

Creating Capabilities: Sources and Consequences for Law and Social Policy  
a conference to be held at the University of Chicago Law School, April 23 and 24, 2010

This conference, organized by James Heckman, Martha Nussbaum and Robert Pollak, seeks to link the “Human Development Approach” to the recent literature on the economics, neuroscience, and psychology of human development in order to enrich both fields. The conference will foster a broader notion of capability formation than just formal education or cognition, which has been the focus of the Human Development Approach. It will adopt a life cycle perspective on capability expression and formation. Recent research documenting the contributions of families, schools, governments, and other institutions of society (including religious bodies, community groups, foster care, the juvenile justice system, and on-the-job training) to the formation of capabilities in children, adolescents, and young adults suggests that a broader framework for the Human Development Approach would be useful. The aim of the conference is to integrate recent advances in understanding how capabilities are produced into the Human Development Approach and to study the implications of the revised research program for law and public policy.

#### Conference Schedule

Friday, April 23rd

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| 9:00-10:30  | <u>Framing the Issues</u><br>James Heckman<br>Martha Nussbaum<br>Robert Pollak<br>Amartya Sen                                |
| 10:45-12:00 | <u>Normative Issues: Which Capabilities? Whose Capabilities?</u> Chair: Martha Nussbaum<br>Joshua Cohen<br>Henry Brighthouse |
| 1:00-2:45   | <u>Fostering Physical Health</u> Chair: TBD<br>Sudhir Anand<br>Jere Behrman<br>Tom Boyce                                     |
| 3:00-5:00   | <u>Fostering Cognitive Development</u> Chair: Adele Diamond<br>Clancy Blair<br>Martha Farah<br>Richard Nisbett<br>Petra Todd |

5:30 Keynote Address  
Amartya Sen

6:30 Reception

Saturday, April 24th

9:00-10:45 Fostering Social and Emotional Development in Young Children Chair: James Heckman  
Angela Duckworth  
Jeanne Brooks-Gunn  
Dario Maestripieri

11:00-12:15 Fostering Emotional Development in Later Years Chair: Robert Pollak  
Jacqueline Eccles  
Laurence Steinberg

1:15-3:15 Directions for Law and Policy: Social Norms, Families, Legislation, Courts Chair: Eric Posner  
Emily Buss  
Steven Durlauf  
Robert Ellickson  
Diane Wood

3:30-5:00 Concluding Roundtable Chair: TBD  
James Heckman  
Martha Nussbaum  
Robert Pollak  
Amartya Sen

### Session 1: **Framing the Issues**

This session will lay out, in an introductory way, the main motivations for the conference, the empirical findings that make it important, and the normative work that has been done so far on capabilities in the realm of international development and how the capability approach has reoriented the development debate. This session will examine the implications for economics, law, and social policy of the revisions to the Human Development Approach that the conference is expected to generate.

#### Participants:

James Heckman, University of Chicago (Economics)  
Martha Nussbaum, University of Chicago (Law and Philosophy)  
Robert Pollak, Washington University St. Louis (Economics)  
Amartya Sen, Harvard University (Economics and Philosophy)

### Session 2: **Normative Issues: Which Capabilities? Whose Capabilities?**

Human beings have many capabilities, including genetic predispositions, acquired skills, and personality, and preference traits. Different social institutions permit or inhibit the expression and development of

these traits. We cannot avoid posing normative questions from the very start of this inquiry. One operating assumption maintained in much of the literature on the Human Development Approach is that the goal of society is (a) to produce people capable of leading fruitful lives, and (b) to produce citizens capable of sustaining the political life of a pluralistic democracy. We will not, however, hew faithfully to what has been interpreted by some as a Western vision of the Good Life. Political freedom, and even Piagetian openness to experience, may not be a welcome value for all groups, even in Western pluralistic societies. We will consider competing points of view about what constitutes the Good Life. This normative discussion will set the stage for the orientation of the rest of the discussion.

This session will also address crucial questions about equality of capabilities. Should the goal of society be understood as that of producing complete equality in all relevant capabilities (a goal sometimes wrongly imputed to Sen, e.g., by Ronald Dworkin)? An ample threshold level of capability (as defended in Nussbaum)? A substantial increase in the level of the capabilities of the most disadvantaged groups (as suggested by John Rawls's work, and to some extent in the work of Heckman)? Will development of capabilities foster greater economic, social, and political inequality? In what dimensions?

Participants:

Joshua Cohen, Stanford University (Law, Philosophy, Political Science)

Harry Brighouse, University of Wisconsin (Philosophy)

Moderator: Martha Nussbaum, University of Chicago Law School (Law and Philosophy)

### Session 3: **Fostering Physical Health**

Physical health is synergistic with all the other capabilities. Interventions to promote some skills will prove ineffectual unless parallel attempts are made to improve physical health. But what forms of intervention are most effective here? In particular, what interventions into child and family life are both feasible and desirable?

Participants:

Sudhir Anand, Oxford University (Health Economics)

Jere Behrman, University of Pennsylvania (Economics)

Tom Boyce, University of British Columbia (Epidemiology and Public Health)

Moderator: TBA

### Session 4: **Fostering Cognitive Development**

The most often-discussed aspect of child development, still poorly understood, is cognitive development, i.e. literacy and numeracy, the skills measured by IQ and achievement tests. These abilities were once thought to be innate, but now it is evident that they are responsive to a wide range of environmental factors. What factors are the most important among family, society, and peer cultures? What interventions have the best chance of success? How are cognitive skills related to emotion, personality, and health? How can we foster cognition?

Participants:

Clancy Blair, NYU (Psychology)

Martha Farah, University of Pennsylvania (Psychology and Neuroscience)

Richard Nisbett, University of Michigan (Psychology)

Petra Todd, University of Pennsylvania (Economics)

Moderator: Adele Diamond, University of British Columbia (Neuroscience and Child Development)

**Keynote Address**, Amartya Sen, Harvard University (Economics and Philosophy)

**Session 5: Fostering Social and Emotional Development in Young Children**

Socioemotional capabilities are a frequently neglected area of child development. Their importance has been highlighted in recent work. They include the ability to control oneself and one's inappropriate emotions (anger, disgust), the motivation to succeed, the ability to understand the perspective of another person (empathy), the ability to achieve self-confidence, and avoid crippling shame. A statement of recent evidence will be presented. What interventions, in both the family and the surrounding culture, have the best chances of success?

Participants:

Angela Duckworth, University of Pennsylvania (Psychology)

Jeanne Brooks-Gunn, Columbia University (Psychology)

Dario Maestripieri, University of Chicago (Human Development)

Moderator: James Heckman, University of Chicago (Economics)

**Session 6: Fostering Emotional Development in Later Years**

Cognition is difficult to change in later adolescent years, but self-control and related emotional capabilities appear to respond to interventions well into adolescence. What approaches are most effective in these years, and how should we think about the formation of motivation as children become young adults? How can we relate economic preferences to the traits studied by psychologists?

Participants:

Jacqueline Eccles, University of Michigan (Education and Psychology)

Laurence Steinberg, Temple University (Psychology)

Moderator: Robert Pollak, Washington University St. Louis (Economics)

**Session 7: Directions for Law and Policy: Social Norms, Families, Legislation, Courts**

Once we have a sense of what our goals are and what forms of intervention might be effective, we still need to think about social and political structure: what can law do, by contrast to informal social norms and families? In the realm of law, what roles can one see for courts, legislation, and administrative agencies? For family policy and family privacy?

Participants:

Emily Buss, University of Chicago Law School (Family Law and its Role)

Steven Durlauf, University of Wisconsin (Economics on Social Interactions and Inequality)

Robert Ellickson, Yale University (Law on Social Norms)

Diane Wood, United States Court of Appeals, Seventh Circuit (The Role of Courts)

Moderator: Eric Posner, University of Chicago Law School (Law)

**Session 8: Concluding Roundtable**

Participants:

James Heckman, University of Chicago (Economics)

Martha Nussbaum, University of Chicago (Law and Philosophy)

Robert Pollak, Washington University St. Louis (Economics)

Amartya Sen, Harvard University (Economics and Philosophy)

This conference is sponsored by:

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This conference is organized by:

James J. Heckman

Henry Schultz Distinguished Service Professor in Economics, University of Chicago

Martha C. Nussbaum

Ernst Freund Distinguished Service Professor of Law and Ethics, University of Chicago

Robert A. Pollak

Hernreich Distinguished Professor of Economics in Arts & Sciences and the John M. Olin School of Business, Washington University in St. Louis