

Primary Goods, Capabilities, and the millennium development target for gender equity in education.

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Introduction

Most of the estimated 855 million people in the world (one sixth of the population) without access to schooling are women and girls. Two thirds of the 110 million school age children not in school are girls (UNGEI, 2002). This injustice has been a focus of attempts at co-ordinated international policy interventions since the 1990s, sometimes loosely referred to as the Education for All (EFA) movement. The first of the millennium development targets - gender equity in education - is supposed to be reached by 2005, but it is widely acknowledged that it will be missed. A number of different social theories underpin the EFA policies. By the late 1990s a widespread consensus was emerging that the concept of rights provided a fruitful theoretical, political and policy way forward on this issues. Policy documents and declarations took on a language of rights, which supplanted earlier ideas of basic needs and gender interests. In these documents rights appeared isomorphic with the more philosophically developed versions of basic needs and gender interests in the work on capabilities undertaken by Amartya Sen and Martha Nussbaum.

The aim of this paper is to show how policy formulations addressing the gender gap in education in terms of basic needs, rights or capabilities without a theory of justice fail to address the key distributional questions which must be settled in order to realize the Education for All agenda. Part 1 outlines some dimensions of the exclusion of women and girls from schooling. It also charts some of the international policy initiatives to address this and discusses some of the social theory that has been used to develop this policy. Part Two discusses two approaches to distributive justice: John Rawls's theory of justice as fairness, and the capabilities approach developed by Amartya Sen and Martha Nussbaum. We argue that the two approaches are more similar than their proponents (especially Sen and Nussbaum) seem to believe. The capabilities approach has been more influential in the field development, but we argue that it is misleading to use the capabilities approach without drawing on Rawls's theory, which is clearer in its demand for the redistribution of income and wealth. In Part three we look at some of the social theories that have engaged with the EFA policy on addressing the gender gap in education. These theories, though technically empirical, have been used as if they were normative: as if they can guide action without resort to a further theory of distributive justice. But they are no substitute for genuinely normative theories, and we argue that the theories of justice developed by Rawls, Sen and Nussbaum are necessary supplements, and provide greater clarity than either the weaker catchall concept of rights or encyclopedic compilations of highly contextualised empirical studies.

Part 1: Towards gender equity in education by 2005: Human capital, social capital, empowerment?

Global inequalities in the distribution of education have been a matter of international concern since at least 1948 and the adoption of the Universal Declaration of Human Rights. Governments committed themselves to provide free, basic compulsory education to all children and adults in the 1990s at the World Conference on Education for All (EFA) held in Jomtien, Thailand. In the ensuing years some took action, albeit unevenly and with contradictory results. Kevin Watkins, writing for Oxfam in 2000 and reviewing the progress since Jomtien, concluded that the promises made by governments had been

comprehensively broken. No human right is more systematically or extensively violated by governments than the right of their citizens to a basic education.
(Watkins, 2000, 1)

Many consider that the renewed commitments made by governments and NGOs to deliver on Education for All at the World Education Forum in Dakar in 2000, will be treated with similar lack of urgency and that the consequences of this will fall disproportionately on women and girls (Watkins, 2000, 2; Elimu , 2001)

Estimates of the gender gap used to define the ratio of girls' enrolments to boys in the same age band in primary and secondary education show how enormous the challenge is to meet the first millennium development target of gender equity by 2005, even if this target is understood in its most simple form as entailing gender equity in enrolment at school.

	Gender gap in primary education 1990-1997	Gender gap in secondary education 1990- 1997
Sub-Saharan Africa	82	80

Middle East and North Africa	86	85
South Asia	77	64
Least developed countries	78	59
Industrialized countries	99	102

(UNICEF, 2000)

Additional data collection by UNIFEM highlighted how throughout the 1990s female enrolment at secondary level actually declined, often under the impact of war and structural adjustment programmes, in every region except North Africa. So, despite considerable progress, some countries suffered reversals (Elson, 2000, 67-71). In 2001 there was vast gender inequality in the gross enrolment ratio of secondary school children in 24 countries, with some of the largest gaps in the most populous countries:

Secondary school gross enrolment in selected countries

	Female	Male	Gap
India	39	59	20
Ghana	29	45	16
Congo	45	62	17
Turkey	48	68	20
Bangladesh	13	25	12

Source: UNICEF, 2001

The figures on enrolments at primary and secondary level show how the failure of governments to deliver on commitments for the provision of education has fallen disproportionately on girls and women.

The orthodox move in international development treatments of these failures is to highlight how low levels of women's literacy and high gender gaps in primary education correlate

with high levels of infant mortality, maternal mortality, and low levels of GDP per capita. A key World Bank policy document of the mid 1990s, echoed by a UNESCO commission, made the argument for increasing the access to education for women and girls in terms of the benefits that would flow to their children's health and to the GDP of their countries. The World Bank education strategy paper stated:

Education, especially basic (primary and lower secondary) education also contributes to poverty reduction by increasing the productivity of the poor's labour, by reducing fertility and improving health, and by equipping people to participate fully in the economy and society. In addition, education contributes to the strengthening of the institutions of civil society, to national capacity building and to good governance, all of which are increasingly recognised as critical elements in the effective implementation of sound economic and social policies.
(World Bank, 1995).

In commenting on women's education it went on to assert:

Mothers with more education provide better nutrition to their children, have healthier children, are less fertile, and are more concerned that their children be educated. Education – in particular female education – is key to reducing poverty and must be considered as much part of a country's health strategy as, say, programs of immunisation and access to health clinics.
(World Bank, 1995).

The justification for educating women and girls, then, lies not in its benefit for those women and girls, but in its benefit to their children (actual and prospective) and the society they inhabit. Of course, if it does yield those benefits, then the women and girls themselves may eventually partake in them, depending on how they are distributed, and there is brief mention of the fact that the educated person has an enhanced ability to participate in the labour market. But these powerful policy-making bodies paid little attention to how education might directly contribute to the autonomy of women and girls and to the choices they might make about arrangements within their families, decisions concerning work or forms of social and political organisation they would value. Only one international policy document of the 1990s, the fiercely contested Beijing Declaration on women, articulated aspirations in this direction. (Unterhalter, 2000).

Thus, a powerful consensus has developed, drawing mainly on human capital approaches, that the value of education for women and girls lies in the intergenerational transfer of opportunities for health and income and the aggregated benefits for countries that flow from this. A refinement and advance on this position has been developed in the World Bank's most recent publication Engendering Development. Here the argument is made not exclusively for a growth oriented approach to development, where reducing gender gaps in education is claimed to foster

economic growth, (as was the case in earlier World Bank documents), but for a combination of growth-oriented and rights-based (or institutionally oriented) approaches both drawing on the benefits of equal access to education. These are both seen to be key elements in a long-term strategy to promote gender equality (World Bank, 2001,21). Here is an example of the way the policy knits these two together

Where per capita income and gender equality in rights are low, increasing either equality in rights or incomes would raise gender equality in education levels. Improving both rights and incomes would yield even greater gain (World Bank, 2001, 21)

This form of analysis adds institutional development, for which women's representation in parliament is taken to be a proxy indicator, to the nonmonetary public benefits of education. The expansion of rights through legal reform is one of the private benefits. Thus current World Bank thinking has rejected some of the oversimplifications of work encouraged by the Bank a decade ago, grafting some of the writing about barriers to women's legal and political participation onto the earlier approach (we address some of the difficulties with this position in Section 3).

Concrete policy examples of this new form of thinking are to be found in UNGEI (United Nations Girls Education Initiative), launched by Kofi Annan at the Dakar World Education Forum in 2000. UNGEI publicity papers assert:

Girls' education is a fundamental human right, underpinning all other rights and an essential element of sustainable human development (UNGEI, 2002, 3)

This orientation to education as a foundational right leads to a policy that stresses first and foremost the institutional location of rights. Thus chief amongst UNGEI's strategic objectives are to: 'Build political and resource commitments for girls' education' (UNGEI, 2002, 8). A third objective is to 'eliminate gender bias within national educational systems', while the last is to 'eliminate social and cultural discrimination that limits the demand for girls' schooling'. . UNGEI strategy focuses on governments and partnerships with civil society 'to eliminate institutional and systemic gender disparities and bias'. (UNGEI, 2002, 9) It is through changes effected at this level, the argument runs, that an expansion of girls education will be achieved and will lead to 'protection of their human rights and an improved quality of life'.

To some extent UNGEI and the latest strategy paper by the World Bank have taken on some of the critiques of human capital approaches that were mounted by feminist writers on gender and development. Challenges to the simple human capital position and its incorporation of notions about rights have tended not to tackle its assumptions head on, but to instead affirm one or two supplementary positions. Firstly, a number of writers commented on how women's engagement with formal education, either on their own behalf or on behalf of their children, was enhanced by building and sustaining women's organisations, that is by enlarging social capital. This may or may not yield benefits for individual women, but does enhance the social resources available for governments and NGOs to take forward education and health programmes or to

build the institutional conditions for a more equal society – for example through women's organisations mobilising for land or marriage law reform. (Goetz, 1999; Sugaya, 2000; Unterhalter and Dutt, 2001; Khandekar, 2001). So arguments, using a form of social capital theorising often implicitly endorse some ideas linked to human capital about the transfer of value from individual women to their children or to the social networks in which they participate. But, in contrast to human capital approaches, these arguments suggest that schooling creates this value not as a form of inoculation against poverty, but as education linked to widening horizons and growing confidence through the mobilisation of a range of social organisations for a wider project.

These feminist writers, linked together by a shorthand as GAD (Gender and Development) theorists, display what Gamarnikow and Green have termed a version of 'left' social capital theorising. (Gamarnikow and Green, 2000). Networks (in this case women's organisations) represent a type of democratic engagement and community involvement that expresses the view of the 'empowered citizen'. Gamarnikow and Green contrast this approach with what they call 'authoritarian' or 'right' social capital theorists who emphasize how community participation enhances social control, a moral regime of sanction around 'decency' and the responsibility of citizens. At this right pole they position mainstream social capital theorists such as James Coleman, Francis Fukuyama and Robert Putnam.

The ambiguity of the concept of 'rights' and 'voice' mean that some of the content of the argument made by 'left' social capital theorists can be appropriated by a body like UNGEI urging government partnerships with civil society in linking social development and institutional change with rights and an expansion of girls' education, but saying virtually nothing about the orientation of social development, links to women's autonomy and issues of distribution and leaving. Questions about the content of education remain outside the frame of analysis.

A second challenge to the agenda of inter-government organisations, like the World Bank, has arisen more explicitly out of a direct critique of human capital approaches. A range of writers in development studies work with the concepts of 'empowerment' and women's interests. The concept of empowerment centres analysis on the interface between generally poor and marginalised women and their capacities to exercise power particularly through self-expression, decision-making, and distribution of resources. Rowlands, developing ideas initially formulated by Naila Kabeer, makes two intersecting distinctions (Rowlands, 1997; Kabeer, 1994). First she distinguishes between three different formations of empowerment: power over (the power to control and direct); power to (the power from within to reflect on information or take decisions); and power with (the power to work with others for change). Thus power over would entail a teacher having the power to take decisions about what should and should not be included in a curriculum. Power to indicates the information she draws on to take these decisions, while power with denotes how she works with other teachers, parents, children and the education bureaucracy to implement these decisions. Note that these different levels of describing power rely on a surrounding set of assumptions about gender equity to give notions of empowerment content. There is nothing in this theorisation of empowerment that suggests what empowerment should

be about.

Rowlands also identifies three different arenas in which empowerment occurs – the personal arena, close relationships such as the household, and the collective arena, such as the women's organisation. (Rowlands, 1997). Kabeer has pointed to the need for empirically grounded studies of empowerment that look at women's agency, not just the inference of agency from the form of outcome (Kabeer, 1999). Implicit in this analysis is the suggestion that a particular outcome, for example a woman becoming literate, might have occurred without any utilisation of agency valued by the woman. Thus a woman might have been compelled to attend a literacy class by village elders in order to meet a quota set down by development officials. For theories of empowerment this example would be problematic because while the women might have acquired power over the written word, she would not have drawn either on 'power to' that is her sense of agency, or power with, that is her aspirations to associate with say some kin groups who are illiterate groups rather than members of a class identified through a village development project in which she has no say. But, while these distinctions about forms of empowerment are useful, to refocus the analysis on agency, as if this were normative, remains problematic.

A number of writers stress the importance of theorising women's interests and gender interests in assessing development strategies (Rai, 2001). But while these writers once made confident paradigmatic assertions about practical and strategic gender interests (Molyneux, Moser, 1993) there have been considerable difficulties in putting these into practice. Although Molyneux has continued to work theoretically on understanding aspects of women's interests and needs (Molyneux, 1998) the general trend has been for a focus on situated and grounded studies of particular organisations which work on advancing women's interests (Goetz, 2001; Molyneux, 2001).

Much of the writing about education, empowerment or practical and strategic gender interests looks at non-formal education programmes (Medel Anoueva, 1997; Robinson Pant, 2000). While empowerment theorists are (implicitly or explicitly) critical of human capital and social capital analyses that fail to take the self-realisation of poor women seriously in and for themselves, there are few studies concerning how we should understand empowerment or gender interests in relation to formal education and its consequences (that is schooling, formal qualifications and the nature of their link with the gendered labour market). At the least, paying attention to strategic gender interests would entail women mobilising to change the legal framework of education systems with regard to curriculum, terms and conditions of the appointment of teachers, articulation with the labour market etc. In instances where this has been tried, for example by the femocrat authors of the policy paper on gender equity in education in South Africa commissioned by the Minister of Education it has been spectacularly ignored, save for the publication of a guidebook on gender equality for teachers (Wolpe, Quinlan and Martinez, 1998; Unterhalter, 2002; Wolpe 2002) A number of large and wide-ranging government programmes in education that have gender equity in their overarching goals, for example the

ESTEEM programme in Bangladesh or the BPEP in Nepal, in practice pay very little attention to gender issues in implementation, beyond supporting the enrolment of girls. It seems that only when gender equality is the sole concern of a project in the formal education sector (for example the PROMOTE programme in Bangladesh to train and deploy more women teachers) do strategic gender interests begin to be addressed.

But the idea of strategic gender interests tends to suggest that empowerment is a profit and loss endeavour. That is gains made in one sphere, say the public realm of education and employment rights offset losses or constraints in another, say the family or religious sanction. Indeed the notion of 'strategic interests' implies that certain gains, for example at the political level, will bring about changes in say the personal or more private realms. The links between education and the labour market, while not simple as implied by the human capital theorists, are not straightforward either. Otani, in a study of workers in the Bangladesh ready made garment industry, found that despite low levels of formal education and high levels of exploitation in sweat shop type factories, women employed in this sector reported power to exercise some control over the wages they earned and family decision making. This contrasted with women with similar levels of education employed on family farms in Bangladesh or women in villages with higher levels of education not permitted to work outside the household. (Otani, 2000; Bilkis, 2002). But it is not clear, how asserting empowerment, in one area (the household or schooling) rather than another (the workplace or the family) throws light on what orientation education or labour market policy or family law should take.

The literature on gender and exclusion from formal education falls into two very different categories, each talking to different policy communities and each understanding educational equality and aspirations for social justice in education differently. The analysis most concerned with distribution is produced by the large UN agencies. This analysis works at the level of countries, regions or districts, and governments and international agencies are the major clients for this information. For these analysts, strongly influenced by human capital approaches, education, particularly formal levels of education (e.g. literacy, completion of primary schooling) is an indicator of other social 'goods' and is linked with these to aspirations for an increase in per capita GDP. By contrast analysis linked to social capital or empowerment approaches tends to work at the level of the women's organisation, the village or the block and it is NGOs (or NGO-government partnerships), organising at this level, who are often the clients for this information. For these analysts education is not a formal, regulated space, funded by the state, but rather the forms of social learning that enable poor women to take control of their lives and win recognition for their aspirations. These two different groups have tended to talk past each other, although the strategy articulated by UNGEI with its stress on civil society partnerships seeks to bring them together. In this paper we want to look at how working with complementary theories of justice we can try to map out some of the connections between the two positions, some difficulties, and some possible ways forward.

Part Two: Justice as Fairness and the Capabilities Approach.

We'd like now to outline two influential normative approaches. We'll very quickly describe the two theories, and then compare them. We shall argue that they are closer than they may at first appear, and shall then draw out some common features which can serve as the basis for evaluating strategic approaches to development.

First is Rawls's theory of justice as fairness, hugely influential in political philosophy and such fields as medical ethics, legal theory and international law, but largely neglected in development studies. Rawls's theory consists of two principles:

The Liberty Principle: Each person has an equal right to a fully adequate scheme of equal basic liberties which is compatible with a similar scheme of liberties for all, and the political liberties shall have fair value.

The Second Principle: Social and economic inequalities are to be arranged so that they are both
a) to the greatest benefit of the least advantaged and
b) attached to offices and positions open to all under conditions of fair equality of opportunity.

The Liberty Principle, for Rawls, has what he calls lexical priority over the Second Principle, and the fair equality of opportunity proviso of the second principle has lexical priority over the maximin provision (or difference principle). Lexical priority is a very strong form of priority: it means that whenever there are conflicts between the two principles the prior principle wins out. We shall not comment on the argument for lexical priority, but it is worth noting that the priority rules Rawls stipulates do not have the inegalitarian consequences some people think.

Priority for the liberty principle does not represent a preference for liberty over equality, for two reasons. First, the liberty principle does not distribute liberty, it distributes liberties, and does so equally. There is a strand of classical liberal and libertarian thinking that talks of liberty as if there is a single metric (typically, 'the absence of coercive interference by one's fellow man') which must be maximized. This is objectionable for two reasons. The command to maximize any good, be it liberty, income, or whatever, without regard to who gets how much of it violates the principle of the separateness of persons, the idea that each individual counts as much as any other, and losses to some of a good cannot be justified by appeal to the benefits some others get. Rawls uses the principle of the separateness of persons to reject classical utilitarianism, but it counts equally against libertarian views which call for the maximization of liberty, without regard to how liberty is redistributed. The second reason that the command to maximize (or equalize, or distribute in any other way) liberty is rejected is that it fails to take account of the fact that different liberties matter more or less, independently of the contribution to liberty (which cannot, anyway, be measured). Most of us do not exercise the liberty to stand for office in free and fair elections (and have no desire to do so), and so our liberty would be much less restricted by prohibitions on us standing for office than it is by the frequent diversions caused by roadworks (which coercively prevent us from taking our preferred route to work). But, the liberty to stand for office in free and fair elections matters more, and in specifiable ways, than the freedom to use one's preferred route to work.

The second reason that the priority of the first principle does not represent a preference for liberty over equality concerns the nature of the second principle: it does not demand equality, but one licenses inequality. So the priority of the liberty principle says that inequalities that might be to the material benefit of the least advantaged are ruled out if they threaten the security of a scheme which provides equal basic liberties for all. So, for example, if the trickle down story were true, vast inequalities of income and wealth, of the kind that we see in the US and (to a much lesser extent) in the UK might be permissible according to the second principle. We believe the trickle down story is false, but it certainly could be true, and if it were true then the difference principle would permit vast inequalities. But vast inequalities of wealth threaten the Liberty Principle, which says that the basic liberties must be granted equally to all.

This is especially clear because Rawls includes the stipulation that the political liberties must be granted fair (by which he clearly means equal) value, which constitutes a particularly strong theory of political equality, as part of the liberty principle. It is unimaginable that in a society with the inequalities of income and wealth that characterize the US, fair value could be guaranteed to the political liberties. So the priority of the liberty principle represents a limit on, rather than a license for inequality. Similarly, the priority of fair equality of opportunity means that inequalities that might otherwise benefit the least advantaged are ruled out if they cause (as substantial inequalities are bound to) the next generation to face unequal opportunities for the unequally distributed benefits of social cooperation (Brighouse 1997, 2001).

Rawls's principles specify the rules for distributing what Rawls calls social primary goods – liberties such as freedom of association, freedom of conscience, freedom of religion, and the political liberties; opportunities and the powers and prerogatives of office; income and wealth; and what he calls 'the social bases of self-respect'. He arrives at the index of social primary goods by looking at what conditions are necessary for the exercise and development of the two moral powers – the capacities for a sense of justice and a conception of the good – of persons conceived of as free and equal. The capacity for a sense of justice is the ability to understand what justice requires, and contributes one's fair share to maintaining a just scheme. The capacity for a conception of the good is the ability to have a view of what is valuable in life, and to both reflect rationally on, and act on, that view. These, for Rawls, are the centrally important moral powers of persons, and his index of primary goods reflects this.

However, in addition, his theory of primary goods is designed to evade certain disagreements about the good that he thinks reasonable people are bound to have. A free society is afflicted by what he terms 'the burdens of judgement'. These burdens mean that there will never be unanimous agreement about what he calls 'comprehensive conceptions of the good'. Pluralism about religious matters and deep philosophical questions about the nature of morality are inevitable in a free society because free human reason is not sufficiently acute to divine a single truth about these matters. But Rawls endorses the following principle of legitimacy

Our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to be able to endorse in the light of the principle and ideas acceptable to their

common human reason (1993, p 137).

So a theory of justice, if it is to be implemented legitimately, must appeal only to moral ideas than can be shared beyond the confines of sectarian and 'comprehensive' theories of the human good. Protestant versions of Christianity, liberal versions of Islam, Kantianism, Utilitarianism, the Marx of the Paris manuscripts, the Kantian feminism of Andrea Dworkin and Catherine MacKinnon – none of these can serve as the basis for a liberal theory of justice, because all bring in assumptions about the good that are open to contest by reasonable people. Justice as fairness is not a compromise between these many views, nor does it aspire to neutrality between them. Instead it finds its justification in partial ideas about the good which can come to be shared by people who nevertheless disagree about the good more comprehensively conceived. Rawls does not even believe that there is, now, agreement among these different 'comprehensive conceptions' on the moral foundations of justice as fairness. He claims only to have identified moral ideas on which agreement can be forged, so that it is at least possible for the theory to be implemented legitimately. (Rawls 1993, 173)

Now we shall describe an alternative to Rawls's theory of justice which we call the capabilities approach. This has been developed by Amartya Sen and, more recently, by Martha Nussbaum. Nussbaum's version is more philosophically developed, and she engages more openly with Rawls, so we shall tend to focus on her version. But it is apparent that, even if they do not openly disagree, Sen and Nussbaum emphasize different features of the capabilities approach. We are more interested in the relationship between the capabilities approach and justice as fairness than in the disagreements between advocates of the capabilities approach, so we shall not attempt to be careful in our comments about identifying who believes what. We shall, however, try to keep things clear in the footnotes.

Sen objects to using primary goods as a metric because, he says, the index is too inflexible to deal with some inequalities between people in their ability to convert resources into welfare: the most obvious case being the person with a disability who, with the same holding of primary goods as the ordinarily-abled person, will be able to achieve less value. Instead, he thinks, a theory of justice should be concerned with 'the actual living that people manage to achieve (or, going beyond that, on the freedom to achieve actual livings that one can have a reason to value)' (Sen 1999, 73) or 'substantive freedoms – the capabilities – to choose a life one has reason to value' (Sen, 1999, 74). So, he says, a justice consists in distributing not primary goods, but capabilities, fairly. He distinguishes between functionings, which are actual achievements, and capabilities, which are the freedoms to achieve, and focuses attention on capabilities rather than functionings out of concern for agency or freedom. We need to distinguish, he says, between the circumstances of someone who is starving, and someone who is fasting: unlike the starving person, the fasting person has the capability to eat, but chooses not to exercise it. In this way Sen builds the idea of freedom into the fabric of the good to be distributed.

Largely without argument Sen specifies equality as the distributive rule for capabilities: we are bound, he thinks, to distribute equally whatever we have found to be the currency of justice (Sen, 1997). Thus, he even interprets Robert Nozick's libertarian theory as an egalitarian

theory, since it takes basic rights (interpreted as 'side constraints') as the currency of justice, and requires that they be respected equally for all. Sen develops the theory of capabilities in dialogue with Rawls. However his main interest in capabilities is not for the purposes of entering debates among political philosophers about what should be distributed, but to engage in a debate among political economists concerning what constitutes the best metric for making comparisons between different countries' standards of living, to displace real income and utility.

Martha Nussbaum, in her development of the capabilities approach, emphasizes that the capabilities approach is, like justice as fairness, a version of political liberalism: it seeks to be justifiable to, and in terms of, a wide range of reasonable conceptions of the good. Whereas Rawls is clearly inspired by Kant, the capabilities approach is inspired by Aristotle and Marx: but neither approach is dependent on the theories which inspired them. Whereas Sen does not develop a list of capabilities, Nussbaum offers ten capabilities which she thinks are essential to enabling someone to have a flourishing life. In her most extensive recent presentation of the view she restricts herself to the case of developing countries, and asserts, without argument, that justice requires that everyone must have at least some threshold of each of these capabilities. Her list is as follows: Life; Bodily Health; Bodily Integrity; Senses Imagination and Thought; Emotions; Practical Reason; Affiliation; Other Species; Play; and Control over one's own environment. (Nussbaum, 2000)

Both Sen and Nussbaum, treat capabilities as an alternative to Rawls's primary goods. Sen accuses the primary goods metric of being 'too inflexible' to account for the great variations in personal qualities and circumstances between people. A focus on primary goods, which are defined without reference to people's abilities to make good use of them, will get things wrong because it neglects what people can do with the primary goods. Nussbaum treats Rawls with more sympathy, but still poses capabilities as an alternative to primary goods. She says

The capabilities approach, as I have articulated it, is very close to Rawls's approach using the notion of primary goods. We can see the list of capabilities as like a long list of opportunities for functioning, such that it is always rational to want them whatever else one wants (Nussbaum 2000, 88-89).

She goes on to criticize Rawls for refraining from including imagination and health in his list of social primary goods:

Rawls's evident concern is that no society can guarantee health to its individuals – in that sense saying that the goal is full external capability may appear unreasonably idealistic. Some of the capabilities... can be fully guaranteed by society but many others involve an element of chance and cannot be so guaranteed. My response to this is that, with these items as with self-respect, society can hope to guarantee the social basis of these natural goods, and that putting them on the list as a set of political goals should therefore be useful as a benchmark for aspiration and comparison. (Nussbaum 2000, 89).

We are not going to defend Rawls's reluctance to explicitly place the social bases for health on the list, although we believe that at least many of the social bases for health are on the list. We

agree with Nussbaum that if primary goods and capabilities were alternatives, we think that capabilities would clearly be the superior metric. However, we think that Nussbaum and Sen have mistaken the level of abstraction at which they disagree with Rawls. Rawls's list of primary goods is supposed to describe the conditions that are necessary for the exercise and development of what he calls 'the two moral powers': the capacities for a sense of justice and for a conception of the good. Primary goods are what social institutions distribute in order to support the development and exercise of those capacities. Similarly, capabilities are not distributed directly. Social institutions distribute liberties, resources, opportunities, etc: Nussbaum and Sen must think that these should be distributed to support the development of capabilities. So if there is a dispute between the capabilities approach and justice as fairness, it is that there is some difference between Nussbaum and Sen's capabilities, and Rawls's capacities.

We do not want to go into too much detail about this dispute, because we believe that it is the commonalities rather than the differences between the views that are interesting for our larger purpose. But we do want to raise a difficulty in adjudicating it. Capabilities as Sen, and especially Nussbaum, describe them appear on the face of it to be more extensive and potentially demanding than Rawls's capabilities. However, recent work on Rawls suggests that the interest in being able to develop and exercise our capacities for a conception of the good and a sense of justice are more demanding than they might appear on the surface (see for example, Callan, 1997, Moellendorf, 2002). Both Rawls and Nussbaum, at least, aspire to have political theories – theories that can be justified to people who hold a diverse range of conceptions of the good. This limits how capaciously they can interpret capabilities and capacities, because the more capaciously they are understood the less likely it is that they will be the object of an overlapping consensus among reasonable people. But they also want their theories to be robust: to make serious demands on the structure of social institutions. Whereas defenders of the capabilities approach may appeal to the fact that they appear to be more demanding, the political aspiration places sharp limits on how demanding the approach can be: the more demanding, the less plausible it is that it will command the widespread acceptance which Nussbaum seeks for it.

What features are common to the two approaches? First, they are united in a certain kind of individualism. The first object of moral evaluation is the individual. Social institutions, and government policies, are justified and evaluated first in terms of their benefits for individual persons, and no individual counts more than any other in this moral accounting.

Second, and relatedly, they share a commitment to the development of someone's productive capacity primarily for their own sake. A just society is obliged to ensure that individuals can be productive, not so that the economy will grow and the society will be rich, but so that the individual herself has more command of her own circumstances.

Third, they share a commitment to the value of personal autonomy. In justice as fairness this is a foundational value – the capacity for a conception of the good, which informs the whole architecture of the theory, and in the emphasis given to the liberties which govern rational reflection – freedom of expression, freedom of religion and freedom of conscience. In the capabilities approach it is reflected (jointly with a concern with freedom) in the preference for capabilities over functionings. The theories do not command of people that they pursue

particular goods, but they require that they are equipped to make judgements about what is good for them and act on those judgements.

Fourth, they share a concern with freedom – a different notion – having the external conditions necessary to act on one's reflective evaluations. This is reflected in Rawls's commitment to the Liberty principle and its lexical priority. Sen and Nussbaum prefer capabilities to functionings as the basis for comparisons precisely to reflect the importance of individual autonomy. Nussbaum distinguishes between *internal capabilities* (developed states that are sufficient conditions for the exercise of requisite functions) and *combined capabilities* (internal capabilities combined with suitable external conditions for the exercise of the function). If individual autonomy is as important as Sen and Nussbaum think, then among the external conditions necessary for the exercise of many combined capabilities will be the liberties to act on those capabilities.

Finally, at least Nussbaum shares with Rawls a concern with legitimacy (reflected in the idea of a political liberalism). The idea is that to be fully legitimate political power must be exercised in accordance with constitutional essentials which are informed by principles that citizens can be expected to endorse in the light of their freely exercised reason.

Both the capabilities approach and justice as fairness have been widely criticized, and there is no space here to consider all criticisms. But we do want to flag some possible difficulties. First, the capabilities approach is frequently criticized for the indexing problem – if we want to distribute capabilities equally (or according to the maximin criterion) we have to be able to compare different functionings according to some single scale, since it is implausible, and not even desirable, that everyone will have the same level of capability of every functioning. So we have to compare the rewards of child rearing with those of work, the rewards of playing sports with those of formal education, etc. This could be a serious problem in implementing the theory fully, especially given the aspiration that the theory be political, in the special sense Rawls has developed (on which more in the next paragraph). However, Nussbaum's list of ten capabilities stated above is entirely plausible, especially if we are trying to specify a threshold of capabilities to which all must be entitled, rather than a way of achieving an equal distribution of capabilities.

Second, there may be concerns with the rather strict principle of legitimacy that Rawls specifies and to which Nussbaum implicitly commits herself. Some critics, wrongly in our view, take the principle of legitimacy to imply a commitment to neutrality and complicity with the arrangements in already existing states. But it does restrict the grounds on which we can justify a theory of justice to those that can be expected to win widespread acceptance by reasonable people. This is particularly difficult for the capabilities approach when it tries to solve the indexing problem. It seems as if any detailed specification of the relative importance of different capabilities will be open to dispute among reasonable people, so that it will be hard to meet the requirements imposed by legitimacy. We do not have an easy response to this problem, but we do think that in any theory there are going to be tensions between the requirements of legitimacy and those of justice in practice. They are separate moral requirements, and we think they both describe moral conditions that matter a great deal. But they are also, both, matters of degree – a society can be more or less legitimate and more or less just. In non-ideal circumstances making an

unjust society more just may sometimes require means that make it less legitimate, and vice versa. So when there are tensions in practice, we need an account of how to trade them off against each other.

Finally, we'd like to address the objection that the theories are individualistic. In the next section we shall show how this is, in fact, an advantage of the theory over some rivals, in that it allows us to make the right kinds of criticisms of human capital and social capital theory. But because liberalism is so widely criticized for being individualistic, it is important to deflect the criticism directly (for more detail see Brighouse and Swift, forthcoming). Liberalism does not make objectionable assumptions about the motivation of individuals, nor about their formation. It recognizes that individuals are socially formed and that they are variably motivated and, furthermore, that justice is a constraint on their motivation – they must, according to liberal theory, develop their sense of justice sufficiently that they can recognize and act on the demands of justice. So the liberal individual cannot pursue her own interests independently of responsibility to others. However, the liberal individual does see her own interests as legitimate and as sources of claims on society. Her interest in living a life that is good according to her best judgment is sufficiently important that social institutions must provide her with the access to resources, and the protections from interference, necessary for her to pursue that interest. But it is no more important than anyone else's similar interest.

Section 3: Human Capital, Social Capital, Empowerment and Justice.

Now we shall evaluate the three approaches to gender equity in education we outlined in the first section, in the light of the theories of justice surveyed in the second section. We should emphasize that these three approaches particularly inform development agencies – and especially, in the first two cases, the World Bank – in their decisions about educational infrastructure in the developing world, and it should be apparent how this is as we go through it.

First the human capital approach. To reiterate, this approach emphasizes the importance of developing human capital – economically productive capacities. It argues that when people are poor and have low levels of education, they are less productive than when they are better educated. So, in poor countries and in countries with large numbers of poor women and high levels of gender inequality, it may seem that the human capital approach will support better education and ultimately enhanced capabilities of and more resources for the least advantaged. So it may seem to fit well with the theories of justice we have surveyed. However, the approach has no principled concern with distributive issues nor, crucially, with the maintenance of basic liberties. Nor, obviously, is it concerned with distributive issues across generations. So the implementation does not look at who benefits, and how much, from the development of human capital, just at how to develop it. Two examples of situations where the approach ('maximize human capital') conflicts with liberal justice stand out. First, are the examples of Taiwan and South Korea, where a huge push to develop human capital has generated considerable growth, and seems even to have promoted equality of opportunity. But it was achieved by dramatically increasing female participation in the workforce, at the least rewarded end, and without a change

in culture that diminished their participation in 'domestic' labour. In Taiwan women were exhorted to turn their living rooms into factories, and benefits to the next generation were achieved through imposing great costs on women in the parental generation. The other striking example is China, about which a story is frequently, and plausibly, told that its continued stable economic growth depends on the ability of the Communist Party to hold the lid on political dissent including dissent about persistent gender inequality. Rapid development, it is sometimes said, takes strong government, which is usually a code for undemocratic and illiberal government.

Maybe this is false. If so, the human capital approach is consistent with justice. In some circumstances, though, it is entirely plausible that restricting basic liberties, or unequally distributing opportunities, will better serve the development of human capital (understood as productive capacity) than a liberal and meritocratic regime. Sen makes this point with particular reference to Singapore, which has enjoyed high levels of growth simultaneously with the suppression of basic liberties. Sen (1999) worries about the effect on capabilities, which in public parlance are most naturally expressed as rights, but the point applies more generally. Not only basic liberties, but equality of opportunity, and redistribution to the benefit of the least advantaged, can impede the maximal development of human capital. In such cases it is not the case that we can 'have it all' – maximal development of human capital as well as justice. Liberal justice alerts us to this possibility, and insists that justice takes precedence: that, if you like, human capital be developed only in so far as it can be consistent with justice: not that it be maximized.

Now let's look at the social capital approach. As used by GAD theorists, this approach emphasizes the mobilization and participation of women to articulate demands concerning education for themselves or their children. Aspirations for education reform are often bundled together with other economic and political reforms. However, the utilization of arguments grounded in social capital theory, in both its left and right forms, pays no attention to the constraints of justice.

Analysis that stresses the importance of building social capital as a means to foster the participation of girls in school need pay no attention to the form or content the establishment of the networks that generate social capital take. These social networks may be concerned with basic liberties and issues of distribution, but there is nothing in policy based on social capital theory that says they have to be. In fact there are particular reasons for thinking that restrictions on some basic liberties will enhance social capital and also that the development of social capital will benefit the already privileged over others.

The most obvious case is the conflict between geographical mobility and the maintenance of social capital. If people move frequently social capital usually suffers, because the start up costs to individuals of developing relationships in a locale are much higher than the costs of maintaining equally good relationships. In regions with low social capital one strategy for increasing it is to restrict mobility of members of the community. The costs of making satisfactory relationships with people who have similar backgrounds are similarly lower than the costs of making relationships with people who are significantly different. So geographic mobility and ethnic diversity threaten social capital. So, for example, some indigenous Canadian

communities claim the right to say that families can only move into their jurisdiction if one member of the family has at least one full-blood member of the tribe as a parent. This measure helps to preserve ethnic homogeneity, and to restrict mobility, and thus helps maintain social capital. But freedom of association and the opportunity to change occupations and locations is, on any reasonable account, a basic liberty. Furthermore, these measures have a greater impact on the least advantaged than on the most advantaged. They artificially depress house prices (by artificially restricting demand), that for the least advantaged may mean the difference between being able to leave and not being able to. For the more advantaged it does, of course, make moving out less attractive: but it is less likely to make it impossible.

Think of another example. The spectacular increase in girls' enrollment in school in Iran after the Islamic Revolution of 1979 is often linked to the mobilization of women active in mosques and other Shia religious formations to send their daughters to school and keep them there. However this form of mobilisation of women with high levels of 'legitimate' social capital who were Shia Muslims excluded outsiders to this community, such as members of ethnic minorities. It was in these communities that girls participation in schooling continued to be at low levels, as their opportunities for schooling were limited (United Nations economic and Social Commission for Asia and the Pacific, 1998). Thus mobilising social capital for some, without paying attention to the distributional issues for all, does not accord well with justice. But without a theory of justice it is difficult to see this.

In addition, basing policy on mobilising high levels of social capital might not be consistent with a respect for basic liberties in practice. The South African mass democratic movement in the 1980's mobilized extensive networks and diverse forms of social organisation, including a national women's organisation, in pursuit of the demand for a democratic government. This campaign was successful and an extremely democratic Constitution passed into law in 1996. However ingraining respect for democracy and the basic liberties into the fabric of everyday culture has not been an easy task. Insiders in the political movements that made the new South Africa continue to report high levels of gender violence within organisations, as well as public institutions like schools and universities. Since 1994 and democratic government, there have been expressions of xenophobia against refugees from other African countries. Thus successful mobilisation of social capital and the achievement of a democratic constitutions do not in and of themselves indicate respect for basic liberties.

Policies that advocate building social capital to address the problem of the gender gap in schooling and to supplement the analysis put forward by human capital may or may not be consistent with a theory of justice, but deploying social capital theory to supplement human capital theory without a theory of justice might lead to the fostering of social networks, but this does not tell you how you can judge whether these are good or bad.

What, finally, of the empowerment and gender interests theorists? They, like the social capital theorists see the need to attend to women's voice and they distinguish between different areas in which this is articulated, that is between collective action oriented toward strategic and ameliorative change. But the assumption that strategic change provides the conditions for more localised or 'practical' change is highly problematic. Without a theory of justice we cannot

understand the links between the two arenas or the tradeoffs that might need to be accommodated, and the reasons that underpin this. It is consistent with a theory of justice that all men and women should have voice, and should participate. But empowerment theorists, just like the social capital theorists, beg the question regarding what the content of women's power is and what is being said when we attend to women's voice. Without a theory of justice we are forced to the position that we must attend to everything poor women say, because it expresses empowerment. Of course we must attend to everything poor women say, because we must attend to everything that everyone says; and we must be particularly sensitive to what poor women say because their voices have been denied and ridiculed for so long. But sometimes poor women talk and ventriloquise the wishes of powerful other groups. For example in India and Bangladesh the reservation of seats for women in panchayats or local councils has enormously increased their representation, but has also led to powerful male political fixers trying to use the women's reserved seats to put forward 'their' candidates. The requirement that women participate either as chair or vice chair of Village Education Committees in many districts in India, while possibly advancing women's empowerment, does not ensure any commitment to engaging with issues concerning gender equity in education or the distributional problems we have outlined above. Once again empowerment presents itself as a normative theory while failing to engage with some of the issues concerning individuals, liberties and distribution.

What does all this have to do with our starting point, the inequalities of schooling between boys and girls? To put it simply, what's wrong with these inequalities is not that they inhibit the development of human capital (though they probably do); nor that they erode social capital (whether or not they do this is a much more open question); nor that they disempower women in the public realm (though, again, they surely do this). What is wrong with them is that they leave a vast number of women less equipped to lead flourishing lives than they would otherwise be, and less equipped than men are. The fundamental wrong is a wrong to the women who are undereducated, not a harm to the societies they inhabit. None of the approaches we have surveyed explains this properly, not even the empowerment approach. To explain it, and address it, properly, requires an individualistic theory of justice along the lines of the capabilities or justice as fairness approach.

Conclusion

We would like to conclude by making two points. The first is simple. Like Rawls, Sen, and Nussbaum, we think of justice as the first virtue of social institutions. As such, it is the guiding, and constraining, force, for public policy and, in particular, for development policy. Any proposal must take a theory of justice as its starting point. Whether, and to what extent, the policy develops gross human capital or social capital, and the extent to which it is informed by the voices of the dispossessed must itself be consistent with the demands of justice. We have recommended two particular theories of justice, which we think are functionally, if not identical, then at least very close, to play this guiding role. To take human capital theory, social capital theory, or empowerment as the starting point is simply a mistake. To take our particular case, it

takes a theory of justice to explain what is wrong with gender inequity in education, and without attention to the correct theory of justice we doubt that the right strategies can be developed to correct the injustice.

The second point is a conjectural worry. The language of justice is often absent from public discussions of development. When it is present the issue of justice highlighted is often that between developed and developing countries rather than that within developing countries. The declarations from Beijing, Jomtien, and Dakar described above have all tried to correct this. But we suspect that the terminology they have used – freedoms, rights, entitlements, and even capabilities – lends itself to misuse. By emphasizing the stuff of justice rather than how it should be distributed, the declarations have allowed politicians and policymakers to couch policies in terms of promoting a loose notion of rights, without forcing them to address how the policies will benefit the least advantaged, and how they will improve their condition relative to the more advantaged.

While the millennium development target of gender equity in education by 2005 will almost certainly be missed it does not mean that the aspirations which underpin it should be ignored. Beyond 2005 two paths appear to be opening up: either the articulation of a weak notions of rights, as in UNGEI documents, or the concern to backward map policy from a thousand contextualised studies of the conditions in which it might be implemented, as a number of writers suggest. We have argued that neither of these is satisfactory and a more fruitful way forward in strategizing for gender equality in education is to attend to the common ground represented by theoretical demands of justice as fairness and the capabilities approach which focus on addressing individuals, liberties and questions of distribution.

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