

Review Article

Cultural issues: A lens into Nussbaum's capability approach

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ABSTRACT

In this paper, I will discuss Martha Nussbaum's capability approach, not as a procedural justice but as an outcome oriented approach that gives impartial account of justice as welfare. Nussbaum's account of justice seems to reconcile the account of both Rawls and Sen. What Sen objected in Rawls theory gets affirmed by Nussbaum *i.e.* Sen criticized Rawls for focusing his attention on institutional choices, and bringing forth the theory of justice which is arrangement focused rather than realization focused. Rawls arrangement focused approach to justice proceeds in two fold ways, namely; (i) public criterion, which stipulates that the conception of justice must be public and the necessary information to make a claim of injustice must be verifiable by all, and easily accessible. (ii) A public standard of interpersonal comparisons as the obtained principles of justice among the citizens with diverse conception of the good life will not prove stable. These two points of public criterion and public standard seems to be affirmed by Nussbaum in her account on capability approach to justice. Nussbaum's account is a principled account of a set of, ten fundamental human capabilities which are held to be essential to a good human life and government in all nations should guarantee to their citizens.

Keywords: Justice, Capabilities approach, Human functional capabilities, Discrimination, Fundamental

INTRODUCTION

The main demarcation between Nussbaum and Sen regarding the theory is that it provides the principles, though partial and minimal account of social justice. I'll attempt to bring out the close relationship between the institutional and constitutional design. I'll address the questions concerning minimizing injustice in terms of discrimination, particularly gender discrimination in the cultural practices of different peoples on the one hand and legal, political, social and economic status of women on the other [1]. The discrimination and the deprived situation of women are due to the cultural traditions and practices that mould their lives. I'll try to interrogate the conflict between cultural practices and women's rights [2]. The question arises are we going to minimize women's injustice and bring gender equality under the purview of human rights or let the culture or tradition decide their lives?

Women have been undermined, treated with a prejudice because of their gender, and are followed by sexist views by people all over the men. It is sad to see that certain cultures and traditions practices by people have caused inequality for women and

hindered the progress of women causing gender discrimination. This has continued to exist all around the globe and the ethical and moral questioned always arose on the ground looking for a universal norm which will allow women to gain significant and respectful place in the society [3].

Capabilities approach: Nussbaum

The 'capabilities approach' construed by Nussbaum became a way in which one could associate the central universal capabilities in order to raise the situation of women in the society. The approach helps in lifting the lives of women and lifting them up from the miseries which the culture and traditions has placed upon the lives of the women enabling injustice towards women. The ten human functional capabilities proposed by Nussbaum presents that all human beings should get the opportunity of these capabilities at the threshold level in order to lead a good and a just life. These capabilities should be equally available for men and women to embrace them and live a quality life [4].

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The capabilities approach is significant and meaningful as it provides an advantage for women especially in those areas which are male dominated. As a bare minimum, without any one of these capabilities, Nussbaum's approach "claims that a life that lacks any one of these capabilities, no matter what else it has, will fall short of being a good human life." Any human life that lacks any of these capabilities finds a barrier to develop their life in the way they want to. "The ability to have control over one's own life and the ability to make their own decisions not only contributes to a person's individuality, but also gives them the personal validation that the choices that they make are those in which they have taken into consideration."

Nussbaum's approach exhibits a route for a woman which elevates their status in the society as equal to that of men, which has always been undermined. She integrates a set of universal principles instead of an idea of how an individual should be treated [5]. Nussbaum presupposition on the capabilities approach that, "human capabilities exert a moral claim that they should be developed, human beings are creatures such that provided with the right educational and material support, they can become capable of the major human functions."

Nussbaum's take on culture

In most of the world, the traditions, cultures and the mentalities of the people do not allow women to avail these capabilities, thus making the environment harsh for them to excel in their personal, social, financial and political front. Thus the set of capabilities are necessary for to follow, which provides conditions for people to develop and rise above the situations which the cultures and traditions have portrayed for them [6].

Nussbaum doesn't eliminate the cultural diversity by presenting the capabilities approach but questions to look at the cultural practices which harm the individuals especially the women. Capabilities approach can be utilized as tool towards equality of men and women. All individuals are possessed with capabilities, they should get the opportunities to exert on those capabilities and come out as a potential being. The cultural practices harm the individuality of a woman by forbidding them to pursue their choice of life by claiming that it the cultural environment and ought to be respected. Hence, relativism becomes an argument against the capabilities approach.

Relativism has been dangerous as it accepts the horrible things practices against the women in different cultures around the world. It is used to defend the way women have been treated unequally and capabilities approach can be ignored on its basis. Another argument made against the approach is the historical belief of the division of labor between the men and women. It has been believed that there are certain jobs which a man can do better and certain jobs which are fit for the women. This creates a dichotomy between different roles for men and women that have been classified for them since ages. Be it the physical or mental role, women has always been considered as the weaker section of the society [7].

Alice Kessler-Harris writes, "women have always worked, but the form and meaning of their labor has varied through history." It has been presupposed that men can do more labor and tasks which are intensive and are more capable in it. It has been

presumed that the women can nurture the children and take care of the household responsibilities. Women has always done and performed the roles which the man has been doing throughout the history. The gender has been socially constructed and the roles have been set for the gender claiming that it is the social structure or the traditional practices. Men have also performed certain roles which have mostly been reserved for women, keeping the platform equal for both men and women.

LITERATURE REVIEW

Another argument against the capabilities approach states that the capabilities approach is a set of universal principles which have to be followed by all. The argument states that this neglects the individual's autonomy, because now they will have to adhere to the list of ten capabilities which have been stated. It should be the person's choice to follow them or not. It would take away the personal choice of the individual whether they want those capabilities for themselves or not. We cannot expect all the individuals to understand those capabilities and abide by them. In many situations, the culture has been so dominant that the women accepts their inferiority to men and responds to unjust behavior willingly.

The positive outcome of the approach is that it will allow the highest amount of autonomy on the individuals. It will also provide an option of free choice. The approach intends to provide the opportunities to men and women equally and it says that they have the full potential to do things should be able to realize those potentials.

Each one of the ten capabilities that Nussbaum outlines opens the door for autonomy, from integrity and emotions to playing and environment. This approach doesn't create any barriers that withhold the bare minimums that constitute a good life. By applying the capabilities approach would not be forcing people, especially women, to be a certain way or follow certain values, instead it gives them the opportunity to choose and decide without the imposing authority of a male dominated atmosphere.

These capabilities are essential in providing each and every individual with autonomy, dignity and respect and treat every individual as an end and never as a means to achieve to certain ends. This is a progressive step and it holds for every institution such as education, family, political. The question arises what position should be taken when the rights of the women are harmed in the name of culture? Culture in a general term should be understood as 'way of living'. Culture and religion is a correlated term when apprehended.

The western societies like North America and Western Europe practice a general way of living focusing less on the religion aspect. In order to avoid cultural imperialism and focus largely on universal norms, Martha Nussbaum states in defense of universal norms that:

It is one thing to say that we need local knowledge to understand the problems women face, or to direct out attention to some aspects of human life that middle class people tend to take for granted. It is quite another matter to claim that certain very good general values, such as the dignity of the person, the integrity of the body, basic political rights and liberties, basic economic

opportunities, and so forth, are not appropriate norms to be used in assessing women's lives in developing countries.

Most of the cultures around the globe are structures in a way that men are considered to be superior to the women. It is the beliefs in the culture that has allocated the duties and roles within the society. The roles allocated by the culture have created a hierarchy in the society due to which the women have been subordinated by men in most of the regions. And secondly, the power and the position of decision making are disposed towards the men. There have been lots of debates, discussion and awareness around the world regarding the equality between men and women. It is just in theory that women and men are considered to be equals.

The cultural norms have been deeply rooted in the society and the practice to bring out gender equality may worsen the situation. The tension which exists between the culture and feminism can be resolved by integrating cultural values with a flexible understanding of feminism. Capabilities have a close connectedness with the human rights, it covers the first generation rights which are the political and the civil rights and the second generation rights which are the economic and the social rights. Bernard Williams comments:

I am not very happy myself with taking rights as the starting point. The notion of the basic human rights seems to me obscure enough and I would rather come at it from the perspective of basic human capabilities. I would prefer capabilities to do the work, and if we are going to have a language or rhetoric rights, to have it delivered from them, rather than the other way round.

The rights can be seen as the combined capabilities, securing rights to the citizens is to have them in the position of combined capability. Most of the nations around the globe have nominal participation of women in politics. The rights are the basic entitlements which belong to all human beings simply because they are humans. Human capabilities are applied as an answer to various questions regarding the living standard and the quality of life. Martha Nussbaum argues:

The equality of the sexes should be a prominent part of the public political culture, and that religions which dispute sex equality should not have the option of making law to that effect, as of course they do in very many nations of the world, including quite a few that have constitutional guarantees of sex equality. I also believe that in some areas of the religion's daily life, it ought to be held to public laws protecting sex equality (e.g., in the hiring of workers and in matters of sexual harassment). In general, individuals and groups may choose to view and treat one another in all sorts of hierarchical ways without legal interference, although there may be good arguments against such conduct.

We must notice that poverty alone is not the reason for gender inequality and the greater number of deaths in women than men but customs and political arrangements also play a large role in it. They are also causes of women's death and misery. Any approach which assesses the quality of life offers an account of the relationship between women's equality and tradition. The common practical way of assessing the quality of life is simply checking the GNP (Gross National Product) per capita. We have often ignored the major constituents of life quality which is

infant mortality, life expectancy, education, political liberties, and health.

In order to assess the quality of life in a nation, we must question how the people have been able to perform the central human functions which are the list of ten central human capabilities. The intuition behind the capability approach is that the capabilities exercise the moral claim that they should be developed. Human beings if provided the right material and educational support can become capable of the human functions. Human beings are the creatures with lower level capabilities which we call the basic capabilities. If the human beings are deprived of the essential nourishment they will not grow into high level capabilities [8].

Women belong to cultures. But they do not choose to be born into any particular culture, and they do not really choose to endorse its norms as good for themselves, unless they do so in possession of further options and opportunities including the opportunity to form communities of affiliation and empowerment with other women. The contingencies of where one is born, whose power one is afraid of, and what habits shape one daily's thought are chance events that should not be permitted to play the role they now play in pervasively shaping women's life chances. Beneath all these chance events are human powers, powers of choice and intelligent self-formation. Women in much of the world lack support for the most central human functions, and this denial of support is frequently caused by their being women. But women, unlike rocks and plants and even horses, have the potential to become capable of these human functions, given sufficient nutrition, education, and other support. That is why their unequal failure in capability is a problem of justice. It is up to all human beings to solve this problem.

The theorist of capability approach states that the individuals are and should be entitled to certain capabilities despite of their satisfaction without them. There are certain opportunities which are necessary for a flourishing life, the person may be living a satisfied life but that isn't the good quality of life. Nussbaum's calls this as adaptive preferences, where the individuals adapt to certain adjustments which the individuals accept because they have not been given the full opportunities to flourish in their life. Women have been objectified at every stage of their life; they are expected to look their best and are considered to give away comfort and compassion to everyone around. Kant's notion of humanity of treating an individual as an end and never as a means to reach certain ends has been the epigraph and is used as a critique for the injustices against the women.

Treating women as objects

In order to understand we need to know, what is the idea behind treating the other individual as an object? Martha Nussbaum has listed down seven notions that need to be considered:

Instrumentality: The individual treats the other individual as the tool of his/her purposes.

Denial of autonomy: The individual treats the other individual as deficient of autonomy and self-determination.

Inertness: The individual treats the other individual as devoid of agency and also an activity.

Fungibility: The individual treats the other individual as an object which can be interchanged with other objects.

Violability: The individual treats the other individual as devoid

of integrity, also treating someone as permissible to break up and smash.

Ownership: The individual treats the other individual as someone who can be owned by another can be sold or brought as an object.

Denial of subjectivity: The individual treats the other individual as someone whose feelings, desires and reason need not be taken into account.

These notions are a part of life for women as they have to go through these at all stages of life with respect to their desires of playing, education, marriage, children, and family life. The feelings, desires, experiences of the women have not received any respect from the individuals around or the strangers in the public space. The women have been considered as the caregivers, whose sole duty is to take care of the household and elderly at home. They haven't been provided with the autonomy to take decisions with respect to their lives such as of what profession to choose, their choice in marriage and to decide what is good or bad for them. It was very common in the history and in some cases it still exist that women have been the exchange object in respect to any business deal or in exchange of regions during the British Raj.

Men have always been dominated on women and it took them nothing to smash their respect, dignity or integrity. The women doesn't have the authority to choose the kind of life they want to live, it is assumed that it is the duty of the women to sacrifice their needs or desires in order to fulfill the desires of the others. Women have to leave the important decisions of their lives on the head of the family which is generally the male member, could be the father or the husband.

The feminist thinkers have stated that the women in the society are associated with their bodies than are the men; they are valued for how they look. In order to get social acceptance they are and have been under constant pressure to look beautiful and have beautiful bodies. There are certain standards that have been set for the appearances for women and they have to match these standards in order to be accepted socially. This notion of objectification have treated women a things who are expected to keep themselves decorated and gazed upon.

It is true, and very much to the point, that women are objects, commodities, some deemed more expensive than others but it is only by asserting one's humanness every time, in all situations, that one becomes someone as opposed to something. That, after all, is the core of our struggle.

The term 'objectification' has passed into many people lives. It is commonly used in advertisement, films and other representations where the women are shown as mere objects and the attitude and attention towards the women undermine their integrity and dignity. The sexual objectification is not a petty problem but a central in women's lives. The instrumentality of women for the sexual desire is powerful which treats them as not ends in themselves but as means or a tool for the satisfaction of their desires. With this instrumental zing the person is denied of the autonomy and subjectivity. The person is not asked how her experiences and feelings and the other person only focuses on his satisfaction.

DISCUSSION

The international economic and political thought should focus on the policies to contribute to gender equality. Women have been facing inequality all over the world, but the third world countries have major issues concerning women. Nussbaum's thought has not only contributed towards the equal rights of women but also other aspects of their life, such as political, education, family. There has been a wrong method of distribution and the misguided construction of identity. Martha Nussbaum's work has four aspects; the conjunction of indicators for measuring the quality of life, there is respects for dignity and freedom, the diversity of cultures have recognition and shaping a thought that returns to ethics and justice.

The understanding and evaluating of the situations of women has by no mean a criticism to men, the problem of inequality between the men and women has been a matter of context, history, socialization. The roles have been given to both the genders since ages, as submissiveness is a part of women, toughness and leadership has been allotted to men. Looking for empowerment is not the solution to gender injustice, it is just the beginning. There is a need for social reconsideration in order to construct the notion of gender.

There is no doubt that there has been an improvement in the position of women from the last centuries, there have been new policies in favor of women and strong initiatives paving a just way for women but there is lot be done more. Empowerment is at two levels, the individual and the community level. "Other than being a two-leveled structure, empowerment is also multi dimensional, as it involves different factors of determination such as, social, cultural, political and economic."

The capability approach is a tool to evaluate the inequality, poverty, and well-being. This approach focuses on the well-being and the freedom of the individual and the opportunities an individual deserves in order to do and be what he deserves and is capable of. "To improve people's quality of life it is required that the individual needs and their access to capabilities are satisfied". In order to measure the social development or well-being, measuring GDP would not be the ideal way as it neglects the fundamental aspects which the human being deserves in order to lead a good and a dignified life. The capabilities approach blankets all attributes of a person's life such as social, political, economic and cultural integrating them with the person's material, social and mental life. The approach gives the individual power and control over their life. The capabilities effective policies eventually lead to empowerment of an individual.

The quest for justice and opportunities between the genders has been outlined by the capabilities approach. The approach focuses on minimizing injustices which have existed in the political, social, cultural and economic front. The ten human capabilities should be available to the individual at the threshold level in order to qualify for the just and good life. Human beings have a dignity and it deserves to be respected from laws and the social institutions. This idea of human dignity revolves around an idea of equal worth between rich and poor, female and male, rural and urban. All individual deserves equal respect and this shouldn't be abridged.

CONCLUSION

Nussbaum doesn't eliminate the cultural diversity by presenting the capabilities approach but questions to look at the cultural practices which harm the individuals especially the women. Capabilities Approach can be utilized as tool towards equality of men and women. All individuals are possessed with capabilities, they should get the opportunities to exert on those capabilities and come out as a potential being. The cultural practices harm the individuality of a woman by forbidding them to pursue their choice of life by claiming that it the cultural environment ought to be respected.

Cultures have always played a deep role in shaping our lives; we follow our cultural values to help us grow but the way it has been perceived that it has started to restrict the growth of the women, restricting them on several social, financial fronts. Culture should provide us with laws which help us to empower the women and not bound them. Hence, we should help and be a part of such a culture which does not cause gender discrimination and hinder the progress of women.

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