

## On Capability and the Obligation of Effective Power

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Tony DeCesare describes what he wants to do in the final paragraph of his introduction. Based on what he characterizes as Amartya Sen's idea, or theory, of justice and his "emerging" theory of democracy, DeCesare imputes support for his thesis that "advantaged nations do, in fact, have an obligation to assist other, less advantaged nations in providing their citizens with an education that promotes what [he calls] 'democratic capability.'" DeCesare then credits Sen with inspiring his call for a global "democratic education for all" movement and for particular US-led educational initiatives to promote democracy in the developing world.

First, it is problematic to say that Sen has a *theory* of justice. Sen critiques the philosophical quest for perfectly just social institutions in particular, holding that "pure theory cannot be completely divorced from the particular social reality that any particular society faces."<sup>1</sup> Sen's approach to achieving justice, as DeCesare correctly observes, is one that is "realization-focused" and "comparative" or relative, concerning itself with "whether social arrangements and institutions actually increase justice and reduce injustice in people's lives" regardless of any ideal philosophical theory.<sup>2</sup> This may be Sen's version of so-called "non-ideal theory," but it is not a theory of justice.<sup>3</sup>

Second, DeCesare claims that "[t]he primary advantage of the capabilities approach" – relative to Rawls's primary goods approach or Dworkin's equality of resources approach – is that "it points to a more extensive informational basis for judgments of justice."<sup>4</sup> How can this be? Sen does not offer a list of capabilities (leaving this to democratic processes in particular social contexts). He argues that capabilities are a more appropriate measure of justice than primary goods, but he does not address the informational basis by which comparative judgments about the possession of capabilities might reliably be made. Indeed, by some accounts, the capability approach is unworkable as a

theory of justice because of difficulties associated with gathering the quantity of information needed to establish a public standard for interpersonal comparisons.<sup>5</sup>

Third, DeCesare describes as Sen's "first principle of justice" the remediation of injustice in the global distribution of basic capabilities. Whether this is a principle or not – I would say not – the author of *Development as Freedom* might bristle at the idea of outside agencies promoting "democratic capability" in the developing world.<sup>6</sup> As DeCesare accurately points out, Sen's view is that "decisions regarding which specific capabilities and how much of each people have reason to value must be left to each society, and those decisions must reflect the society's use of public reason through democratic processes."

Fourth, while Sen is clearly concerned about enhancing the ability to participate in democratic deliberation, it is quite a leap to suggest that the remediation of injustice in the distribution of this "democratic capability" requires wealthy states to provide democratic education for all. This, says DeCesare, is a view of capability as *obligation*, based on Sen's non-contractarian argument, which Sen initially presents at page 205 and reiterates at page 271 in *The Idea of Justice*. DeCesare quotes the latter iteration:

If someone has the power to make a difference that he or she can see will reduce injustice in the world, then there is a strong and reasoned argument for doing just that (without having to dress all this up in terms of some imagined prudential advantage in a hypothetical exercise of cooperation) ... Freedom in general and agency freedom in particular are parts of an effective power that a person has, and it would be a mistake to see capability, linked with these ideas of freedom, only as a notion of human advantage: it is also a central concern in understanding our obligations.

Sen cites Gautama Buddha in both instances, and this is what he goes on to say on pages 205-206:

The perspective of obligations of power was presented

powerfully by Gautama Buddha in Sutta-Nipata. Buddha argues there that we have responsibility to animals precisely because of the asymmetry between us, not because of any symmetry that takes us to the need for cooperation. He argues instead that since we are enormously more powerful than other species, we have some responsibility towards other species that connects exactly with this asymmetry of power.

Buddha goes on to illustrate the point by an analogy with the responsibility of the mother towards her child, not because she has given birth to the child (that connection is not invoked in this particular argument – there is room for it elsewhere), but because she can do things to influence the child's life that the child itself cannot do. The mother's reason for helping the child, in this line of thinking, is not guided by the rewards of cooperation, but precisely from her recognition that she can, asymmetrically, do things for the child that will make a huge difference to the child's life and which the child itself cannot do. The mother does not have to seek any mutual benefit – real or imagined – nor seek any “as if” contract to understand her obligation to the child. This is the point that Gautama was making.

The justification here takes the form of arguing that if some action that can be freely undertaken is open to a person (thereby making it feasible), and if the person assesses that the undertaking of that action will create a more just situation in the world (thereby making it justice-enhancing), then that is argument enough for the person to consider seriously what he or she should do in view of these recognitions.<sup>7</sup>

Note that Sen uses Gautama Buddha to illustrate his non-contractarian view that asymmetry of power generates *a duty to do for animals and children what they cannot do for themselves*. Sen is not suggesting that individuals in the developing world, even in undemocratic societies unlikely to produce a list of capabilities for themselves through public deliberation, are somehow like animals or children. What DeCesare appears to take from Sen is a duty of beneficence not unlike *noblesse oblige*, and the idea that democratic capability should be conferred by

those who have it on those who do not.

DeCesare concludes by presenting “democratic civic education” programs from USAID as evidence of the successful implementation of ostensibly Senian-inspired democracy promotion efforts to “teach citizens of democratizing countries basic values, knowledge, and skills relating to democracy, with the objective of those citizens understanding how democracy works, embracing democracy as a political ideal, and becoming participatory citizens.”<sup>8</sup> This last quote comes from *Aiding Democracy Abroad*, by Thomas Carothers. But here is what Carothers goes on to say:

Civic education has a strong appeal for Americans, because of the American idea that it is the collective democratic attitudes and values of the citizenry that are the bedrock of a democratic system. American aid providers and consultants frequently return from assessment missions in transitional countries with the accurate though not especially penetrating observation that people in the country “just don’t understand democracy.” The almost reflexive response is to set up civic education programs, in the belief that people can fairly rapidly be taught to understand democracy and that once they understand it they will embrace it and this will significantly advance democratization. That the American electorate exhibits often astonishing levels of civic ignorance – a recent survey revealed for example that 40 percent of American adults could not name the vice president – does not somehow shake the confidence of US civic educators operating abroad.<sup>9</sup>

Whether “Senian-inspired” or not – I would say not – DeCesare wants the US to continue promoting American democracy through its international development programs. At this juncture in history, it’s a pretty tough sell. Donald Trump won only 46 percent of the popular vote in the US presidential election (with 2.9 million *fewer* votes than Hillary Clinton). Yet the winner-takes-all Electoral College system (an enduring institutional legacy

of the slaveholding era),<sup>10</sup> fake news, blatant lies, and Russian meddling put Trump in the White House (and his billionaire cronies in his Cabinet). He is now attempting to govern by executive order, causing chaos around the world.

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1 Amartya Sen, “Dialogue, Capabilities, Lists, and Public Reason: Continuing the Conversation,” *Feminist Economics* 10, no. 3 (2004): 77-80, 78.

2 Amartya Sen, *The Idea of Justice* (New York: Allen Lane, 2009), 26.

3 Ingrid Robeyns, “The Capability Approach,” *Stanford Encyclopedia of Philosophy* (2016), ed. Edward N. Zalta, <https://plato.stanford.edu/archives/win2016/entries/capability-approach/>

4 Amartya Sen, “Capability and Well-Being,” in *The Quality of Life*, eds. Amartya Sen and Martha Nussbaum (Oxford: Oxford University Press, 1993), 30.

5 Robeyns, “The Capability Approach”; see also Harry Brighouse and Ingrid Robeyns (eds.), *Measuring Justice: Primary Goods and Capabilities* (Cambridge: Cambridge University Press, 2010).

6 Amartya Sen, *Development as Freedom* (New York: Random House, 1999).

7 Sen, *The Idea of Justice*, 205-206 (internal citations omitted).

8 Thomas Carothers, *Aiding Democracy Abroad* (Washington, DC: Carnegie Endowment for International Peace, 1999), 231.

9 Carothers, *Aiding Democracy Abroad*, 232 (internal citation omitted).

10 See Editorial Board, “Time to End the Electoral College,” *New York Times*, A26, December 19, 2016.