Utility and Capability

L.W. SUMNER
University of Toronto

When Amartya Sen defends his capability theory of well-being he contrasts it with the utility theory advocated by the classical utilitarians, including John Stuart Mill. Yet a closer examination of the two theories reveals that they are much more similar than they appear. Each theory can be interpreted in either a subjective or an objective way. When both are interpreted subjectively the differences between them are slight, and likewise for the objective interpretations. Finally, whatever differences may remain are less important than they might seem, since the two theories are developed by Sen and Mill for different purposes and are in that sense not genuine rivals.

It will be evident to anyone who has read them that John Stuart Mill and Amartya Sen share allegiance to a broad spectrum of liberal ideals, including pluralism, tolerance, equality, democracy, freedom of expression, economic development, market efficiency (and its limits), the protection of minorities and the emancipation of women. At the same time, this impressive degree of convergence on middle-level social/political values appears to coexist with deep disagreement over the normative foundations of these values. In the simplest possible terms: at the foundational level Mill was a utilitarian while Sen is not. Putting the matter in this simple way, however, conceals a number of distinct theoretical points on which Mill and Sen might part company. I shall not deny that there are real differences between them on some of these points. However, in this discussion I plan to focus on one particular site of putative disagreement – one which Sen himself has repeatedly emphasized – and suggest that here the gap between them is neither as wide nor as significant as it might seem.

In order to locate the site I have in mind it will be helpful to start with Sen's very influential analysis of the nature of utilitarianism.[1] Like most commentators, Sen treats utilitarianism as one particular species of consequentialism,[2] distinguished by its evaluation of outcomes or

[1] Amartya Sen, 'Utilitarianism and Welfarism', *Journal of Philosophy* 71 (1979).

[2] In his earlier writings Sen tended to be non-committal with respect to consequentialism, neither endorsing nor rejecting it as the broad framework for normative decision-making; see, for instance, 'Well-Being, Agency and Freedom: The Dewey Lectures 1984', *Journal of Philosophy* 82 (1985), pp. 215–16; *On Ethics and Economics* (Oxford, 1987), pp. 74–8; and 'Rationality and Social Choice', *American Economic Review* 85 (1995), pp. 11–15. However, more recently he has been more forthcoming about his consequentialist affiliation; see his 'Consequential Evaluation and Practical Reason', *Journal of Philosophy* 97 (2000), pp. 477–502.

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states of affairs strictly in terms of the sum total of individual utilities which they contain. This method of outcome evaluation, Sen suggests, combines two distinct commitments:

Welfarism. The judgement of the relative goodness of states of affairs must be based exclusively on, and taken as an increasing function of, the respective collections of individual utilities in these states.
Sum-ranking. One collection of individual utilities is at least as good as another if and only if it has at least as large a sum total.

So far, therefore, we have: utilitarianism = consequentialism + welfarism + sum-ranking. Of these three components it is welfarism in which I am interested. But first a brief word about sum-ranking.

Among the classical utilitarians, Bentham is the most thoroughgoing exponent of sum-ranking, though the principle is explicitly affirmed by Sidgwick as well.[3] Mill, on the other hand, is less forthcoming on this question, though it is plausible to think that he was assuming additivity in his statement of the 'greatest happiness principle': 'actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness'.[4] Sen, on the other hand, has been emphatic in his contention that outcome evaluations must make room for independent distributive factors.[5] On the issue of sum-ranking, therefore, there seems to be no meeting of minds between them, and I shall henceforth set it aside.

Let us turn our attention therefore to welfarism, which Sen understands to function as an 'informational constraint' on evaluations of states of affairs: 'If all the personal-utility information about two states of affairs that can be known is known, then they can be judged without any other information about these states.'[6] However, Sen's formulation of this constraint itself runs together two different commitments on the part of utilitarians which can, and should, be distinguished. The distinction turns on the role of utility in Sen's statement of welfarism. For Sen utility is not identical to welfare or well-being; instead, it is a particular analysis of welfare in terms of such subjective states as pleasure or desire-satisfaction. Sen's welfarism condition therefore imputes a dual commitment to utilitarians, first to the more general idea that only welfare matters in outcome evaluations

[3] Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation* (London, 1970), ch. 4; Henry Sidgwick, *The Methods of Ethics*, 7th edn. (London, 1907), book 4, ch. 1.
[4] John Stuart Mill, 'Utilitarianism', *Essays on Ethics, Religion and Society*, ed. J. M. Robson (Toronto, 1969), p. 210.
[5] Amartya Sen, *On Economic Inequality* (New York, 1973), pp. 15–22; Sen, 'Utilitarianism', pp. 468–71.
[6] Sen, 'Utilitarianism', p. 471.

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and then to a subjective conception of welfare. These commitments can be disaggregated as follows:

Generic welfarism. The judgement of the relative goodness of states of affairs must be based exclusively on, and taken as an increasing function of, the respective collections of individual welfares in these states.

Welfare subjectivism. Individual welfare is subjective (i.e. is identical to utility).

The broader condition of generic welfarism still functions as an informational constraint, admitting into the evaluation of outcomes only information about individual well-being, but it does not insist that well-being is subjective; that further claim is now externalized as welfare subjectivism. Sen's formulation of welfarism makes it possible to be a consequentialist without being a utilitarian by admitting non-utility information into outcome evaluations. However, this possibility is ambiguous between two importantly different alternatives: admitting information about values other than welfare (such as perfection) or admitting objective (non-utility) welfare information. Once these alternatives are distinguished, generic welfarism makes it possible to be a welfarist consequentialist without being a utilitarian in either of two ways: by rejecting sum-ranking or by rejecting a subjective theory about the nature of welfare. So now we have: utilitarianism = consequentialism + generic welfarism + welfare subjectivism + sum-ranking.

If we make the plausible assumption that Mill simply identified well-being and happiness, then it is not difficult to find in his work a commitment to generic welfarism: 'The utilitarian doctrine is, that happiness is desirable, and the only thing desirable, as an end; all other things being only desirable as a means to that end.'[7] But it seems equally clear that he also endorsed welfare subjectivism: 'By happiness is intended pleasure, and the absence of pain; by unhappiness, pain, and the privation of pleasure.'[8] Sen, on the other hand, has rejected both commitments. His rejection of generic welfarism takes the form of insisting that non-welfare information must be admitted in the evaluation of outcomes.[9] Whereas Mill is an axiological monist, therefore, Sen is a pluralist. Again, I shall not deny that this is a real difference between them, but it is not the one I want to explore. It is worth noting in passing that Sen is also a pluralist about utility itself.[10] He distinguishes two different interpretations or analyses of utility, in

[7] Mill, 'Utilitarianism', p. 234.
[8] Ibid., p. 210.
[9] Sen, 'Well-Being'.
[10] Amartya Sen, 'Plural Utility', *Proceedings of the Aristotelian Society* 81 (1980–1).

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terms of pleasure and desire-fulfilment, and argues that information about both should be incorporated into a 'vector view' of utility. This view also appears to conflict with Mill's hedonistic monism, but I shall not pursue this point of difference either.[11]

Sen's rejection of welfare subjectivism takes the form of advocating the superiority of his capability theory over the utilitarian identification of welfare and utility.[12] Sen's axiological pluralism still makes room for information about individual well-being in the evaluation of states of affairs but, he argues, this information should be about capabilities rather than utilities. This contrast, between Mill's hedonism and Sen's capability theory, is the one on which I intend to focus. My first suggestion will be that it is less clear-cut than it appears.

Sen regards the capability view as an improvement over two traditional theories about the nature of well-being. The first of these we have noted already: the identification of welfare with utility, understood in terms of either pleasure or desire-fulfilment. Against any such subjective account Sen raises two objections. First, he argues that neither finding something pleasant nor desiring it is the same as valuing it. Since welfare is inherently evaluative – it is one dimension of the value of a life – it cannot be reduced to any non-evaluative activity or state of mind. Second, and more importantly, he claims that a subjective theory will make an individual's welfare level overly sensitive to such extraneous factors as social conditioning, which can affect personal ambitions and expectations:

> A person who has had a life of misfortune, with very little opportunities, and rather little hope, may be more easily reconciled to deprivations than others reared in more fortunate and affluent circumstances. The metric of happiness may, therefore, distort the extent of deprivation, in a specific and biased way. The hopeless beggar, the precarious landless labourer, the dominated housewife, the hardened unemployed or the over-exhausted coolie may all take pleasures in small mercies, and manage to suppress intense suffering for the necessity of continuing survival, but it would be ethically deeply mistaken to attach a correspondingly small value to the loss of their well-being because of this survival strategy. The same problem arises with the other interpretation of utility, namely, desire-fulfilment, since the hopelessly deprived lack the courage

[11] I say 'appears to conflict' because Sen suggests that Mill's introduction of the 'quality' of pleasures can be interpreted on the vector model; see 'Plural', pp. 195–7.

[12] Sen first introduced capability specifically as the appropriate value for egalitarian principles of justice; see 'Equality of What?', *The Tanner Lectures on Human Values*, ed. Sterling McMurrin (Cambridge, 1980). However, he developed and broadened the capability approach in subsequent work: *Resources, Values and Development* (Oxford, 1984), especially the Introduction and chs. 13 and 20; *Commodities and Capabilities* (Amsterdam, 1985); 'The Standard of Living', *The Standard of Living*, ed. Geoffrey Hawthorne (Cambridge, 1987); 'Capability and Well-Being', *The Quality of Life*, ed. Martha C. Nussbaum and Amartya Sen (Oxford, 1993); *Development as Freedom* (New York, 2000), especially chs. 3 and 4.

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to desire much, and their deprivations are muted and deadened in the scale of desire-fulfilment.[13]

The second discarded theory equates welfare with the possession of commodities – either some stipulated list of goods and services or their economic surrogate, namely wealth. Sen's objection to any account of this sort is that it confuses welfare with its standard sources. An individual's command over commodities will be a poor indicator of her quality of life, since the factors which affect the conversion of goods or services into welfare vary greatly from person to person. Sen's favourite illustration of the range of these variables is food, whose conversion into nourishment will be influenced by age, sex, metabolic rate, body size, activity level, general state of health, and many other contingencies. He therefore concludes that 'while goods and services are valuable, they are not valuable in themselves. Their value rests on what they can do for people, or rather, on what people can do with these goods and services.'[14]

While Sen faults the first family of theories for their subjectivity, he rejects the second for carrying objectivity too far. His ostensible aim is to construct an account which mediates between these extremes. The core notion in this account is that of a *functioning*, which Sen defines as anything which a person manages to do or to be. Functionings are therefore individual achievements or successes; in the food example both being well nourished and giving a dinner party for one's friends would be functionings facilitated by this commodity. The ground floor of Sen's account treats an individual's well-being as a matter of his functionings. But Sen then adds a second level to the analysis. A *capability* is a freedom or opportunity to achieve a certain functioning – having access or entitlement to food, let us say, rather than actually consuming it. Although capabilities may be worthwhile chiefly for the functionings which they make available, Sen argues that they also have a certain value in their own right: we are better off for having avenues open to us which we never actually choose to pursue. Our level of well-being is therefore determined both by our set of functionings and by our set of capabilities.

It is easy to see why Sen regards this theory as a middle ground between the rejected options. On the one hand, equating welfare with commodity possession ignores the many contingencies which affect the conversion of goods and services into functionings and capabilities. Commodities are too external to our lives, too merely instrumental, to be determinative of well-being. Sen's approach, by contrast, 'builds on

[13] Sen, *Ethics*, pp. 45–6.
[14] Sen, *Resources*, p. 510.

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the straightforward fact that how well a person is must be a matter of what kind of life he or she is living, and what the person is succeeding in "doing" or "being" '.[15] On the other hand, equating welfare with utility leaves it prey to the many contingencies which affect the conversion of functionings and capabilities into satisfaction or happiness. Utility is too internal to our lives, too shifting and capricious, to serve as the basis of an adequate theory. Functionings and capabilities are the intermediate steps between the commodities over which we have command and their ultimate utility payoff. As such, Sen thinks, they are at just the right distance from us to determine the real quality of our lives.

The primitive notion in Sen's theory is that of a functioning; capabilities, being defined on functionings, are conceptually derivative. As Sen has recognized, his very broad construal of a functioning, as anything we manage to do or to be, will yield 'an enormous – possibly infinite – list, since a person's activities and states can be seen in so many different ways (and can also be persistently subdivided)'.[16] The items on such a lengthy and diverse list will inevitably have differential implications for individual well-being; some of them (being well nourished) will have a serious impact on our quality of life, some (being a good canasta player) will have little effect either way, and some (being depressed) will just be burdens. Furthermore, most items on the list of functionings will have differential implications for the lives of different individuals (living near a neighbourhood school will mean much more to a family with school-age children than to a childless couple). This raises the question of how functionings can be ordered in terms of their contribution to the well-being of particular individuals. How do we determine whether some functioning is important or trivial, urgent or dispensable? How can we narrow the list down to the items that are basic or vital?

It is in order to answer questions like these that Sen adds a further resource to his account: the identification of certain 'doings' and 'beings' as objects of value is itself a valuational exercise. . . . The list of functionings reflects a view of what is valuable and what is of no intrinsic value (though possibly quite useful in the pursuit of other things of value).[17] In order to articulate fully his capability theory Sen must therefore explain what this 'valuational exercise' consists in. On this question, however, he is less forthcoming than one could wish. Basically, I see two different directions in which the theory could be taken at this stage. One direction relies on individual valuations

[15] Sen, *Commodities*, p. 28.
[16] Sen, 'Standard', p. 29.
[17] Sen, 'Standard', pp. 29, 107–9; cf. 'Capability', pp. 31–2.

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of functionings, where valuing something is interpreted as having a certain kind of pro-attitude towards it (such as finding it or regarding it as good or valuable). There is much in Sen's expositions of the capability view to support this interpretation. For one thing, it picks up on his insistence that 'valuation is a *reflective* activity in a way that "being happy" or "desiring" need not be'.[18] What this suggests is that Sen regards valuing as a higher-order, possibly more cognitive, attitude which can generate a ranking of lower-order pleasures or desires: 'the person's own evaluation may involve differences from his own utility rankings in the form of happiness, or desire, or choice'.[19] Where individual well-being is concerned, the final appeal would then be to the subject's own ranking:

> Many functionings are of no great interest to the person . . . . The focus has to be related to the underlying concerns and values, in terms of which some definable functionings may be important and others quite trivial and negligible.[20]

Sen envisages the use of instruments such as questionnaires to elicit information about the results of this self-evaluation process.[21] This method of determining individual rankings can in turn be replicated on the social scale:

> Is the relevant valuation function that of the *person* whose standard of living is being assessed, or is it some general valuation function reflecting accepted 'standards' (e.g., those widely shared in the society)? The first point to note here is that these two general approaches, which we may respectively call 'self-evaluation' and 'standard-evaluation', both have some relevance of their own. Self-evaluation would tell us what the person would judge to be his standard of living in comparison with other positions (in line with his own valuations), whereas standard-evaluation places that person's living conditions in a general ranking in terms of some social standard (as it is reflected by commonly accepted values in the society). I don't think it makes sense to ask, without specifying the context of the enquiry, which of the two is, in general, the better approach.[22]

Sen appears to be suggesting that when the individual rankings by members of a society show a sufficient degree of convergence they can be aggregated to generate a social ranking reflecting values widely shared in that society.[23]

If this is the correct interpretation of the 'valuational exercise' then its introduction forces us to rethink the location of Sen's theory on a

[18] Sen, *Commodities*, p. 29.
[19] Sen, 'Standard', p. 32.
[20] Sen, 'Capability', p. 32; cf. *Commodities*, p. 57.
[21] Sen, *Commodities*, p. 48.
[22] Sen, 'Standard', p. 30.
[23] Sen, *Commodities*, pp. 55–6.

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subjective–objective continuum. Initially it seemed as though welfare was constituted, at bottom, by some specified set of functionings, all of which are objective features of an individual's life. However, it now seems to consist in doing or being whatever it is that one values. On this construal, Sen's account closely resembles one of his rejected options, namely the view which equates welfare with the satisfaction of desire or preference. If Sen is correct in thinking that desiring is not an inherently evaluative attitude then his account will not actually collapse into the desire-fulfilment theory.[24] But in so far as individual or social valuing plays an indispensable constitutive role in the account, it will be no less subjective. Since Sen began by rejecting utility accounts on the ground of their subjectivity, this result is puzzling. How does the subjective activity of ranking functionings come to play such a crucial constitutive role in his theory?

It is easy to see, I think, why Sen concluded that the theory cannot get by without this reliance on personal valuation. Recall his criticisms of the commodities account. Welfare cannot literally consist in command over external commodities since (1) commodity possession is only indirectly related to well-being, thus at best an indicator of it, and (2) it is not even a reliable indicator, because the conversion of commodities into well-being is affected by so many extraneous factors. The shift from commodities to functionings is meant to remedy these defects. To revert to Sen's own example, possession of food is a poor indicator of nourishment, since both nutritional needs and consumption patterns vary so greatly from person to person. Going straight to the functioning of being well-nourished enables Sen to bypass all these contingencies, in order to focus directly on the principal welfare payoff for which food is instrumental. It also facilitates expanding the range of indicators for this functioning to include other signs of adequate nutritional intake, such as freedom from parasites or the ability to work.

Sen's account therefore redirects attention from the mere indicators of well-being to its sources or ingredients. However, although this shift is definitely a step in the right direction, we must not lose sight of the fact that no list of functionings can literally constitute individual welfare. We should expect the welfare payoff from the items on any list to be both individually and socially variable: being aggressive or ruthless will matter more for Wall Street brokers than for Trappist monks, and even a functioning as basic as literacy may be much less important in undeveloped agrarian communities than in developed

[24] There is much room for doubt, however, whether he is correct. Many have argued that desire, at least in the sense in which it plays a justificatory role, involves the judgement that there is something good or desirable about its object; see, for instance, Warren Quinn, *Morality and Action* (Cambridge, 1993), p. 246.

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industrial societies, while being well nourished may mean less to an intellectual or an ascetic than to a labourer or a professional athlete. Because of these dependencies on biology, culture and personal lifestyle, no single list (and no single ordering) of functionings will be appropriate for all individuals. A theory of welfare which simply equates it with a list of functionings will therefore be vulnerable to objections very like the ones Sen used to discredit the commodities account. Welfare cannot literally consist in functionings since: (1) while functionings are more closely related to well-being, they are still only sources or ingredients of it; and (2) they are not even reliable sources, since the conversion of functionings into well-being is affected by so many extraneous factors.

Sen's subjective turn, therefore, appears to have been meant to deflect the very objection he had brought against the commodities account. In accomplishing this, however, it seems to weaken his other flank, by exposing his theory to one of the objections he had brought against utility accounts. Welfare cannot consist in utility, Sen argued, because an individual's tastes, ambitions and aspirations are too malleable by processes of indoctrination, manipulation and socialization. Even if Sen is right in thinking that valuing is a more cognitive and reflective activity than either enjoying or desiring, personal values are also notoriously subject to influence by external social conditions. If there is a problem here for theories which interpret welfare in terms of pleasure or desire-fulfilment there would seem to be a similar problem for a theory which assigns the same constitutive role to personal or social valuation.[25]

So far I have suggested that Sen's capability theory may be more subjective than it seems. I now want to suggest that Mill's hedonistic theory may be less subjective than it seems. Pleasure itself is, of course, thoroughly subjective, so if Mill's account of happiness/well-being simply equates it, as Bentham's did, with (the intensity and duration of) whatever pleasures an individual happens to experience then it would be vulnerable to Sen's malleability critique. Notoriously, however, Mill took a significant step beyond this equation of well-being and actual pleasure. I am referring, of course, to his introduction of a qualitative dimension to the valuation of pleasures.[26] His aim in thus amending, or extending, the Benthamite calculus, which took only quantity into account, was to provide a more direct and secure foundation for the superiority of 'the pleasures of the intellect, of the

[25] This criticism has been made by Martha C. Nussbaum, 'Nature, Function, and Capability: Aristotle on Political Distribution', *Oxford Studies in Ancient Philosophy*, Supplementary Volume, ed. Julia Annas and Robert H. Grimm (Oxford, 1988), pp. 175–6.

[26] Mill, 'Utilitarianism', ch. 2.

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feelings and imagination, and of the moral sentiments' over 'those of mere sensation'.[27] Mill provided the following criterion for the quality of a pleasure: 'Of two pleasures, if there be one to which all or almost all who have experience of both give a decided preference, irrespective of any feeling of moral obligation to prefer it, that is the more desirable pleasure.'[28] And again:

> From this verdict of the only competent judges, I apprehend there can be no appeal. On a question which is the best worth having of two pleasures, or which of two modes of existence is the most grateful to the feelings, apart from its moral attributes and from its consequences, the judgment of those who are qualified by knowledge of both, or, if they differ, that of the majority among them, must be admitted as final.[29]

In Sen's terms, Mill is here relying on a standard-evaluation, rather than an individual self-evaluation, in order to generate a ranking of pleasures. Since it may be unrealistic to expect unanimity, even among the reference class of 'competent judges', the evaluations of 'almost all' or 'the majority among them' will be decisive. There is obviously a worry here (to which we should expect Mill to be sensitive) about the majority overriding the judgement of the individual, but this concern might be somewhat alleviated if we understand Mill, like Sen, to be aiming at a social ranking of the importance or urgency of sources of well-being, which would still leave room for considerable personal variation. Furthermore, if we interpret pleasure for Mill as having to do with an individual's positive affective response to an external stimulus, then it is not a stretch to see Mill's pleasures as a proper subset of Sen's functionings: they are all ways of 'being' or 'doing' united by the fact of being endorsed by the subject.[30]

None of this solves Sen's problem about the social malleability of preferences, or valuations, but, as we have seen, at least on one interpretation of it Sen's theory faces the same problem.[31] Furthermore, Mill's account does have one considerable advantage over Sen's. Each is capable of generating an initial list of directly beneficial activities or states of individuals which can then be ordered by some procedure of (self- or social) valuation. However, by virtue of the fact that all of the items on Mill's list are pleasures, we already have (at least part of) an answer to the question why they are directly beneficial. The benefit consists in the responsiveness of a particular activity or

[27] Ibid., p. 211.
[28] Ibid.
[29] Ibid., p. 213.
[30] For a discussion of Mill's conception of pleasure, see L. W. Sumner, *Welfare, Happiness, and Ethics* (Oxford, 1996), sec. 4.1.
[31] I have attempted to address this problem, within a theory of welfare which assigns a central role to happiness, in Sumner, *Welfare*, sec. 6.2.

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state to the individual's own attitudes or concerns; put more simply, it is the fact that the activity or state is liked or enjoyed for its own sake. This subjective condition already serves to impose limits on Sen's 'enormous – possibly infinite – list' of functionings, since those which have no positive payoff for the subject – or, worse, have a negative payoff – will never make it on to the list in the first place. Furthermore, the requirement of positive affective response will enable an initial quantitative ordering of the items on the list (in terms of how much they are liked or enjoyed), albeit one which will be subject to revision by the verdict of the competent judges.

However, it is time to return to Sen's theory and to consider another interpretation of the 'valuational exercise' needed to pare down the list of functionings and, correspondingly, another direction in which the theory could be developed. The interpretation which shifted the theory in a subjective direction took valuation to be a pro-attitude on the part of a subject towards a functioning. However, valuation also admits of a more objective construal in which it consists of the recognition or appreciation of the (independently determined) value or importance of a functioning. There is some reason to think that Sen has something like this in mind, since he holds that personal valuations are open to criticism and correction.[32] Where social evaluation is concerned he also tells us that:

> the use of accepted social standards has both subjective and objective features. The approach might appear to be largely subjective in the sense that the building blocks of judgement are the opinions held in a particular community. But a deeper analysis of the problem would require us to go into the question as to *why* these opinions are held and these values cherished .... The balance of subjective and objective features is far too complex in an exercise of this kind to be sorted out rapidly here, but it is worth emphasising that despite the dependence on contemporary opinions the exercise has important objective features that can be neglected only at the cost of distorting its epistemological nature.[33]

Sen has been urged by Martha Nussbaum to move his account away from its apparently subjective orientation by specifying 'an objective valuational procedure that will have the power to criticize the evaluations of functionings that are actually made by people whose upbringing has been hedged round with discrimination and inequity'.[34] Taking this step, in Nussbaum's view, would require 'introducing an objective normative account of human functioning and ... describing a

[32] Sen, *Commodities*, p. 58. An objective conception of valuation may also be suggested by Sen's reference to 'the intrinsic relevance and centrality of the various functionings and capabilities that make up our lives' (Sen, 'Capability', p. 49).

[33] Sen, 'Standard', p. 32.

[34] Nussbaum, 'Nature', p. 175.

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procedure of objective evaluation by which functionings can be assessed for their contribution to the good human life'.[35] The account of human functioning which Nussbaum herself has in mind, and has done much to develop, is perfectionist, and more particularly Aristotelian.[36] That account takes as foundational a theory of human nature and generates from it a list of distinctive human functionings:

> for Aristotle . . . the question as to whether a certain function is or is not a part of our human nature is a certain special sort of evaluative question, namely, a question about whether that function is so important that a creature who lacked it would not be judged to be properly human at all.[37]

Nussbaum argues that this appeal to our common nature will enable the capability theory to generate a universal list of basic functionings which is immune to the challenge of cultural relativism.

In response to this proposal Sen has expressed some disquiet about its universalism – that is, its project of generating 'a unique list of functionings for a good human life'.[38] In his most recent exposition of the capability theory there is little evidence that this is a line of development he finds particularly congenial; instead, he speaks of the process of social evaluation as a 'social choice exercise' which 'requires public discussion and a democratic understanding and acceptance'.[39] This suggests that his sympathies still lie with the more subjective approach, which is capable of accommodating a considerable degree of social and cultural (as well as personal) variation. However, Sen's official line on the subjective/objective question remains agnostic: the capability theory, he says, is compatible with either line of development and he is not willing to endorse a unique option for it.[40] Indeed, he regards it as a virtue of the theory that it is 'incomplete' in this foundational respect.

I shall return later to the significance of this foundational incompleteness in Sen's capability theory. Meanwhile, we have two importantly different ways in which the theory can be interpreted. Should valuations be understood subjectively, then Sen will need to respond to his own malleability objection. On the other hand, should they be understood objectively then personal (and social) rankings will play a merely evidentiary role in the theory and he will owe us an 'objective normative account of human functioning' in order to

[35] Nussbaum, 'Nature', p. 176.
[36] Nussbaum, 'Nature'; see also Martha C. Nussbaum, *Women and Human Development: The Capabilities Approach* (Cambridge, 2000), esp. Introduction and ch. 1.
[37] Nussbaum, 'Nature', p. 177.
[38] Sen, 'Capability', p. 47.
[39] Sen, *Development*, pp. 78–9.
[40] Sen, 'Capability', pp. 46–9.

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complete it. Once again the parallels with Mill's theory are striking. Like Sen's 'valuation' of functionings, Mill's reference to the verdict of the 'competent judges' for generating a value ranking of pleasures can be given either a subjective or an objective reading. On the subjective interpretation the decision procedure Mill has in mind is essentially the same as Sen's 'social choice exercise': the preferences of the judges are taken as inputs and the value ranking is generated by their aggregation. The only condition on the preferences themselves is that they must be informed: the judges must be 'equally acquainted with, and equally capable of appreciating and enjoying' both of the pleasures in question.[41] There is much in Mill's text to suggest that he had the subjective interpretation in mind, especially his emphatic point that there can be 'no appeal' from the verdict of the judges, and that their judgement (or at least that of the majority among them) 'must be admitted as final'.[42] However, it is equally clear that Mill thought that when the judges rank intellectual pleasures more highly than sensory ones they are recognizing or appreciating the 'intrinsic superiority' of the higher pleasures.[43] Furthermore, this construal of the role of the judges is strongly suggested by Mill's doctrine of development, which sets out the process by which individuals come to possess appropriate evaluative standards.[44] If the competence of the judges is interpreted more robustly so as to include, besides the requirement that their preferences be empirically informed, the further requirement that their tastes and powers of discernment be appropriately developed, then their verdict can be seen as authoritative in a different sense, one rooted in their evaluative expertise. The competent judges would then form the appropriate reference class because they have the ability to discern the true value of the various activities and states of individuals, intellectual and otherwise. On this reading a pleasure will not be more valuable because the judges prefer it; instead, they will prefer it because it is more valuable.

In his essay 'On Liberty', just after his initial statement of the 'one very simple principle' which it is his aim to articulate and defend, Mill alerts the reader that his ultimate appeal will be to utility 'in the largest sense, grounded on the permanent interests of man as a progressive being'.[45] What are those interests? The one which Mill invokes above all others, indeed devotes an entire chapter of the work to exploring,

[41] Mill, 'Utilitarianism', p. 211.

[42] Ibid., p. 213.

[43] Ibid., p. 212.

[44] See Wendy Donner, *The Liberal Self: John Stuart Mill's Moral and Political Philosophy* (Ithaca, 1991), chs. 4 and 5.

[45] John Stuart Mill, 'On Liberty', *Essays on Politics and Society*, ed. J. M. Robson (Toronto, 1977), p. 224.

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is (what he calls) individuality. What he means by individuality is probably best captured for us now by the notion of autonomy. The root idea is that individuals should determine their values, and their course of life, for themselves rather than slavishly following custom or authority. About individuality, so construed, Mill makes two important, and connected, points. The first is that it is 'one of the principal ingredients of human happiness' and 'one of the leading essentials of well-being'.[46] By this Mill clearly means that, whatever instrumental importance individuality might have as a means to the pursuit of other such ingredients and essentials, it also contributes directly to well-being. If so, then it follows from Mill's rubric for determining the quality of pleasures that the exercise of individuality (or, more precisely, the affective payoff of such exercise) must receive a very high ranking from the competent judges. Mill's second point is that it is only through the exercise of individuality that a person can develop 'any of the qualities which are the distinctive endowment of a human being' – namely, 'the human faculties of perception, judgment, discriminative feeling, mental activity, and even moral preference'.[47] If the direct contribution to well-being of individuality consists in its development of these distinctively human faculties then that is presumably the good-making property to which the judges are responding in ranking it so highly. Mill is here, of course, at his most perfectionist, indeed Aristotelian, the competent judges having been reduced to a subsidiary, and merely evidentiary, role.[48] Presumably what this approach will yield is a universal list of the principal sources of well-being, one which is grounded in a theory of human nature and therefore resistant to local cultural variation. The affinities between Mill's theory, so interpreted, and the direction in which Nussbaum attempted to nudge Sen are obvious.

So far, therefore, we seem to have found more similarities than differences between Mill's utility theory and Sen's capability theory. Mill's theory is pulled in a more objective direction by his introduction of the verdict of the competent judges and it becomes fully objective if we treat the preference ranking of these judges not as constitutive of well-being but instead as providing reliable evidence of the intrinsic superiority of the highly ranked items. Sen's theory, on the other hand, is pulled in a more subjective direction by his introduction of valuational rankings of functionings, though it too can be given an objective, perfectionist reading. If we stress the subjective aspect of

[46] Ibid., p. 261.

[47] Ibid., p. 262.

[48] For a defence of the view that Mill's theory could still be hedonistic despite this infusion of perfectionism, see Fred Feldman, *Pleasure and the Good Life: Concerning the Nature, Varieties, and Plausibility of Hedonism* (Oxford, 2004), ch. 8.

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both theories then they turn out to be remarkably similar; ditto for the objective aspect. Only if we choose opposed interpretations will they be significantly different.

There is in this a general lesson for theories of well-being. Theories which start off at opposite ends of the subjective/objective continuum tend to be pulled towards the middle, and therefore towards one another, in the process of responding to hard cases and avoiding apparently decisive counterexamples. Subjective theories move toward the middle by imposing ever more value-laden requirements on their basic attitudinal component of pleasure or desire-fulfilment.[49] Meanwhile, objective theories shift in the opposite direction by adding the requirement of a pro-attitude, such as endorsement, to the items on their list of prudential goods.[50] The result in each case is a kind of hybrid theory with both subjective (attitudinal) and objective (valuational) components. There may still be some way to distinguish the theories that have moved in the one direction (subjective → objective) from those that have moved in the other (objective → subjective) in terms of the factor which is invested with explanatory priority. But with ever subtler articulations of the theories even this distinction becomes increasingly difficult to draw.

However this might be, there is one dimension of Sen's theory which still remains unexplored: to this point I have ignored his treatment of capabilities entirely in order to focus exclusively on functionings. Since Sen defines capabilities as freedoms or opportunities to achieve (valued) functionings, the concept of capability is conceptually derivative in his theory of welfare. However, it does not follow from this that it is normatively secondary, and Sen insists that capabilities matter in their own right, independently of the value of the functionings which they make possible. His point is that having the power of choice over states of affairs is itself intrinsically valuable: a person is worse off having only A available than being free to choose among A, B, C, D, even if she would always choose A in preference to these other options.[51]

[49] For a hedonistic theory which displays this move, see Feldman, *Pleasure*, ch. 5. For a desire theory, see James Griffin, *Well-Being: Its Meaning, Measurement, and Moral Importance* (Oxford, 1986), ch. 2.

[50] See, for instance, Joseph Raz, *The Morality of Freedom* (Oxford, 1986), ch. 12, and Ronald Dworkin, 'Foundations of Liberal Equality', *The Tanner Lectures on Human Values* 11 (1990).

[51] Sen, 'Standard', p. 36; 'Capability', p. 39. The necessity of introducing a second-order set of goods, in addition to functionings, in order to capture the intrinsic value of freedom is questioned in Thomas Hurka, 'Capability, Functioning, and Perfectionism', *Eudaimonia and Well-Being: Ancient and Modern Conceptions*, ed. Lawrence J. Jost and Roger A. Shiner (Kelowna, 2002), pp. 145–56. Sen anticipates this line of response, though he does not settle the matter, in his recognition that capabilities might be incorporated into his theory as 'refined functionings' ('Standard', pp. 36–8).

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Furthermore, there may be a significant difference between the well-being of two people, both of whom are undernourished but one of whom is in this condition by choice (fasting) while the other is in it by economic necessity (starving). The addition of a list (also potentially infinite) of capabilities to a list of functionings will of course further complicate the valuational issue which I have already discussed, though presumably whatever interpretation of valuation we adopt in the one case can equally be applied in the other. Leaving that issue aside, it is clear that Sen assigns a great deal of importance to capabilities within his own theory; after all, he does characterize it as a capability approach, not a functioning approach.

Once again it is not difficult to find an analogue in Mill's theory to this emphasis on capabilities. After all, Mill did not lack interest in the topic of freedom, having devoted an entire essay to arguing that 'over himself, over his own body and mind, the individual is sovereign'.[52] It is possible, of course, to argue that for Mill, unlike Sen, liberty has only instrumental value as a means to the development of those 'qualities which are the distinctive endowment of a human being'.[53] But this would appear to understate the relationship which Mill is affirming between the development of these qualities and freedom of choice: the distinctively human faculties of perception, judgement, etc. are exercised, Mill tells us, only in the making of choices. Since liberty, for Mill, consists in the power to make such choices, it appears to follow that it is valuable in its own right, as an ingredient of well-being, independently of the states of affairs which it is used to bring about. Like Sen, therefore, Mill appears to assign independent intrinsic value to a conceptually derivative capability which is defined on a set of valued functionings.

I conclude therefore that, whether we work at the level of functionings or capabilities, it is surprisingly difficult to locate clear foundational differences between Mill's utility theory and Sen's capability view. I will close this discussion by returning to what I noted earlier as the foundational incompleteness of Sen's theory. As we have seen, Sen is agnostic between a subjective and an objective interpretation of the 'valuational exercise' which is a crucial feature of his theory. I now want to suggest that one reason it is difficult to find clear differences between the utility and capability theories is that they are not really theories about the same thing. The kind of hedonism defended by Mill is standardly recognized as one option among others in the space of rival theories about the nature of welfare. And it certainly seems that Sen intends his capability theory as another

[52] Mill, 'On Liberty', p. 224.
[53] Ibid., p. 262.

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option in the same space. At least this assumption is encouraged by the terminology of welfare or well-being which Sen standardly employs and by his advocacy of his own account as a superior alternative to the traditional (subjective or objective) theories.[54]

There is, however, some room for doubt. In some contexts Sen formulates his theory as an account not of well-being but of something else, which he calls 'the standard of living' or 'the quality of life'.[55] Although the distinction Sen has in mind here is not altogether clear, he treats well-being as the broader category, so that a person's standard of living picks out only part of what would contribute to her well-being: the part that flows from 'the nature of the person's life' rather than from 'other influences on one's well-being from outside one's own life'.[56] The kinds of influences which Sen wishes to treat as contributing to a person's well-being, but not to her standard of living, include, but may not be restricted to, joys or sorrows resulting from sympathetic attachments to others. So the idea seems to be that my overall well-being will suffer if, for example, something bad happens to a loved one, but my standard of living will not. Now there are many questions we could ask about how (and why) we are to distinguish in this way between the influences on a person's well-being which are rooted in the nature of her life and those that depend on factors outside that life. But I wish to put these questions to one side and simply note that, whatever its motivation and exact formulation, the distinction which Sen is here drawing applies at the level of the (direct or immediate) sources of well-being.

My suggestion is that Sen's focus on standard of living is not just narrower than a focus on well-being but also operates at a different level. In order to explain what I have in mind more clearly, I need to distinguish three levels of inquiry about well-being. The middle level aims at generating a list of sources of welfare: those states or conditions which, directly or immediately, make our lives go well. Standard items on such a list include health, personal relationships, meaningful work, security, enjoyments, accomplishments, and the like. Sen's list of (valued) functionings and capabilities is located at this level: it is meant to include the states or conditions whose possession or achievement enrich our lives in themselves and independently of anything else they help to bring about. Underlying this middle-level inquiry, in order of explanatory priority, would be an account of what it is for a state or condition to make our lives go well, thus what

[54] These themes are especially prominent in Sen, *Commodities*, 'Well-Being', and *Ethics*.

[55] See especially Sen, *Resources* and 'Standard', but also *Commodities*, pp. 45–8.

[56] Sen, 'Standard', pp. 28–9; cf. pp. 109–10.

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it is about these middle-level items in virtue of which they count as sources of well-being. Such an account will provide a criterion for items making it onto the list of sources. The standard theories about the nature of welfare operate at this level: something counts as a direct or immediate source of well-being just in case we experience it as pleasurable, or it satisfies our desires, or it enhances our distinctive human functioning, or whatever. Finally, at a level above the sources of well-being are the various indicators which enable us to measure their presence or absence. Thus, for example, the social indicators of health in a population might include such items as average life expectancy, rates of hospital admission, infant mortality rates, and so on. These conditions do not directly contribute to anyone's well-being, but they do serve as (crude) measures of the extent to which the standard sources of well-being have been achieved in a population (or an individual life).

So, from the bottom up, we have: a theory of well-being, sources of well-being, and indicators of well-being. Mill's hedonism clearly counts as a theory; because he is aiming to construct an entire ethic, and political morality, on a foundation of utility, his treatment of welfare is comparatively rich at this foundational or theoretical level. By contrast, this is the level at which Sen's account is thinnest. Either of the ways (subjective or objective) in which the key notion of valuation could be articulated would constitute, or at least lead to, a theory of well-being but this is the point at which Sen is content to leave his picture incomplete. His principal focus is on the list of (valued) functionings and capabilities themselves, as direct sources of welfare, not on how the list is to be generated. But he is also keen to insist that the traditional restriction to narrow economic indicators (such as per capita GNP) as measures of the well-being of a population must be broadened to include an array of social indicators (including the health indicators suggested above but also measures of poverty, housing, education, political freedoms, and so on).

The profile of Sen's interests, from theoretical to practical, suggests a different way of understanding his distinction between well-being and the standard of living and a different ambition for his capability theory. If we begin with the aim of comparing living standards in different societies, or with the normative aim of assessing economic or social policies for their impact on the quality of life, then in order to get on with the job we will need a reliable list of the basic or standard sources of human well-being. Sen's intellectual concerns are generally a blend of the political, economic and philosophical. As the materials for a normatively attractive account of the standard of living, the basic functionings and capabilities on which he focuses have excellent credentials: much better credentials than the commodities approach, with its emphasis on goods and services, which he rightly

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rejects. Policies of social, political and economic development require both concrete goals and indices or benchmarks of success. It is at this level that the capability theory, with its list of vital functionings and corresponding social indicators, performs particularly well. As long as that list is intuitively plausible, Sen need not worry overmuch about anchoring it in the best foundational theory about the nature of welfare. This will be especially true if most, or even all, plausible versions of the various foundational theories will support more or less the same list – that is, if they tend to converge on the middle level. In that case Sen may be entirely justified in tolerating, even welcoming, the foundational incompleteness of his theory. If both subjective and objective interpretations of the valuational exercise are likely to yield roughly the same list of functionings, then anyone whose interests lie primarily at the political and economic level need inquire no further. It is the peculiar burden of the philosopher to remain unsatisfied until the foundational issue has been resolved.

Mill, of course, was a philosopher as well as a social, political and economic theorist. In his utilitarianism he attempted to provide a normative foundation for the middle-level policies and principles which he endorsed and defended. I began this discussion by noting the extensive convergence between Sen and Mill at this middle level. If this is the level at which Sen's capability theory is really meant to operate, then it is not a genuine rival to Mill's utility theory at all. But in that case whether there are real foundational differences between the two theories turns out to be not only less clear than it might seem but also less important.

sumner@chass.utoronto.ca

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