

THE CAPABILITY APPROACH AND HUMAN RIGHTS-BASED CORPORATE RESPONSIBILITY

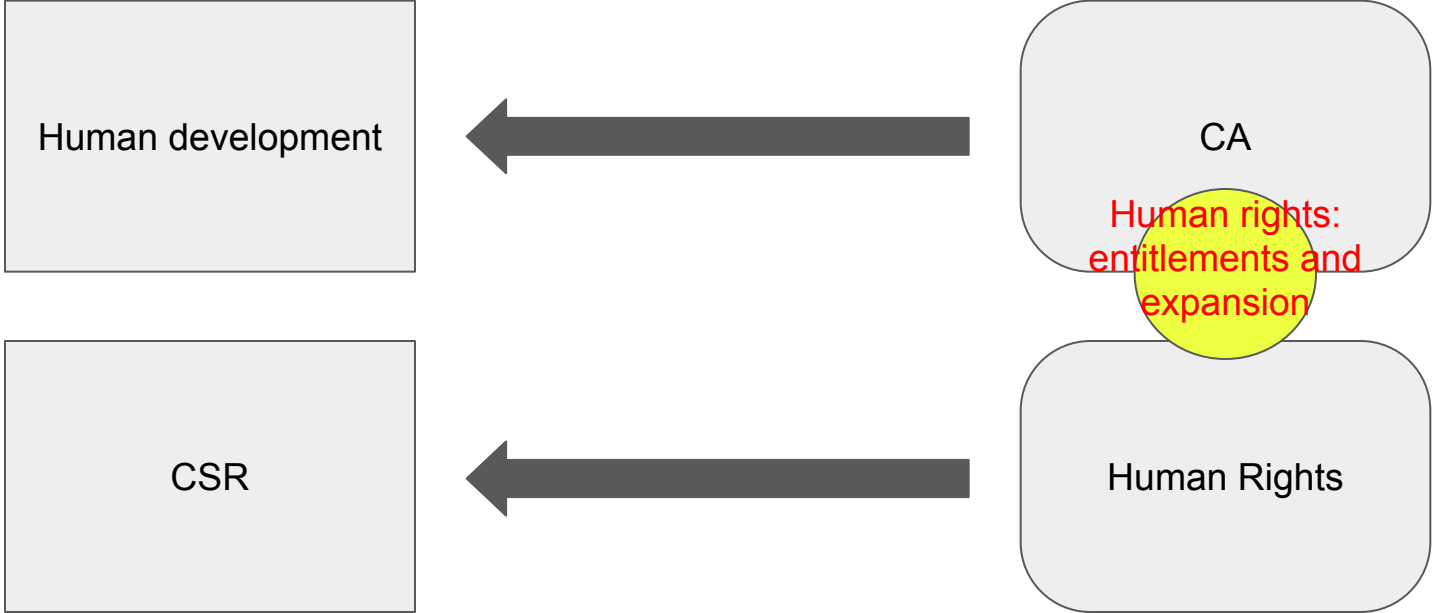
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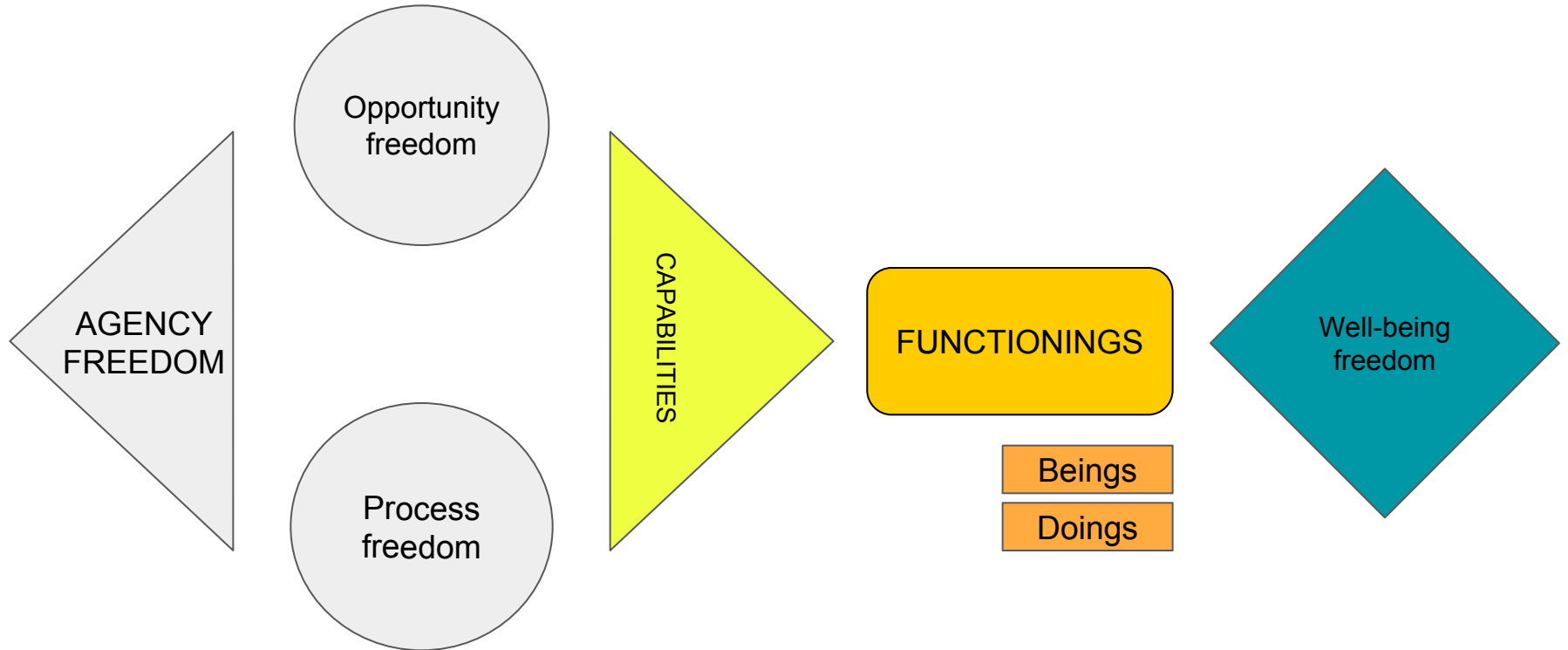
Outline

- Research question
- Main tenets of the CA
- Human Rights as Entitlements to Capabilities: The Question of Dignity
- Human Rights as Capabilities in Themselves

Research Question

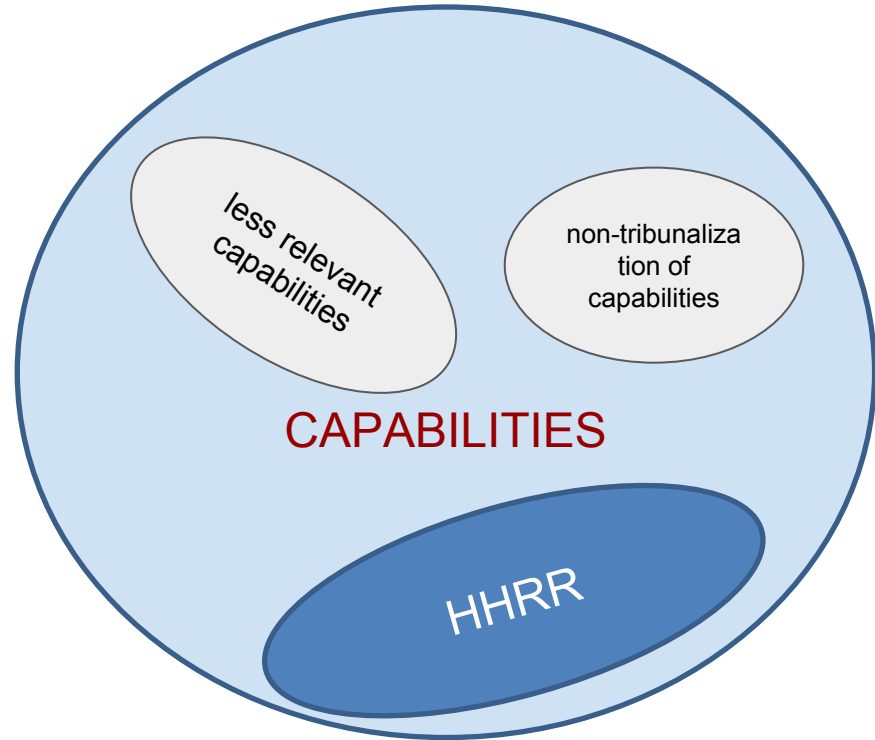


Overview of the Capability Approach



Human Rights as Entitlements to Capabilities

- The object of protection are the capabilities (Nussbaum, Sen)



Superiority Over Other Dignity Perspectives

Dignity as foundation of human rights: not disputed by Nussbaum.

Lack of agreement in the concrete demands of human rights (Carozza: “*normative thinness*”)

Specification vs Abstraction:

1. Ten basic capabilities (Life, Bodily health, Bodily integrity, Cognition, Emotion, Practical Reason, Affiliation, Other species, Control of environment, Play): “**truly human functioning**” (Nussbaum)
2. Flexibility of adaptation to different settings

Human Rights as Capabilities: Outline

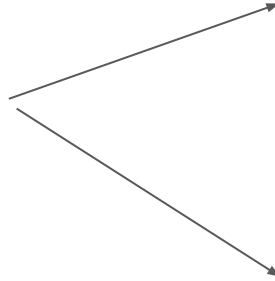
- Schelers notion of “ world-openness”
- *Begriffsgeschichte* (Herder, Rothacker, Blumenberg)
- Do they pass the test?
- The question of variability

World-Openness and Historical Variation

1. “consciousness is the possibility of being determined by objects as they are in themselves.” (Scheler 2009)
2. “Quite literally, though quite inadvertently, he [the human being] created himself.” (Geertz 1973)
 - Wittgenstein’s influence: “form of life”
3. ‘Empirical evidence’: *Begriffsgeschichte* analysis of *world view, world concept, image of the world, interpretation of the world,...*
 - Such as Blumenberg’s account of the origin of Modernity (1976)

World-Openness

As the notional content of
'human rights' and
institutions are created and
enter consciousness



- A new way for human beings to understand their humanity and the actions derived from this understanding appears, including dimensions such as dignity, absolute values, unconditionality, etc.
- Previous state starts to be seen just as an option.

The Capability Test

Opportunity freedom	Not having my rights respected is (not) an option
Process freedom	Garanties and transparency, Right to a fair trial
Beings	A different way of existing as a human being
Doings	Institutionally channelled actions
Ranking of goods	Urgency of some matters Practical reasoning, social dialogue

Variability of Capabilities

- The present analysis brings forward Sen's understanding of variability of capabilities:
 - Evolving understanding. Ex.: female vote.
 - Evolving capabilities and needs. Ex.: Internet.
- It's a true creation of new ways of (self-)understanding and behaving

Conclusions

- Furthering of the conceptual basis of the capability approach
- Implications for Corporate Responsibility theory and management.
- Theory: Business human rights obligations must be ultimately discharged in the form of furthering capabilities.
- Practice: It helps operationalise those obligations.

Thank you!