

**Outline of People with Disability Australia Incorporated's Oral
Submissions to the Productivity Commission on the "Review of the
Disability Discrimination Act 1992: Draft Report".**

Sydney, NSW, 20 February 2004

Introduction

Support for PWD's Previous Submissions dated 15 July 2003

Definition of Disability: behaviour
Standards: plenary Standards making power, prioritising -
Minister's role, Strategic Planning
Advocacy and Legal Assistance, especially in Rural and Remote
Areas
HREOC's Role as Initiator of Complaints and
Intervenor

Matters Arising Since PWD's Previous Submissions

*The Disability Discrimination Amendment Bill 2003 (Exempting
People with Drug Dependence)
Specialist DD Commissioner*

Discussion of Purvis v State of NSW

*Formal Equality not Substantive Equality
Gleeson CJs Broader Statutory Framework.. Reconciliation with
OH&S Legislation: The Cage cases
The Comparator in Direct Discrimination: Detriment
No Obligation to Accommodate: A Failure to Mandate Positive
Measures
Need for Clarity and Simplicity in DDA Compliance
Purvis Case: a new Barrier facing Students with Disability*

Discrimination in the Area of School Education Generally
Possible Limited Effectiveness of DDA in this Area

**People with Multiple Disadvantage and Binding International
Human Rights Law as an Indicator in Assessing the
Effectiveness of the DDA in Fulfilling its Objects**

*CROC
CERD
CEDAW
ICCPR
ICESCR*

The Capability Approach

as a Development Paradigm?

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Material for the training session preceding the 3d international conference on the capability approach, Pavia, Sunday 7 September 2003, 9:00-12:30.

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1. This text is for the Training Course preceding the 3rd International Conference on the Capability Approach, Pavia, 7 September 2003. Please do not distribute (or quote) without permission. Please email any comments to sabina-alkire@harvard.edu. Many thanks!

1 THE CAPABILITY APPROACH

Many ask, 'how do we operationalize the capability approach'? In some cases, this question has a very particular focus related to their research area. Others ask the question in a somewhat broader way. Their hope seems to be that the capability approach will become a working programme of activities at many levels - academic, policy and field - and in many spheres of work - economic, political, social, legal, philosophical, etc. That is, a number of people have found that the capability approach better articulates the goal towards which they wish to work that do goals prevalent in some settings (economic growth, extension of the market). So they want to know how to work together to further it.

This session explores how this joint work might evolve. What would we - we who are invested in carrying the capability approach forward (or who might be) - need to do in order to develop the paradigm? How could we work together, and most strategically, to make that happen? Who do we need to work with? What do we need to work on?

In that sense, this course is much more pragmatic than those that preceded it. Here I will presume that you are familiar with the basic concepts of the capability approach -although I will review them quickly for the record.

Acknowledge limitations

Please be aware that there are many ways that this particular course could be taught, as I am very well aware! I have chosen to focus on Sen's writings. So while I give examples from Nussbaum and others, I do not dwell on the textured conceptual differences. I have also chosen to illustrate this course with examples from economics instead of examples from the legal or political or health or education or environmental spheres of work, for example. All these and other spheres are important. But in a presentation it is easier to herd a few examples along, and work through other examples together in discussion.

1.1 The Proposition

The capability approach is a normative proposition. The proposition is that **social arrangements should be primarily evaluated according to the extent of freedom people have to promote or achieve functionings they value**. Put simply, progress, or development, or poverty reduction, occurs when people have greater freedoms (= capabilities).