

Equality, capability and human rights

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Three injustices

- A girl unable to participate in a school trip because her parents can't afford it
 - An 85 year-old given no say by the homecare agency over when to have her meals
 - A gay couple refused a double room in a hotel on the grounds of not being married
- The capability approach aims to capture all three

Outline

1. Key concepts in the capability approach
2. Using the CA to monitor inequality and human rights: the Equality Measurement Framework
3. Critiques of the capability approach
4. Applications
5. Summary: strengths and limitations

Key concepts

- Substantive freedom: the real opportunity to lead a life you value and have reason to value
 - to 'flourish'
 - to have a wide range of capabilities
- Capability: what you are enabled to be and do, given:
 - your own characteristics
 - the people around you
 - the resources and services you can draw on
 - the rights you can access
 - the institutions, structures and legal framework of society

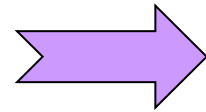
Why the capability approach?

- Integrates equality and human rights concerns
- Takes account of variations in need
- Values both objective and subjective outcomes
- Reflects equality of outcome, autonomy and process
- Has a strong theoretical basis

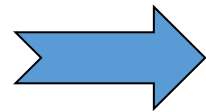
Equality Measurement Framework

Inequality by 7 characteristics gender (incl trans), ethnicity, disability, sexual orientation, age, religion/belief, social class ...

Inequality of substantive freedom (inequality in the central and valuable things in life that people can do and be)



3 aspects (i) outcomes (ii) process (dignity and respect, discrimination) (iii) autonomy (choice and control)



10 domains

- Life
- Physical security
- Health
- Education
- Standard of living

- Productive and valued activities
- Participation, influence and voice
- Individual, family and social life
- Identity, expression and self-respect
- Legal security

Applications and uses

- Equality and Human Rights Commission (GB) – Measurement Framework
- Government Equalities Office (England)
- Children’s Commissioner (England)
- Local governments
- Public services’ equality and human rights monitoring
- Local equality networks and pressure groups
- ...

Critiques of the capability approach

1. It's too individualistic

- a. Ignores groups and communities
- b. Ignores structures and institutions

➤ Response:

- CA values groups, communities, structures and institutions in so far as they enhance or diminish individuals' substantive freedom

Critiques of the capability approach

2. It reduces the focus on inequality between rich and poor, and on redistribution

➤ Response:

- CA sees income and other material resources as means to an end, not ends in themselves
- But they are crucial 'means'!
- Relevant to analysis of restricted capability across a wide range of domains, not just standard of living

Critiques of the capability approach

3. It's hopelessly idealistic

4. It's an apology for capitalism

➤ Response:

- Specification of capability list and thresholds matter
- Analytical framework matters
- As with any tool, it can be put to a range of uses; some are more radical than others

Summary: strengths and weaknesses

- + Multidimensional
- + Integrates equality and human rights concerns
- + Well-grounded theoretically
- + Plenty of room for adaptation to local context
- Informationally demanding
- Not legally enforceable
- Academic
- Under-specified

Thank you!

Publications and more information at:

<http://sticerd.lse.ac.uk/case/>

or search

‘Equality, Capability and Human Rights’