agree on political principles and institutions that can cater for all their different ends in life. Rawls demonstrates how liberal citizenship promotes both individual agency (freedom to pursue one's ends), and diversity (the co-existence of people with disparate cultures). By promoting these values, the liberal model of citizenship fosters equality, an attribute that I take to be foundational for citizenship. Equality creates equal opportunities for enjoying the rights that come with the status of citizenship.

The liberal model of citizenship thus takes pluralism seriously, and proposes the protection of individual rights and toleration of reasonable differences.²⁵ The same cannot be said with regard to republican citizenship. The republican citizenship model does not allow members to keep their reasonable pre-political differences. By insisting on achieving the common good, the republican model of citizenship arguably runs the risk of being coercive, by absorbing disparate individual and communal ends into a single, "dominant" one. In addition, under the republican scheme of things, pre-political differences are an inadmissible basis for the resolution of political controversy (Gey 1993:807). For civic republicans, whatever virtue a citizen develops outside his or her political involvement should be left at the door when that citizen enters the government's chambers, since the republican theory of government "depends on an expectation that citizens should entirely abandon their private identities when they come to politics" (ibid: 807). Regardless of how reasonable and harmless some identities and behaviours may be, they are inadmissible in a republican society, as long as they are assumed to be in conflict with the common good. I have

²⁵ Of course, a great deal rides on the definition of "reasonable" here, and many critics of liberalism have tried to show the unwarranted assumptions about reasonableness and consensus. I cannot delve into these disputes here, much less resolve them. My aim is not to offer a full-scale defense of the liberal project as a whole, but to outline a specific conception of citizenship that is most suited to the capability approach. In so far as the liberal model is predicated on individual freedom, together with recognition of insurmountable pluralism, I submit that it is the most suitable candidate for an architectonic capability that allows the development of other capabilities.

already argued that this version of the common good is impossible to attain. The liberal model of citizenship, on the other hand prioritizes individual rights and is thus better placed to develop citizens that have the freedom to live the lives they value.

In the final analysis, the liberal model of citizenship is concerned with individual human agency (living in accordance with one's own ends) and therefore differs markedly from the conception of public agency at the heart of the civic republican model, that is aimed at political participation in service of the common good, to the detriment – at least in principle, if not always in practice – of individual ends. Liberals are committed to a conception of freedom that respects the capacities and the agency of individual men and women (Waldron 1987:131). The liberal concept of agency entails the capability to choose one's own ends – including changing them – which precludes any *prior* commitment to the common good, or a final commitment to a common good as the ultimate aim of citizenship agency. I flesh out these remarks in relation to citizenship as a capability in Chapter Five. At this point, I would first like to address some of the most prominent criticisms that are levelled against the main tenets of the liberal conception of citizenship. In arguing that citizenship is an architectonic capability, I make reference to liberal citizenship. Hence, it is imperative that I show that most criticisms against it do not stand. This does not mean that liberal citizenship may not have some shortcomings. My aim is to show that, as compared to the republican model, liberal citizenship is better suited to capacitate citizens to live the lives they value. This means liberal citizenship is a stronger contender as an enabler of human well-being.

2.4. Criticisms of liberal citizenship and the defence of social citizenship

Civic republicans and libertarians²⁶, as well as the New Right theorists, disagree with liberal conception of citizenship, albeit for different reasons. Civic republicans are critical of what they consider to be liberals' casual approach to active citizenship and civic virtue (see, for instance Dagger 2011, Skinner 1992). This criticism comes from what I take to be a wrong view, that liberal citizenship prioritizes legal protection over participating in its formulation or execution. I have already shown that the three sets of rights that define liberal citizenship include political rights, which are rights to political participation. Just like the adherents of republican citizenship, supporters of liberal citizenship acknowledge that active citizenship effectively protects citizens' valued interests, which is why political rights are an integral element of liberal citizenship. In addition to this, those in favour of republican citizenship need to clearly spell out the connection between active citizenship and freedom, as there seems to be no necessary connection between the two (see Patten 1996:25). Active citizenship is not a guarantee that a repressive regime will lessen its dominance. Some states may use various Machiavellian tactics including some heavy handed measures to suppress even a restive citizenry.

Libertarians and New Right²⁷ theorists, on the other hand, have mounted a fierce attack on the social rights component of liberal citizenship. Libertarians oppose social rights on the assumption that, in addition to being economically inefficient, social rights necessarily demand that the state adopts some redistributive policies. Such policies, Nozick (1973:65) argues, violate some individual rights because they are so recipient-oriented that they ignore the entitlements of

²⁶ Recall that I make a distinction between moderate or social liberals, exemplified by Marshall, Rawls, Sen and others on the one hand, and libertarians or classical liberals, exemplified by Locke, Nozick and Cranston on the other. Moderate liberals view the state as having a more extensive role, concerned with how wealth and rights are distributed in society. Libertarians strictly argue for a minimal state.

²⁷ The New Right generally refers to American conservative political theorists that are largely libertarian, but are concerned more with public and private morality.

producers, givers and transferors. In most instances people who bankroll these social policies do not do so voluntarily. As is the case in taxation, these givers are “forced charity givers”. The New Right is further troubled by the fact that adopting social rights leads to the creation of a welfare state, and a welfare state is deemed objectionable for several economic and moral reasons. Economically, libertarians think that provision of public welfare provides people with a guaranteed source of income, making them not want to look for work (especially low-paying jobs) (King and Waldron 1988:16-17). For social conservatives on the New Right, the welfare state is seen a source of moral corruption through its effect on the family; it provides support when families break down and therefore encourages their disintegration, or encourages some people not to enter into marriage at all. In addition, morally conservative New Right theorists complain that social welfare saps the authority of the male breadwinner and encourages feminism (ibid: 17). There is also a negative effect on values such as liberty. New Right theorists claim that the bureaucracy of welfare institutions reduces individual freedom and enhances state power. Collective provision limits the role of market processes, which are, according to them, the most powerful guarantors of political liberty and economic prosperity. “And, being financed out of taxation, social provision involves interference with private property and direct coercion of those individual taxpayers who would rather not contribute to ‘compulsory charity’ in this way” (King and Waldron 1988:16-17). To this end, the inclusion of social rights is viewed as having debilitated the liberal model of citizenship. But can we justify and sustain a concept of citizenship that excludes social rights? I think that we cannot. The moral case for social citizenship is very strong. I justify this in paragraphs below.

I begin my justification of social citizenship with a case example (not a real one)²⁸. The imaginary country of Eden is a unitary state with four provinces (Northern, Southern, Eastern, Western), but the provincial divisions are just for administrative purposes, as all power and policy formulations are centralized. Eden is rich in oil and has an impressive per capita GNP. The oil fields are scattered throughout the north and eastern provinces. The inhabitants of all provinces speak the *Teko* language, with the exception of the Southern Province which speaks the local *Mosak* language and is composed of long-time immigrants originating on the Asian continent. These people have, however, been citizens of the state of Eden for over two centuries. The Southern province is peculiar for its many misfortunes. Owing to the fact that it lies adjacent to a desert, its climate is semi-arid and receives very little rainfall. For various reasons the province is seriously underdeveloped. Successive leaders of the state of Eden generally overlook this province, although all will visit it during election times to seek votes. The Southern is the only province that lacks clean drinking water and has few, mostly seasonal, dams. Some villagers have to walk on average ten kilometers daily to fetch water from some wells. The province is not supplied with electricity and, despite the fact that it is the largest in terms of area, it has only three small clinics, three primary schools and one secondary school. As a result of these several challenges, the life expectancy of the Southerners is very low and pegged at 36. Infant and maternal mortality rates are very high and the literacy rate averages 5%. Many children die from malnutrition, because, being semi-arid, the Southern province experiences frequent droughts, and, because politicians take little notice of this province, no food aid is extended from the government. Despite all these challenges, the Southerners, have full voting rights, and can form their own political parties if they

²⁸ This is my own imaginary demonstrative example and does not exactly represent any existing country on earth in all details.

so wish. They can even buy property anywhere in Eden. The common sense view is that the Southerners have full political and civil rights.

Several critical issues are at stake regarding the above example. First, even if we were to grant that the Southerners possess civil and political rights, we feel reluctant to grant that they are citizens of Eden in the moral sense. Some might deem this position unconvincing on the grounds that bad citizenship is still citizenship, just as bad poetry is still poetry. Doesn't a starved dog still fulfil the definition of a dog, and should it not therefore be called a dog? It is true that we can talk of deficient citizenship, but there is a sense in which poor citizenship is different from, say, a starving dog. A dog is born as a dog, but human beings are born as human beings not as citizens. Citizenship is not a natural fact, but a feature of humanly devised – and therefore changeable – social arrangements. Moreover, the concept of citizenship applies to what we do and what we get as full members of a state, which demands that all those accorded the status of citizens be equal in terms of opportunities. For one to be regarded as a citizen, one has to be equal to other members accorded the same status. Secondly, any concept of citizenship that excludes social rights does not meet the threshold of genuine citizenship, because in the absence of basic intervention by the state relating to basic social services, like health and education, the moral case for the Southern province to secede is high, and it will lose very little by doing so. Its ties with mainstream Eden society are essentially weak, and the advantages of being a member thereof are for the Southerners non-existent. The possession of political and civil rights in such circumstances seems hardly adequate for one to be called a citizen. In the absence of the social component, talk of citizenship becomes meaningless for such people. Formal membership of a state that allows one to remain sick, hungry and illiterate – especially when one's fellow citizens are better off on all these measures – offers little or no prospect for meaningful political participation. I also do not see any reason why the

Southerners of Eden should be willing to be patriotic and nostalgic about Eden. There is no common good to appeal to here.

In light of the above considerations, it seems justifiable to claim that a rights-based account of citizenship that disregards social rights would be incomplete. It is imperative that social rights be an integral element of citizenship. Any concept of citizenship without these fails the test of genuine citizenship (see King and Waldron 1988:423). As Ignatieff (1989:72) argues, Marshall's argument that people can be full members and participants in the common life of society only if their basic needs are met is as strong now as it ever was. It should be acknowledged that sympathizers with social citizenship do not justify a culture of passive dependency. Social citizenship provides just a minimum condition that enables every citizen to live a life that at least meets the basic standards of a civilized life, and social citizenship is therefore not a substitute for work, all things being equal.

To conclude my analysis of citizenship, I now discuss one emerging contentious issue in citizenship conceptualizations, namely, global citizenship. Mainstream liberals argue for cosmopolitan rather than global citizenship, which carries a different meaning to, say, transnational citizenship. I clarify the distinction in the next section. I argue against transnational citizenship, but arguing this way does not in any way undermine the arguments in support of cosmopolitan liberal citizenship, nor does it make my position less of a liberal one.

3. Justification for a liberal bounded citizenship

In the above sections, I have argued in support of liberal citizenship. Although there are liberal theorists who argue for transnational citizenship, this is not a common liberal argument. My aim in this section is to prove that, conceptually and practically speaking, citizenship rights, to be

effective, requires a determinate, bounded authority and that transnational citizenship is not feasible. Citizenship, in the sense of membership in political societies (or states), is defined in territorial terms (see Spiro 2013:43). If states are spatially limited, citizenship is consequently spatially limited. The link between the state and the citizen is such that the former is the institution that defines the meaning of the latter. The development of states has led to the development of citizenship through the provision of rights. The concept of citizenship thus retains its meaning in situations where an opportunity for equal membership obtains, and where equal members can possibly enjoy the rights of citizenship in full. Even though inequalities exist within individual states, the possibilities of equal citizenship are to some extent present. It is relatively easier to make constitutional and legal guarantees for civil, political and social rights to all people within a single state, as opposed to a single administration extending such rights to everyone in the world. Since I argue that citizenship is a capability, it is imperative that I defend a concept of citizenship that bears a clear relationship to real freedoms, and liberal bounded citizenship is one such concept. Transnational citizenship is but a metaphorical concept. Although we can have common visas and common currencies, international trade and humanitarian activities, and solidarities on matters of human rights across borders, such issues do not conceptually fall under the purview of citizenship. Families close to each other in a residential area can arrange to use one car to take their children to school and work together in matters of common interest, but that does not make them one family except in symbolic or sentimental terms. When we are talking of world citizenship, we are not talking about citizenship in the usual legal or political sense. Bosniak (2000:448) argues that the phrase “world citizen” is shorthand for a cosmopolitan outlook that expresses loyalty and moral commitment to humanity at large, rather than any particular community of persons. The phrase is more of an expression of moral universalism (cosmopolitanism) than a legal denotation.

Cosmopolitanism, according to Isin et. al. (2002:3) is a moral appeal to defend a stronger sense of collective and individual responsibility for the world as a whole, and to support the development of effective global institutions for tackling global poverty and inequality, environmental degradation and the violation of human rights. While the idea challenges the belief that the individual's central *moral* obligations are tied to the nation-state, it is not a prescription for the dissolution of all state boundaries. It is a moral concern for the universal rights and obligations that bind all peoples together in a just world order (ibid: 3).²⁹

In arguing for bounded citizenship, my interest is not so much to argue against global citizenship, as to demonstrate that a capable state is the primary instrument for securing substantive rights and freedoms and is therefore the most appropriate environment for the enjoyment of citizenship rights (see Song 2012:58). The institutions of the modern state serve the legislative, executive, and judicial functions necessary for the efficient creation and maintenance of the system of rights. It is only the modern state that meets the demands of political equality: equal rights of political participation and freedom of conscience and expression, as well as the material conditions that ensure equal opportunities to exercise these rights and liberties (ibid:58). The claim here is that only the state can really support fundamental liberal values. Of course, borders by themselves do not determine whether a particular society is liberal or illiberal. This depends on whether the equal individual (social, civil and political) and economic freedoms are secured or violated within these borders.

²⁹ Note, however, that arguing for bounded citizenship is emphatically not an argument for closed borders. In so far as the liberal state is founded on the principles of freedom and equality of persons, it has a *prima facie* duty towards the protection of refugees and other contested migrants. My argument is precisely that those who find themselves deprived of the protection of a state are not better served by an amorphous global citizenship. What they require is a clear duty bearer that is able to secure their basic social, political and economic rights within a specific territory.

Citizenship rights are in my view a form of claim rights; they establish a special relationship between the individual and the state.³⁰ The relationship that is established makes the individual or the citizen a right-holder while the state is a duty-bearer. Although in many instances the individual is the right-holder and the state the duty bearer, there are duties that citizens owe to the state; in other words, there are claims that the state makes on citizens, paying taxes being one of them. Following this reasoning, the case for bounded citizenship is strengthened. It makes little sense – except in metaphorical terms – to talk of a contractual relationship between an individual and the whole world. Any contract requires identifiable and limited parties. Ignoring this fact can easily become an unrealistic pursuit of the abstract ideal of universal well-being, to the detriment of the well-being of those who are within effective reach of specific laws and policies (Parekh 2003:12). As Parekh (2003:9) notes, it is faulty to argue that since political communities are contingent entities in the sense that their boundaries are arbitrary and membership an accident of birth, they cannot generate special moral obligations to fellow-citizens. Although the territorial boundary is initially contingent, over time it becomes integrated into the life of the community, forms a framework within which the latter builds a common life, and acquires moral and political significance. It separates its members from others and forms an important part of their individual and collective identity. The importance of this legal and moral entity is that it gives hope for the realization of rights or benefits of membership, something impossible on a global scale. Without a world state, there cannot be world citizenship. Citizenship worked most effectively at the level of bounded city-states in Ancient Greece where interaction among citizens and between the state and citizens was really strong. The move from the level of city-state to the nation-state considerably weakened cohesion among the membership. To think of further pushing the bounds

³⁰ I discuss the relationship between citizenship and human rights in detail, in Chapter Four.

of citizenship beyond the nation-state, is to disregard the value of citizenship. If the nation-state can no longer operate as the site of a viable form of citizenship and abdicates that role to the ‘whole world’, citizenship loses its meaning. We value citizenship for what we hope to benefit as citizens.

I am arguing for bounded citizenship in so far as citizenship is conceived as a bundle of rights, and I do not see an entity larger than the nation-state able to fully secure these rights. As Isin and Turner (2007:14) note, it is doubtful whether citizenship can become global, since it remains a state institution, and it is based on contributions that presuppose a reciprocal relationship between rights and obligations, and imply a relationship between rights and territory. To employ the notion of citizenship to understand rights claims outside the confines of the state often neglects the effective conceptual domain of the concept. “A citizen exists originally within the political confines of a state, and until a genuinely global state exists that has sovereign powers to impose its will, it is misleading to talk about the global citizen” (Isin and Turner 2007:14).

Conclusion

My overall aim in this Chapter has been to define citizenship and to clarify the meaning of citizenship that I am using in this dissertation. As stated earlier, the success of my argument hinges on how I relate three concepts, namely, well-being, capability and citizenship. At this stage, I have analysed all three of them. I have also clarified my positions regarding the main contested aspects of each of these concepts. What remains is to substantiate my claim in the chapters to follow. With regard to the specific conclusions of this chapter, I analysed the central features of the republican and liberal models of citizenship – the two models that have been extensively debated with regard to the status, rights and duties of citizens in political society. I showed that central to the republican citizenship is the ideal of the common good, and notions of political agency, freedom and civic duty. At the heart of liberal citizenship, on the other hand is the concept of citizenship as a set of

individual rights that trump the notion of a common good, which I have shown to be conceptually vague. Furthermore, in so far as citizenship is understood in terms of rights, it can only be possible to talk about citizenship in relation to a state that is limited in its extent. In this regard, citizenship rights are a special form of rights that differ from universal human rights. This point relates to my general claim that citizenship rights are intimately connected to the development of important well-being functionings and that the lack thereof prevents the full development of such functionings.

Since this dissertation aims among other things, to complete the CA by clearly spelling out the nature of well-being capabilities, I am proposing that citizenship rights can possibly clarify the notion of citizenship as an architectonic capability with regard to human well-being. I have so far analysed the concepts of capabilities (Chapter Two), and citizenship (in Chapter Three), and have taken two important positions. Firstly, I am arguing that compared to the other approaches that I have looked at, the CA is a better framework for assessing human well-being. This dissertation aims to close some of the gaps of this approach. Secondly, in arguing for citizenship as a capability, I have adopted the liberal citizenship model which coheres with the capability approach. Having argued for citizenship rights, namely civil, political and social rights, which to me are well-being capabilities, it is imperative that I justify why, in my analysis of human well-being, I have adopted the capability approach instead of the human rights approach which has clear connections with universal human rights. I justify my preference for the former in Chapter Four. My task in Chapter Four is to discuss universal human rights in detail with a view to show that several unresolved conceptual contestations regarding human rights make it inadvisable to use universal human rights alone as a yardstick for assessing human well-being. I intend to show that using the CA, in conjunction with (social) liberal citizenship rights as a foundational capability, circumvents the conceptual problems bedevilling universal human rights.

CHAPTER FOUR

THE CAPABILITY APPROACH AND HUMAN RIGHTS

Introduction

Having defined the concept of capability in Chapter Two and delineated a normative conception of liberal citizenship in Chapter Three, I deal in the present chapter with the concept of human rights. As the preceding discussion has shown, I am proposing a conception of citizenship as involving both a legal status and an expansive set of rights. Although securing human rights has been a huge positive step in advancing human well-being, some theoretical contestations continue to hamper their (human rights) adaptation or adoption for practical use. The aim of the present chapter is to offer a more detailed investigation into the concept of human rights with the aim of setting the scene for my demonstration (with the aid of a case example) in Chapter Five, that citizenship, as a special case of human rights, best understood as an architectonic capability. As Vizard et al (2011:2) rightly argue, the capability approach can be of help in addressing some of the important controversial and unresolved issues in ethical debates about human rights. The concept of capability thus provides an important entry-point for defending the validity of a broad class of human rights concerns, covering, for example, political, civil, economic and social rights (ibid:12). The CA is thus an important step in resolving some controversies associated with universal human rights.

I begin by giving a brief overview of the historical origins of the notion of human rights, before examining two central debates about, respectively, the ontological status and the scope of such rights. With regard to the former, I examine the question of the relationship between human rights

and the law – in particular, whether human rights are natural or are an outcome of positive law. Although I am largely persuaded by the argument that rights are a child of law (cf. Bentham 1987 [1843], Hart 1994), my aim here is not to defend a specific position about the ontological status of rights. My claim is simply that human rights, regardless of their origin, can only be fully secured within political society rather than outside of it.

The question of the scope of human rights centres on the question: what are the kinds of rights that make up human rights? On the one hand, there are those who argue that human rights are comprised of civil and political rights only (e.g. Cranston 1976). On the other hand, the 20th century has seen an increasing emphasis on the inclusion of social and economic rights into the concept of human rights, sparked, in part, by the United Nations' 1948 Universal Declaration of Human Rights. A significant number of theorists who reject social citizenship (see Chapter Three, Section 2.3) reject it on the grounds that it is defined by the provision of social and economic rights; yet these social rights are contested as being genuine human rights (see Beetham 1995; Cranston 1967, 1973; Howard 1987; Nickel 2007). Those who oppose social and economic rights argue that such rights are impossible to secure in practice, and are not fundamentally important. To bolster my defence of social citizenship in the previous chapter and the next, I show that, to the contrary, social and economic rights *are* genuine human rights that carry the same weight as first-generation civil and political rights.

From Sections One to Three I trace the history of, and analyse the concept of human rights, with a view to showing the definitional contestations confronting it. Section Four establishes the link between rights and capabilities. I show, first, in what respects the capability approach can itself be understood as a human rights approach that is nevertheless an improvement on preceding human rights arguments. In recent times, this view has been strongly argued for by Nussbaum (2003,

2005, 2007, Riddle 2017). I take this argument to the next stage, where I examine the advantages of referring to capabilities rather than human rights in well-being conceptualizations and evaluations. In other words, I demonstrate why the language of capabilities has an advantage over that of rights. Both Sen and Nussbaum identify several limitations associated with universal human rights language – limitations to do with the nature and scope of human rights (some of them discussed in Sections Two and Three). I consider each of these limitations in turn, and come to the conclusion that there is a convincing case for conceiving rights in terms of capabilities, but that this does not imply that all human rights can be deemed capabilities. Only *some* human rights that are immune to the conceptual problems discussed in Sections Two and Three can reasonably be argued to be capabilities. I single out citizenship rights as being such rights. Citizenship rights are a special form of human rights, but they differ from universal human rights in the sense that most citizenship rights can only be secured by the state. A full exposition of citizenship as a capability is the subject matter of Chapter Five.

1. The origins of the notion of human rights

Although human rights discourse has become ubiquitous in philosophy and other academic disciplines, as well as in public discourse at large, the concept of human rights has a long and contested history. The idea of universal human rights that is implicit in contemporary conceptualizations has never been universally accepted. Since the Universal Declaration of Human Rights (UDHR) the world has witnessed an erosion of the belief in the universality of human aspirations, stemming in part, from a widespread conviction that human rights are a Western invention being shoved down non-Western throats. Although such attitudes might be partly based on selfish political propaganda by leaders who seek to shield their abusive behaviour from criticism, the attitudes by and large also reflect the views of many non-Westerners, who are critical

of the highly individualistic Declaration (Falk 2004:19). This is the reason why, in 1981, the African Union sought to counter the UDHR by developing the African Charter on Human and Peoples' Rights that emphasized the distinctiveness of non-individualistic African peoples' human rights. The perceived "universality" of human rights is thus marred by controversy and perennial conceptual doubts. In this section, I trace the historical origins of the concept of human rights, so that contemporary conceptualizations are able to deal with some perennial concerns surrounding this concept.

The modern idea of human rights has its roots in the seventeenth century, in the 'natural rights' of John Locke (Henkin 1989: 12). The natural rights theory was itself inspired by the natural law theory, which can be traced back to the philosophy of the Stoics in classical Athens, but was later popularised by Aquinas, Grotius, Locke, Paine, Rousseau, etc. These natural law theorists believed that there existed a natural, universal moral code discoverable by reason that should guide human relationships and interactions. The notion of the law of nature expressed the idea that there were certain moral truths that applied to all people, regardless of the particular community where they lived or the conventions they had made. For Locke (1988:86), this code "teaches all mankind that, being all equal and independent, no-one ought to harm another in his life, health, liberty or possessions." Enjoyment of these fundamental goods (life, liberty and possessions) was to be secured by humans' possession of equally basic and objectively verifiable natural rights. The natural law was therefore understood as being pre-political. Even in the absence of political society, human relationships were governed by an extensive set of natural laws and natural rights, which, if adhered to, would ensure a peaceful and just society (Lessnoff 1986:62). Natural rights thus flowed from natural law, and the natural law – at least in Locke's conception – came from God.

Locke's theorizing of natural rights had a huge impact on the crafting of both the American Declaration of Independence and France's Declaration of the Rights of Man and the Citizen, passed by the Republican Assembly after the revolution in 1789.³¹ In practice, the natural law theory was used as a basis for revolting against absolutism in the 18th century (Shestuck 2000:37). For example, the war waged by the Whig Party in Britain that led to the fall of King James II (1688), and the revolution in France (1789) were both inspired by the natural right theory, which laid the foundation for fighting absolutism (see Lessnoff 1986:59).

After a period of relative dormancy, the idea of natural rights saw a revival at the end of the Second World War, triggered partly by shocking and horrific acts that occurred during the war, chief among them being the extermination by Nazi Germany of over six million Jews, Sinti and Romani (Gypsies), homosexuals, and disabled persons. What followed was a renewed search for immutable principles which would protect humanity against such brutality (Shestuck 2000:42). A suitable grounding for persons' dignity everywhere had to be found. The natural right theory was one such grounding. Although the natural law and natural right theories were found in European thought during the Enlightenment age, they carry overtones of moral universalism, because human nature is the same everywhere. This moral universalism is the foundation of the Universal Declaration of Human Rights (UDHR) of the United Nations.

Contemporary human rights theory has developed against the background of the adoption by the General Assembly of the United Nations of the Universal Declaration of Human Rights on 10 December 1948. Two features stand out in the contemporary conception of human rights, namely the idea of universality and the inclusion of economic and social rights under the rubric of general

³¹ I am aware that Thomas Jefferson also derived inspiration from Rousseau's social contract in the crafting of the same declaration.

human rights. I discuss the latter in detail, in Section 2.2. The universality assumption underpins the general definition of human rights as the rights humans have simply by being human (Donnelly 2013, Cranston 1976, Mayo 1976). Connected to the concept of universality are the concepts of equality and inclusion. Universality is logically meaningless if some humans are excluded or less equal than others. The idea of universality became prominent with the advent of the UDHR, even though earlier conceptions contained it, in a rather veiled manner. The crafting of the UDHR marked a renewed interest in making human rights universal through the inclusion of people of colour and women. Inclusive human dignity replaced bourgeoisie exclusive dignity based on property, rationality and reasoning (Vizard et al 2011:4). Instead of being an instrument for securing the interests (property interests in particular) of the male white bourgeoisie, human rights were supposed to be genuinely inclusive and therefore universal. The change in phraseology, from “the rights of man” to human rights, reflects this new thinking on human rights. The phrase ‘rights of man’ seemed to suggest that human rights were exclusively male, and that had to be corrected. Human rights were now supposed to protect all without distinction as to race, sex, language, or religion.

In addition to the above, human rights are conceived as *equal* rights in the sense that each human being has the same human rights as every other human being (Donnelly 2013:10). They are also said to be inalienable because a person cannot dispose of her humanity in the same manner she can dispose of her external possessions. One cannot stop being human, no matter how badly one behaves or barbarously one is treated.

I have so far surveyed the historical development of the idea of human rights, but I am still to give a clearer definition of what is meant by the concept of rights. Literature on human rights is on the increase, but, as Hannam (2008:115) rightly points out, ubiquity has not been matched by clarity.

Increase in human rights rhetoric has often led to more confusion and contestation about the meaning of human rights. As Sen (2004:317) points out, conceptual doubts on human rights must be satisfactorily addressed if the idea of human rights is to command reasoned loyalty and establish for itself a secure intellectual standing. In the following sections I build up a particular conception of human rights by analysing the debates about the ontological status of rights as well as the scope of such rights. I begin by discussing the ontology of human rights in Section One and then move over to deal with debate on the content of human rights in Section 2.2.

2. The debates about human rights

2.1 The ontological debate

The ontological debate about human rights centres on the *nature* of rights: specifically on whether human rights are natural or simply born out of the law. As I have already intimated, I am not interested in defending either of these positions, but out of this debate, I wish to argue that whether rights are natural or human-made, they require the state for their protection and enjoyment. The ontological debate grew as theorist after theorist responded either by justifying or rejecting the naturalist theory of human rights sketched above. The debate started with a simple question: “Are human rights natural or they are a product of human agreement?” I shall term “Lockeans” those theorists who argue that human rights are natural, and “Benthamites”, those who believe that human rights are man-made (or are a result of human legislation). Because of its influence on the contemporary debate, I start by explaining Jeremy Bentham’s response to the Lockean naturalist theory of rights above. I then move over to analyse Arendt’s take on the question, after which I turn to important recent contributions on the matter by Sen. My use of Arendt on this debate is because her position has a bearing on my own argument, in so far as her claim that citizenship

gives expression to the ‘right to have rights’ helps me defend my thesis that citizenship is an architectonic capability.

Turning first to Bentham, he was irked by, and sought to criticise, the French Declaration of Rights published by the French National Assembly in 1791 (see Waldron 1987). Article II of the Declaration states that: “The end in view of every political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security, and resistance to oppression.” In *Anarchical Fallacies* (1843), Bentham not only attacks the French Declaration of Rights, but also Locke’s theory of pre-political natural rights that underlies this Declaration. Locke, as we have seen, argues that governments are instituted to protect the natural rights that are already in people’s possession. Bentham, by contrast, draws a distinction between moral rights and legal rights, based on the way in which laws operate. For Bentham, only positive rights, understood as *legal* rights created and instituted by human beings, are real or genuine rights because they are enjoyed in practice. Human beings create laws, and laws give birth to rights. Laws and the rights that flow from them require government for their existence and enforcement. The only test for a right according to him is: “Is it actually enjoyed?” A right to freedom of expression is a right in so far as it has legal protection; otherwise we have no freedom of expression to talk about. Something that you do at your own risk cannot be called a right. Bentham thus rejects the view that there could be rights which pre-existed the establishment of government. He had in mind something like what Hobbes (1962: 96) had strongly argued for earlier, that where there is no political authority, “the notions of right and wrong, justice and injustice have no place. Where there is no common power, there is no law: where no law, no injustice”. The position argued here was that it does not make sense to call a right something that was beyond your enjoyment. Possessing such a “right” is indistinguishable from not possessing it. Since there are no rights

anterior to government, to live without government simply meant to live without rights (Bentham 1987: 51). Accordingly, the phrase “natural right” has a merely figurative meaning, at best, and anarchical consequences, at its worst.

The notion of a natural right is “anarchical” in the sense that it would entail a freedom from all restraint – in particular, from all legal restraint. Since a natural right would be beyond the bounds of the law, it would not be limited by law, and if everyone had such freedom, the result would be pure anarchy. People would use such purported rights to actually resist legal laws, because natural rights were incapable of being enforced. In simpler terms, Bentham is here saying that any right that resulted from human conventions could not still be called a natural right. A natural right is therefore something that is claimed, outside of the law. Bentham therefore famously concludes that the term “natural rights” is “simple nonsense: natural and imprescriptible rights, rhetorical nonsense — nonsense upon stilts” (Bentham 1987:51). “Real” rights, for Bentham are basically legal rights, and he agrees with Edmund Burke (1790) that the real test for a right is: “Is it a positive right?” In other words, “Is it something that can be enforced through judicial processes?” If the answer to this question is “No”, then there was no right to speak of.

In recent times, Amartya Sen has criticised the legal-rights position view, arguing instead that even though human rights can, and often do, inspire legislation, this is a further fact about, rather than a constitutive characteristic of, human rights (Sen 2004:329). In Sen’s view, human rights are primarily ethical demands and not “legal or proto-legal” commands. An ethical understanding of human rights does not only run counter to seeing rights as legal demands, but also differs from a law-centred approach to human rights that sees them as if they are basically grounds for law, almost “laws in waiting.” Although ethical and legal rights have a motivational connection, “that such a connection exists is not the same as taking the relevance of human rights to lie exclusively

in determining what should appropriately be made the subject of coercive legal rules” (Sen 2004:327). For Sen, it is important to see that the idea of human rights can be, and is, actually used in several other ways as well. Thus, the practical implementation of human rights can go well beyond legislation, and a theory of human rights cannot be sensibly confined within the juridical model in which it is frequently incarcerated (Sen 2004:329). In addition, not all human rights can be promoted through legislation, as some recognized human rights are better promoted through other means, including public discussion, appraisal and advocacy. However, even though the implementation of human rights goes beyond legislation, the political society is still required to make possible such processes as advocacy and public reasoning. Arguably, rights that are proposed and agreed on the basis of discussions, disputations and arguments through the process of open public reasoning are not purely natural but political institutions. Thus, whichever approach we take to the ontological status of rights, the *implementation* of human rights requires a political authority that guarantees their enjoyment.

The last statement above captures what I have been driving at in this section. It does not really matter whether we believe that human rights are natural or a matter of convention. What is important is that the implementation of human rights is a matter of the state-citizen relationship. The state guarantees the protection and enjoyment of any form of rights, while citizenship is the state membership identification card. I expand this argument in Chapter Five. In the next section I would like to take up one further aspect of the debate about the scope rather than the status of human rights. Although social and economic rights are by and large recognised as genuine human rights, some scholars still contest that notion. I delve into this debate next.

2.2 The debate about the content and scope of rights

Apart from the debate about the ontological status of rights discussed above, there is also considerable debate about the content and scope of human rights. In this section, I provide a brief overview of this debate that has mainly been ignited by publication of the Universal Declaration of Human Rights, which is generally accepted as the principal contemporary articulation of human rights (see Henkin 1989:11). Traditionally, only civil and political rights, were assumed to constitute human rights, but the UDHR adds an additional category (or generation) of human rights, namely social, economic and cultural rights. This has led to what has been dubbed by some “human rights inflation”. The conservative view on human rights is that only civil and political rights are genuine human rights (see Cranston 1976, Griffin 2008), while the progressive view holds that social and economic rights are co-equivalent with civil and political rights. I shall argue for the latter position, which has been defended by Sen (2004), Nussbaum (1997) among others. In fact, I argue later that most human well-being capabilities, particularly those critical for developing countries, are of an economic and social nature.

I begin, however, by presenting the conservative argument. The view here is that the incorporation of social and economic rights in the Universal Declaration of Human Rights (UDHR) has “inflated” human rights and this has muddied and obscured the philosophically respectable concept of human rights by incorporating into it rights of a different logical category (Cranston 1976:133). In Cranston’s view, only traditional political and civil rights, such as the right to life, liberty and a fair trial, are genuine rights (ibid: 133). Social and economic rights, such as the right to unemployment insurance and a right to holidays with pay, belong to a different logical category: they are simply social and economic rights and not human rights. Cranston forwards two sets of objections to this expanded new theory of human rights – one philosophical (conceptual) and the

other political. Concerning the philosophical objection, he argues that the theory of human rights that incorporates social and economic rights does not make sense. There are several reasons why this is so. Firstly, social and economic rights are impossible to translate into positive law by analogous political and legal action (ibid: 137). In his view, human rights must bear a clear relationship to duties, or simply put, genuine human rights must be practical. In line with this reasoning, Cranston argues that social and economic rights do not pass the “practicability” test. If they are not practical, it will be absurd to claim them as human rights. He thinks that it is impossible, for example, for everyone in the world to be provided with “holidays with pay” (Article 24 of the UDHR).

Cranston further argues that socio-economic rights do not pass the test of “paramount importance”. A human right should be of paramount importance – something that of which no-one may be deprived without it being a grave affront to justice. A right to fair trial is a right of considerable importance, unlike, say, a right to holidays with pay (Cranston 1976:142). Our moral conscience tells us that, not only does the former right trump the latter, but a right to ‘holidays with pay’ sounds like a superficial right. To argue that socio-economic rights are generally unimportant, without sound backing is wrong.

The third test for genuine rights, according to Cranston, is the test of universality (Cranston 1976:141). Any authentic right must be consistent with the general definition of human rights as the rights of all people, at all times and in all situations. But if you look closely at social and economic rights, you will notice that most of them are not truly universal. For example, a right to holidays with pay only applies to the class of people who are workers – unlike a right to life, for example, which for him, is clearly universal (ibid:141). Since not all people belong to the class of workers, this right cannot therefore be a universal right. Employees’ rights are simply moral rights

of parties in a special contractual relationship, but they are not universal human rights. But if we are to go by this, some civil and political rights do not pass the test either. The right to a fair trial, for example, applies only to people suspected of having violated the law. The right to political participation, and host others, do not apply to infants and the mentally retarded.

More recently, a conservative view of human rights has been defended by scholars such as Neier (2006). Neier (2006: 1) argues that social rights cannot possibly be authentic rights, owing to the fact that it is impossible to enforce them through the judicial process. For him it is impossible to enforce social rights because such rights require a broad redistribution of society's resources or its economic burdens, something that is both undesirable and practically impossible. He adds that, even if the enforcement of certain civil and political rights attracts some economic costs, such costs are incidental compared to the more substantial costs of economic redistribution (ibid: 1). Neier consequently advises that in cases of unfair economic distribution and discrimination of all types, the appropriate action to take would be to invoke rights to challenge the injustices, and not to attempt economic redistribution.

What can be said against this conservative argument? In the first place, the claim that socio-economic rights are not susceptible to judicial protection is erroneous, and can be challenged. Why would it be impossible, for instance, to provide judicial protection for free primary education for children with disabled parents, or free health care for children with chronic diseases, or free tertiary education for orphans? Such social rights are as capable of being protected by the law as property rights or rights of non-interference, for instance. In all cases, protecting such rights would require positive action from the state and its institutions. Then there is the claim that enforcing social rights is expensive. Cranston thinks that socio-political rights are not practical because they require huge resource allocations that some countries cannot afford any time soon. But if some countries,

however few, *can* afford to provide their employees with paid holidays, we should not insist on the claim that socio-political rights are not practical. It is one thing to argue that something requires more effort, and another, to argue that something is not practical. Moreover, if it is possible to secure socio-economic rights, then, clearly, such rights are not *in principle* and *necessarily* unrealizable. We would therefore be better served by asking what needs to be done in order for any given society to be able to secure such rights. As Sen (2004:320) argues, the current unrealisability of any accepted human right which can be promoted through institutional or political change, does not, by itself, convert that claim into a *non-right*. In addition, the argument that socio-economic rights require huge budgetary allocations might as well be levelled against civil and political rights. Even without exact figures, we can estimate that, the budget North America uses for fighting terrorism, with a view to secure the right to life, is bigger than the budgets that go towards social services like unemployment insurance. We therefore cannot dismiss social and economic rights on the ground of costs. As Henry Shue (1980: 37) points out, even the traditional civil and political rights require the performance of duties which are not simply negative ones of non-interference. To secure civil and political rights, a country may be required to establish a complex and expensive judiciary and security system.

I therefore propose that it is a mistake to pit different first generation and second generation rights against each other. Instead, we should evaluate rights according to their importance to human well-being, regardless of the class in which they belong. Going on holiday (or resting) after several months immersed in work is not trivial. If resting has some health benefits both physically and psychologically, we might well argue that holidays with pay are a basic right (see Shue 1980 on basic rights). In addition, experience around the world has shown that more and more employers, including those in industrialising countries, can afford to send their employees on paid leave. Thus

there is nothing about paid holidays per se – Cranston’s go-to example – that essentially and of necessity excludes them from being a genuine right.

The case for social rights can also be argued further using the right to education (Article 26 of the UDHR). My aim here is to bolster the argument that social and economic rights are as important as civil and political rights. According to the European Training and Research Centre’s (ETC 2003) manual on human rights education, the human right to education can be characterized as an empowerment right. Such a right provides the individual with more control over the course of his or her life. The idea here is that, exercising an empowerment right enables a person to experience the benefits of other rights. In this regard, the enjoyment of many civil and political rights, such as the freedom of information, the freedom of expression, the right to vote and to be elected and many others, depends on at least a minimum level of education (ETC 2003:175). In addition to this, a number of economic, social and cultural rights such as the right to choose work, to receive equal pay for equal work, to enjoy the benefits of scientific and technological progress and to receive higher education on the basis of capacity, can only be exercised in a meaningful way after a minimum level of education has been attained. In the same manner, the right to take part in cultural life requires education because, for ethnic and linguistic minorities, the right to education is an essential means to preserve and strengthen their cultural identity (ibid: 375). Education also helps in the protection or promotion of other human rights through fostering a culture of understanding, tolerance, respect and friendship among nations, ethnic or religious groups and this can help in creating a universal human rights culture.

Another crucial importance of social rights, as rightly noted by Honneth (2001:53), is that social rights are required for full compliance with the implications of equality before the law that promises equal treatment by the law for all members of a democratic polity. This demonstrates

that the granting of social rights, and the subsequent provision of basic social welfare, fulfil the normative function of giving each citizen the opportunity to participate in the democratic process of the public formation of a community based on the law. We cannot talk of equality before the law when, for example, some members of society cannot afford legal representation.

I have so far argued that socio-economic rights undoubtedly pass the test of paramount importance. But do they pass the other test of universality? Here we need to inquire more carefully into Cranston's understanding of universality. His own argument is developed in the dual context of an advanced economy and a comparatively stable political society. These are very different circumstances from those that hold in the developing world. Arguably, Cranston's views reflect an environment in which many social and economic rights have *already* been realised, in contrast to many parts of the developing world, where the absence of these rights is much more keenly felt. In the latter context, it is easier to view a standard of living adequate for health and well-being as a necessary condition for the exercise of civil and political rights such as freedom of speech, freedom of movement, freedom of association, etc. With a healthy body, there is a chance of speaking my mind in the future when circumstances change. But of what help is speaking my mind now while prematurely dying from a curable disease? Some African politicians take the argument even further to claim that, a man's belly must be full before he can indulge in the "luxury" of worrying about his political freedoms (see Howard 1983:469). This is the so called African 'full-belly' thesis, which is famed for arguing that civil and political rights can wait until basic economic needs are secured. I am not defending the full-belly thesis against Cranston's argument for first generation rights. The point, rather, is to demonstrate the difficulty of trying to separate human rights into classes or generations. There is no good reason for weighting negative rights more heavily than positive rights, without due regard for (a) the importance of the latter for the

realisation of the former, and (b) the importance of *both* negative and positive rights for the realisation for human well-being. For example, as Sen argues in *Poverty and Famines: An Essay on Entitlement and Deprivation* (1981), the negative rights of freedom of expression and free political participation (characterized by multi-partyism and active opposition), work together to motivate the state to provide positive basic subsistence to its people, averting famine in the process.

The fact that negative and positive rights complement each other does not, however, solve all of the conceptual challenges confronting human rights. In particular, there is still no agreed criterion for determining whether a listed human right can be justified on the basis of its importance for human well-being. Cranston's exclusive criteria have by and large been unconvincing. This is why the capability approach theorists like Nussbaum (2011) have proposed to replace the language of rights with that of capabilities – a solution that I have also adopted in this dissertation. I discuss this solution in Section Three below. Meanwhile, I wish to briefly investigate one other contemporary attempt at solving the problem of criteria for rights that has been proposed by Griffin (2008, 2012). Griffin's theory of rights is relevant for my argument in so far as it bolsters the rights-as-capabilities position I wish to defend.

Griffin's theory of human rights emanates from his observation that more and more lists of human rights are being produced, a clear indication that we are living with an indeterminate notion of human rights.³² In an attempt to clarify matters, Griffin therefore seeks to articulate a determinate account of human rights founded on moral personhood. The claim is that human rights are protections of personhood, and the essence of personhood is normative agency, while normative agency is defined as humans' capacity to choose and to pursue their conception of a worthwhile

³² At the beginning of this Chapter, I alluded to a conceptual friction between the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights.

life (Griffin 2012:7). Human rights are thus the rights necessary for normative agency, understood to be drawn in ways that satisfactorily address the various practical considerations, such as human nature and the nature of society (ibid: 8). Practical considerations help us in determining where to draw the lines that define what the various rights protect, and these lines need to as clear as possible. Given these criteria, it is possible to identify three categories of human rights that are necessary for normative agency, namely autonomy rights, liberty rights, and welfare rights. Normative (or standard) agency simply means our capacity to autonomously choose our path through life.

Autonomy rights are the rights that are necessary for people's ability to form, revise, and pursue conceptions of a worthwhile life (Griffin 2008: 27-44). Such rights are prior to and are the source of the other lower level rights like the right to life, or the right to a certain level of health (Talbot 2016:1). The right to liberty, on the other hand, is not the right to do whatever one wants, but it is a right to the liberty that is necessary for normative agency. Among these rights are the rights to freedom of expression, of religion, and of assembly. Liberty rights require that one has real options and choices. The third category of human rights comprises welfare rights, provided at the level necessary for normative agency (Talbot 2016:1). This involves having sufficient education, information, resources, and capabilities in order for one's choices to be "real" (Griffin 2008: 33). For example, we require the right to health, but only so long as its scope is restricted to the protection of those aspects of our health that are crucial to our lives as normative agents. As a guide, Griffin sets the level of welfare provision at threshold as something that goes beyond mere subsistence but is lower than the general level of well-being in contemporary Western societies (Talbot 2016: 1). This level is set as such for practical purposes and also to drive home the point

that not everything that is of high value is matter of human rights. What is important is that we at least achieve the basic requirements for normative agency.

By developing a clear framework for determining human rights, Griffin has gone some way in overcoming the main conceptual challenge confronting human rights talk, namely the challenge of indeterminacy. However, the notion of normative agency is not without its problems. Firstly, normative agency applies to rational and sane adults only and is thus exclusive. The mentally disabled and infants are excluded from having rights because they do not bear normative agency (Griffin 2012: 7). But this is a problem because we normally deem infants and the mentally ill to have human dignity and full human rights, and intentionally killing these attracts the same penalty as killing sane adult humans. We cannot make capacity for reflection a prerequisite for rights. In addition, if we are to follow the theory seriously, it implies that some violations, that at face value appear to be genuine human rights violations, may not count as such in so far as they do not undermine normative agency. Thus, if razing one of my three houses does not impair my ability to form and pursue a conception of a worthwhile life, such an act of destruction does not violate my human rights. The theory may thus fly in the face of our common sense understanding of the moral content of rights because some acts we normally deem immoral may not all pass as such if assessed accordance with Griffin's concept of human rights. Griffin's theory therefore does not provide us with a final answer on the scope and ontological status of human rights. Nevertheless, Griffin's framework is helpful in so far as it shows that some rights are capabilities in their own right. Achieving certain rights, like welfare results and autonomy rights, results in one achieving a certain state of being (or functioning), in this case, normative agency. This is the sort of argument I am presenting regarding citizenship rights, although my focus is different from that of Griffin stated above.

In what follows, I intend to show that conceiving of citizenship rights, as a specific subset of human rights, as capabilities does not suffer from the same conceptual problems associated with the general concept of human rights. I will first investigate the relationship between human rights and capabilities, after which I will show why we ought to understand citizenship rights in particular – though not human rights in general – as capabilities.

3. The relationship between rights and capabilities

While the preceding sections of this chapter dealt with the origins, status and scope of human rights, this section deals with the relationship between human rights and capabilities. Nussbaum (2011:36), for instance, is of the view that the CA is can be situated within the broader human rights tradition. However, the CA theorists do not all conceive of the link in the same way, and they do not all treat human rights as capabilities *tout court*.³³ Donnelly (2013:14), for instance, argues that many internationally recognized human rights are fundamentally about human dignity, not human capabilities. This position is shared by Sen (2005:163), who also believes that many political rights cannot be adequately theorized within the CA. Nevertheless, both Donnelly and Sen concede that human rights and capabilities share important characteristics, and it is these characteristics that I discuss in the paragraphs below. The important point in this regard is that, when defending the position that human rights are related to capabilities, we need to be *specific* about the human rights that we are linking with capabilities, instead of trying to defend the blanket claim that all rights are capabilities. I begin by analysing Sen's conception of the relationship between rights and capabilities, after which I turn to Nussbaum's argument.

³³ The link between capabilities and human rights is discussed in Sen (2000, 2004b, 2005, 2009) and Nussbaum (2003, 2005, 2011).

Sen (2005: 152) argues that human rights and human capabilities have a common motivation, namely the concern for the dignity and freedom of the individual. More accurately, human rights are best understood as rights to certain freedoms, and, in so far as capabilities are freedoms of particular kinds, there is clearly a link between rights and capabilities. The motivation for a specific right derives from the importance of the corresponding freedoms – the freedoms that are identified and privileged in the formulation of the rights in question (Sen 2004:121). He gives the example of the human right of not being tortured. In his analysis, the motivation of this right is the importance of freedom from torture for all. Given that capabilities are kinds of freedoms, the two concepts — human rights and capabilities — thus go well together as there are many human rights that can be seen as rights to particular capabilities. However, Sen (2005:152) warns that we should not try to subsume either concept entirely within the territory of the other, because these concepts also differ in various ways. Specifically, although human rights incorporate significant economic and social freedoms, not all freedoms can be subsumed under the idea of human rights. For instance, the concept of human rights, for Sen, consists of two aspects of freedom, namely freedom of processes and freedom of opportunity (ibid: 152). Only the latter kind of freedom can be linked to capabilities, even though the freedom of processes such the right to a free trial, regardless of the outcome, is uncontroversially a human right. The CA does not concentrate on processes, because that amounts to a concentration on *means* or instruments for certain opportunities. Instead, the core focus of the CA is on *ends* – i.e. the real freedoms to achieve various functionings. In addition, Sen argues that even though the concept of human rights is related to the idea of opportunity, it is not specific enough. It is therefore better to see opportunity in terms of capability, as this allows us to distinguish appropriately between whether a person is actually able to do things she would value doing, and whether she only possesses certain means or instruments or permissions to pursue

what she would like to do. As discussed in Chapter Two, some contingent factors may lead to a disparity between means and actual ability; hence the need to focus on ends or real freedoms.

All in all, Sen admits that there is a connection between human rights and capabilities, but he prefers to keep these two concepts separate for reasons highlighted above. He acknowledges that the concept of human rights has a strong appeal but claims it is also ‘intellectually frail – lacking in foundation and perhaps even in coherence and cogency’ (Sen 2005:151). However, I do not think that *all* human rights are vulnerable to the above problems, and that there is a strong conceptual convergence between citizenship rights and capabilities. I develop this argument in detail in Chapter Five. In this regard, my position is closer to that of Nussbaum, to whom I now turn.

Nussbaum (2011) argues that capabilities cover the terrain covered by both ‘first-generation rights’ (political and civil liberties) *and* second-generation rights (economic and social rights), and they play a similar role, providing both a basis for cross-cultural comparison and the philosophical underpinning for basic constitutional principles (Nussbaum 2011:36). She proposes that human rights and capabilities are related in three ways: firstly, the CA is a specific kind of human rights approach; secondly, the language of capabilities supplements of human rights, and thirdly, the language of capabilities critiques that of human rights (*ibid.*:24).

In the first place, human rights and capabilities are conceptually related, in that some rights – for example, the right to political participation, the right to free exercise of religion, the freedom of speech, and the freedom to seek employment outside the home – are all best thought of as human capacities to function, or, in Nussbaum’s terminology, combined capabilities (Nussbaum 1997:292). Such rights are combined capabilities in the sense that they possess both an internal

component and an external component. Both components are essential, in that an individual who is systematically deprived of, say, information in political matters does not really have political liberty, even if the state imposes no barrier to political participation. On the other hand, internal conditions are not enough by themselves, because, even if one is fully enlightened politically, he or she still lacks freedom to political participation, if the political environment has many barriers like legal bottlenecks and violence. The above-mentioned rights are capabilities only if they are fully secured – i.e., when their enjoyment is effectively possible. Thus, for Nussbaum, human rights can be identified with capabilities *only* if circumstances for securing the rights are present. However, she acknowledges that there is another sense of ‘right’ which is at variance with that of capability (ibid: 293). We often claim to ‘have a right to something’ even when conditions to secure such a right are not present. This happens when we assert that, “by virtue of being human I have a right to this and that”, even if that right cannot be secured in the prevailing circumstances. A right in this sense is not a capability but a ground for the securing of a capability. Nussbaum thus argues that the best way of thinking about what it means to secure the rights of persons is to think in terms of capabilities. For example, the rights of political participation, of free exercise of religion, of free speech and more are all best thought of as secured for people only when the relevant capabilities to function are present. In other words, to secure a right for people in these areas is to put them in a position of capability to function in that area (Nussbaum 2005:36). Remember that having the capability to function means having real freedom to assume a desired state of being, or having real freedom do what one desires to do. Moreover, to the extent that rights are used in defining social justice, we should not grant that a society is just unless the capabilities have been effectively achieved:

We make it clear that a people in country C don't really have an effective right to political participation, for example, a right in the sense that matters for judging that the society is a just one, simply because this language exists on paper: they really have been given a right only if there are effective measures to make people truly capable of political exercise. ... In short, thinking in terms of capability gives us a benchmark as we think about what it is really to secure a right to someone (Nussbaum 2011:36).

It is clear from the above that Nussbaum views the CA as one species of the human rights approach – a position that I also support. Understood in a particular way and given an enabling environment, some human rights are essentially capabilities. What we need at this stage is to explain and justify what the notion of capabilities does or what it adds to the already existing notion of human rights. On this point Nussbaum (2011:36) argues that the language of the CA improves and preserves what is best in the human rights tradition and avoids some deficiencies and controversies associated with some versions of that approach (see the debates above). In her view, the language of capabilities does not obliterate or replace that of rights, because the latter has such wide currency and resonance in global politics that it would be unwise to try to do away with it. The human rights tradition has already so heroically struggled for basic justice that it would be foolhardy to turn away from that tradition. Nonetheless, the tradition has points of vagueness which the CA can usefully supplement. The CA can plug the gaps that have rendered the human rights concept vulnerable to the criticisms of conceptual incoherence and/or ontological indeterminacy. Below, I discuss some of the advantages of adopting the employing the language of capabilities over that of human rights. I draw extensively from Nussbaum (2011), who has worked this out in significant detail.

Having shown that her version of the CA is a variant of the human rights approach, Nussbaum goes on to justify why the CA should be preferred over the mainstream human rights approach. She argues that the concept of capabilities supplements that of human rights by clarifying its basic notions and giving it a much-needed precision (Nussbaum 2011:24; Sen 2009:355-387). As I have shown in the sections above, human rights have been understood in many different ways, and difficult theoretical questions are frequently obscured by the use of rights language, resulting in serious conceptual contestations. For example, people differ about what the basis of a rights claim is, with rationality, sentience, and mere life having had some defenders (Nussbaum 2011:24) In addition, rights theorists differ about whether rights are pre-political or artefacts of laws and institutions (see discussion above). Moreover, there is disagreement about whether rights belong only to individual persons, or also to groups – something that is of particular salience in the various attempts to theorize an African communitarian ethics and politics (ibid: 24). Finally, theorists also differ about the nature of the relationship between rights and duties: “if A has a right to S, then does this mean that there is always someone who has a duty to provide S, and how are we to decide who that someone is?” (Nussbaum 2011: 24). Nussbaum argues that her version of the CA has the advantage of taking clear positions on these disputed issues, as the CA makes clear what the motivating concerns for human entitlements are and what their goal is (ibid: 25). The ten central capabilities she defends (see Chapter Two, and also Nussbaum 2000, 2003 and 2005), are anchored in human life, “being born from human parents, and having a minimal level of agency or capacity for activity” (Nussbaum 2011:25). This, in her view, is a straightforward basis for securing capabilities in contrast to the traditional human rights approach that bases rights on rationality (which may exclude people with some disabilities), or any other specific human property. The goal of the CA is also clear – minimum social justice, or a life worthy of human dignity. For Nussbaum,

justice at a minimum requires that we secure for each individual the capabilities (freedoms) to function at a threshold level in every way that is required for a decent human life. My aim here is not to pit CA theorists against each other, but to show why we ought to prefer the CA over the human rights approach in well-being conceptualisations. I have extensively used Nussbaum on this argument because, in my view, she clearly and directly addresses the similarities and differences between the capability and the human rights approaches.

Adopting the CA also resolves the problem of the scope of human rights, which concerns the traditional division of rights into two groups: political and civil rights, which are often called first-generation rights, and economic and social rights, which are called second-generation rights. For Nussbaum (2011:33), while the human rights tradition suggests that political and civil rights have no economic and social preconditions, the CA recognises that they do, particularly if we consider the fact that people's ability to participate in political debate, to vote, to run for office, and so forth, can be inhibited by extreme poverty, lack of education, and ill health. The CA thus avoids a separation between first generation and second generation rights, insisting that all entitlements have material and institutional necessary conditions (ibid: 33). In addition, as argued in sections above, some second generation rights are a pre-requisite for the enjoyment of some first generation rights. I have already argued to the effect that education (a social right), is a precondition of the adequate exercise of several first generation rights, among them, political rights. The CA thus argues against grouping and dividing rights into first generation and second generation, but advises that we should look at each entitlement separately, asking what its importance to well-being is and what its material and institutional preconditions are (see Nussbaum 2011:34).

Concerning the legitimate duty bearer of these entitlements, Nussbaum vacillates on this issue, although I think her concept of capability helps us to give a clear-cut response on this. At one point

she claims that, “[i]f people have entitlements, then there is a duty to secure them, even if it is difficult to say to whom the duty belongs” (Nussbaum 2011:26). Elsewhere, in *Frontiers of Justice* (2005), she argues that the whole world is under a collective obligation to secure the capabilities to all world citizens, even if there is no worldwide political organization. Now this is problematic. Although it can be argued that the world has enough resources to meet the basic needs of all people, in the absence of a clearly binding distributive framework, it is hard to see how these resources can be distributed in the absence of a clearly defined duty bearer with both the power and the legitimacy to effect and regulate such a distribution. Admittedly, the international community plays a critical role in providing humanitarian and other forms of assistance to countries in need, but this assistance can only go some, but not usually all, the way. It is for these reasons that I argue that the state remains the main institution for securing people’s rights or capabilities, and Nussbaum’s concept of capability supports this position (see Chapter Two, Section 1.2). Yes, Nussbaum argues – and I agree – that capabilities are freedoms created by a combination of internal personal abilities (or capabilities) and the external political, social, and economic environment. In some sense, the external environment is the whole world, but only in the most abstract sense. The means through which the external environment has an effective impact on the well-being of persons is through the actions of the state – both positive and negative. Although she does not articulate a clear-cut position on the duty-bearer for human entitlements, Nussbaum herself admits that human rights or the central capabilities she proposes cannot be secured for people in the absence of political society. Human rights are, for her, pre-political, inherent in people’s very humanity, but they require political society for their protection. She writes:

These central entitlements are pre-political, belonging to people independently of and prior to membership in a state; and they generate constraints that political institutions must meet,

if they are to be even minimally just. In other words, they belong to humans just on account of their human dignity, and would be there even if there were no political organization at all, although no doubt they would not be secured to people (Nussbaum 2011:25).

Conclusion

The main aim of this chapter has been to justify my allegiance to the capability approach instead of the human rights approach that is more commonly associated with conceptions of citizenship (see Nash 2009: 1068). I have argued that the human rights approach is less attractive owing to some difficult conceptual issues confronting it, some of which the CA has gone some way in resolving. Apart from this, the human rights approach remains useful for certain aspects of my argument. As I have shown, Nussbaum classifies the capability approach as one species of the human rights approach. For this reason, we cannot entirely dispense with human rights issues when discussing the CA.

In addition to the above, my defence of social rights in Section Two bolsters my argument for social citizenship in particular and liberal citizenship in general. Another important conclusion I drew in this chapter is that human rights require political society for them to be secured. This position does not depend on the final resolution of the question of whether human rights are pre-political or not. Whether human rights are pre-political or not, they require a political society for their implementation.

Having analysed the complex relationship between human rights, citizenship and capabilities, all that remains is for me to seal my argument that citizenship is a capability. By this, I do not refer to citizenship simply as a means to some capabilities (although this makes some sense), but I argue that it is itself a capability. There are two senses in which citizenship is conceptualized, as a status

and as a set of civil, political and social rights (social rights in this case incorporate economic rights). Citizenship as a status is the fundamental or architectonic capability, what I am referring to as ‘the capability to have other capabilities’. The status of citizenship is the empowerment capability that enables us to enjoy the capabilities that go with this status. I consequently argue that the rights of citizens are essentially well-being capabilities. My task in the next and final chapter is to defend this claim.

CHAPTER FIVE

CITIZENSHIP AS AN ARCHITECTONIC CAPABILITY

Introduction

The preceding chapters have set the scene for the argument in this final chapter. Having shown that the CA offers a better platform for assessing human well-being than the exclusive use of the contested universal human rights approach (see Chapter Four), in the present chapter, I propose a specific way of giving content to the CA with a view to making it theoretically accessible and practically useful for human well-being. In this regard, I propose that we understand citizenship as an architectonic capability. As I indicated at the beginning of the dissertation, a capability is architectonic in so far as it organises and pervades some, many or all other capabilities. My use of the term “architectonic” is inspired by Aristotle (1962), Arendt (1950), Nussbaum (2011), and Le Grange (2012).³⁴ For example, Nussbaum (2011:39) argues that two of her capabilities, the capabilities of practical reason and affiliation, are architectonic in the sense that they organise and pervade the others, or, in simpler terms, they influence and structure all other capabilities. But what is the nature of this influence? For Nussbaum, there cannot be a good policy commensurate with human dignity that excludes these capabilities. Being able to exercise practical reason is vital for choice – the ability to plan one’s own life. Affiliation is also fundamental, owing to the fact that the person is respected as a social being and public policies are structured by various human relationships (ibid: 39-40). My use of the term “architectonic” resembles that of Nussbaum, but there are differences. While for Nussbaum the exercise of, say, practical reason *influences* other capabilities, citizenship as an architectonic capability in my view, is the licence or gate-pass to the

³⁴ I summarized how each of these theorists use the term “architectonic” in the Introduction to the dissertation.

enjoyment of other capabilities that go with the status. For Nussbaum, it is possible for other capabilities, like being able to be well nourished, to be fully secured even in the absence of the capability of practical reasoning, although this will be inadequate for human dignity. This is because, if individuals are taken care of by others, without making their own decisions and choices, this amounts to treating them like infants (ibid: 39). In the case of citizenship, I argue that, in all but the rarest of cases, one lacks the well-being capabilities without being a citizen first. In architecture, it is the structure of the building that influences, shapes and organises the activities within it. The structure of the building is not the *only* thing that does so, of course. However, it is accurate that architectural design makes certain kinds of human activities possible and others impossible and, in this way, either advances or impedes human well-being. I apply the same reasoning in the context of liberal citizenship, which I argue to be a structural determinant of well-being. The “architectonic” metaphor helps me explain the importance of citizenship for well-being, which in turn operationalizes the CA in a specific direction. This is a novel approach, since in most conceptualizations of well-being by CA theorists, citizenship only features indirectly, as in cases when a listed capability is deemed a citizenship right.

The purpose of this final chapter, then, is to return to the subject of human well-being and demonstrate in full the nature of the relationship it has with citizenship. I indicated in Chapter One that well-being is a complex and multidimensional concept that is understood in different ways by different schools of thought and disciplines, among them utilitarians, economists, and psychologists. In Chapter Two I took the position that the CA conceptualizes well-being better than income-based and utilitarian approaches, but I also noted that the content of well-being capabilities is still a contested matter. In this chapter I therefore demonstrate and justify how citizenship provides that content. To be clear: I am arguing that one useful way of understanding

well-being is to understand it as being constituted by a set of civil, political and social freedoms. The condition for accessing these freedoms is citizenship – in this case, a specific, rights-based liberal conception of citizenship. In Section One, I present the connection between well-being and citizenship in general terms. This sets the tone for Section Two, where I demonstrate that specific capabilities and capability sets are essentially citizenship rights – freedoms which full members of political societies are able to enjoy and which are denied to stateless people (including refugees).

Having made the case for considering a specific, normative conception of citizenship as an architectonic capability, in Section Three I apply this to the case of gender. I use gender inequality to make explicit how the lack of effective citizenship rights is detrimental to human well-being. At the end of this chapter, I hope to have shown that citizenship is an entitlement to the political, civil and social capabilities that go with the status of full membership and that these capabilities are essential for well-being. Put in another way; it should be clear at the end that the status of being a citizen is the *capability to have capabilities*.

1. Citizenship as the capability to have capabilities

I now wish to demonstrate the specific respects in which citizenship is essential or architectonic to well-being. Recall that by well-being I mean a positive quality of life reflected through having effective opportunities to live valued lives. Alternatively, well-being denotes good life or human flourishing in general (see Chapter One). My starting point is Arendt's analysis of the specific condition of being *stateless*, or being a non-citizen. I particularly appeal to Arendt here in so far as her argument is the primary motivation for my claim that citizenship is an architectonic capability. Although in *The Origins of Totalitarianism* (1951) Arendt was not directly talking about capabilities but rather human rights, her views are illuminating, particularly on the subject of citizenship. In brief, Arendt's argument is that human rights made sense only in the context of

citizenship – that is, in being a member of state – as it is only the state that guarantees the enjoyment of such rights (Arendt 1951: 291). Consequently, Arendt saw a problem with the notion of universal human rights; this notion reckoned with an “abstract” human being who simply does not exist (see Arendt 1951:291). For Arendt, the conception of human rights, based upon the assumed existence of the human being *in general* – or the universal concept of the human being – runs into problems as soon as those who believed in the human being or humanity as such comes face to face with people who had indeed lost all individual qualities and specific relationships, except that they were still human. When refugees, the stateless, are deprived of the rights of citizens, which establish their specific claims upon their fellows in terms of political and legal relationships, the “rights of man” seemingly ceased to apply to them as well. Without a political society to secure them, human rights become meaningless.

The relevant point here is that, no matter how ‘human rights’ are defined, they prove to be unenforceable whenever people appear who were no longer citizens of any sovereign state (ibid: 372). Arendt thus associates “a right to have rights” with a right to belong as a full member to some kind of organised political community. To belong in this way is not the same as being present in a particular territory; nor is it to be a ward of the state or a recipient of private charity. Rather, it is to enjoy a particular *civic* status. To be a bearer of citizenship is thus a necessary – though perhaps not sufficient – condition for securing and enjoying most other rights. The strength of Arendt’s argument lies in the fact that it is based on the actual experiences of Jewish refugees in the 1930s and 1940s; yet we can also make reference to similar contemporary cases. The plight of hundreds of thousands of refugees and illegal migrants who are getting into Europe after fleeing from war and poverty in their countries is a case in point. Refugees and migrants from Syria, Iraq, Afghanistan, the Horn of Africa and elsewhere, arriving in Europe since 2010, have met with

resistance from European nations reluctant to receive them; tens of thousands continue to reside in sub-standard camps and makeshift accommodations, with little assistance and little hope for their future. As non-citizens or stateless persons, these people's well-being is seriously compromised. Their well-being is compromised because, as people who are neither legally nor in practice recognised as *bona fide* members of the state, they lack political and civil freedoms and the state is not obligated to offer them social protection. Consequently, such people, in most instances, lack effective opportunities to be educated or to be healthy.

For Arendt, two things are necessary for human rights to be effective: firstly, political society, and secondly, a right to membership in that political community; and only these make one's actions and opinions count (Arendt 1951:376). By this she meant that one can only legitimately make claims to the political community of which one is a recognized member; alternatively, any rights claims are only effective in so far as is the one making such has standing within a polity.. To be deprived of a polity and consequently without citizenship, one is in effect deprived of the "right to have rights" (ibid: 376). Although Arendt argues along the same lines as Bentham and Burke, her argument is more compelling, on the grounds that she rides over some of the obstacles of the ontological debate by arguing that, regardless of the conception of human rights we adopt, citizenship of a state is required for such rights to mean anything at all (ibid: 377). Being a citizen in a polity matters more to Arendt than having 'inalienable' rights, which, in her view, lack a determinate referent; "it turns out that man can lose all so-called Rights of Man without losing his essential quality as man, his human dignity. Only the loss of a polity itself expels him from humanity" (ibid: 377). This means, what undermines human dignity is not, in the first place, the loss of rights but the loss of the condition to have such rights protected.

Analogous to Arendt's "right to have rights", I argue that citizenship is best understood as an architectonic capability, or a "capability to have capabilities". That is: citizenship directly or indirectly provides access to a range of important well-being goods like public order, physical safety, and access to a job market; the complex array of civil, political, social, and economic rights; and even intangibles such as a feeling of belonging (Brubaker 2010:229). Admittedly, non-citizen members of a state are not completely shut off from the enjoyment of some well-being goods. Illegal immigrants, refugees, and some oppressed groups can still enjoy such goods as public peace and or access to insecure employment. But this is obviously inadequate for such individuals to live the lives they may deem valuable, and they lack the full capability set of those who are citizens. Notwithstanding some exceptions, lack of citizenship places enormous constraints on well-being. There is a reason why crime rates and cases of drug abuse are high among non-citizens. The same group is vulnerable to exploitations of all forms, including labour and sexual exploitations.

As this point, two clarifications are in order. In the first place, it is important to reiterate that, while the architectonic capability I am working out here is that of a liberal rather than a communitarian or republican notion of citizenship, it is liberal citizenship with a substantial social component. Arguably, most elements that contribute to, or constitute the multidimensional well-being, are of a social nature. Without disregarding the role of civil and political freedoms, Sen (1999:15) lists sources of unfreedom as being the lack of basic opportunities for healthcare, or functional education, or gainful employment, or economic and social security. In addition, gender inequality is detrimental to well-being in so far as it seriously restricts the substantive freedoms that women are able to enjoy (see Sen 1999, Nussbaum 2003, 2005, 2011, Robeyns 2003). All of the above are clearly the special concern of social citizenship. I am here aligning myself with Rawls's (1971, 1999) view that no society can be "well ordered" and therefore just when the respective state does

not concern itself with issues of poverty and other social issues that have an impact on the citizens' pursuit of their plans in life.

The second clarification concerns the case of persons that are legally referred to as citizens but who seem not to meet the conceptual requirements of citizenship of full and equal membership. I have in mind societies in which women and or people of colour are unable to convert their formal, legal rights as citizens into effective freedoms. I am reluctant to call such persons citizens at all, precisely because, as I have shown in Chapter Three, the bundle of freedoms should be equal for all those deemed citizens. This is why I find the idea of "second class citizenship" misleading. If citizenship is founded on equality, logically speaking we cannot have varying degrees of citizenship without violating equality.

Generally, the purpose of this section has been to show the connection between citizenship and well-being. In the next section I want to strengthen my argument that citizenship is the foundational capability by showing that some already-listed capabilities by notable CA theorists like Sen (1980, 1999, 2004), and Robeyns (2003), require citizenship for their enjoyment.

1.1 Citizenship entitlements as capabilities: examples

As indicated in Chapter Two (Sections 2-3), there have been various attempts by theorists to complete the CA by way of recommending a list of the most important capabilities (see Nussbaum 2000, 2003, 2006, 2011, Robeyns 2003, Alkire 2002, Anderson 1999, Sen 2004³⁵). Admittedly, almost all the proposed capabilities are important for human well-being, but I wish to use two of these lists to show the extent to which citizenship matters in accessing most of these capabilities.

³⁵ Even though Sen does not recommend an official list of capabilities, he nevertheless give examples of fundamental capabilities from time to time (see Sen 2004 :78, 1999: xii)

In what follows, I will rely on the lists of capabilities developed by Sen and Robeyns. All capabilities listed in the table below are conceptually dependent upon citizenship entitlements, in that they are all, in one way or another, enabled, nurtured or developed by the state. I have avoided taking examples from Nussbaum's capabilities because at least some of her capabilities seem to be innate abilities whose development we certainly cannot link to the state. Although Sen, unlike Robeyns, does not systematically recommend a list of capabilities, he does discuss various candidates for capabilities that would seem to demand attention in any theory of justice, and more generally in social assessment. I have surveyed several publications by Sen and Robeyns and prepared two representative – though not exhaustive – lists based on their examples.³⁶

Sen's list of capabilities (selected)	Robeyns's list of capabilities (selected)
<ol style="list-style-type: none"> 1. The ability to move around 2. The ability to meet one's nutritional requirements. 3. The wherewithal to be clothed and sheltered. 4. The power to participate in the social life of the community. 5. The real feeling of self-respect. 6. The freedom to obtain remedies for treatable illnesses. 7. The power to avoid poverty as well as tyranny, poor economic opportunities as well as systematic social deprivation, neglect of public facilities as well as intolerance or overactivity of repressive states. 	<ol style="list-style-type: none"> 1. Life and physical health: being able to be physically healthy and enjoy a life of normal length. 2. Mental well-being: being able to be mentally healthy. 3. Bodily integrity and safety: being able to be protected from violence of any sort. 4. Social relations: being able to be part of social networks and to give and receive social support. 5. Political empowerment: being able to participate in and have a fair share of influence on political decision-making.

³⁶ Note that "Sen's list" on the table is my own, but generated using Sen's own examples. See Sen (1979) and Robeyns (2003).

	<ol style="list-style-type: none"> 6. Education and knowledge: being able to be educated and to use and produce knowledge. 7. Paid work and other projects: being able to work in the labor market or to undertake projects, including artistic ones. 8. Shelter and environment: being able to be sheltered and to live in a safe and pleasant environment. 9. Mobility: being able to move between geographical locations. 10. Leisure activities: being able to engage in leisure activities. 11. Respect: being able to be respected and treated with dignity. 12. Religion: being able to choose to live or not to live according to a religion". (Robeyns 2003:71-2)
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A closer look at both lists of capabilities shows that the bulk of them are secured by the relevant component of the three that constitute liberal citizenship. Such capabilities as freedoms to be well nourished, to avoid famine, to live a disease-free life, to be educated, to be clothed and sheltered, are candidates of the social component of citizenship. Remember, social citizenship rights entail access to a modicum of social security from the state that capacitates one to live the life of a civilized being (Marshall 1950:10-11). It should be clear, therefore, that most of the capabilities at stake for Sen and Robeyns are indeed secured by citizenship, in so far as they do not depend on individual motivation and ingenuity, or on private associations, but require both the formal, legal protection of a state plus well-functioning social and political institutions in order to secure them. The state develops these capabilities through various initiatives, among them eliminating poverty, ensuring availability of economic and employment opportunities for all, and maintaining thriving

public facilities. In addition to social security, state policies for strengthening democratic values are also critical in fostering both political agency and subsequently psychological well-being. For instance, the feeling of being recognised as a *bona fide* member of society, capable of participating in shaping its laws and policies, is critical for psychological well-being. Lack of recognition, on the other hand, has a negative bearing on well-being. As Taylor (1992: 25) states, the absence of recognition leads to real damage because it is a form of oppression or imprisonment. This is so because if people are not recognised, they feel demeaned, and this consequently makes them adopt a depreciatory image of themselves. They come to see themselves as inferior, to the extent that, even if obstacles to their advancement are removed, they may not even realize it. My argument is therefore that citizenship is a necessary condition for the advancement of human well-being in so far as it is the passport to full state protection and recognition. My point is not only to show that citizenship is a capability or a superior status, and stop there, but by implication, I am arguing for inclusion or accommodation and recognition. By implication, I am also arguing against statelessness and other forms of exclusions based on, say, sex, tribe race, and religion. Citizenship provides the moral basis for the state's obligation to advance well-being. Outside of the state-citizenship relationship, we can only proceed through unreliable and inadequate humanitarian actions.

I wish to briefly clarify what this conception of citizenship means for children. This clarification is important, because, as Roche (1999: 475) points out, much of the current discussion and discourses on citizenship display a “negative agenda” which serve to problematize and marginalize children. Children, just like adults, are social actors who take on significant responsibilities in a range of contexts, but they (children) are often rendered silent and invisible by the attitudes and actions of adult society (ibid: 475). Just like adults, children are confronted with social problems

such as poverty and racism, but the language of citizenship seems to exclude them owing to their immaturity. I concede that the concept of citizenship that I adopted in this dissertation does exclude children to some extent, owing to the fact that children are unlikely to make full use of civil, political and social rights. Children cannot drive cars or fill political positions. However, children are “citizens through parents” until they reach a certain age of maturity when they would be capable of making rational choices. To argue that children are citizens through parents is to argue that the position of parents in society, to some degree, determines the position of their children. In other words, the entitlements a particular child has are a result of the position (or citizenship status) of the parents of that child. Children of citizens of a country that offers free health care for children under five, free primary education, among other provisions, benefit by virtue of being children of these citizens. In addition, policies can be instituted that cater for the capabilities of orphans of deceased citizens. Thus the liberal, rights-based conception of citizenship can be said to cater for the well-being of children to a significant extent. A different but related issue concerns the status of expatriate workers, business persons, sportspersons, diplomats and the like. Such reside in foreign states for specific positive causes and may only need limited rights of concern to their respective missions. In addition such people already have a maximally expanded capability set because they are and have been citizens of another state, and thus developed their capabilities under the auspices of the latter – and still enjoy its legal protection – which places them in a positive position even in a state where they are only a member and not a citizen.

Given the above, it should be clear at this point in which respects and to what extent citizenship is an architectonic capability. Liberal citizenship (understood both as equal status and a set of rights) is a capability to have well-being capabilities. This is so because in being the foundational

capability, citizenship structures and paves way for the enjoyment of all capabilities that are connected to this status.

I have so far argued that citizenship should be understood as a capability – and then a capability of a particular kind, namely a foundational or architectonic capability; that is, a capability that secures and expands an individual’s overall capability set.³⁷ Before I show how this conception of citizenship works in practice, I need to demonstrate how citizenship structurally matches the description of a capability and why it should not be confused with mere means to capabilities such as wealth, opportunities, etc.

2. The structure of citizenship as a capability

In this section, I show that citizenship is a capability in the sense that it fits the description of a capability as given by Nussbaum (2011), who is one of the founding members of the CA. To refresh our memory, Nussbaum defines capabilities (or combined capabilities) as freedoms created by a combination of internal personal abilities (or capabilities) and the political, social, and economic environment. This means that a person’s political, social and economic situation (or status) is one necessary part in the creation of capabilities (see Nussbaum 2011:20). The other part comprises what Nussbaum calls internal capabilities, which are abilities, skills, or traits resulting from one’s interaction with the social, economic, familial, and political environment (ibid: 21).

In a fashion similar to Nussbaum, Smith and Seward (2009:215) see citizenship as a capability made of two components. To begin with, they define citizenship as the underlying condition of possibility for achieving certain functionings. It is a causal power (a “power to”) that provides the potential to realize particular functionings (ibid: 215). This description of citizenship fits the

³⁷ From now on, I will be using the term “citizenship” to refer to a liberal citizenship, unless otherwise stated.

conception of an architectonic capability that I defined above. Regarding the components of citizenship, Smith and Seward (2009:214, 219) indicate that the citizenship capability includes both individual capacity and social factors, and this resonates with Nussbaum's idea of combined capabilities.

Smith and Seward posit that capabilities are of a social nature because particular social structures are the causal powers or are the reasons and resources for the realization of particular capabilities (ibid: 225). In other words, these capabilities are context-caused. They are the outcome of the interaction of an individual's innate capacities, the individual's position relative to others in society, and the social structures that provide reasons and resources for particular behaviours (ibid: 214). Following this, Smith and Seward argue that citizenship, which they define as a social position of political equality within a democratic structure with an associated set of practices, is, like most capabilities, quintessentially a social capability (ibid: 225). To buttress their argument, they carefully delineate the mechanisms, both individual and structural, that are necessary for the realization of the capability of citizenship. The table below shows these mechanisms (see Smith and Seward 2009: 227).

Mechanism	Abstract description	Necessary mechanisms for the capability of citizenship
Individual mechanisms	The inherent capacities of humans. These capacities include the capacity for intentional reflexive behaviour	A citizen requires the physical and cognitive capacity to engage in the political process, including the knowledge and skills necessary for participation, as well as the belief that their participation has influence or is politically efficacious. The individual identifies with the identity of the "citizen."

Structural mechanisms	The material and normative reasons and resources that motivate and provide incentives for (constrain/ enable) choices and actions. These emerge from the position of the individual/collective in the relevant set of social relations between people and the relations between people and nature for the capability	Citizenship involves membership in a political community, and therefore identity is necessary for the capability of citizenship. This identity (most commonly a national identity) provides reasons to uphold the rights and responsibilities inherent to citizenship. Democratic institutions provide the resources for citizens to engage in citizen practices. Citizens must also have trust in democratic institutions in order to fully participate in the democratic process and believe that their participation is influential. Democratic values in society provide individuals with normative reasons for participation
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2.1 Internal components for the capability of citizenship

The table above shows that a capability has two components: an internal component plus an external component. I start by analysing internal components, which Smith and Seward call individual mechanisms, and which correspond to Nussbaum's "internal capabilities". I choose to term these internal components or skills, to avoid the vagueness that I identify with Nussbaum's concept of combined capabilities.³⁸ However, I share the view that some internal capacities are conducive to the capability of citizenship. Nussbaum (2011:21) defines these as "the characteristics of a person (personality traits, intellectual and emotional capacities, states of bodily fitness and health, internalized learning, skills of perception and movement)". These capacities are defined by Nussbaum in the fourth, fifth and sixth of her proposed list of central "capabilities".

³⁸ I maintain the position that internal skills on their own do not constitute capabilities, but are, however, necessary components of capabilities. I therefore dispute the idea of internal or combined capabilities. See Chapter Two on this.

These include: *senses, imagination, thought*, which include among other things, “being able to use one’s mind in ways protected by guarantees of freedom of expression with respect to both political and artistic speech and freedom of religious exercise; *emotions*, which include “being able to have attachments to things and persons outside ourselves; and *practical reason*, being able to form a conception of the good and to engage in critical reflection about the planning of one’s own life (this entails protection for liberty of conscience)” (Nussbaum 2003:41).

In Chapter Two, I argued that some of Nussbaum’s proposed central capabilities are better understood simply as innate abilities rather than capabilities. Although they are developed through the individual’s interaction with the socio-political environment, they remain essential components of capabilities but not fully-fledged capabilities. However, the important point Nussbaum makes is that capabilities are developed through individuals’ exposure to the socio-political environment. For example, education is necessary for developing professional skills and probably some traits such as self-confidence. A sound health system helps in the development of physical health, which in turn is important for the development of emotional health (Nussbaum 2011: 21). All of this goes to demonstrate that the state-citizen relationship is essential for the development of capabilities. The state or socio-political environment provides the environment and support for the development of the capabilities. Yet one has to be a full member of the state for one to have his or her capabilities fully developed. That is where citizenship comes in. Citizenship is the passport or fundamental capability for tapping into the full providence of the state.

In sum: if capabilities are understood as freedoms created by a combination of internal personal abilities and the political, social, and economic environment, it follows that citizenship, in so far

as it involves a specific legal, political and social status, is co-constitutive of such capabilities.³⁹ It is a bundle of fundamental capacities or causal powers that are developed by social structures, and are responsible for the achievement of various functionings. We can therefore conclude that citizenship is a necessary condition for achieving certain valuable beings and doings. That is to say, citizenship is the capability to have capabilities. I now want to zoom in on the role of the state in developing and securing these capabilities.

2.2 External components: the role of the state in the development of capabilities

I discuss human rights in detail in Chapter Four, but for the purposes of explaining the role of the state in the development of capabilities, it is important to mention that it is more meaningful to relate capabilities to clearly circumscribed citizenship rights rather than just to universal human rights, since citizenship rights are largely immune to the conceptual challenges associated with universal human rights. Citizenship rights are rights of members of a political society. As such, these rights can only be secured by the state, implying that they have a clear duty-bearer, while universal human rights lack a straightforward guarantor of these rights (see Isin and Turner 2007, Barbalet 1988; Chapter Four, Section One). Gunsteren (1994:37) posits that, it is the role of the state to maintain the conditions for citizenship, and help individuals aspiring to citizenship to surmount the obstacles to admission – both by helping them to obtain the qualities required for admission, and also by removing obstacles. State laws and policies, and how they secure people's civil, political and social rights, matter in this endeavour. For example, a sound education system helps in developing individuals that are able to participate effectively in politics, either as voters or as candidates. Similarly, some policies help women to acquire and own property, and to obtain

³⁹ I emphasise that what I am advocating here is a *normative* conception of citizenship. It is only in so far as the legal status of citizenship complies with certain conditions – among them, that it includes an extensive set of positive rights – that it facilitates the development of human functioning capabilities.

equal opportunities in the labour market with their male counterparts. Basic social welfare enables all members of society at least to access basic education and healthcare, and this enables them to live civilized lives commensurate with the level of development of their society. Poverty, malnutrition, and lack of education are examples of obstacles to human well-being that the state ought to guard against. The role of the state in the developing of capabilities is therefore clear.

Both Nussbaum and Sen buttress the position that there is a strong conceptual connection between capabilities and state action. For them, one pivotal end of the state is to secure to people their most central entitlements, meaning that any government that fails to secure basic entitlements would have failed in its most important function. It is the role of governments to enhance, protect and secure capabilities using law and public policy to achieve this end (Nussbaum 2011: 26, Sen 1999:10). Government action in the securing of capabilities should involve affirmative material and institutional support, not simply a failure to impede, or negative rights (see Nussbaum 2011: 31). I have already argued in support of social citizenship in Chapter Three. The state is the engine behind the developing both negative and positive rights. Drawing her justification from Aristotle's *Politics*, Nussbaum argues that the best state is that arrangement according to which anyone whatsoever might do best and live a flourishing life: "It is the job of the excellent lawgiver to consider, concerning a city and a class of human beings and every other association, how they will partake in the flourishing living (*eudaimonia*) that is possible for them" (Nussbaum 1992:2-3). This conception urges us to assess political arrangements by looking to the functionings of individuals, taken one by one — seeing whether they are enabled by that arrangement to function best. This means that when we arrange or assess our institutions, for example our laws, policies and social services, we need to arrange or assess them in relation to the desired functional outcomes. For example, the functionings we expect from a good healthcare system include such

outcomes as being healthy, and living lives of normal length among others. When we assess our healthcare system, we assess whether it is arranged in ways that secure these functionings. We conduct a similar assessment on our education system. We assess whether people are being educated, whether they are as a result being politically enlightened and so on. Laws determine the kinds of doings people can do and the beings they can be, in politics, in the economy and in their social lives. The point is that the structure creates a context in which a person might choose to live well, to flourish.

At this point, we are beginning to see the outline of the claim that citizenship is not merely a capability among others, but that it is an architectonic capability. For example, it clear that the state provides the context for individuals to flourish. There is a reason why we choose to be members of states, and why we desire to be citizens of some states but not others. Of what use is it for us to strive to be citizens, when this is not going to lift us from the state of being hungry, oppressed, or excluded? The connection between citizenship and human well-being is therefore already emerging. Citizenship is a passport to state enabled human flourishing. It might be objected that by keeping borders (through defining well-being capabilities as citizenship rights relating to a bounded political community) this argument swims against the tide. Some citizenship theorists propose that we should expand the moral horizons of citizenship, arguing that the dignity and well-being of each human person warrants equal respect and concern from all. I endorse this view in so far as it specifies a general moral obligation which all human beings have towards one another. However, as I have tried to show, when it comes to certain specific areas of human well-being, these are better dealt with at the level of the state.

In the next section, I embark on the final objective of the dissertation, which is a demonstration of the practical usefulness of the thesis that citizenship is an architectonic capability. Using gender

inequality as a case in point, I will show the implications of living without being recognized as being a full member of society. I use gender inequality here as an example, but the same thesis can be used as a guide in the analysis of problems related to the well-being of specific racial or ethnic groups, minorities of all description, immigrants, refugees and the disabled, among other vulnerable groups. Members of these groups may be incapacitated in various ways that emanate from the nature of their membership in society. In some cases, such groups are denied full membership. The example below is therefore just a template or a guiding framework for considering the various ways in which the development of capabilities and hence the expansion of human well-being are conditioned by – and hence either enabled or undermined – by a person’s civic status.

3. Application: gender inequality as deprivation of citizenship capability

The view that citizenship is a “capability to have capabilities” is clearly demonstrated when we consider the various obstacles women face in several parts of the world. My aim here is to demonstrate in practical terms that once one is denied the fundamental or foundational capability of citizenship, the enjoyment of all other well-being capabilities is greatly compromised. It is critical to note that denial of citizenship leads to inequality. Citizenship is about equal membership. Even before we start to be specific, before we start to talk about gender equality and the like, we first need to understand what equal citizenship means. For Conover *et al* (2004: 1036) equal citizenship is an important ideal of liberal democracy, which, as I have shown, is the conception of citizenship that informs the CA. When individuals or groups are routinely ignored, excluded, patronized, and not regarded as full members of the political community, their equal citizenship is effectively violated, irrespective of their formal legal status. The idea of equal citizenship is founded on the ethical principle that all human beings are of equal worth, and that all citizens,

including minorities, should be regarded as full and equal participating members of the political community (ibid: 1037). The link between equal citizenship and capabilities is clear. Equal citizenship capacitates individuals to freely pursue their different values and ways of life without the fear of being harmed both physically and psychologically. The idea of second-class membership emanates from the existence in society of people who lack equal citizenship. Even though such may be legally called citizens, this is inadequate if they at the same time are denied equal respect and feel unwilling to participate in the wider society's civic and political life – a sign that they are denied important capabilities to function. As Dworkin (1978: 272) argues, the principle of equal citizenship requires that all citizens be equally respected as members of the political community and equally welcome to participate. In most African countries, persons whose ancestry is traced from other countries are directly or indirectly denied full participation rights. In a somewhat bizarre case, the Zambian High Court declared in 1999 that Kenneth Kaunda, the first president of independent Zambia (1964-1991), was not a citizen of that country. He was subsequently prohibited from standing as a presidential candidate for another term. In Zimbabwe, long-time immigrants from Malawi were barred from voting in 2005, even though they had participated in previous elections. Outside Africa, the socio-economic hardship and discrimination faced by many African-Americans and Hispanics in the United States make it difficult for us to call them equal citizens (see Conover et al 2004:1037). These groups may have formal rights, but these are only necessary and not sufficient for equal citizenship. The point therefore is that it is equal citizenship that fully capacitates an individual to achieve valued well-being functionings. I now want to demonstrate this further by analysing gender inequality.

I have singled out gender inequality precisely because it is one of the most critical impediments to inclusive human well-being. As Sen (2001:466) notes, within almost every community, the

burden of hardship often falls disproportionately on women. Recall Marshall's claim that citizenship "is a status bestowed on those who are full members of a community. All those who possess the status are equal with respect to the rights and duties with which the status is endowed (Marshall 1950:28)". For the purposes of my argument I wish to rephrase the second part of Marshall's statement to read, "All those who possess the status are equal with respect to the *capabilities* with which the status is endowed". For the avoidance of confusion, this means that the capability set of all deemed citizens must be the same. These capabilities are typically effective civil, political and social freedoms. Differences among citizens should come from different individual choices and effort and not from having a constrained or less equal capability set. The latter scenario amounts to discrimination. To fail to vote because one has chosen not to go to the polling station is different from failing to vote because one is barred from doing by virtue of being, say, a woman. While individuals may differ in terms of their in-born talents or abilities, the same cannot be said of conventional freedoms.

Understanding citizenship in this way has far-reaching consequences for our analysis of gender inequality. It is possible to argue that, while being a citizen of a state is, per definition, to have the same membership status as every other citizen of that state, throughout most of human history and in all regions of the globe, women of all classes, races, ethnicities, and religions have been, and often continue to be, denied full membership status, and hence full citizenship (Friedman 2005:4). So exclusively male has this status been for nearly all of human history, that substantial numbers of women do not yet have a status equal to that of their male counterparts in any given state, and even today, women and men are likely to differ in the political rights and privileges of citizenship that affect them, and differ in ways that are linked systematically to gender categories. This exclusion of women means they are excluded from full enjoyment of the different elements of

citizenship, to the detriment of their autonomy, health, education, employment, in short, well-being (Lister 2008:4). According to the UNDP (2015), even though a lot of progress has been made over the past 20 years (1995-2015) in reducing disparities between men and women and although some convergence has occurred in capabilities between them, there is still some ground to cover as women remain unable to fully function, and are still unable to exercise the same choices and realise their potential. These disparities generate unequal achievements, and, as a result, the full potential of many women's lives cannot be realised. In this regard, ending gender inequality requires the expansion of political, social and economic citizenship rights to fully include women. As long as women have lesser capabilities relative to men, they are in effect deprived of equal freedom to do what they desire to do or to be whom they want to be in life. My argument therefore is that gender inequality can be analysed in terms of unequal citizenship which, in turn, leads to disparate capabilities among men and women. I have specified these capabilities as a specific set of civil, political and social rights.

A plethora of indices aimed at assessing trends in gender equality have been developed in recent years. Among these are, the Gender Gap Index (GGI) developed by the World Economic Forum, the Gender Equality Index (GEI) of White (1997), the Gender Inequality index (GI) of Forsythe et al. (1998), the Relative Status of Women (RSW) by Dijkstra and Hanmer (2000), the Standardised Index of Gender Equality (SIGE) of Dijkstra (2002), the African Gender Status Index (GSI) of the UN Economic Commission for Africa (2004), the Gender Equity Index of Watch (2005), and the Multidimensional Gender Equality Index (MGEI) of Pernmanyer (2008) (see Pernmanyer 2010:18). For present purposes, let us compare my proposed understanding of citizenship rights as capabilities with the Gender Gap Index (GGI), which, like the CA, is an concerned with outcomes rather than means. The Global Gender Gap Index examines the gap between men and

women in terms of four fundamental categories (sub-indexes): Economic Participation and Opportunity, Educational Attainment, Health and Survival and Political Empowerment. The aim is to provide a snapshot of where men and women stand with regard to these fundamental outcome variables (Hausmann et. al. 2014:5). The Economic Participation and Opportunity sub-index contains three concepts, namely the participation gap, the remuneration gap and the advancement gap. The participation gap is reflected in the difference between women and men in labour force participation rates. The remuneration gap is reflected in a hard data indicator (ratio of estimated female-to-male earned income) and a qualitative variable gathered through the World Economic Forum's Executive Opinion Survey (wage equality or wage inequality for similar work). Finally, the gap between the advancement of women and men is captured through two further hard data statistics, the ratio of women to men among legislators, senior officials and managers, and the ratio of women to men among technical and professional workers (ibid.).

The Educational Attainment sub-index measures the gap between women's and men's current access to education, and is captured through the ratios of women to men in primary, secondary and tertiary-level education. A longer-term view of the country's ability to educate women and men in equal numbers is captured through the ratio of the female literacy rate to the male literacy rate (ibid.).

The Health and Survival sub-index highlights the differences between women's and men's health through the use of two variables: firstly, the sex ratio at birth, which the developers believe to capture the phenomenon of "missing women" prevalent in many countries with a strong son preference; and secondly, the gap between women's and men's healthy life expectancy, which is an estimation of the number of years that women and men can expect to live in good health, taking into account the years lost to violence, disease, malnutrition or other relevant factors (ibid.).

Lastly there is the Political Empowerment sub-index, which measures the gap between men and women at the highest level of political decision-making through the ratio of women to men in minister-level positions and the ratio of women to men in parliamentary positions. The index also includes the ratio of women to men in terms of years in executive office (prime minister or president) for the last 50 years (ibid.). Each component is computed as the standardized average of the ratios between women and men achievement levels for certain sub-components (Pernmenyer 2010:191). Using standardized averages, each sub-component has the same relative importance in the construction of the corresponding component. The new GGI is the arithmetic mean of the values of each component. This is arrived at by a rigorous calculation process where an unweighted average of each sub-index score is taken to create the overall Global Gender Gap Index score.

The GGI is attractive in that it measures outcomes rather than inputs, and it is very useful for comparative analysis, but as the information above shows, the index involves a lot of calculations. Calculating the final score of each sub-index is cumbersome enough, but one also needs to calculate the overall Global Gender Gap Index score, and this a daunting task. In addition, just like any index, the GGI hides vital information behind a figure. Most policy makers, for example, will not make much sense of the information that the GGI of their country is 0.337 and therefore low. A figure cannot tell us where we are lacking and what we need to do. We are forced to go back to study how this final score was calculated, and which information was used, and in the process we lose vital time. So, while the GGI is an extremely useful tool in gender inequality assessments, it may need to be improved to make it more user-friendly. It can be made simpler and more readily accessible by resolving and maintaining scores at the sub-index level, and using these for international comparisons. For example, we can end at the sub-index level without seeking to further consolidate the totals from the sub-indexes into a single figure (the GGI). We get more

information if we analyse the sub-indexes separately. The consolidated figure, on the other hand, does not tell us much. For example if the GGI figure is 0.75, we will not be able to tell how things are distributed at the sub-index level. In addition to minimising complex calculations and increasing information, maintaining sub-indexes directly points to what we are measuring, whether it is Economic Participation and Opportunity, Educational Attainment, Health or Survival Political Empowerment.⁴⁰ In this case, we know exactly what we are measuring or comparing. Analysing gender inequality using the citizenship-as-capability approach not only specifies the area in which the inequality occurs, but in addition, gives us an insight into the underlying causes of the inequality. This is demonstrated in the discussion below.

Understanding gender-related deprivations as deprivations of citizenship reveals that in most instances, women more than men in much of the world lack full civil, political and social rights – in short, they are forced to function as second-class members of society. In the sections below, I employ a restricted list of capabilities in order to evaluate gender inequality.⁴¹ I propose to evaluate gender inequality in terms of the deprivation of citizenship, which in turn prevents them from enjoying a specific set of capabilities equalling their male counterparts. In each case, I provide a detailed explanation as to how obstacles to the capability violate well-being. In particular, I focus on the following capabilities:

- i) *Equality and dignity*: being able to live and compete for opportunities free from any form of arbitrary discrimination, regardless of sex, gender, race, ethnic group, tribe, and religion.

⁴⁰ I am not arguing, however, that we ought to ignore or replace all such statistical data. Some aspects of capability might very well be analysed by means real statistical data. However, I question the usefulness of representing complex information with just a single digit or set of digits. In other words, I am concerned with the “hidden information” that cannot be captured by a set of figures alone.

⁴¹ Although women in most regions of the world have fewer capabilities compared to men, much of my focus is on Sub-Saharan Africa, simply because this is the region I know best, and because I have a personal stake in the outcome.

- ii) *Political participation and influence*: Being able to freely and effectively participate (as a voter or candidate) in politics in an informed way regardless of sex, gender, race, ethnic group, tribe, and religion. Free and effective participation here means participation that is free from any form of manipulation, including violence, intimidation, and rigging. Political influence means having real opportunity to bring about change.
- iii) *Property*: Being able to own, inherit or transfer both movable and fixed property regardless of sex, gender, race, ethnic group, tribe, and religion
- iv) *Education and employment*: being able to be educated and being able to be appropriately employed regardless of sex, gender, race, ethnic group, tribe, and religion.

3.1 Equality and dignity

The normative conception of citizenship developed in Chapter Three has equality as an essential feature. Citizen status is reserved only to full members of society and a full member is one equal to other members. As Anderson (1999:288) argues, it is a mistake to think that equality is required to compensate people for undeserved bad luck. The proper aim of equality is rather to end oppression, which by definition is socially imposed. The absence of oppression reflects a community in which people stand in a relation of equality to others. Where equality exists, people are able to make claims on each other *in virtue* of this equality, instead of depending on the good will of their social, economic or political superiors to their inferiors (ibid: 289). Despite constituting the majority of the world's population, women and girls continue to be denied citizenship, which leads them to have unequal access to health, education, employment and political participation. The battle for gender equality should therefore be a battle for full membership or equal citizenship. For instance, in Agarwal and Panda's (2007) study of domestic violence in Kerala, an important finding was that a determining factor of a woman's susceptibility

to acts of domestic violence was her economic standing relative to her husband (Smith and Seward (2009:219). Interestingly, in this case, a woman's capability is not determined by an absolute level of economic status, but by her relative positioning. The point is that it is her unequal position vis á vis her fellow citizens, from the husband to other males beyond the home, that renders her vulnerable to abuse and hence undermines her well-being. At issue here is what Schemmel (2012) calls the "relational equality" between men and women. This stands in contrast to the distributive equality of means-based theories, which are concerned with equality in the distribution of particular goods, without taking into account the possibility that we can have equality in the distribution of a particular good, while social relations remain unequal (Schemmel 2012:2). Relational equality is a richer concept of equality in the sense that it is concerned with "the way that social institutions create or maintain inequalities between individuals in society – how institutions treat individuals, as opposed to which patterns of distribution they bring about" (ibid: 3). In the case of gender inequality, the issue is therefore not simply an unequal share of goods, but rather the way in which women are treated by their fellow citizens – that is, their relative positioning in terms of the respect they are able to command from others (including other women).

Although cases differ from society to society, both in extent and degree, generally girls and women are vulnerable to physical violence and sexual abuse. For instance, according to the United Nations Population Fund (2016), in Zimbabwe, about 1 in 3 women aged 15 to 49 have experienced physical violence, and about 1 in 4 women have experienced sexual violence since the age of 15. Such statistics are an indication that, in cases such as Zimbabwe, women do not command respect as equal citizens and this lack of respect undermines both their safety and bodily integrity as well as their confidence to freely participate in the civic life of society. The lack of the latter capability in turn deprives them of the capability to effect meaningful legislative and policy

changes in their own lives, and to ensure that these are enforced. In this way, inequality breeds inequality, whereas, as I argue, specific capabilities expand other capabilities.

As I demonstrate in the sections below, lack of equal citizenship brings serious obstacles to women for effective participation in political life, and prevents them from having the same property rights as men, the same rights to negotiate contracts, and the same rights of association, movement, and religious freedom (see Nussbaum 2000: 1). The unequal social and political circumstances women find themselves in mean they possess unequal human capabilities. All too often women, as Nussbaum rightly points out, are not treated as equal citizens, as ends in their own right, persons with a dignity that deserves respect from laws and institutions (*ibid.*).

Meer and Sever (2004:9) have pointed out that human development theorists are increasingly appealing to citizenship rights and responsibilities as a means to addressing well-being goals such as poverty eradication, discrimination and democratisation. Women's rights activists, feminist academics and women's social movements are using ideas of inclusive citizenship in order to advocate greater gender equality.

Arguing for a genuinely inclusive citizenship and thus for gender equality must not, however, turn a blind eye to human differences, particularly those that are basic and that have significant impact on human well-being capabilities. As Sen (1992:117) reminds us, human beings are dissimilar in many ways, including in gender, and to ignore this fact makes our analysis of human well-being inadequate. In this regard, the capability approach runs counter to the view that citizenship rights can or ought to be neutral with respect to gender and other differences. The latter view can be expressed as the claim that "our freedom and equality as citizens refer only to our common

characteristics – our universal needs, regardless of our identities, for “primary goods” such as income, health care, education and the right to hold public office” (Gutmann in Taylor 1992:4).

From a CA perspective, Gutmann’s view suffers the same problem as Rawls’s “equality of primary goods” approach to human well-being. Our differences mean also that we also differ in our ability to convert these primary goods into valuable functionings. What is needed is a state of affairs in which both men and women are equal in terms of freedoms and choices to live their desired lives. Affording equal freedoms and choices to both men and women is different from giving them the same amount of goods, because the same amount of goods or merely formal equal rights, as these may not lead to equal freedoms and choices given their differences. Equalizing freedoms and choices takes cognisance of the undeniable facts that women are more vulnerable to sexual violence than men, may not withstand acts of political violence as men do, may have to be absent from work for a while to give birth, and have historically been discriminated against in health, education, political representation, labour market, etc., all with negative repercussions for the development of their capabilities. My argument here is anchored in Taylor’s (1992) idea of the “politics of difference” (See also Young 1990, 2003, Tebble 2002). According to Taylor (1992:38), everyone should be recognized for his or her unique identity, and therefore what we are asked to recognize is “the unique identity of this individual or group, their distinctness from everyone else”. Demanding recognition of uniqueness in gender is in fact a demand for gender equality. A persistent problem in addressing gender inequality has been to conceptualize equality in a vague way, at the same time ignoring or glossing over our distinctness and assimilating everything to a dominant identity. This charge has typically been directed at the white heterosexual male (see Corboz 2006: 1). But human beings differ from each other in many important ways, and because of these distinctions, conceptualizing and evaluating gender inequality requires an ends approach

like the one offered by the CA, rather than a means approach that focuses on equality in the possession of a particular bundle of goods. Equality in citizenship demands equality of capabilities or equality in real freedoms, not equality of means.

3.2 Education and employment

Being educated and being employed are among the fundamental social citizenship capabilities. Women's participation in the labour market is key to financial independence and represents an important locus of social participation, which many women value, as well as a source of self-esteem (Lister 1997:139). The value of education for women cannot be underestimated. Education is a basic capability that opens up other capabilities; employment, self-confidence, and political participation being some of them. Education enables women to be well-informed in matters of health, something that is important for the well-being of both the mother and the child. It is now also clear in almost all societies that women are key players in poverty reduction by enhancing food security as a result of their participation in both the informal and formal sectors. Education increases their capacity in this regard through improving their negotiation, engagement, and technological skills. Becker (1992:16), however, makes the stark observation that, although most societies insist that women are full citizens, entitled to protection of the laws and to full and equal participation in the labour market and democratic government, in reality, many women lead lives circumscribed by cultural biases and fear of harassment and violence from strangers and non-strangers, and without adequate government protection. Should they enter the labour market, they are intimidated by both spouse and family, who may fear that, by being independent financially, the woman is likely to refuse her 'duties' as a housewife and may even use the independence to get into extra-marital affairs. At the workplace, women often face further challenges that include sex discrimination in hiring and promotion, and sexual harassment – all,

often, without effective legal protection. In addition, evidence around the world points to the fact that women's choices and opportunities in education and employment are limited because there are systematic, complex and often hidden encumbrances to women's full and equal participation in education and employment. Firstly, although values are changing, in some cultures, the value or priority placed on the boy-child in comparison with the girl child means women are much less likely than men to be educated, and still less likely to undergo vocational training (see Odewel 2018: 145⁴²). Secondly, the type of education one receives, the type of tertiary training one pursues and the job one occupies have a bearing on future capabilities.

It can be argued that through the influence of cultural norms and values, as well as some religious beliefs, society indirectly or in subtle ways directs women towards certain professions while discouraging them from other academic fields and professions. This explains why girls are less likely to choose scientific and technological fields of study, and even when they do, they are less likely to take up a career in these fields. An OECD survey of member countries in 2009 showed that at university, women and men largely choose different fields of study. On average, only 26% of graduates in engineering, manufacturing and construction were women, compared to more than 75% of graduates in health and welfare degrees. The pattern is similar in most societies. Because women are stereotyped as more caring, more tender, more understanding and capable of relating to children, it is not an accident that most women are employed in nursing, social work, and teaching (see Macarov 1995:163). The fact that we have fewer women in engineering must therefore be understood on the basis of the fact that women do not usually take up engineering

⁴² Forthcoming

degrees at university, and most of them do not take up science subjects at high school.⁴³ This is hardly women's fault; rather, as stated above, society has its salient ways of bottle-necking certain women's capabilities. In some societies this may be the result of deep seated prejudices acquired over a long period. For example, it is still common in some parts of Africa for someone – male or female – who is visiting a doctor to expect to see a man in the consultation room, while someone visiting a nurse or nurse aide expects to see a woman. Implicit as well as overt social norms act as incentives for men and women to choose particular professions and eschew others. It is a fact, however, that some professions open up more and better opportunities for those who take them up, while other professions are a dead end.

For instance, in many societies, women are discouraged by society from serving in combat or serving generally in the military (Becker 1992:16). It is argued that women, owing to their 'physical weakness', may be unable to do what male soldiers can do to the same extent, and may endanger their unit in battle, for example, if they cannot operate as fast as men with heavy burdens. In addition, pregnancy is usually cited as problem for a soldier in battle. This has led to the argument that male and female job differences are related to innate natural differences (see, for instance, Stassinopoulos 1974). As a consequence of such views, only a small percentage of those in the military are women, though women constitute a bigger percentage of the population in most societies. These limits on women's military participation, according to Becker (1992:16), translate in countless ways into limits on women's ability to participate in government and be full citizens of a democracy. The limited opportunities for women in the military means top military leaders

⁴³ It is possible, of course, that some career choices are the result of innate gender preferences. However, while in practice these choices still are so clearly influenced by social expectations, implicit bias, stereotyping, discrimination and the like, we have no grounds for assuming innate differences to be the primary cause of the under-representation of women in high-status professions.

are all men and, even more critically, more men than women can run for political office as veterans. Indeed it is still customary in much of the world that service in the military, especially with a high rank, is one platform or springboard for entering politics. In Africa, veterans of the liberation struggle are first choice for getting key government positions. In Zimbabwe for example, Robert Mugabe, the former head of state is a veteran of the liberation struggle. All those who deputised for Mugabe during his 37 year reign, about seven of them, have military backgrounds. These include Joshua Nkomo, Simon Muzenda, John Nkomo, Joseph Msika, Joyce Mujuru, Emerson Mnangagwa and Pelekezela Mphoko. In addition, about half of the current cabinet in Zimbabwe, two-third of whom are male, is composed of war veterans and former army generals. The current President of Nigeria Muhammadu Buhari, is a retired army general, and at some point (1983-1985), served as a military ruler through a coup. The same can be said of Olusegun Obasanjo, the former president of Nigeria. Obasanjo, was president of Nigeria from 1999 to 2007, is also a retired army general, and at one time (1976-1979) served as military ruler. All over the world, key political positions are still being exchanged among World War II veterans or nationalist leaders of the liberation struggle, or those who successfully executed some foreign military operations. To this end, if opportunities for women are limited in the military, they as a consequence have limited opportunities to run for political office. This results “in government that is dominated at many key points by men (and the few women) who have been in the military rather than being open to all citizens: we have in large part and (mostly male) ‘militocracy’ rather than a true democracy” (Becker 1992:16). The issue, of course, isn’t only allowing women into the military and enabling them to rise to the highest rank; it is also whether it is justified for military service, or *any* profession dominated by a particular gender, to be a more powerful springboard for public office.

The above observations point to the fact that development efforts should not merely be expended on seeing women in school and employment without due attention being paid to the nature of the education or employment. Expanding women's choices requires in particular that we focus on their capabilities of participating in sectors previously dominated by men – sectors like engineering, defence, intelligence, aviation, and so forth. The size of the population of women with such capabilities matters. Celebrating that one woman is flying an aeroplane or that two women are heads of state is in actual fact celebrating exclusion, because the very limited number points to a negative state of affairs rather than a positive one. Instead, we should adopt the freedoms approach to evaluate gender inequality in education and employment. The freedoms we should focus on are the ones we expect to be possessed by all citizens, namely civil, political and social freedoms.

3.3 Political participation

Political participation is a key determinant of citizenship as it has a bearing on policy choices and outcomes, in addition to direct well-being outcomes, by increasing an individual's happiness and satisfaction with life in general (see the argument in Chapter Two, Section 1.4). Although citizens ought to be equal, in politics, men in most instances enjoy a privileged position *vis-a-vis* women in most societies. It is easier for men to be elected as party candidates and, to negotiate for resources to fund campaigns. In addition, men can campaign day and night and can be away from home for long periods without repercussions. Men can better withstand the acts of violence that sometimes come with elections. This is not a new phenomenon, as there is a lot of evidence to the effect that women have been excluded from political citizenship since time immemorial. For instance, the classical Greek philosopher Aristotle's concept of citizenship excluded women. His assertion that women were not citizens was based on the sole reason that they did not participate in the administration of justice in the city. Upon analysis, that did not by any means mean that

women were inferior to men; they were not citizens because they lacked the opportunity to become citizens. Men then simply claimed the space of politics for themselves, rendering women non-citizens in the process. My point is that obstructing women's participation in politics is equivalent to disregarding their equal citizenship.

There is plenty of evidence that when women get the opportunities that are typically the preserve of men, they are no less successful in making use of these facilities that men have claimed to be their own over the centuries (Sen 1999:199), and that, by extension, the gender disparity in political participation has greatly narrowed (see Nancy et al 2005: 2). Women in much of the world are now active participants in politics, but for the most part, only indirectly. Political participation is direct when the participant's activity directly affects the making or implementation of public policy; in short, when the participant possesses effective political authority to carry out decisions on public policy, to adopt and implement authoritative decisions that have the force of law and are binding on all members of the society. Authority only counts as such if it is effective rather than purely formal. Women in much of the world are still victims of "stooge authority", whereby the woman simply occupies an important post while key decisions are made by the man in the background. This is why euphoria at the appointment of female vice presidents in Africa may be viewed as misplaced. In most cases, vice presidents do not make independent decisions, but always take directives from a superior. In rare instances, a woman may however be "the power behind the throne", as was said of Simone Gbagbo, the former first lady of Ivory Coast (See a report by France24, 9 May 2016⁴⁴).

⁴⁴ <http://www.france24.com/en/20160531-ivory-coast-iron-lady-simone-gbagbo-confronts-controversial-past-again>

The latter is an example of indirect rather than direct political participation. Participation is indirect when the participant's activity is confined to the selection of people who make policies (Nancy et al 2005: 4). The individuals and groups exercising political influence do not hold political power in themselves, and therefore do not possess the capability to make the official governmental decisions they seek to shape and control; but they have the capability to shape and control the decision-making behaviour of those with political authority. Most women, particularly in the global south, participate in politics mostly as voters, and therefore their participation is indirect and is therefore second-order. With regard to political participation, a significant population of women world-wide is still denied this critical benchmark of citizenship. The number of women who occupy key political positions in countries like Germany and Britain is an inadequate means for us to have a clear picture with regard to the state of gender equality in politics. In Africa, the appointment of female vice president (something that is not consistent) is an attempt at affirmative action, as they are usually only received under special circumstances, such as in politically calculated quota systems. For example, between 2009 and 2013 in Zimbabwe, the vice presidents of the main political parties, namely ZANU (PF) and the MDC, were both women. From 2009-2012, Joyce Banda was the Vice President of Malawi. It is for these reasons that, when measured against the yardstick of political participation, most women have fewer opportunities compared to men, and this once again violates the equality condition with regard to citizenship.

What I call equal political citizenship is a state of affairs where a society's political playing field is levelled in such a way that both men and women have equal participation capabilities. In accordance with the concept of relational equality, both women and men ought to be equally protected against unjust treatment during the selection of candidates, during campaigns and during any other political events. Achieving such a state of affairs requires positive changes both in

societal laws and policies, and in people's attitudes towards women. A "physically" conducive political playing field (for example an environment free of violence), is inadequate to provide real political opportunities for women if people hold wrong perceptions on women's participation in politics – perceptions such as "politics is a man's game". Good laws and policies are not enough if some people think that a woman makes a weak political leader. Where we have equal political citizenship, both men and women should have real opportunities in every sense to participate both as voters and as candidates. Equal political participation obviously enhances psychological well-being. The feeling that I am equal to others and that I have an equal say is psychologically healthy, while any form of unequal treatment diminishes one's self-esteem and hence one's well-being. Moreover, political freedoms are connected to issues of material and bodily security, prominently including security against violence, and both of these are seen as closely connected to economic empowerment (Nussbaum 2005: 175). Equal political participation also leads to a healthy balance of societal policies that are considerate of the requirements of both sexes (the same would hold, of course, over the full spectrum of gender identity).

In view of the above, I propose that the best way to evaluate gender equality in political citizenship is to focus on the effective opportunities women have to directly participate in politics in the sense of making and implementing public policy. Numbers matter in this evaluation. The number of women with effective freedoms to be rise to top political decision-making positions should be considered. Statistical data will be useful for this purpose. Or, as discussed above, the number of women with equal opportunities with men to head defence, intelligence and finance portfolios should be taken into account. Our evaluation of equality in political citizenship must be pitched at this level, because celebrating that women have achieved important but lower positions of authority is still celebrating a situation where inequality and exclusion exist. Equal political

citizenship means that men and women have equal opportunities particularly at the highest political levels. At the same time, a female figurehead presiding over a male-dominated party and state apparatus is also not indicative of equal citizenship. We have to measure women's participation across the entire spectrum of political authority.

Although equality in political citizenship essentially means equality of capabilities for participation, any efforts towards equality in political citizenship ought, however, to take into account the differences between men and women. The challenge of every society is to find a way of ensuring that women have equal political capabilities to those of men without at the same time compromising their nature and unique needs. For example, child-bearing should not be an obstacle to full or direct political participation, and in the same vein, political participation should not be an obstacle to child-bearing. By comparison, stairs should not be an obstacle preventing a disabled person from reaching the fifth floor. Our task is to ensure everyone gets to the fifth floor safely, comfortably and in a dignified manner regardless of physical condition. If we disregard diversity, equality becomes difficult to achieve, because only people who can climb stairs on their own will reach the fifth floor.

The above example is not meant to suggest that women are disabled. The point is that diversity should not be used as an excuse to engender inequality but should rather be used as a motivation to equalize capabilities. The argument is aimed against a particular, unjustified way of distinguishing the public and private, which assumes that the man, who is competitive and aggressive, is the one who should leave the home to perform civic functions, while the woman who has the caring and emotional qualities suited for the private, should stay at home to perform her domestic and familial functions (see Heater 1999:93, Nussbaum 2005:176). It is such arguments, real or perceived, that compel us to evaluate gender equality, focusing on the ends

rather than the means of gender equality. What matters is whether men and women have equal capabilities for political participation. Having shown that possessing equal capabilities in political participation is important for human well-being' I should re-emphasise that equal political participation is a direct product of equal citizenship. Citizenship is the architectonic capability that we need to secure before other capabilities.

3.4 Private property ownership

Being able to own, control and inherit resources is a basic capability, and one of the fundamental measures of well-being. This is so because owning and controlling resources is an indication of full-fledged agency. Being able to own property is one way of showing that one is not someone's property oneself. Being able to acquire, maintain and dispose of property of one's own without fear of any reprisals from the husband, family, or the community expands women's agency. Unless one possesses civil rights in full, one cannot freely form and pursue desired goals in life. Having real freedoms to own, inherit and transfer property is fundamental to the well-being of women and their children. My argument here is for the capability to own private property. Exclusive communal ownership is inconsistent with both liberal citizenship and the CA, which is by and large liberal.⁴⁵ It is also impossible to talk of individual agency when all property in every respect is communally controlled. In addition to this, Mbote (2005: 11) argues that in African countries, communal systems of property ownership are often anchored in patriarchy. (This might not be a necessary feature of all forms of communal ownership. However, in societies that *are* patriarchal, securing

⁴⁵ The argument for property ownership that is line with the liberal ideal of citizenship should not be taken as an argument for a free-market, capitalist economic system. I am agnostic about the specific economic arrangements that will allow citizens to realize the capabilities that are essential for human well-being. It is likely that there are a number of such arrangements. The point is that the economic arrangements are the means for the realization of capability, and it would be a mistake to commit to any specific means *before* having a clear conception of the kind of capabilities we seek to realize.

women's individual property rights provides a strong bulwark against their domination by men in other spheres.) The law can then come in to reinforce or make permanent social injustices, and, in the realm of women's rights, legal rules may then be used to entrench gender inequality. It is for these reasons that I confine my argument to discussing individual private property ownership. The right to own property is a critical mark of citizenship, since it defines the civil component of the concept of citizenship. In practice being able to own and control property shows that one is an equal non-dominated member.

Conversely, the inability to control resources essentially excludes one from full membership of a state in which one's fellow citizens *do* have this capability. A significant proportion of women in Sub-Saharan Africa and in many states in which Sharia Law is applied lacks the capability to own and inherit property, and this negatively impacts their well-being freedom. Although formal law in most African states does not directly discriminate property ownership on gender lines, patriarchal tendencies in the region are still a factor in incapacitating women, particularly young divorcees and young widows. In most African cultures, marriage is not simply a contract between two consenting adults, but rather, the woman is married into the husband's family (see Kyalo 2012: 115). The implications of this are that all property, including property directly acquired by the efforts of the woman, is registered in the name of the husband, and such property even though being used by the married couple, is deemed to be the property of the whole extended family of the husband. Young female divorcees or widows are the most disadvantaged. Upon divorce or death of the husband, the young woman, who would now be viewed as having been divested from the family of husband, has to leave all property behind. Since young widows or young divorcees are likely to remarry, it is against most African cultures for a different man to benefit from the wealth or property of another man. Intimidation and threats from the former husband or the

husband's family, and deep seated cultural beliefs, deter some women from approaching the courts for assistance. Older widows and divorcees get protection from their mature children and from the fact that they are unlikely to get married again, although property may remain registered in the name of the former or deceased husband (see Richardson 2004:1). In essence, women in Africa are generally prohibited by customary law from owning or inheriting land or other property, although this varies, in terms of degree, from one culture to another (Richardson 2004:1). Property ownership traditionally is passed through male heirs and a woman's right to access and use of property has customarily been defined solely by her relation to men (ibid: 1).

Without property, women lack many well-being capabilities. Lack of full access to tenure or ownership renders many women vulnerable to poverty, and prevents access to credit through lack of collateral, thus rendering them socially and economically disadvantaged.⁴⁶ Evaluating the property ownership capability thus requires us to determine the level of real freedoms women have to own and inherit property – freedoms to register property in their names and freedoms to co-own or jointly own land and property. Equality in property ownership is a significant step in equalizing the possession of civil capabilities between men and women, and this in turn is a huge step towards human development or well-being.

It should be clear from the above that a great many capabilities, including having a sense of self-esteem, being educated, being healthy, being employed, participating in political decision-making, and owning property of one's own, depend on one's having the status of, and being treated in practice as, a full and equal citizen vis à vis one's fellow citizens. Citizenship is, in other words, a first-order capability necessary for the development of various second-order capabilities, which in

⁴⁶ For an example of how access to credit can enhance women's well-being capability, consider the story of Grameen bank in Bangladesh (See Bernasek & Stanfield 1997; Bernasek 2003; Aslanbeigui, Pressman & Summerfield 2003.)

turn make up the scaffolding that organises the various functionings and capabilities of a given person's life.

Conclusion

Having separately defined the concepts of capability (Chapter Two) and citizenship (Chapter Three), and building on the analysis of the capability approach and human rights in Chapter Four, the purpose of this final chapter has been to demonstrate the specific respects in which citizenship is an architectonic well-being capability. I have shown in specific terms in which respects the quality of our lives is dependent on our equal status as citizens. Firstly, I have shown that citizenship at the ideal level is not merely a legal status, but a capability to have other capabilities. In other words, citizenship is the bedrock of most well-being capabilities. Apart from being a condition of equality, citizenship paves way to the enjoyment of other second-order capabilities, some of which have been discussed in this Chapter. Secondly, I have demonstrated that previously listed capabilities by influential CA theorists Sen and Robeyns are essentially citizenship rights, even though these theorists did not specifically refer to citizenship. This demonstrates that my initial thesis that citizenship is a capability is to some degree the elucidation or, then, the formalisation of an existing idea. This elucidation and formalisation is a contribution to the existing CA scholarship because the CA is arguably still developing and therefore efforts aimed at clarifying, improving, and enriching the approach, are still important at this stage.

All in all, this dissertation is an appeal for all societies to strive to extend full – rather purely formal or legal – citizenship to all its members for the sake of their well-being. Another important conclusion to emerge from this discussion is the particular respects in which states are responsible for the well-being of their members. State laws and policies, together with their effective implementation, determine whether a particular society has equal citizenship and therefore equal

well-being capabilities, or is fraught with inequalities and discrimination. We have reason to value full citizenship because we want protection from various dangers of living isolated lives, and to flourish in particular ways. Constrained freedoms in this case signal failure of citizenship – when membership has failed to improve well-being.

CONCLUSION

In defending the thesis that citizenship is a well-being capability my overall aim has been to bridge, in a particular way, the theory-praxis gap that plagues the capability approach. In pursuance of this aim, this dissertation has sought to achieve two main objectives. The first objective endeavoured to justify why the CA should be viewed as a more accurate as well as morally justifiable framework for conceptualising and assessing human well-being. In this regard, Chapter One dealt with the shortcomings of some common conceptualisations and measurements of well-being, including one-dimensional and some multidimensional theories. These shortcomings became the springboard from which I argued in support of the CA. However, I also demonstrated that, much as the CA was a promising approach, it has a number of shortcomings that have affected its smooth translation into practical use. The main shortcomings are the lack of a clear and agreed-upon concept of capabilities, and the absence of a clear roadmap of how to apply the CA in practice. My second main objective has been an endeavour to make good on these shortcomings. I defined and analysed the CA in Chapter Two and from Chapter Three onwards I gradually developed a solution for this theory-praxis chasm, namely that citizenship, both as a status and as a bundle of state secured rights, should be understood as an architectonic capability, which means it is a foundational capability that designs and structures a host of other well-being capabilities. I have justified why this should be viewed as a possible solution to the problem of operationalizing the CA.

Turning now to the conclusions I drew from each of my five chapters: in Chapter One I demonstrated that well-being was a multidimensional rather than a one-dimensional concept. I highlighted the limitations of defining and evaluating well-being solely on the basis of reductionist

criteria such as hedonistic happiness, desire-satisfaction or income. I argued that hedonistic happiness for instance, much as it is an important ingredient of human well-being, is a psychological state that was susceptible to adaptation and conditioning, meaning one could unwittingly become ‘happy’ when one had adapted or become used to particular deplorable conditions or situations. I also warned that hedonistic happiness was different from Aristotelian happiness, as the latter meant flourishing or living well; it was a complete and sufficient good, implying that it was an end that was desired for its own sake. Aristotelian happiness, as has been shown in that chapter, is one inspiration behind the development of the CA. As for the use of income as a measure of well-being, I also concluded that it was too narrow as a measure of well-being, as it had been shown in practice that economic growth in most instances did not “trickle down”, was indifferent to distribution and in some instances, was actually accompanied by declining incomes for some, and such scenarios were the antithesis of human well-being. I therefore demonstrated that it was undesirable to conceptualize well-being in terms of any form of utility as issues of distribution, rights and justice would be ignored in favour of maximizing aggregate utility. Finally, in Section Two of Chapter One I surveyed some multidimensional conceptualizations of well-being, among them the Physical Quality of Life Index (PQLI), the Basic Needs approach and Rawls’s primary goods approach. I showed that these were an improvement over one-dimensional concepts, but the main challenge for the first two was disagreement on the constituent dimensions of well-being. There was disagreement on whether the elements that made up the PQLI or basic needs were the ones relevant or sufficient for well-being. With regard to Rawls’s primary goods approach, I argued in support of Sen that focusing on these primary goods neglected some considerations that could be of great importance to the substantive assessment of equality and also of efficiency. For Sen, there is a strong need of moving from focusing on primary

goods to actual assessment of freedoms and capabilities, considering the fact that people varied in their ability to convert the same amount of primary goods into good living (see Sen 2009: 66). These considerations led me to an analysis of the CA as an alternative approach for conceptualizing and assessing well-being.

I had two main objectives for Chapter Two, my first was to define and analyse the CA for the purpose of defending it as a better framework for conceptualizing and evaluating human well-being. Following this analysis, I made the claim that, compared to some theories discussed in Chapter One, the CA was a richer and more appropriate framework for evaluating human well-being because it underscored the position that well-being was multidimensional and as such, it provided a richer vantage position for assessing well-being. In addition to the fact that it is not reductionist, the CA focuses on actual lives or real opportunities available to people, and this makes it an attractive framework for evaluating people's quality of life. My second main objective in Chapter Two was to analyse how the CA worked. In Section Four, I joined a host of CA scholars, among them Alkire and Srinivasan, in arguing that, in its current form, the CA could not be translated smoothly from theory into practice. The main reason for that I took to be the ambiguity regarding the nature of capabilities. There was a need to provide concrete guidance as to what human well-being (or development) capabilities were. Nussbaum, Alkire and Robeyns among others, had responded to this by way of recommending lists of what they deemed central capabilities; but the proposed capabilities had not received universal acceptance. My effort from Chapter Three to Chapter Five was developing step by step, a clearer conception of these capabilities.

In Chapter Three I began to develop the argument that citizenship was a capability with a view to closing the theory-praxis gap of the CA mentioned above. In this regard, my sole aim in this

chapter was to develop a coherent, normative conception of citizenship. My first objective was to develop an argument in support of liberal citizenship, both because the CA is generally founded on liberal theory, while the social component of liberal citizenship is relevant for understanding the social component of capabilities (developed in Chapter Five). Secondly, I argued that citizenship should be understood in terms of rights, and if understood that way, it would only be possible to talk about citizenship in relation to a state that was limited in its extent. I also made a distinction between citizenship rights, which I deemed to be a special form of rights, and universal human rights, and in arguing that way, I laid foundation for my argument that such (citizenship) rights were intimately connected to human well-being capabilities.

My task in Chapter Four was to justify why I chose to use the capability approach rather than the human rights approach for conceptualising well-being. My justification for adopting the capability approach was based on demonstrating that the concept of universal human rights upon which the human rights approach sat was fraught with controversial conceptual issues – among them, whether human rights are natural or proto-legal, and also some issues about which rights should count as genuine human rights. I therefore argued that, although the human rights approach to well-being had been successful in its own right, it faced significant practical and conceptual challenges that the CA went a long way towards resolving. Admittedly, CA and the human rights approach share a common motivation in the matter of human freedoms and human dignity, but the former approach avoids certain conceptual problems that affect the latter. In this regard, I demonstrated how the capability approach helped in addressing some of the important ethical debates about human rights. Other important conclusions made in this chapter in support of my thesis included the conclusion that human rights required political society for them to be secured, regardless of whether human rights were deemed pre-political or not.. In addition, I demonstrated

that Sen and Nussbaum gave social and economic rights the same ranking as civil and political rights, and that they were correct in doing so.

Chapter Five, the last of the five chapters, had one main objective: to synthesize all elements of the dissertation, and demonstrate, with the aid of examples and a case study, the thesis that citizenship, both as a status and a bundle of rights was an architectonic human well-being capability. By this I meant that citizenship as a status was the fundamental capability, what I referred to as “the capability to other capabilities”. The demonstration took place in two related steps. Firstly, I demonstrated that previously listed capabilities by influential CA theorists such as Sen and Robeyns were essentially citizenship rights even though these theorists did not specifically refer to their capabilities as such. With this demonstration, I made it clear that taking citizenship as capability was not an entirely new idea but rather, to some degree the elucidation or (loosely) the formalisation of an already existing idea. Secondly, I used gender inequality as a practical example of the usefulness of my thesis. I demonstrated in practical terms that attaining citizenship was akin to attaining some important well-being capabilities, and this meant that accommodating previously excluded groups was at the same time part of the process of expanding the catchment area of human well-being. Another important conclusion to emerge from Chapter Five was that individual states were by and large responsible for the well-being of their members. State laws and policies in place determined whether a particular society was egalitarian or was fraught with inequalities and discrimination. In short, it was the state that was the duty bearer in ensuring the maintenance of a society in which members had as far as feasible equal capabilities or opportunities.

In conclusion, the overall motivation for this research was to demonstrate the importance of citizenship to human well-being or human flourishing. It is worthwhile to remember that

citizenship is not something that can be denied to individuals without harming many aspects of their well-being. As I have argued in this dissertation, there are several ways in which people can be denied citizenship. There are those that are completely shut out from legal citizenship – those who are labelled “illegals”, who have to evade law enforcement on a daily basis. Experience has shown that, in most societies, those that are labelled illegal find it very difficult to regularize or formalize their membership. Without protection of the state these people suffer a myriad of problems and are usually suspected of committing all sorts of crimes. However, I have also demonstrated that the distinction between immigrants without legal status and native-born citizens is not at all as clear-cut. In many political societies there are those who have legal “citizenship” but who are lacking in equality and full recognition. Within some borders, women, people of colour, and religious and ethnic minorities, etc., find themselves in this category. Such people are psychologically tortured and their political, civil and social capabilities immensely compromised. This dissertation is therefore an appeal for full state protection for all, which necessarily means equal citizenship for all. Citizenship is indispensable because it is an architectonic capability, or a necessary condition for human well-being.

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