



# Constructive Universalism: Sen and Sensitivity to Difference<sup>1</sup>

**By/Par** | **Toru Yamamori**

Assistant Professor of Social Policy  
Faculty of social sciences and humanities  
Tokyo Metropolitan University  
[toruymmr@yahoo.co.jp](mailto:toruymmr@yahoo.co.jp)

## **ABSTRACT**

Amartya Sen's capability approach is, on the one hand, in line with universalism such as exhibited in Martha Nussbaum's capabilities approach and Len Doyal and Ian Gough's human need theory. On the other hand, his approach puts priority on people's "self-evaluation" of capabilities and needs. The latter emphasis makes his approach distinctly sensitive to people's differences such as gender, ethnicity, disability, sexual orientation, etc.. One could ask, however, how successfully the former commitment to universalism relates to this latter feature that places importance on taking difference seriously. This question is especially relevant with respect to global justice and gender, for example. To offer a potential answers to this question is main goal of this paper.

My answer will come from contrasting his theory with two related but distinct theories, and from connecting his discourse about need construction, identity, and democracy with his capability approach. His version of universalism I construe could be called "constructive universalism." First, Sen's theory is situated within universalism. Secondly further examination reveals that some distinct features of Sen's work contrast starkly with other universalist accounts. The meanings of such feature are not so explicitly explained in his theory. To understand the meanings is the third task of this paper. I will further argue that his theory has great potential to take people's difference seriously, and will present this interpretation from the perspective of feminist studies, disability studies, and cultural / post-colonial studies. How this potential can be realized will comprise the fourth part of this paper. I will present the case for understanding his theory as "constructive universalism," and address how this interpretation could solve the above question.

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*The equal right [.....] tacitly recognizes unequal individual endowment, and thus natural privileges in respect of productive capacity. It is therefore, in its content, a right of inequality, like every right.*

*[.....] [S]ociety [will] be able to inscribe on its banners: From each according to his ability, to each according to his needs! (Marx, 1875)*

*Need is also a political instrument meticulously prepared, calculated and used. (Foucault, 1979)*

## **THE THEORY OF NEED: BACKGROUND**

What do these elusive needs entail? Who decides and in what fashion? I will take up the former question first. The fact is, that the concept of need has drawn paltry attention from economists. Against this backdrop, the figure who has brought this concept into the limelight of late, is Amartya Sen. This paper will focus on Sen's theory of need, placing this author's work within the span of English literature in this area, especially, in social policy and philosophy<sup>2</sup>. As a result of this exercise, I hope to isolate the main points of contention surrounding the principle of need. As to the second question above, I will tackle it above by considering how the concept and theories of need can be sensitive to individual difference. It is also my interpretation about what Foucault's analysis urges us.

### **Distribution Matters**

In what vein has the notion of need been most frequently invoked? There is one cohort of scholars who could not help but tackle this topic. The question of need seems to arise most frequently in the context of resource distribution, as illustrated by the all too famous words of Karl Marx with which I opened this paper. Secondly, I will consider the extent to which the language of need is used empirically, in both defenses and criticisms of various types of social policy. In contrast to previous periods, the concept of need has come to play a greater role. The background that enabled this conceptual renaissance can perhaps be traced to the growing concern over the so-called *Crisis of the Welfare State* and the corresponding blossoming of neo-liberalism.

The welfare state could be understood as being composed of two parts. It is a combination of a system that primarily seeks to fill demand through the market but also relies on social policy to create complementary need-filling mechanisms. (Mita, 1996)

Throughout this process of crisis and restructuralization, the extent to which the state should be engaged in the business of filling demand and distributing benefits in the first place, in addition to the boundaries and very existence of the concept of need has continued to be drawn into question (Yamamori, 2000b).

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<sup>2</sup> A section of this discussion can be found in Yamamori, 2000b.

While the former group of theorists seem to place emphasis on the phrase “according to” in Marx’s statement: “to each according to his needs,” the latter seems to emphasize the very concept of need itself. Despite these differences in focus, resource distribution seems to be the perch from which the notion is explored. I will focus largely on the latter case, a subject matter that attracted little-to-no argument prior the Crisis of the Welfare State. “Until recently the topic of human need was a largely neglected area of social policy (Hewitt, 1998,p.61).”

In like wise, the philosophical endeavor of examining the intricacies of need has received very little support (Brock, 1998: vii). The stage has been set, however, for increasingly lively debate, and the studies in social philosophy and social policy that have been surfacing since the 1980’s are indicative of this trend.

### **Three Perspectives on Need**

In the context of social policy, especially with respect to its relationship to distribution as well as redistribution, three distinct perspectives of need can be ascertained. The first concept of need has taken hold as the fundamental basis for social policy. In this context, the concept of need is intimately linked to the notion of social citizenship. “Universal” (in Titmuss’s sense) social policy is generally configured within a welfare state that systematically directs the task of institutional redistribution. Social services are thought of as entitlements. In this case, in contrast to the second perspective, which I will touch on next, need is interpreted rather broadly. It is fair to say that English social policy studies, whether consciously or not, have largely come from this perspective.

The second perspective of need is narrower, and although need’s existence is recognized, it is restricted to a short list of criteria. In this framework, need is only recognized in cases of destitution or “absolute poverty,” perhaps something akin to the targeting of “true need”. Selective social policy is led by the residual welfare state. Welfare services, rather than being regarded as rights are seen more as privileges that can be distributed at the discretion of the state. One could point to Hayek as an example of this perspective. There are a group of economists that advocate a social safety-net of sorts, to serve those who cannot provide for themselves by standard market participation. As this perspective of need is extremely narrow, however, the field of practical argument that it spawns is necessarily restricted. In other words, the only way one could make an argument for the second perspective over the first would be to claim that the former is *unfair*. What is recognized as need in the first understanding would not necessarily be recognized as such in the second. In reality, however, once a need is recognized as legitimate, it becomes quite difficult to strike it from the list later. Accordingly, this second perspective, leads into the third, which we will discuss next.

The third perspective denies the very existence of need. That which has come to be known as need is in fact no more than want<sup>3</sup>. This perspective has a cozy association with market

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<sup>3</sup> See for example Barry, 1999. For other authors see also Yamamori, 1998c.

fundamentalism and neo-liberalism<sup>4</sup>. The extent to which this social policy background becomes relevant to discussions of need differs from scholar to scholar. It could be said that the most energized discussions of need have taken place in the context of the quest for possible justifications of the first perspective, in order to respond to the third perspective.

## **What is Need?**<sup>5</sup>

I will now outline the most common factors apparent in theories of need.

### *(1) Need is not Synonymous with Want.*

A frequent argument for the difference between wants and needs is that the former is subjective while the latter is largely objective. Although, recognizing that there is a difference between the two, we should not necessarily draw the conclusion that need is entirely objective. I will return to this point later. Need is often conceived in terms of degree of vulnerability or urgency. If needs are not fulfilled, harm will be suffered. Escaping this result, however, cannot be accomplished within the means of the needy alone.

### *(2) Fulfillment of Needs takes Priority over Fulfillment of Wants.*

Upon clarifying the difference between needs and wants, the priority of need over want is justified on moral grounds, with the “Principle of Precedence (see for example Frankfurt, 1984: 20 or Braybrooke, 1987: 61).”

In its most common understanding, need is instrumental as in the example: “X has a need for Y,” this need arising either from an urge to achieve end Z, or alternatively, to maintain the state of Z (Z and Z’ one might also label these separate goals). Z and Z’ are therefore also instrumental objects of need. The series Z, Z’, Z”, etc., does not necessarily have to continue infinitely. At a certain level of abstraction our Zs tend more to take on the characteristics of goals rather than instruments. Below I will discuss two main strands of arguments that take place on this level of need: i.e. need as an end.

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<sup>4</sup> It is crucial to note that in all three of these perspectives, the concept of need is closely tied, though with varying degrees, to the language of rights. It is, however, possible to imagine a scenario in which need and rights do not intersect at any point. In this case, the attempt to define the territory of need (the first two perspectives), or questioning the very existence of need (as in the third perspective), or the even more drastic arguments that prescribe the amputation of the entire institution welfare from the body of government (Nozick), All of them do not make any sense. In the application of the concept of needs in the context of social welfare surfaces in Japan, this fourth perspective seems dominant. For Further discussion of this vision of need see also Yamamori, 1998b.

<sup>5</sup> This section might be slightly abundant for English speaking people. However, in Japanese social sciences and philosophy, the usage of need and want are frequently interchangeable and arbitrary, although the usage of those words in Japanese itself has similar distinction with English.

## **2. CONTEMPORARY THEORIES OF NEED**

### **The Capability Approach**

One of these strands of approaches that address need at the level of goals or objectives is Amartya Sen's capability approach<sup>6</sup>. In his 1973 work "On Economic Inequality", after juxtaposing the concepts of need and desert, he asserts that the former should take priority over the latter. His discussion centers around the meaning of "according to" as in the phrase "according to one's needs." "The latter half of the thesis, that is, the discussion of need itself first began with the introduction of the notion of capability, thereafter elaborating into the more finite distinctions between functionings and capability, and between well-being and agency, since the 1980's. According to Sen, information regarding subjective utility or material goods alone is insufficient to truly grasp the whole domain of need (Sen, 1980: 367) He proposes: "what at issue is the interpretation of needs in the form of basic capabilities (Sen, 1980: 368) Capability becomes both a function that people perform and state which they reach"<sup>7</sup>. He insists that this interpretation of need as capability articulate what demand for equality call.

This widely-known economic critique of the focus on utility has relevancy to the task of distinguishing need and want. Sen points to the incongruity of the facts that although utility is a rather subjective, almost psychological concept, need and well-being contain distinctly objective elements. In search of an alternative construct, Sen poses "functionings" and "capability" as objective criteria for determining need. The use of the term "objective," however, departs from its most common usages in the following two manners. First of all, Sen places emphasis on the necessity for *self-evaluation* (Sen, 1987, p.32) of capability and functionings. Self-evaluation is different from utility, and "self-evaluation is quintessentially an evaluative exercise, which none of the interpretations of utility in itself is. .... The issue of paternalism, when it does arise, must relate to the rejection of the person's self-evaluation (rather than of utility). (Sen, 1987, p.32)" Secondly, Sen's capability/functionings is closely related to the notion of social standard or social norm. To that end, "[t]he approach might appear to be largely subjective in the sense that the building blocks of judgment are the opinions held in a particular community (Sen, 1987, p.32)". However, social standards and norms are "primarily matters of fact and do not call for the unleashing of one's own subjectivism into the problem of assessment (p.32)." The objectivity that Sen points to is not devoid of relational perspective. Sen proposes the framework of "positional objectivity" (Sen, 1993a) as an alternate to mainstream objectivity.

It is widely known that Sen's critique of the overemphasis on material standards of evaluating need is a main point of contention he had with John Rawls, however, this condemnation has

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<sup>6</sup> I do not insist that Sen's theory must be interpreted as one of need theory. I just insist it is useful to interpret above for the purpose of this paper.

<sup>7</sup> This was later designated as function, and the aggregation of these choices are called capabilities (Sen, 1985) At this moment Sen did not distinguish between capability and functionings.

even broader reaches, in that that it is as a sharp injunction against social policy studies' consistent failure to adequately frame the concept of need. Unlike widely-found theories that paint poverty as a "relative" concept, in the capability dimension, need becomes an absolute notion (Sen, 1983). The fact that need is an ideal that can be measured by certain standards (as exemplified by exclamations such as "Such extreme destitution is absolutely intolerable!" or "That is absolutely necessary!"), and is understood as such among people, must be recognized, and this common understanding is in fact the departure point for social policy. Sen charges that the naïve usage of the notion of relativity washes out the importance of these departure points, and insists not only on the existence of need but also on its universality<sup>8</sup>.

## **A Theory of Human Need as Objective and Universal**

Before I continue my exploration into the universality of the capability approach, I will examine Doyal and Gough's theory of need. There are several compelling reasons for this brief diversion. First of all, the Doyal and Gough approach is perhaps one of the most comprehensive ones available. In addition, it represents a frontier in the history of theoretical undertakings in social policy. Furthermore, their theory, which made its debut in *Critical Social Policy*, in a paper entitled "A Theory of Human Need," gives strong emphasis to the universality of need. This framework was further elaborated upon in their 1991 book by the same title (Doyal And Gough, 1991).

Thus far this paper has closely followed the two related but distinct schools as detractors of the legitimacy need; neo-liberalism and neo classical economics. According to Doyal and Gough, the denial of the notion of need is not restricted to these two tides, but rather, extends to a diverse span of broader regions. A total of six distinct areas that exhibit this tendency, including Marxism, critiques of cultural imperialism, radical democracy, phenomenological arguments (as well as the two tides already mentioned above) can be considered. In all of these cases, beneath the superficial surface of light refutations of theories of need, however, is the paradoxical acknowledgement of need. Recognition of need, in other words, becomes a necessary condition to the very intelligibility of these arguments.

In day-to-day lay usages of "need," it generally has two connotations: one that evokes drives and the other that posits needs as goals. Only the latter has possibilities for universalization, as it has a fundamentally more objective nature. Furthermore, basic needs are defined as the baseline conditions individuals require in order to avoid serious harm and to avoid social deprivation. Physical health and autonomy could be given as examples of such needs.

Although recognizing the similarities between their theories and those of Sen, Doyal and Gough assert: "Sen can be criticized for not developing a systematic list of functionings and capabilities, despite his own helpful applications of his framework. It is just this which, we claim, our theory offers (Doyal and Gough, 1991,p.156)" They further stipulate a list of 11

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<sup>8</sup> His argument is often understood to contrast the "relative poverty" of industrialized nations with the "absolute poverty" of the third world. This understanding, however, is incorrect. For further discussion see also Yamamori, 1997.

“intermediate needs” including examples such as food and housing that meet the dual requirements of universability and operationality.

They also label Sen’s various examples of need as a rather “strange list,” and make the criticism that: “Sen needs a theory of need to buttress his notion of functionings (Gough, 2000,p.7).” Over the last twenty years Sen has developed his capability approach in a vast span of literature. Not once, however, has he given a comprehensive list, nor has he developed “a theory of need” in Gough’s sense. This critique should be given thorough and deliberate consideration. Are these truly drawbacks of the Sen approach as Gough would have us believe, and what is the significance of how we interpret these features?

Before I further continue this line of inquiry, it is necessary to touch on the plurality of capability approaches. In addition to Sen’s construct, there is another strain of thought that does provide systematic lists of capabilities. It is therefore necessary to give this alternative consideration before moving on.

### **3. ON UNIVERSALISM**

#### **Critical Universalism**

Martha Nussbaum also advocates and develops the concept of capability. Her version starts from the departure point of Aristotle and extends into theories that grapple with the status women in the third world. In her work a basic list of human capabilities appears. Before discussing the differences between the work of Sen and Nussbaum, I would like to briefly review the similarities.

Their 1989 coauthored “Internal Criticism and Indian Rationalist Traditions,” contains a critique of cultural relativism that is closely tied to the question of universality. Nussbaum and Sen avoid the dichotomy of development vs. tradition. First and foremost, they are of the position that the foregone conclusion that development constitutes a social good must be rethought. In other words, their position is critical of much of the representative work in developmental economics, which is often referred to as universalism or modernizationism. These labels are premised upon two types of dichotomies: Universalism vs. cultural relativism and modern vs. traditional. These dichotomies are coarse, and we could group them all of them with the term of “rough universality.” In response to such perspectives, Sen and Nussbaum point to the value-relativity of development.

Another standpoint Sen and Nussbaum shys away from is the standpoint that any form of traditionalism is automatically thought of as a social good, which is often referred as cultural relativism. Although cultural relativists presuppose each tradition as something uniformed in it (and isolated against other tradition), Nussbaum and Sen point to the internal diversity of tradition and note the existence of the process of “internal criticism.”

In the framework of the two dichotomies listed above, criticizing some form of traditionism seems to be equated with rough universalism. However, “[t]he need for internal criticism and rational assessment of the values of a culture (.....) does not undermine the essentiality of the cultural reference or eliminate the fact of the value- relativity of the concept of development (Nussbaum and Sen, 1989: 300)” Nussbaum and Sen not only notice the internal diversity of cultures, but also note the mutual overlapping compatibility *between* and *among* cultures.

How, for example, might we understand the example of female oppression in or under the name of tradition? The cultural relativist would abide this behavior in the name of resisting development. The capability approach offers a means of avoiding falling into such a trap or into rough universalism.

*Intercultural linkages help, on the one hand, to identify and endorse the valuation of these basic, generally formulated, capabilities, and, on the other, they may also tend to reduce the differences of specific forms of commodities and actions needed for the realization of those capabilities in the respective culture (Nussbaum and Sen, 1989, p.320)*

M.Nanda, has labeled strategies such as the one presented by this pair (Nanda,1997) “critical universalism.” Although Nussbaum and Sen are both perhaps “critical” universalists, the way in which they exhibit their commitment to this outlook varies considerably. I will turn to this matter next.

## Critical Difference between Sen and Nussbaum

As already mentioned above, Sen does not propose a definite list of capabilities. Nussbaum, who for a period collaborated with him on developing the capability approach, however, does provide a somewhat concrete, and a definite, but “open-ended and humble (Nussbaum, 2000: 77) ,” list. Although this list takes on a bit of different contour in each appearance, among the capabilities listed are: bodily health, imagination, practical reason, and affiliation<sup>9</sup>.

Nussbaum's approach "began independently of Sen's work through thinking about Aristotle's ideas of human functioning and Marx's use of them (Nussbaum, 2000:70)." As for Sen's work, she comments:

*It seems to me, then, that Sen needs to be more radical than he has been so far in his criticism of the utilitarian accounts of well-being, by introducing an objective normative account of human functioning and by describing a procedure of objective evaluation by which functionings can be assessed for their contribution to the good human life (Nussbaum, 1988: 176)*

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<sup>9</sup> For the most recent list see: Nussbaum, 2000: 78-86.



In response to these remarks Sen admits that her proposal “ would indeed be a systematic way of eliminating the incompleteness of the capability approach (Sen, 1993b: 47) ” and then goes on to list three reasons why he does not adapt this particular method.

*My difficulty with accepting that as the only route on which to travel arises partly from the concern that this view of human nature (with a unique list of functionings for good human life) may be tremendously over-specified, and also from my inclination to argue about the nature and importance of the type of objectivity involved in this approach. But mostly my intransigence arises, in fact, from the consideration that the use of the capability approach as such does not require taking that route, and the deliberate incompleteness of the capability approach permits other routes to be taken which also have some plausibility (Sen, 1993b:47).*

Nussbaum has altered her stance somewhat in response to these critiques. Her current Neo-Aristotelian approach is intended to be “(clearly unlike Aristotle’s) as a partial, not a comprehensive, conception of the good life, a moral conception selected for political purposes only (Nussbaum, 2000: 77)” According to Nussbaum, However, the most critical factor that sets her work apart from Sen’s is still the fact that Nussbaum proposes a definite list, contrasting that Sen has not proposed such a definite list.

Why, despite this abounding concern, has Sen refrained from proposing a definite list? For nearly twenty years (since the 1980’s) he has published a massive amount of literature on the capability approach. Not once, however, has he suggested a concrete list such as the one given by Nussbaum or Doyal and Gough mentioned in the previous section. This curious fact should be given brief consideration. It is natural to think that perhaps Sen wanted to avoid the almost violent connotations the process of “listing-up” criteria. In this sense, Sen is *more* critically universalistic than Nussbaum. I have in the past compared Sen’s position with Edward Said’s commitment to “New Universality”, whose identity and homeland have been literally violated by Western- centric Universalism (Yamamori, 2000a) . At the least, the absence of a definite list represents not the outcome of time constraints or limited theoretical capacity, but rather, should be read and understood as an expression of commitment to *critical* universalism.

#### **4. ON DEFINING AND INTERPRETING NEED**

##### **Politics of Need Interpretation and Thick Theory of Need**

What is at stake in above arguments is to what extent a “theory” of need define content of need. From there we are led to even broader conundrums such as: “Who determines need?” Nancy Fraser suggested we need a new construct other than a theory of need in the context of distribution, for solving this. She contraposes “the politics of need interpretation” against

traditional theory of need and justice (Fraser, 1989: ch.7). In other words, she distinguishes between need and need discourse (Fraser, 1989: ch.8).

Focusing only on the distribution of need, suggests Fraser, entails the following four predicaments: First of all, it takes current interpretation of needs as given and unproblematic. Secondly, these frameworks do not consider the matter of determining who should decide on which needs will count. Thirdly, such models presuppose the legitimacy of standards agreed upon by majority, and finally, they do not problematize the socio-institutional elements of the process of need interpretation.

How could authors that I discussed above respond to Fraser's allegations? Before I delve further into this question, I will examine the attempt of Glenn Drover and Patrick Kerans to construct a "thick" theory of need, by developing Fraser's argument. They acknowledge that theories of need have developed in response to inadequacies both of utilitarianism and contractarianism. According to Drover and Kerans, however, "thin" theories of need overemphasize objectivity and therefore open the door to over- domination by experts (Drover and Kerans, 1993) The "thick" version in contrast, focuses on the process of identifying need. The *thin* theory of need places exclusive

interest in resource distribution, while the *thick* theory spans its web beyond resource distribution to encompass such notions as identity and care, and promotes welfare as a form of empowerment. The former presupposes the "unlimited consumption of utility" model of human beings. It assumes that subjective notions such as want are strictly distinct from the concept of need. In contrast, the latter focuses on the development of human capacity. Adapting Benhabib's distinction between self-realization and self- determination, they argue that the list of needs becomes infinite at the level of self- realization; at the level of self- determination, however, needs can be articulated properly, through a process of critical reflection. What saves this approach "from being simply an account of a struggle over interests is that a group can articulate needs which are universalizable, hence "true" in the sense that in an ideal speech situation there can be common consensus (Drover and Kerans, 1993: 8).

While their approach stakes its credibility on the premise of a Habermasian mutual agreement that arises as a product of communication, they also recognize that "an ideal speech situation" is neither a natural state, nor an equilibrium point. They note: "In the everyday world of practice, therefore, there is no guarantee, only constant struggle. (ibid: 29)"

### **Additional Needs?**

Gough responded to Drover and Kerans' criticism with the claim that they lead to a consequential inability to distinguish between need and want (Gough, 2000: 9) It is also worth noting that Doyal and Gough do in fact demonstrate concern for group differences. They do not deny that women, cultural or ethnic minorities, people with disabilities require that provisions be made for each of their "special" needs. Members of these groups face

*additional* threats to physical health and autonomy. It is therefore necessary that “additional and specific satisfiers” be developed. They argue: “there is a place in any politics of need for a politics of difference, with particular groups emphasizing and struggling to improve the specific satisfiers available to meet the basic needs of their members ( Doyal and Gough, 1991: 74) .” Taking a cue from feminist critiques of the welfare state, they also recognize that both the centralization and decentralization of the welfare state are called for. The role of the welfare state, they argue, must be expanded. Simultaneously, however, “co-operation and communication within civil society must be nurtured (Doyal and Gough, 1991: 300) .”

Surely their analysis, rather than proposing strict formulae, poses philosophical speculations and practice of reflective equilibrium, and thereby takes on a more colorful hue. The practice of classifying the needs of minorities as “special” (while on the other hand identifying those of the majority as normal or the standard) is, however, not without controversy in terms of the implications of the struggle over the right to need interpretation. Additional needs are identified only to be subject to reinterpretation so that they might incorporate checks on any potential threat to the majority. This results in parcel resource distribution on the one hand, and a denial of the legitimacy of their claims itself on the other (Drover and Kerans, 1993: 24). Seen in this light, Gough and Doyal’s argument comes to resemble this situation in theory. In the thick framework, however, it becomes necessary to devise a means of approaching a state “an ideal speech situation” in order for “thick” theory to have value beyond that of a criticism of paternalism, and to take over a key role in the ongoing battle to counter the widely held views of neo-liberalism. Before proceeding along these lines, however, it is necessary to return to the work of Amartya Sen once again.

## **Sen and the Public Sphere**

In Sen’s theory, the extent to which one’s self-evaluation of her capability compromise prevailing perception of capability as social standards is by no means immediately apparent. It should therefore not be assumed that the debate over need- interpretation has thus far taken an entirely appropriate direction within the capability approach. Sen does, however, recognize that the process of need interpretation itself takes place within a rather separate dimension from the narrow focus to need- distribution. Outside of the context of the capability approach, Sen notes:

*The totality of the human predicament would be an indiscriminating basis for the social analysis of needs. There are many things that we might have good reason to value if they were feasible, maybe even immortality; yet we do not see them as needs. Our conception of needs relates to our analysis of the nature of deprivations, and also to our understanding of what can be done about them. Political rights, including freedom of expression and discussion, are not only pivotal in inducing political responses to economic needs, they are also central to the conceptualization of economic needs themselves. (Sen, 1994: 36)*

Sen has criticized the dichotomization of need and freedom (e.g. political rights, democracy).

The strength of this claim lies first of all in the fact that it identifies the importance of an often-overlooked relevance: the relevance of freedom to respond to need fulfillment. I would like to pay attention to the relevance of freedom to define needs, in the context of this paper. This freedom and political rights that Sen points to could be interpreted as a freedom or right to participation in the public sphere. One could also say that this stance gives careful respect to the concept of need as a social standard, and respect to the social construction of needs<sup>10</sup>, thereby suggesting that need must take shape within processes of the public sphere. Furthermore, however, he asserts that the formalized rights and freedom to the public sphere have severe limitations. “It is important to acknowledge, however, the special difficulty of making a democracy take adequate notice of some types of deprivation, particularly the needs of minorities (Sen, 1994: 36).

Sen doesn’t respond directly to this difficulty, however, he does seem to hint at one specific direction. He is wary of considering a single identity as a stable or solid entity. He insists that identity is not discovered, but rather, it is chosen by reason (Sen, 1998). In addition, the social norms that are the result of the social construction of need, are not a primary point of theoretical departure. This concern of Sen becomes clear in the following statement: “[t]he prevailing perceptions of “normality” and “appropriateness” are quite central (Sen, 1999: 116)” to some sort of question like gender inequality. This awareness suggests a very different response than the theoretical treatment like “additional needs” or “special needs” by elicit. It will be more sensitive to people’s differences than other universalists<sup>11</sup>.

## **5. CONCLUSION: TOWARDS CONSTRUCTIVE UNIVERSALISM**

As of the present moment, however, this type of response has yet to be developed by Sen. Instead of fully developed argument, there is lots of materials for it in his writings as I mentioned in this paper. His discussion about democracy will be one line of its development. His “Development as Freedom”, in someone’s eyes, might be too driven to emphasis freedom as the good. I rather would like to pay attention that he, at the same time, said relatively more theoretically about democracy, and it seems to me that he tries to connect the capability approach with the process of democracy. This direction for being sensitive to

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<sup>10</sup> In theoretical dispute with Peter Townsend, Sen did not reply to Townsend’s critique that Sen ignore this problem. See Yamamori, 1997.

<sup>11</sup> Apart from the comparison with Sen, I highly evaluate the following feature about sensitivity to difference of both Nussbaum’s approach and Doyal & Gough’s approach. (1) Nussbaum: Nussbaum uses the narrative method in her work. It makes her theory positively open to criticisms and revises by constructionist discourse analysis. These possible process will be another way to ensure the sensitivity to differences. (2) Doyal & Gough: The list of intermediate needs of their theory is not come from philosophical derivation. (Their Kantian derivation only deduce physical health and autonomy as basic needs.) Their list was induced from some empirical studies. We could separate their philosophical theory from this induction. In this sense we could say that they do not have any list.

people's differences could be called "constructive universalism."<sup>12</sup> This naming has at least three connotations. Firstly, Sen himself emphasizes the importance of the constructive aspect of democracy. Secondly, this line of interpreting Sen can properly pay attention to the social construction of need and capability. It is essential if some theory of need aims to be sensitive to difference, as I try to explain in this paper. Thirdly, (de-)constructionist argument like N. Fraser could be incorporate properly into Sen's framework in this way. I have elsewhere tried to develop that<sup>13</sup>.

Of course Sen's capability approach itself is open to other interpretation. It is equal to the fact that his theory urge us to combine it with feminist interpretation, but it is not automatically guaranteed, and still open to conservative interpretation (Robeyns, 2001). I argued elsewhere similar openness related to disability. His theory urge us to combine it with social model of disability, but it is not automatically guaranteed, and still be open to medical model of disability<sup>14</sup>.

In closing I would like to stress several points. Sen's theory can located in line with need theories. Need theories have an inevitably universalistic character, and this is a definitely desirable feature. At the same time, however, this feature provokes some danger of paternalism and violating people's difference in various aspects. All three versions of need theories I discussed (Doyal and Gough, Nussbaum, Sen), try to avoid such danger. Among these, Sen's theory avoids such danger most successfully, and it has a potential for further development. This direction could be called as "constructive universalism."

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<sup>12</sup> Sen suggested this term to me in brief conversation at the workshop on work and idea of A. Sen: gender perspective, held at All Souls College, Oxford, September 2002. Of course he is not responsible to the usage in this paper.

<sup>13</sup> I already develop "evolutionary political economy of recognition," integrating Sen's work into Fraser's strategy beyond what she call "redistribution-recognition dilemma." It would be argued that some revision of this framework would help to develop "constructive universalism."

<sup>14</sup> See Oliver, 1990. Although he distinguish social creation view and social construction view, I include both view into social model of disability here.

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