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On “Consequentialism” and the Capability Approach

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ABSTRACT



Amartya Sen defends the capability approach (CA) and the “discipline of consequential evaluation” which suggests that his CA is consistent with some form of “consequentialism”. Yet prominent commentators suggest or imply that Sen’s CA is not “consequentialist”. The resulting confusion is defused by showing that whether Sen’s CA, as a general normative perspective, is consistent with “consequentialism” depends on how “consequentialism” is understood. If “consequentialism” is understood as a moral doctrine, then the CA is not committed to either “consequentialism” or “non-consequentialism”. On a social choice theoretic (SCT) definition a normative framework or view is “consequentialist” if it restricts relevant information to “outcomes”. On this definition, whether the CA is compatible with “consequentialism” depends on whether “outcomes” are understood as “comprehensive” or “culmination” outcomes. Two varieties of “non-welfarist consequentialist” moral theory which restrict information respectively to capability and freedom are compared. Martha Nussbaum’s version of the CA is not a “non-welfarist consequentialist” theory of this sort because it is not a moral doctrine with a maximizing structure. It may, nonetheless, classify as “consequentialist” on the SCT definition if all valued objects in her approach can be included in the description of “outcomes”.

KEYWORDS

Capability approach;
consequentialism; ethics;
social choice; morality;
deontology

Motivation

There is some confusion in the expanding literature on the capability approach (henceforth, CA) about its relationship to “consequentialism”.¹ On the one hand, Amartya Sen (2000, 2009a) has defended “the discipline of consequential evaluation” or a “broad form of consequentialism” while at the same time advancing and refining his version of the CA. Indeed, his defence of “consequential evaluation” has been the subject of critical discussion (see Scanlon 2001) to which he has responded (see Sen 2001, 59–65). It would be natural to conclude that the CA is consistent with the form of “consequential

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evaluation” or “broad consequentialism” Sen defends. And yet, there are also prominent scholars who suggest that the CA is not compatible with “consequentialism”. For example, Ravi Kanbur (2021, 334) – who has engaged with the CA since its early statements (see Kanbur 1987) – suggests that the CA can be “seen as part of a series of developments which flow from a critique of utilitarianism, particularly its consequentialist roots”. He adds that: “the criticism of consequentialism ... runs right the way through founding statements of the capability approach” (Kanbur 2021, 336). To take another example, in his final paper on this subject, Kotaro Suzumura (2021, 121) concludes that the CA “is founded on the *non-consequential* information basis in our usage”. Nonetheless, in an earlier paper Suzumura (2000, 12) suggests that “Sen’s ... space of functionings, is no more than an alternative space of consequences Sen is still working within the boundary of consequentialism”. For there to be such apparently contradictory views held by prominent scholars in the field about how Sen’s CA is related to “consequentialism” is unhelpful. If we turn instead to Martha Nussbaum’s version of the approach, she suggests that her version, while not “consequentialist”, is “outcome-oriented” and can be seen as a “cousin of consequentialism” (Nussbaum 2011, 94–96). Nonetheless, in a recent discussion, David Weinstein (2021, 89) concludes that Nussbaum’s approach is “unequivocally consequentialism”. To this extent, the confusion in this literature extends to Nussbaum’s approach.

For those who may agree with elements of Sen’s defence of some form of “consequentialism” and engage with the literature on the CA, this confusing array of views may pose a rather basic impediment to thinking through the implications of the CA for “consequentialist” moral theories. And it is likely to hamper research which attempts to answer the question of whether defensible forms of “consequentialism” might be, not merely consistent with, but take their inspiration from some elements of Sen’s version of the CA. The confusion in the literature has not, as yet, been much discussed. This paper makes a start by addressing it in two ways. Firstly, I address the question of how Sen’s CA stands in relation to “consequentialism” defined in various ways. In doing so, I provide a conceptual analysis of the roots of the confusion which is also relevant to Nussbaum’s view. Secondly, in the light of this analysis I explore and contrast some forms of “consequentialist” moral theory which may be consistent with Sen’s CA when this is understood as a general normative perspective, even if they may not be consistent with some of Sen’s or Nussbaum’s other views. These forms of “consequentialism” might provide a starting point for “consequentialists” who are interested in developing a defensible “consequentialist” moral theory founded on Sen’s version of the CA.

The paper is structured as follows. I begin with Sen’s factorisation of utilitarianism in his well-known critique of it, since some of the conflicting claims about “consequentialism” originate from attempts to locate the CA in relation

to that critique. In the light of this discussion, I introduce various conceptual distinctions to clarify some definitions of “consequentialism” and provide a characterisation of Sen’s CA understood as a general normative perspective in section 1; section 2 shows how the CA can come out as either “consequentialist” or “non-consequentialist” depending on how “consequentialism” is understood; certain forms of “consequentialist” theory are then characterised, distinguished and located in relation to Sen’s work in section 3; section 4 addresses the question of whether Nussbaum’s version of the approach is “consequentialist” in the light of this discussion; and section 5 concludes.

Definitions of “Consequentialism” and the Capability Approach as a General Perspective

In his later works, Amartya Sen avoids any precise definition of “consequentialism”. He writes that “the term ‘consequentialism’ was devised by enemies rather than friends of consequential evaluation, and it has been invoked mainly to be refuted ... To admit to being a consequentialist is almost like introducing oneself as a ‘wog’ or a ‘frog’ or a ‘limey,’ which can be instantly delineating without being descriptively rich” (Sen 2000, 478). His subject is “consequential evaluation understood as the discipline of responsible choice based on the chooser’s evaluation of states of affairs, including consideration of all the relevant consequences in the light of the exact circumstances of choice” (Sen 2000, 477). Sen adds that he is not concerned with “how the commonly used term ‘consequentialism’ should be used” and that “[w]hether consequential evaluation ... should be called by the name ‘consequentialism’ or not is a subsidiary and rather uninteresting issue” (Sen 2000, 477–478). Indeed, he suggests that the “term ‘consequentialism’ is unattractive enough to be sensibly bequeathed to anyone who wants to take it away” (2009a, 217). Nonetheless, Sen does note that at least one definition of consequentialism, advanced by Philip Pettit, is consistent with his characterisation of “consequential evaluation”.² Pettit’s definition states “[r]oughly speaking” that “consequentialism is the theory that the way to tell whether a particular choice is the right choice for an agent to have made is to look at the relevant consequences of the decision: to look at the relevant effects on the world” (Sen 2000, 478). Furthermore, Sen goes on to refer to his primary topic (the “discipline of consequential evaluation”) variously as a form of “consequentialism”, “general consequentialism” and “broad consequentialism” (see Sen 2000, 482 and 489) – while noting that it is not a fully specified moral theory.

If we wish to start from a definition of “consequentialism” in Sen’s own writings, it is more natural to look at his earlier writings and his characterisation of “act-utilitarianism” in “Utilitarianism and Welfarism”. This involves three

components. While Sen uses the term “act-consequentialism” for the first of these, I add the word “complete”:

Complete act-consequentialism: An action α is right if and only if the state of affairs x resulting from α is at least as good as each of the alternative states of affairs that would have resulted respectively from the alternative feasible acts (Sen 1979a, 464).

In his critique of utilitarianism, Sen (1979a, 463) is primarily concerned with those “features of utilitarianism which *cannot* be traced to consequentialism”, notably:

Welfarism: The judgement of the relative goodness of alternative states of affairs must be based exclusively on, and taken as an increasing function of, the respective collections of individual utilities in those states (Sen 1979a, 468).

And;

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 (Sen 1979a, 468).

There are a few points to note about Sen’s definitions. Firstly, while he focusses on (complete) act-consequentialism, as he notes (see Sen 1979a, 465–467) his discussion can be generalised to forms of “consequentialism” which focus on rules or motives. Next there is the question of what is meant by “utility”. Sen (1979a, 463) answers this as follows: “[u]tility will be taken to stand for a person’s conception of their well-being ...” Finally, as regards the definition of (complete) act-consequentialism, it is important to note that Sen implicitly assumes completeness of the relation “at least as good as” (or “R”). Completeness of R requires that for all states of affairs x and y (in the set of states) either xRy or (inclusive) yRx . It is required for the existence of what Sen (2017a, 55) has termed a “best” or “optimal” element: one which is at least as good as all other elements.

While in “Utilitarianism and Welfarism” Sen focusses on those features of utilitarianism which cannot be traced to consequentialism, his writings – from his “Introduction” to *Utilitarianism and Beyond* co-authored with Bernard Williams (Sen and Williams 1981, 16–18) to early statements of the CA (e.g. Sen 1985, 177–181) and his later works (see Sen 2004a, 2017b, 2018) – suggest that he would reject complete act-consequentialism, because he accepts that when there are plural objects of value which may not be comparable, R may not be a complete relation. If there is incompleteness, furthermore, there may be no best element in the set of “states of affairs” so that complete act-consequentialism would judge that no course of action is right. To this degree, it would suffer from a “moral gap”. In his related writings on rationality and “maximization” Sen (1997) argues that incompleteness does not undermine the possibility of rational choice if this is understood in terms of selection of a “maximal element” – one which is not worse than (even if it is not at least as good as) any other which is available. In the light of this argument, if consequentialists drop the requirement of completeness while retaining

the “maximizing” character of consequentialism, Sen’s definition of “act-consequentialism” can be revised as follows:

Incomplete act-consequentialism: An action α is right if and only if the state of affairs x resulting from α is not worse than each of the alternative states of affairs that would have resulted respectively from the alternative feasible acts.³

As before, this definition can be varied so that it refers to rules or motives rather than acts.

Sen’s characterisation of utilitarianism emerged (at least in part) from his work on the alternative “informational bases” of normative views in welfare economics and social choice (see Sen 1974 *inter alia*) and the “informational analysis” of moral principles (see Sen 1979b). While welfarism restricts all relevant information for moral judgements to welfare or “utility” information, on another characterisation of act-consequentialism, Sen (1979b, 128; see also Sen and Williams 1981, 5) suggests that “actions must be judged exclusively in terms of social states resulting from them”. This formulation is not committed to completeness. Furthermore, while he is concerned here with moral principles, this way of defining “consequentialism” in terms of a restriction of information to social states is relevant not only to moral theory but also to normative frameworks in economics and social choice theory more generally. To this degree, it is broader than the definitions of complete and incomplete act-consequentialism which are *moral theoretic* in as much as they are concerned with which action (rule, or motive) is right. Because the broader characterisation emerged from his work on social choice theory and welfare economics, I refer to it as the *social choice theoretic* definition. On this definition, a normative framework or view is consequentialist if it restricts relevant information to outcomes or states of affairs.

When Sen defines “consequentialism” in the context of a moral theory, two distinct features are particularly important: (I) that it is concerned with “maximization” to the degree that it involves identifying a “state of affairs” or “outcome” which is at least as good as or not worse than any other that is available⁴; and (II) that it is exclusively concerned with information about “outcomes” or “states of affairs”. While Sen’s moral theoretic definitions require both (I) and (II),⁵ the social choice theoretic definition only requires (II). On both moral and social choice theoretic definitions, nonetheless, the way in which “outcomes” or “states of affairs” are described is crucial to the distinction between “consequentialism” and “non-consequentialism”.⁶ Given (I) and (II) moral theories which are not “consequentialist” include those which do not have a maximising structure – such as contract theories, according to which morality is about agreement (see, for example, Rawls 1972; and Scanlon 1998, 78–109) and theories which are not purely concerned with the value of “state of affairs” or “outcomes” – such as views Sen (1979b, 116–117) associates with Robert Nozick and Karl Marx – which are concerned with “the history of how the current state of affairs came about”.

In addition to this variety of conceptions of “consequentialism”, there are also distinct versions and interpretations of the CA.⁷ The relationship between the CA and “consequentialism” thus also depends on how the CA is characterised, and what are taken to be its chief commitments. My initial characterisation is based on Sen’s version of the approach (see e.g. Sen 1985, 1993) – its basic concepts and how it distinguishes itself from other views. On this characterisation: *functionings* are states of a person, the various valued “beings” and “doings” which make up good lives; *well-being* is constituted by the achievement of valued functionings; and the set of lives made up of combinations (or *n-tuples*) of such (valued) functionings from which a person can choose one is that person’s *capability*. Capability thus understood refers to a person’s *opportunity* or *freedom* to choose between different lives. But the relevant freedom is not merely the freedom to pursue well-being. People’s goals are split into well-being and other goals, where the notion of an “agency goal” covers both. Importantly, capability encompasses the freedom to achieve those functionings that constitute well-being (“well-being freedom”) as well as those which do not (but which are also included in an evaluation of a person’s “agency freedom”). Sen’s CA also distinguishes itself from various alternative perspectives, notably from certain utilitarian views of welfare which interpret “utility” in terms of the satisfaction of desires, happiness or pleasure and from views of advantage which focus on the means – whether these be understood in terms of income, resources or John Rawls’ “social primary goods” (see Rawls 1972, 61–63, 1993, 178–190) – to be able to do and be various things. On this characterisation, Sen’s CA is a general normative perspective. When Sen characterises it in this way, he emphasises its informational focus on capability and functioning in “judging and comparing individual advantage” (Sen 2009a, 232–233). In characterising Sen’s CA as a general perspective, I do not include within it various views Sen takes about weighting, about values other than capability and well-being, about value pluralism and about how the approach might be used. Some of those views are, as we will see, on occasion also included in Sen’s own characterisations of the CA.

Is Sen’s Capability Perspective “Non-Consequentialist”?

What is the relationship between “consequentialism” – defined in various ways – and Sen’s CA understood as a general normative perspective? Understood in this way, the CA is clearly not a view of what is right, nor does it in itself say anything about whether the right action (rule or motive) is judged purely on the basis of the resulting “outcomes” or “states of affairs”. To this degree, the CA is not, in itself, committed to either “consequentialism” or “non-consequentialism” – when a moral theoretic definition of “consequentialism” is adopted – or indeed to any moral theory.⁸ Indeed, any moral theory which invokes a currency of advantage in articulating its moral principles –

whether “consequentialist” or not – might be informed by the CA. Nonetheless, it still makes sense to ask whether the CA – as a normative view or perspective – is or is not consistent with “consequentialism” on the social choice theoretic definition.

To address this question, I turn to the work of a leading figure in social choice theory and welfare economics who engaged with Sen’s work, including the CA, over many years: Kotaro Suzumura. Because he is concerned with “consequentialism” in the context of the informational basis of welfare economics and social choice theory, Suzumura implicitly uses the social choice theoretic definition of it. In one discussion he argues that:

... Sen’s space of normative analysis, i.e. the space of functionings, is no more than an alternative space of consequences. Indeed, the capability of a person is a measure of the consequential performance of an economic system in the form of an opportunity it enables him to pursue in the space of functionings. The fact that this measure is free from the subjectivist mistake of welfarist-consequentialism, as well as the materialist mistake of Rawls and Dworkin, does not at all change the fact that Sen is still working within the boundary of consequentialism. (Suzumura 2000, 12)

Nonetheless, in his subsequent writings Suzumura (2021, 121) claims that the CA is “founded on the *non-consequentialist* informational basis”. This claim can be made on the grounds that the CA is not merely concerned with the “consequences” or “outcomes” of choice, but also with the freedom to choose between different outcomes or states. To be precise, in evaluating a person’s advantage the CA is not purely concerned with achieved functionings, but also with the opportunities a person has. As Sen (1992, 52) notes, the CA can also distinguish between a person who is ill-nourished through her own choice – because she is fasting or on hunger strike – from someone who is starving through no choice of her own. There are two points that are especially important in the current context: (a) the CA gives (intrinsic) importance to the set (or *n-tuple*) of functionings from which choice is made and; (b) it gives intrinsic importance to choice. To the degree that it gives intrinsic importance to choice, the CA can give importance to the process through which functionings are achieved. Nonetheless, if the act of choice or the procedure through which choice is made is understood as entirely separate from the “outcome” or “state of affairs” that results from choice, then the CA may violate the singular focus on “outcomes” or “states of affairs” in “consequentialism”. In particular, if “consequentialism” is sharply distinguished from “procedural” views because the first focuses on “outcomes” or “states of affairs” while the latter focus on “opportunity” or “procedures” (see, for example, Suzumura 1999, 18–21) – the CA, understood as a general approach to normative evaluation, would be classified as “non-consequentialist”. Nonetheless, if the “outcomes” or “states of affairs” are understood in a broader way – for example, by including the act or procedure or choice which leads to the “final” outcome in the description

of the resulting “outcome” or “state of affairs” (see Sen 1987, 75) – then the CA may be consistent with “consequentialism”.

In his defence of the “discipline of consequential evaluation” Sen unsurprisingly adopts a broad notion of “outcomes”. In particular, he suggests that it is important to go beyond the final or “culmination outcome” of choice, which leaves out information on the actions, processes or choices which result in the outcome. Instead, he suggests that we should focus on “comprehensive outcomes (which include actions undertaken, processes involved, and the like *along with* the final outcomes, instead of confining attention to the ‘culmination outcome’” (Sen 2000, 491).⁹ To elucidate the distinction Sen (2009a, 23) observes that “if a presidential candidate in an election were to argue that what is really important ... is not just to win the forthcoming election, but ‘to win it fairly’, then the outcome sought must be ... a comprehensive outcome”. In the light of Sen’s distinction between comprehensive and culmination outcomes, one can distinguish two definitions of “consequentialism”. I shall use the term “broad consequentialism” to refer to “consequentialism” which excludes information on everything aside from comprehensive outcomes. This contrasts with “narrow consequentialism” which is exclusively concerned with culmination outcomes. When Sen himself uses the term “broad consequentialism” he appears to have in mind the “discipline of consequential evaluation” (e.g. Sen 2000, 489). Nonetheless, on occasion he implicitly invokes the distinction between “broad” and “narrow consequentialism” that I have just advanced.¹⁰ For example, when he associates a notion of “consequentialism” which ignores “everything other than culmination outcomes” with “the way the typically narrow version of consequentialism is defined” (Sen 2009a, 216) he appears to have in mind “narrow consequentialism”.¹¹

When Suzumura (1999, 20) associates the “traditional basis of normative economics” with a focus on preferences over “conventionally defined states of affairs” he implicitly has in mind Sen’s “culmination outcomes”. He contrasts this “traditional basis” with “an extended informational basis” which includes considerations relating to choice and process. Viewed in the light of these distinctions, it is less surprising that Suzumura (2021, 121) concludes that the CA “is founded on the *non-consequential* informational basis in our usage of this term, as it assigns a crucial role to the *intrinsic* value of freedom of choice within each individual’s capabilities”. Indeed, in the light of this conclusion, one can see why Suzumura (2000, 17–18; see also Suzumura and Xu 2001) has *invoked* Sen’s views about the intrinsic value of free choice, process and opportunity to *motivate* and *define* various forms of “non-consequentialism”. Expressed in the terms I have distinguished, Suzumura’s conception of “consequentialism” in his final paper on the CA is “narrow” while Sen’s CA is consistent with “broad” rather than “narrow consequentialism”.

While the main differences in the use of “consequentialism” here may primarily relate to terminology – given the links between Sen’s CA and some of

his other views – the confusion that can result from claiming that the CA is “non-consequentialist” is considerable. Indeed, this confusion is not restricted to the contrast between Sen’s and Suzumura’s distinct uses of terms in discussing the informational basis of normative frameworks. As I mentioned at the outset, Ravi Kanbur (2021) also suggests that foundational statements of the CA are based on a critique of “consequentialism”. Unlike Suzumura’s analysis, Kanbur’s discussion is focussed on the contrast between “equality of outcome” and “equality of opportunity” in the works of Sen and John Roemer. Furthermore, Kanbur links the relevant conceptual distinctions directly to issues relating to measurement and policy.

Kanbur (2021, 334) argues that “the key distinction in the move from functionings to capabilities is the jump from outcome to opportunity”. He goes on to claim that:

Here, the development of the capability approach intersects with a broader discourse, in philosophy and on policy, on opportunity and the arguments for and against outcomes as the basis of social evaluation. The capability approach can also be seen as part of a series of developments which flow from a critique of utilitarianism, particularly its consequentialist roots. Those who accept the capability approach also tend to position themselves, implicitly or explicitly, on the critique of utilitarianism and the debate between opportunity versus outcome as the basis of evaluation. (Kanbur 2021, 324)

Kanbur’s assumption here appears to be that “consequentialism” involves an exclusive focus on “outcomes” – understood as “culmination outcomes” – which cannot incorporate (the intrinsic value of) opportunity or choice. As a result, Kanbur is implicitly invoking a “narrow” conception of “consequentialism” of the sort which is not consistent with the CA.

Kanbur believes that “what ties capability theory to equality of opportunity theory is the common focus on opportunity rather than outcome, with the attendant high-lighting of the role of personal responsibility in evaluative discourse” (Kanbur 2021, 337). Sen would not dispute that a focus on opportunity implies a recognition of the importance of personal responsibility. He acknowledges that: “[f]reedom to choose gives us the opportunity to decide what we should do, but with that opportunity comes the responsibility for what we do” (Sen 2009a, 19). Furthermore, his recognition of the importance of responsibility is also highlighted in his defence of “consequential evaluation” (see Sen 2000, 484–486). In that defence, Sen implicitly recognises distinct uses of “consequentialism” when he concedes that “[t]he substantive issue” of the importance of responsibility “is not directly concerned with the use of the term ‘consequentialism’” and that “[w]hether the ideas of responsibility and social realisations ... should be placed in some wide enough basket called ‘consequentialism’ is not of substantial interest” (Sen 2009a, 218). Yet while nothing “substantive” might hang on how “wide a basket” of (realisations of) goods or values might be included in the description of “outcomes” in any definition of

“consequentialism”, given the various ways in which the term “consequentialism” can be used, considerable confusion can arise, and – in the context of the CA – has arisen, in the absence of clarity about how “wide” the “basket” is.

Two Varieties of Non-Welfarist “Consequentialist” Theory

I now turn to the question of what sort of moral theory “consequentialists” who accept Sen’s CA understood as a general perspective might advance. At the outset, one must ask: would these “consequentialists” necessarily reject welfarism? If all the CA does is to alter the account of advantage, it might be argued that it may not even challenge “welfarism”. As we have already seen, welfarism excludes information on anything other than “utility” in judging the goodness of states of affairs. If a person’s “utility” is *defined* so that it reflects a person’s capability, the CA would not necessarily threaten welfarism. For example, if “utility” is understood in terms of “preference” and “preference” is understood as a purely formal concept, then Kenneth Arrow (2006, 53) suggests that “preferences” can be used to “refer to well-being in some more or less objective sense (I am better off objectively if I have x rather than y)”. Arrow adds that “this might include better functioning or higher capability in the sense Sen has made us aware of”. And a “utility” index might then no longer suffer from the criticisms that Sen levels at certain views of welfare which are associated with utilitarianism.¹² If “utility” is used in this way, then the CA may be consistent with welfarism. Yet we saw earlier that in defining welfarism, Sen has in mind a person’s conception of her well-being when he uses “utility”. Because the informational focus of the CA extends beyond well-being to freedom and opportunity, the CA is a non-welfarist view.

What sort of non-welfarist moral theory might be favoured by a consequentialist who accepts some claims which are central to the CA? I begin with a consequentialist who is convinced by Sen’s criticisms of various views of “utility” and believes that capability is the appropriate space on which to focus in making interpersonal comparisons of advantage. She may also follow Sen (1979b, 115) in believing that “[a] moral principle ... uses certain types of information and ignores others” so that each principle involves some form of informational restriction. In the light of this, a consequentialist moral theory might adopt a variant of welfarism which simply replaces “utilities” with “capabilities”:

Capability Exclusiveness (CE): The judgement of the relative goodness of alternative states of affairs must be based exclusively on, and taken as an increasing function of, the respective collections of individual capabilities in those states.

CE is stronger than the view that capability is the appropriate space of valuation when making interpersonal comparisons in the context of egalitarian claims. One might hold the latter view while nonetheless believing that there

are objects of ultimate importance (such as process) other than equality or capability in evaluating states of affairs. CE imposes a stronger informational constraint on moral principles, because it assumes the “capability-only” view that the only information that is relevant for moral judgements is capability information.

Anyone who holds CE as well as Sen’s original definition of “(complete) act-consequentialism” holds something akin to what Mozaffar Qizilbash (2008, 65–68) terms “capability consequentialism” (or CC, for short). Qizilbash (2008, 65) uses CC to refer to “any approach to normative evaluation (of actions, motives or rules) which focusses exclusively on capability consequences”.¹³ The forms of CC set out by Qizilbash (2008, 65–66) require a capability index for each person or group in society. In addition to this, they involve some rule for aggregating information on people’s capability indices – a “social capability function” – which is the capability equivalent of a standard (Bergson-Samuelson) “social welfare function” in welfare economics which CC would ask policy makers to maximise. Given this, CC may give overwhelming importance to the least well-off or to aggregate capability or – as Sen (1990, 462, 2009a, 298) himself recommends – weight to both aggregative and distributional concerns.

Qizilbash (2008, 65) notes that “Sen’s position cannot simply be characterised as a form of capability consequentialism since he thinks that there are considerations other than capability (such as the process through which choice is made) that matter”. It is certainly true that Sen does not treat capability as the only object of ultimate value, and that he rejects the “capability-only” view. His belief that capability is not the only object of ultimate importance is part of his commitment to *pluralism* – the view that there is no single object of ultimate (moral) importance. This is part of his broader approach to justice and social choice (see Sen 2009a, 297, 2017a, 358) rather than merely a component of the CA. Indeed, it is not included in the characterisation I offered of the CA as a general normative perspective. Nonetheless, because Sen recognises this point in his writings on the CA and emphasises it in some characterisations of the CA as “inescapably pluralist” (e.g. Sen 1999, 76–77), it can also be seen as part of the “core” of the CA (see, for example, Robeyns 2017, 55–57).¹⁴ This commitment to pluralism is, as we saw earlier, also connected to Sen’s recognition of the importance of incompleteness.

Is there a way of reading Sen’s position which rejects CE and the “capability-only” view while also allowing for incompleteness? Siddiq Osmani (2008) suggests one in his discussion of Sen’s “perspective of freedom” (see Sen 1999, 13–34) which includes both the opportunity and process aspects of freedom. Osmani writes that:

The perspective of freedom has greatly enriched the basis of social evaluation by breaking away from the narrow confines of utilitarianism. In one respect, however,

it continues to maintain the umbilical tie with utilitarianism – it judges the goodness of actions, rules, institutions, etc. in terms of their consequences. The content of consequences has changed – from utility to freedoms enjoyed by people – but the basic methodology of judging actions, rules etc. by their consequences remains. (Osmani 2008, 24)

This characterisation of Sen’s position would reject both CC and CE, since there are aspects of freedom – such as those relating to process – which may not be reflected in capability. And Osmani’s reading also underlines the importance of incompleteness in Sen’s view (see Osmani 2008, 30). At the very least, it would suggest replacing the word ‘capabilities’ with “freedoms” in the definition of CE. I term the resulting position:

Freedom Exclusiveness (FE): The judgement of the relative goodness of alternative states of affairs must be based exclusively on, and taken as an increasing function of, the respective collections of individual freedoms in those states.

If we combine FE with “incomplete act-consequentialism” (which once more could be varied to relate to rules and motives) then the relevant view is “incomplete freedom-consequentialism” (or IFC, for short). I do not claim here that Osmani himself endorses this position. Rather, I treat it as a self-standing view.

To illustrate the difference between IFC and CC it is worth considering a variation of an example which Sen (2009a, 296) himself uses. For the purpose of comparison here, and in the next section, I am concerned with versions of these views which follow Sen to the degree that they give weight to both the aggregate and distribution of capability (without taking any view of the relative weight given to these two considerations). It is generally believed that women have a biological advantage over men in terms of average life expectancy at birth, so that when the average life expectancy of men exceeds or is equal to that of women this is a manifestation of discrimination against women (see Kynch and Sen 1983 *inter alia*). Suppose then that we are concerned with two people, A who is a woman and B who is a man. I shall suppose that as regards all functionings other than longevity, A and B have the same capability.¹⁵ Now consider the following scenario involving two alternative states. In the first, there is no discrimination and A has a life expectancy of 77 years while B has a life expectancy of 71, while in the second there is discrimination against A and both have a life expectancy of 74.¹⁶ In both states the sum of the number of years that A and B can expect to be able to live is 148, so that as regards capability, the only difference is in the distribution of the ability to lead a long life. Someone who is exclusively concerned with capability, and who also gives weight to both the aggregate and the distribution of capability, would favour the second state. Yet IFC would distinguish the two states not only in terms of their capability information, but also on the basis of process freedom because in one there is discrimination against A while in the other there is none. Sen’s discussion typically implies that it is reasonable

to suppose that in an example of this sort a principle of non-discrimination outweighs equal capability (Sen 2009a, 296 and 371; and Sen 2009b, 27–28), so that this example illustrates the limitations of the principle of capability equality. However, as a self-standing view, IFC would compare the values of process freedom and capability equality, and the ranking of the two states would then depend on their relative importance. While I leave the matter of how an incomplete freedom consequentialist might weigh or prioritise these considerations open-ended, in Sen's writings, open-endedness about weights is another aspect of the “inescapably pluralist” nature of the CA (see Sen 1999, 76), and addressing it is a matter of social choice (see Qizilbash 2007) which would involve a search for democratic consensus. When people's views about the respective weights “intersect”, there may be consensus about the ranking of states, while in the absence of such “intersection” “at least as good as” might be an incomplete relation because the states may not be ranked (Sen 1992, 46–47, 1999, 78–79). That would be one way to develop IFC.

Does IFC capture Sen's own view to the degree that he is committed to value pluralism? Given this commitment, Sen accepts the intrinsic value of – and the need to include information about – certain achieved functionings and well-being. As a result, Sen (1999, 76) treats the relative weight to “attach to substantive freedom (the capability set) vis-à-vis the actual achievement (the chosen functioning vector)” – which is reflected in the level of well-being – as another way in which the CA is “inescapably pluralist”.¹⁷ He would not endorse the view that freedom is all that matters. To this degree, even if IFC is characterised here on the basis of a reading of Sen's “perspective of freedom”, he would, on my reading, reject FE and, as a result, IFC. Indeed, anyone who advances IFC would have to provide a defence of the information restriction imposed by FE.¹⁸

Nussbaum's Capabilities Approach and “Consequentialism”

Is Martha Nussbaum's version of the approach “consequentialist”? Does it differ in important respects from the various forms of “consequentialist” theory inspired by Sen's CA which have been discussed here? To answer these questions, I briefly outline some elements of Nussbaum's approach to distinguish it from Sen's. I do not, however, provide a full description of Nussbaum's approach or even a full account of how it differs from Sen's.¹⁹ Instead, I note some salient aspects of her approach which are relevant. Furthermore, because Nussbaum's precise definitions of “capability” differ from Sen's, in what follows I use “capability” in an intuitive sense to mean the ability to do and be various things, rather than to combinations (or *n-tuples*) of functionings from which a person can choose one.

By “Nussbaum's approach” I have in mind the approach developed in her later writings (dating from the mid to late 1990s onwards). In these works,

Nussbaum (2000, 2006, 2011, 2014, 2021 *inter alia*) advances a list of capabilities, and argues that this can be the object, or basis, of an “overlapping consensus” (in Rawls’ sense; see Rawls 1993, 134) between people who may hold diverse conceptions of the good or distinct moral doctrines. The list includes a range of capabilities under ten headings. On her version of the CA, everyone should have at least a threshold level of each capability on the list *as a matter of justice*. Indeed, the constitutional structure should be framed with a view to securing (the social basis of) the threshold level of each capability (see Nussbaum 2006, 175–176, 2000, 81).

The approach is explicitly articulated as a form of “political liberalism”. A basic requirement of such a view is that it cannot use arguments or reasons from within any particular moral view – which constitutes or endorses what Rawls (1993, 13 and 175) calls a “comprehensive moral doctrine” and which includes a view of the good – as that would potentially undermine any consensus between those who hold different doctrines or views of the good. To this degree, Nussbaum’s approach is not advanced as a moral doctrine, and in as much as “consequentialism” is understood as a moral doctrine (see, for example, Scheffler 1988, 1) her view would not endorse it. Indeed, for this reason, unlike the forms of non-welfarist consequentialist theory discussed above, as a form of political liberalism, Nussbaum’s account cannot have a maximising structure, since any overlapping consensus must be endorsed by moral doctrines which do not have such a structure. As she notes “[m]any religious citizens may be perfectly happy to support a society based on ten capabilities, but be unwilling to grant that the right choice is always one that maximizes the good” (Nussbaum 2011, 95). For this reason, her approach cannot be “consequentialist” on standard moral theoretic definitions of “consequentialism”.²⁰

There are, nonetheless, passages in Nussbaum’s writings which may lead some readers to conclude that her approach is “consequentialist” in some sense. While Nussbaum (2011, 94) acknowledges some ways in which her approach “has close links” to “deontological” approaches which are “non-consequentialist” inasmuch as they do not – in John Rawls’ terms – “interpret the right as maximizing the good” (Rawls 1972, 30), she also suggests that her approach can be seen as a “cousin of consequentialism, or even a political, non-welfarist consequentialism. It announces that the right way to judge whether a given political situation is adequate, from the point of view of justice, is to look at *outcomes ...*” (Nussbaum 2011, 94). Indeed, Nussbaum contrasts her “*outcome-oriented view*” from “*procedural views* offered by deontologists” (2011, 95). She goes on to suggest that, on her approach, “there is a real interest in finding out how well people are actually doing, and in this sense, it is reasonable to classify the Capabilities Approach with approaches that focus on promoting social welfare – understanding welfare, of course, in terms of capabilities, not the satisfaction of preferences” (Nussbaum 2011, 96).

These passages might lead some to think that Nussbaum's view is a form of non-welfarist consequentialism which – like CC – simply replaces “utility” or “welfare” with “capability” in its account of advantage. This reading of Nussbaum would be mistaken if it takes her view to be a form of CC, not least because if the threshold level of relevant capabilities on the list is secured in all relevant states, her approach would not necessarily endorse the view that the “judgement of the relative goodness of alternative states of affairs” is “taken as an increasing function of, the respective collections of individual capabilities in those states”. Indeed, once the threshold level is secured, even if in one of two alternative states everyone (is equally well off and) is better off than in the other in terms of capability, her view would not necessarily endorse the view that the one is better than the other. Her approach may thus violate CE and be inconsistent with CC. Notwithstanding this point, some might suggest that her view is a form of consequentialism if it is classified with views which “promote social welfare”. David Weinstein (2021, 88–89) offers a reading along these lines and concludes that Nussbaum's approach is “unequivocally consequentialism”. There are two lines of reasoning in Weinstein's discussion. On one, “[j]ust politics promotes well-being indirectly by securing and promoting these capabilities and opportunities directly” (Weinstein 2021, 77). On this reading, Nussbaum's position is not merely (indirectly) consequentialist, it is also welfarist in as much as it is ultimately concerned with promoting well-being. In another passage, Weinstein (2021, 89) suggests that Nussbaum's account is “rule-consequentialist”.²¹ Any reading along these lines would suggest that there is a deep tension within Nussbaum's approach because as a political liberal her view cannot endorse a moral doctrine with a maximising structure.

An alternative reading of Nussbaum might instead ask: is her approach “consequentialist” on the social choice theoretic definition? With a view to answering this question, it is natural to turn to Nussbaum's discussion of Sen's factorisation of “utilitarianism”. In this context, Nussbaum suggests that:

Consequentialism by itself causes the fewest difficulties, since one may always adjust the account of well-being, or the good, in consequentialism so as to admit many important things that Utilitarians typically do not make salient: plural and heterogeneous goods, the protection of rights, even personal commitments and agent-centred goods. More or less any moral theory can be “consequentialized,” put in a form in which the matters valued by that theory appear in the account of consequences to be produced. (Nussbaum 2006, 340)

These remarks suggest that Nussbaum would raise no significant objection to the strategy Sen pursues of broadening the description of “outcomes” or “states of affairs” to include a wide range of valued objects. Indeed, like Sen, Nussbaum incorporates the value of certain procedures into the definition of an “outcome”. She writes that: “there are some capabilities that involve an

idea of fair procedure (in criminal law, a right to a fair trial, in other areas, due process rights of a range of types). But those become part of the good outcome against which society's operations are assessed" (Nussbaum 2011, 96). Yet if everything that is of value can in this way be incorporated in the description of an "outcome", Nussbaum's approach is, like Sen's, consistent with "broad consequentialism" on the social choice theoretic definition. To this degree, I concur with Weinstein's suggestion that Nussbaum's position is "a form of consequentialism at least as much as Sen's" (Weinstein 2021, 88–89). Furthermore, on this reading there is no internal tension within Nussbaum's approach.

Conclusions

There is some confusion in the literature on Amartya Sen's CA about whether it is compatible with "consequentialism". I have argued that, as a general normative perspective, Sen's CA is not committed to "consequentialism" or "non-consequentialism" on a moral theoretic definition. On the other hand, if "consequentialism" is understood in terms of the social choice theoretic definition which relates to whether a normative framework or view restricts relevant information to the description of "states of affairs" or "outcomes", whether or not the CA is compatible with "consequentialism" depends on how "outcomes" or "states of affairs" are understood. If "outcomes" are understood as "comprehensive outcomes" and "broad consequentialism" is understood so that it focusses exclusively on them, then the CA is compatible with "broad consequentialism"; while if outcomes are understood more narrowly in terms of culmination outcomes, the implicit definition of "consequentialism" is "narrow" and the CA is not consistent with it. This point explains the apparent difference between Sen who endorses both the CA and a form of "broad consequentialism" and some prominent commentators on the CA, notably Ravi Kanbur and Kotaro Suzumura (in his final paper on this subject) who have suggested or implied that the CA is not compatible with "consequentialism".

Moral theories which endorse the CA are non-welfarist. Two varieties of non-welfarist moral theory which restrict information respectively to capability and freedom are contrasted. Of these, IFC comes closest to Sen's own views, but by restricting the information relevant to moral theory to freedoms, it is inconsistent with value pluralism of the sort Sen favours. Martha Nussbaum's "outcome-oriented" version of the CA is not "consequentialist" on standard moral theoretic definitions, on my reading, because it is not a moral doctrine with a maximising structure. Nonetheless, her "outcome-oriented" approach is consistent with "broad consequentialism" on the social choice theoretic definition if everything that is of value on her approach can be included in the description of "outcomes". Whatever their differences on other issues, on this point, my reading suggests that Nussbaum and Sen would agree.

Notes

1. Because of the multiple senses and definitions of “consequentialism” and “consequentialist”, I place these terms in inverted commas throughout this paper, unless it is clear from the context what is meant by them.
2. It is worth noting here that in some of his earlier writings, while he does not reject “consequentialism”, Sen does not endorse it either. For example, in the 1984 Dewey lectures, Sen writes that on “the approach to moral reasoning used in these lectures” ... “[t]he welfarist part of utilitarianism ... and the requirement of sum ranking ... stand rejected in a way that consequentialism is not; but neither is it positively endorsed” (Sen 1985, 216). What he does endorse in those lectures is a form of “consequence sensitivity” which rejects trying to “judge in a consequence-independent way” (Sen 1985, 216).
3. On this see also Qizilbash (2019, 158).
4. While Sen’s characterisations are standard in as much as a maximizing structure is usually taken to be a requirement of any moral theoretic definition of “consequentialism” (see, for example, Scheffler 1988), at least one non-standard “consequentialist” theory – Michael Slote’s “satisficing consequentialism” (see Slote 1984) - drops (I). Nonetheless, in his account of “maximization” and the act of choice, Sen makes room for “satisficing” behaviour (see Sen 1997, 768–769). To this degree, Sen’s characterisations allow for certain forms of “satisficing” within a definition of “consequentialism” which has a “maximizing” structure.
5. While Slote (1984, 141, note 3) implicitly confirms that both (I) and (II) are required in Sen’s definitions, he observes that in their well-known “Introduction”, Sen and Williams on one occasion drop (I).
6. On related distinctions and debates about “consequentialism” and “deontology” – including issues about rights and “agent-relative moralities” - see Scheffler (1988) as well as Sen (1982b, 1983, 1984). For a helpful discussion see also Crisp (2015).
7. Aside from Nussbaum’s and Sen’s writings, see also Alkire, Qizilbash, and Comim (2008); Qizilbash (2012 and forthcoming); and Robeyns (2017) *inter alia*.
8. On the relationship between the CA and Sen’s writings on moral and political theory as the basis of an “incomplete” moral theory or approach see also Qizilbash (2016).
9. Sen suggests that this distinction is also relevant to how we understand opportunity as well as “to more specific views such as the capabilities a person has” (Sen 2009a, 230) so that “[t]he concept of capability is thus linked closely with the opportunity aspect of freedom, seen in terms of ‘comprehensive’ opportunities, and not just on what happens at culmination” (Sen 2009a, 232).
10. While I have introduced this distinction in the context of the social choice theoretic definition, it should be clear that – since it relates to how outcomes are described - it is equally relevant to moral theoretic definitions.
11. Elsewhere Sen (e.g. 2000, 478) is primarily concerned with distinguishing his own view from forms of “consequentialism” in the utilitarian tradition which combine consequentialism with further demands, notably welfarism.
12. Indeed, Sen himself sometimes uses “utility” in a purely formal sense. In the context of interpersonal comparisons and measurement in the expanded edition of his *Collective Choice and Social Welfare*, for example, he notes that “for the sake of brevity (and after due warning)” he adopts “the well-established practice of using the term ‘utility’ for any indicator of advantage” (Sen 2017a, 372) which could equally be a capability index.
13. Qizilbash (2008, 65) does not himself endorse CC: he introduces it “primarily for clarification purposes”.

14. Indeed, even in his earliest statement of the CA in “Equality of What?” Sen (1982a, 369) noted that it was not his claim that “basic capability equality can be the sole guide to the moral good”.
15. Some might object that since there is discrimination on the basis of gender in one state, while in the other there is none, in the state with discrimination A’s ability to achieve (the social bases of) self-respect will be diminished if, as in Nussbaum’s version of the approach (see Nussbaum 2011, 33–34), that rests on non-discrimination on the basis of gender. As a consequence, this simplified example is only offered to illustrate the difference between CC and IFC and does not take into account the relationship between processes and capabilities.
16. I am treating the life expectancy numbers in this example as indicators of capability (the ability to live a long life) rather than of functioning.
17. In fact, some advocates of the CA would acknowledge the priority of achieved functionings in some contexts (see Robeyns 2017, 107–112 *inter alia*).
18. Unless a justificatory defence of the exclusion of information which does not relate to freedom is provided, IFC would also violate the principle of “nonexclusion of state components” which Sen (2000, 484) advances in his defence of consequential evaluation.
19. On this see Nussbaum (2000, 2006, 2011, 2014); and Sen (1993, 2004b, 2009a) *inter alia*.
20. In arguing that Nussbaum’s account is not a “consequentialist” moral theory or doctrine, I stress that, as a form of political liberalism, it cannot have a maximizing structure. By contrast, Nussbaum (2006, 340, 2011, 94–96) herself also argues that in a consequentialist moral theory maximizing the good requires some comprehensive view of the good, whereas hers is only a partial account.
21. While Weinstein’s remark is not further developed and is made in the context of the history of ideas, in personal communication (by e-mail on 17 March 2021) Weinstein suggested that he had in mind something like the “rule-consequentialism” outlined in Brad Hooker’s account (see Hooker 2000).

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