

## **Justice and Disadvantages during Childhood: What Has the Capabilities Approach to Offer?**

Research Workshop, February 9 & 10, 2015  
Centre for Ethics and Poverty Research, University of Salzburg  
Mönchsberg 2a, 5020 Salzburg

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### **Monday, February 9, 2015**

9.30 – 10.45	Introduction Gottfried Schweiger: Defining Thresholds of Justice for Children
10.45 – 11.00	<i>Break</i>
11.00 – 12.15	Sridhar Venkatapuram: Health Justice for Children
12.15 – 13.30	<i>Lunch</i>
13.30 – 14.45	Colin Macleod: Procreative Responsibility and Distributive Justice in the Real World
14.45 – 15.00	<i>Break</i>
15.00 – 16.15	Caroline Hart: tba
16.15 – 16.30	<i>Break</i>
16.30 – 17.45	Gunter Graf: Capabilities, dignity and justice for children

### **Tuesday, February 10, 2015**

09.30 – 10.45	Mario Biggeri: Capabilities deprivation and life trajectories: The case of caste, class and gender among youths in rural Andhra Pradesh
10.45 – 11.00	<i>Break</i>
11.00 – 12.15	Mar Cabezas: The right to be loved and the Capability Approach: Is being loved a question of social justice for children?
12.15 – 13.30	<i>Lunch</i>
13.30 – 15.30	Ortud Leßmann: Childhood, Equality of Opportunity and the Capability Approach: What has the Concept of Capability Sets to offer? Round-up

#### **Organizers:**

Gottfried Schweiger, Gunter Graf & Mar Cabezas

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## **About the speakers:**

Mario Biggeri is Associate Professor in Development Economics at the Department of Economics, University of Florence.

Mar Cabezas is a postdoctoral researcher at the University of Salzburg in the project "Social Justice and Child Poverty" project.

Gunter Graf is research fellow at the international research centre for social and ethical questions (ifz) in Salzburg, and postdoc researcher at the Center for Ethics and Poverty Research (CEPR) of the University of Salzburg, where he works in the project "Social Justice and Child Poverty".

Caroline Hart is a member of the Centre for the Study of Higher Education, in the School of Education, and she is also a member of the Centre for the Study of Childhood and Youth within the University of Sheffield

Ortrud Leßmann is a trained economist and currently senior researcher at the Helmut-Schmidt-University Hamburg.

Colin Macleod is Associate Professor in law and also the current Chair of the Department of Philosophy at the University of Victoria, Canada.

Gottfried Schweiger is Senior Researcher at the Centre for Ethics and Poverty Research, University of Salzburg, where he is the principal investigator of the project "Social Justice and Child Poverty" (funded by the FWF Austrian Science Fund).

Sridhar Venkatapuram is a Lecturer in global health and philosophy at the King's College London, and there also Director of the MSc in Global Health & Social Justice.

## **Abstracts:**

### **Capabilities deprivation and life trajectories: The case of caste, class and gender among youths in rural Andhra Pradesh**

*Caterina Arciprete & Mario Biggeri*

Social categories such as gender, religion, class continue to shape people's economic and non-economic opportunities. In other words, social conversion factors affects the deprivation of relevant capabilities during childhood and these determine very different life trajectories (Biggeri et al., 2011).

This phenomenon is particularly strong in Indian society where these , 'sociological imaginations' continue to permeate every aspect of life. While gender, religion and class are important social constructs in every society, the phenomenon of caste as such a powerful component of the social structure exists only in India. None of these categories is independent of the others. In order to understand social inequalities in India, an analysis of the interlink between caste, class, and gender becomes thus an imperative. It is by no means possible to understand the roots of gender inequality in India without reference to the category of caste. It is also not possible to comprehend caste segmentation without including economics status (class) in the framework. Finally, it is not possible to understand the causes of the marginalization faced by some women if we don't bring into the picture the complex interplay between, caste, class and gender.

The aim of this paper is to investigate the interconnectedness between these social categories and their relevance in life trajectories. The case study explore the interconnectedness between class, caste and gender among scheduled caste and scheduled tribe (SC/ST) youth in rural Andhra Pradesh using a capability approach methodology (Biggeri and Ferrannini, 2014). Many studies have investigated the relation between gender and caste (see Deshpande , 2002) and the relation between class and caste however, only few studies have tried to bring class, caste and gender into a unique picture.

The study shows that gender, class and caste still strongly influence youth's lives in rural Andhra Pradesh. However, the salience of these identities is not constant: while gender influences massively educational opportunities for SC girls, it is much less an issue among ST youth. While caste does not cause discrimination as SC youth become richer, being a ST has still a strong influence regardless of caste, class and gender. Finally, it highlights that adolescence is a crucial age where the patterns of opportunities can be reversed.

### **The right to be loved and the Capability Approach: Is being loved a question of social justice for children?**

*Mar Cabezas*

Over the last decade the debate on whether children have a right to be loved has generated a wide discussion where positive parental duties, children's rights and different ideas on love and care are involved. Among other ethical and political questions, Mathew Liao (2006) and Mhairi Cowden (2012) reflect -from two diverging points of views- the most discussed issues on the implications of recognising such a right, namely: a) what kind of obligations would this right trigger and to whom; b) how can a right to be loved and, consequently, a duty to love someone be regulated and guaranteed?; and c) what does love really refer to.

My aim in this paper is to enrich this debate by addressing the question from the Capability Approach. Concretely, I will focus on the so-called emotional capability highlighted by Nussbaum (2011). Being loved and being able to enjoy affective bonds and -healthy- emotional attachments is certainly a valuable capability and activity in the life of a person, especially relevant in relation to children's wellbeing and wellbecoming. Likewise, it can be seen as a crucial part of health.

However, for the sake of a functional theory of social justice, I will defend that it would be more efficient to translate the passive "right to be loved" into a duty to be emotional competent. Thus, children would have the right to love -themselves and others-, and adults -parents or care-givers- would have the duty to a) provide children with the adequate emotional tools so that they could create healthy emotional attachments, and b) be emotionally competent to interact and raise a child. In this sense, they have the obligation and the responsibility toward children of being provided with the necessary emotional education, which can be measured and objective.

### **Defining Thresholds of Justice for Children**

*Gottfried Schweiger*

One crucial task for a capability-oriented concept of justice for children is to define those capabilities and/or functionings that matter. This task has two elements: one needs to come up with a list or set of capabilities and/or functionings and one needs to define the sufficient threshold for each of these. While there is some discussion about both (in the social sciences more than in philosophy) many key issues, especially in regard to children are still unresolved. My talk is structured in three parts: Firstly, I will assume that justice for children demands that they are entitled a set of functionings which gradually develops into a set of capabilities as children become more competent. This can also imply that functionings/capabilities change because they themselves develop. Then, secondly, I will briefly discuss different criteria to select and choose those functionings/capabilities for children. Finally, I will argue that setting a threshold is basically the same process as choosing a functioning/capability because a threshold is a specification of a given functioning/capability.

### **Health Justice for Children**

*Sridhar Venkatapuram*

In extending the capabilities approach to the domain of health, I have previously argued for a conception of human health as a meta-capability and for the ethical foundations for a moral right to health capability. In this paper, I aim to focus on the health capability of children, its moral foundations and its place within theories of (global) justice. Needless to say, the topic of justice of children and rights of the child is enormous and extends well beyond what is possible to discuss in a single article or presentation. Explicitly

committed to the capabilities approach, the argument presented in the paper strives to achieve two modest aims. It aims to apply the health capability argument to the case of children. What is a healthy child and what moral claims does a child have to health? Secondly, the paper will also review and examine Martha Nussbaum's recent intervention into the debates on children's rights arguing both for a particular kind of ethical foundations as well as for where children's claims may or may not have special priority. (Cornell Law Review Vol 97) The mutual engagement between normative and empirical research on health has been transforming how we think about social equity and justice broadly. It is expected that such an engagement, which is focused particularly on children, will have similar implications for thinking about equity and justice for children within and across nations and societies.

### **Procreative Responsibility and Distributive Justice in the Real World**

*Colin Macleod*

This paper will explore the degree to which the moral responsibility to secure the justice-based entitlements of children is affected by choices people make to have children. On some views, adults who engage in procreation must bear the costs of securing the justice-based entitlements of children and such a view might be deployed in the attempt to mitigate the responsibility of non-procreators in wealthy countries to help secure the needs of children in poor countries. I shall argue that any principle limiting the responsibilities of non-procreators for securing the justice-based entitlements of children is plausible only if rather stringent background conditions obtain. Since these conditions do not obtain in the real world, appeal to a principle of procreative responsibility cannot eliminate or mitigate the responsibility that non-procreators have to secure the justice-based entitlements of children.

### **Childhood, Equality of Opportunity and the Capability Approach: What has the Concept of Capability Sets to offer?**

*Ortrud Leßmann*

The principle of equality of opportunity (EOp in the following) is one of the few contributions to theories of justice that is concerned with childhood – if only in an instrumental way. It holds that in childhood measures should be taken in order to equalize opportunities at the entrance to a later stage in which people are held responsible for their choices.

The capability approach (CA in the following) can be seen as an EOp approach. However, it differs from other such approaches by not assuming a hierarchy of positions in society. The pluralistic metric of functionings proposed by the CA does not allow a (complete) ranking of positions in society but aims at measuring a person's opportunities for leading a life she values and has reason to value. These opportunities are comprised by the capability set from which the person can choose but one option. This is a special model of opportunity.

As stated above EOp approaches usually envision a moment of EOp that is sometimes called a starting-gate. The question emerges which is the right point in time for the starting gate – the beginning of life, entering adolescence or adulthood or over and over again. Usually childhood (and youth) is seen as the period for establishing EOp. With regard to the CA the question of a starting gate has not been asked so far. I will argue that EOp to lead a life one values and has reason to value has to be established over and over again. It is not the task of establishing EOp that places great importance on childhood but the acquisition of agency needed to reason about a life one values. The CA distinguishes between well-being and agency and it has been argued that children are entitled to well-being freedom but should not be held responsible for their agency. I follow this line of argument and explore the difference between this understanding of responsibility and that of (other) EOp approaches.

If equality in the capability to lead a life one values and has reason to value has to be established over and over again, to which time does the concept of a capability set relate and how does it evolve? Based on the literature on opportunity sets and in particular on Kreps's idea of "preference for flexibility" I suggest that capability sets are linked through time and draw a model of "evolving capability sets". The core idea is that choosing a bundle of functionings today entails choosing tomorrow's capability set.

To sum up the project covers the following issues: (1) time, starting gate and EOp, (2) the demands of justice in childhood and the distinction between well-being and agency, (3) capability sets, their evaluation and temporal links.

### **Capabilities, dignity and justice for children**

*Gunter Graf*

The Capability Approach is increasingly regarded as a theory which is able to address the justice based entitlements of person's who have long been treated only superficially by many theories of justice – persons with disabilities, children and generally those who are in need of care and who do not come up to the ideal of fully autonomous and able-bodied individuals. Although not without its critiques, Martha Nussbaum has been defending influentially that the notion of human dignity plays a central role part in the justification of these entitlements and that it provides a basis for what every human being deserves from a moral point of view. In this paper, I aim to analyze her understanding of human dignity and discuss what it means for the entitlements of children with a special focus on those who are affected by poverty. There are three key points I want to focus on. First, I will stress the importance Nussbaum gives to both a person's vulnerability and autonomy in characterizing her dignity and argue that this feature provides a promising, although rather vague starting point for thinking about children's rights. Second, I will address the link Nussbaum sees between dignity of an individual and a species specific form of striving. Nussbaum's work is clearly undertheorized at this point when it comes to children, but I will suggest that this concept can be clarified by supplementing it with research into the well-being and well-becoming of children which, helps to substantiate a broad range of child specific rights. Third, I will bring attention to the close relationship between dignity and equality, arguing that children's rights in the capabilities approach are closely connected to considerations of social justice and provide a strong case for alleviating child poverty and the social structures causing it.