



Justice and transportation decision-making: The capabilities approach



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ABSTRACT

The transportation literature has long addressed issues of social justice. And yet, justice considerations have traditionally played only a marginal role in transportation decision-making, such as those regarding investment in a new infrastructure project. Considerations of justice stress the plight of disadvantaged populations and thus aim to further equality between groups and individuals, especially equality of opportunities and mobility. But how can such considerations be derived from theories of justice and fairness in ways that make them applicable to real-world situations? In this article we offer a new framework for incorporating justice considerations into decision-making association with transport service provision. Our analytic framework is based on the capabilities approach developed by Sen and Nussbaum. After explaining the essence of this approach, we show how transportation allocation criteria can be derived and then incorporated into de facto decision-making. Finally, we provide a real-world example of the implementation of this approach in the provision of transportation services.

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1. Introduction

The transportation literature has long addressed issues of social justice and equity (Altshuler, 2013; Berechman, 2009; 236–7; Feitelson, 2002; Golub and Martens, 2014; Manaugh et al., 2014; Thomopoulos et al., 2009).¹ However, justice considerations have traditionally been marginal in transportation decision-making, such as the decisions involving investment in new infrastructure projects, (Martens and Golub, 2012).

The germane equity literature identifies disadvantaged populations relative to income level, age, gender, and health status. Based on this model, assessments are made of their transportation needs and the degree to which current transportation systems, mainly public transit, respond to these needs (Berechman and Paaswell, 1975; Duvarci and Yigitcanlar, 2007; Markovich and Lucas, 2011; Paaswell and Berechman, 1977). Yet, in light of substantial observed inequality between groups in many urban areas, it is essential for us to investigate how to incorporate justice criteria into transportation investment decision-making (OECD, 2011).² Justice considerations stress disadvantaged populations, with the intent to improve equality with respect to accessibility

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¹ In this paper we use the terms fairness, social justice and equity interchangeably, though where necessary, we provide specific definitions for these concepts.

² OECD (2011).

and mobility. Irrespective of aim, the literature has shown that to fully address questions of inequality, equality and fairness criteria should be derived from theories of justice.

In this article, we will offer a new framework for incorporating justice considerations into decision-making relevant to transport services provision. This framework is based on the capabilities approach, which was developed by the economist Amartya Sen and the philosopher Martha Nussbaum, an approach seldom explored in the transportation literature. The few studies that did investigate this approach focused on Sen's economic principles, with little attention paid to the broader philosophical theory developed by Nussbaum (Beyazit, 2011; Hyard, 2012; Noel et al., 2012; Oosterlaker, 2009; Van Wee, 2012; Wismadi et al., 2014). In an attempt to compensate for this neglect, this paper will investigate the relevance of the capabilities approach for transportation and explore its implications for the justice criteria to be applied in transportation investment decision-making.

The structure of the paper is as follows. In the next section, Section 2, we outline the Sen and Nussbaum capabilities approach. In Section 3, we discuss its relevance to transportation. Section 4 is devoted to a discussion of the use of the capabilities approach in transportation decision-making. A real-world application of the approach is presented in Section 5. The final Section (6) provides a summary and our main conclusions.

2. The capabilities approach

The capabilities approach embodies a contemporary theory of

justice. It was originally developed in the 1980s by the economist Amartya Sen and the philosopher Martha Nussbaum³ as an alternative to the economic-utilitarian approach that has dominated the discussion in the economics and quality of life literature (Dahan, 2013, 77–78).⁴ This approach is particularly interesting because it has not remained a purely philosophical statement, with its practical impacts felt in the design of social and economic policy. The approach provides one major source of inspiration for the United Nations' human development index (UNDP, 2015).

Like many other theories of justice, the capabilities approach, like Rawls's theory of justice, is anchored in liberal philosophy, which exalts the norms guiding modern, democratic, and pluralistic society. Such a society's members maintain different lifestyles and adhere to diverse values and beliefs. More precisely, the capabilities approach is concerned with distributive justice, that is, with the "proper" or "just" allocation of goods and services such as transportation (Dahan, 2013). Uniting the various distributive justice approaches is the question "what is *just* allocation", a question that raises, in turn, a host of additional, profound questions. Key among these are: What is justice? What goods are to be distributed? What is the appropriate allocation of these goods? What mechanisms and institutions are necessary for just allocation of services? These questions are particularly relevant to transportation because individual mobility is an essential precondition for the consumption and production of goods and services considered necessary in modern societies. Unlike Rawls' theory of justice (Rawls, 1971),⁵ which refers to primary goods,⁶ the capabilities approach focuses on human capabilities as the relevant subject of justice principles and the building blocks underlying models of just distribution (Robeyns, 2005).

Two key concepts underlay the capabilities approach:

- (1) *Functions* – which encompasses the gamut of goods, services, activities and positions that a person would like to consume, undertake, or be. Functions can be physical, e.g., those conducive to health, or adequate nutrition, or social, such as participating in activities of all kinds with respect and dignity (Sen, 1982: 38–39).
- (2) *Capabilities* – "represents the actual combinations of functions that a person can achieve and accomplish. Just as the so-called 'budget set' in the commodity space represents a person's range of freedom to purchase commodity bundles, the 'capability set' in the "space of functions", which reflects the person's freedom to choose from possible livings" (Sen, 1982: 38–39).

Put succinctly, the capabilities approach reflects the ability of individuals to function or to achieve goals or functions. It allows for assessment of well-being and the freedom to pursue well-being (Sen, 1982:39).

A careful reading of Sen (1992) indicates that the capabilities approach combines the concepts *freedom*, *welfare* and *equity* into one framework. "Freedom" is thus the ability to achieve various

functions and realize one's potential according to personal preferences. "Welfare" is defined as the capability to achieve these functions as guided by human values, such as belonging to a community. "Equity" relates to the equality of opportunities, or choices available to all. The level of opportunity is measured not only by income or property ownership, but also by non-income factors. An example is the transportation system and its performance, the services it produces, which provides opportunities (or capabilities) for spatial movement (Wismadi et al., 2014). Poor access to transport in some locales impairs each resident's capability to realize her full potential. Based on this approach, the key justice criterion is the provision of those basic goods and services that are necessary to enable all individuals in a society to enjoy an equal level of freedom, thereby facilitating him/her to realize her/his full potential (Nussbaum, 1993, 2001; Sen, 2004). In contrast with Rawls's and other theories of justice, the capabilities approach begins with the specification of the desired outcome. How does one translate these concepts to an operational methodology? Nussbaum explains the kind of methodology one may apply in order for the approach to be useful in practice (Nussbaum, 2006, 81–92):

"The capabilities approach is like the criminal trial. We begin with the correct outcome (the guilty, and only the guilty, are convicted), and we design procedures that will generate that outcome as often as possible. It then seeks political procedures (a constitution, various allocations of powers, a certain type of economic system) that will achieve that result as nearly as possible, although it seems likely that such procedures will change over time and history of different nations...Justice is in the outcome, and the procedure is a good one to the extent that it promotes this outcome".

The capabilities approach therefore focuses on the question of what a person can achieve if provided with primary goods rather than on the question of how many goods that person possess. This differs from Rawls, who treated primary goods as ends in themselves rather than the means for achieving capacities. What are the functions and capabilities that a person should enjoy? Indeed, the literature on this question has produced dozens of different lists (Dahan, 2013:103). In her book *Frontiers of Justice* (2006: 7–78), Nussbaum lists the ten capabilities that she considers most important:

1. *Life* – Being able to live to the end of the normal length of human life.
2. *Health* – Being able to have good health, including reproductive powers, nutrition and shelter.
3. *Integrity* – Being able to move freely from place to place; to be secured from violence (in Nussbaum's words: "bodily health and bodily integrity"⁷).
4. *Senses, Imagination, and Thought* – Being able to use one's senses, to imagine, think, and reason, and to do so in a 'truly human' way.
5. *Emotions* – Being able to maintain attachments to things and people outside ourselves.
6. *Practical Reason* – Being able to form a conception of the good and to engage in critical reflection regarding the planning of one's life.
7. *Affiliation* – (A) Being able to live with others and to engage in various forms of social interactions; (B) Enjoying the social foundations of self-respect and non-humiliation.
8. *Other species* – Being able to live with concern for and in relation to animals, plants, and the world of nature.
9. *Play* – Being able to laugh, to play, to enjoy recreational

³ Although Sen and Nussbaum worked on the approach together, each author based it on different normative justifications. Sen's work is rooted in the value of freedom whereas Nussbaum justifies the approach by means of the value of dignity (Dahan, 2013, 77).

⁴ For Sen's critic of utilitarianism see Sen (1979).

⁵ The reader is referred to Rawls seminal book (1971) in which he has construed a theory of justice as fairness.

⁶ These are goods that people need in order to live free and equal life; they are not matters that people want or desire, or prefer or even crave for. Rawls distinguished between five kinds of such goods: (1) The basic rights and liberties; (2) Freedom of movement and free choice of occupation against a background of diverse opportunities; (3) Powers and prerogative of offices and positions of authority and responsibility; (4) Income and wealth; (5) Social values like self-respect (Kelly, 2001, 57–58).

⁷ Nussbaum (2006, 7–78).

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