

On What Women Are Actually Able To Do and To Be: Understanding the Women at Informal Economy Using Martha Nussbaum's Capabilities Approach

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Abstract: In this paper, I aim to understand women in the informal economy using Martha Nussbaum's Capabilities Approach. In the informal economy, women have limited or no access to safety, physical integrity, healthcare, and security. However, they have rights and dignity and deserve to be respected by the government and other institutions. Nussbaum argues that capabilities are significant entitlements that must be constitutionally guaranteed to ensure a worthy and dignified human life for women. Thus, to understand women's capabilities in the informal economy, this paper will be divided into three sections. The first section will discuss the challenges and conditions of women in the workforce. Women in developing countries endure a critical capability failure and experiences different forms of marginalization in their working spaces. I shall analyze why capability should be reinforced as a key to women's development. With this, I seek to examine the theoretical reinforcements of Nussbaum's capability approach to comprehend gender justice in an informal economy. The second section will briefly examine the list of Nussbaum's human capabilities. Following the ideas of Nussbaum, it emphasizes and explain why capability is an appropriate political goal. This aim goes further by examining women's limited access to institutions. Here, I will assert that economic and political thought should be considered and included a feminist and philosophical approach in policy-making, exploring women's problems in the workforce. In this study, I argue that women's development is best attained through institutions that have a central duty to promote women's capabilities. Finally, the last section will draw attention to the connection between Nussbaum's capabilities approach and Amartya Sen's perspective on the capabilities approach. I shall try to show the need to theorize women's capabilities and development as a proper philosophical base for viewing occupational justice. Overall, my study will provide important elements for understanding the discrimination, marginalization, and inequality that women confront in the informal economy, and women's capability is what they are *able to do and to be*, despite their working conditions.

Keywords: *women, capabilities approach, informal economy, workforce, development*

"Our emotional life maps our incompleteness: A creature without any needs would never have reasons for fear, or grief, or hope, or anger."
— Martha Nussbaum¹

¹ It is advice on a Full Life from Philosopher Martha Nussbaum, *Do Not Despise Your Inner World*. See Martha Nussbaum, "Do not Despise Your Inner World," in *Take My Advice: Letters to the Next Generation from People Who Know a Thing or Two*, ed. by James L. Harmon (New York: Harper Perennial, 2002), 176-77.

Introduction

In her book *Women and Human Development: The Capabilities Approach*, Nussbaum argued that women confront greater impediments by attempting to enter a workplace, including coercion from their family or spouse, sex discrimination in hiring, and sexual harassment in the working spaces all without sufficient legal recourse.² In the case of informal economy, women are primarily bound to low-income activities, have few opportunities for organization and representation, and are underserved by social protection, particularly during times of work injury, sickness, maternity, and unemployment. Governments and other institutions fail to protect women's capabilities in rudimentary ways, both in theory and, more significantly, in praxis. Women's capabilities are not as safeguarded, developed, or promoted as men's. According to Nussbaum, this inequality appears as a tremendous global concern for social justice, implying that governments fail to fulfill their most fundamental constitutional obligations to their women citizens.³ Nussbaum then contended that social policies of the government are supposedly responsible for providing "the social basis of these capabilities" based on the capabilities approach.⁴ For Nussbaum, capability is an appropriate political goal.⁵

The philosophical and theoretical approaches to assessing women's conditions were articulated by Amartya Sen,⁶ and further developed by Martha Nussbaum. These scholars' approaches are established on the idea that human freedom (i.e., women's freedom) and access to opportunities are critical to social development. Sen's capabilities approach is substantial for producing justice by accentuating women's independence, enabling them to live dignified lives. Nussbaum elaborates on Sen's capabilities approach by outlining ten key human capabilities, all of which must be safeguarded by the state for the individual to develop into a productive member of society.⁷ Nussbaum frames these central capabilities as universal yet context-sensitive, establishing minimum entitlements while leaving individuals free to decide how to exercise them. The lens of intersectionality does not dissolve the normative force of a shared claim of justice; rather, it ascertains how similar foundational entitlements are constructed in distinct and compounding ways. Meanwhile, Nussbaum's capabilities approach is grounded on the intuitive idea that human beings are worthy of equal respect and dignity.⁸ When we say, "human dignity," it means that individuals are active, have goals, and have projects. They seem to be, in some way, above nature's mechanical

² Nussbaum, *Women and Development*, 1. This is stated by Nussbaum in her opening paragraph of the book, along with the issues about women's access to education and to healthcare.

³ *Ibid.*, 84.

⁴ *Ibid.*, 81.

⁵ *Ibid.* 13.

⁶ For the articulations of Sen's views on capabilities (in the last section) see Amartya Sen, *Rights and Capabilities* (1984), Amartya Sen, *Justice: means versus freedoms* (1990b), Amartya Sen, *Missing Women* (1992), Amartya Sen, *Development as Freedom* (1999)

⁷ The lists will be elaborated in the subsequent sections. See Nussbaum, *Women and Development*, 78-80. This version is updated even more and referenced in her other books, see also Nussbaum, *Frontiers of Justice*, 76-78; Nussbaum, *Creating Capabilities*, 33-34.

⁸ In introducing the intuitive idea behind the capability approach, Nussbaum asserts that the passage of Marx's *Economic and Philosophical Manuscripts* in 1844 is useful, written when he was reading Aristotle and was influenced by Aristotle's idea of human function and capability. In the argument of a human worthy of a life of dignity and equality, Marx found in Aristotle - that one must perform functions in a fully human way and not in an animal way. Marx's illustration is a starving person cannot consume food in a fully human way, by which he points a manner ingrained by practical conviviality and reasoning.

work, but they also require assistance for the fulfillment of their certain capabilities.⁹ Hence, human dignity is embodied and socially mediated. It is expressed in the development of concrete capabilities assessed in the everyday lives of informal women workers. It transcends abstraction by embedding normative principles in the material and institutional conditions that shape women's informal labor.

In this paper, I aim to understand the problems that women face in an informal economy using the perspective of Martha Nussbaum's Capability Approach.¹⁰ By "informal economy," I refer to domestic work, home-based production, care work, and other forms of informal self-employment that operate outside formal regulatory frameworks, without a formal safety net such as secure contracts, social protections, and employment-related benefits.¹¹ Women in this sector confront different economic and social realities from those encountered by men.¹² Despite their overrepresentation in informal work, women continue to experience restricted access to safety, bodily integrity, healthcare, and economic security. Women are not considered as ends in their own right. Instead, they are simply considered as instruments for others' ends, taking care of children, the elderly, and families. Although women formally possess equal legal rights and liberties, their working conditions are shaped by embedded customary norms and gendered expectations, which mirror a failure to recognize women as bearers of inherent moral worth. While legal opportunities are important, it is insufficient. It is necessary to act on the informal economy to reinforce women's capabilities. This necessitates the use of Nussbaum's Capabilities Approach.

Thus, understanding women in the informal economy furnished by the capabilities approach is centered on women's capabilities, that is, *what women are actually able to do and to be*.¹³ Using Nussbaum's Capabilities Approach, I contend that Nussbaum's paradigm captures the conditions of women in the informal economy for the following reasons: (1) Nussbaum underlines the disparity between what women have and what women realistically achieve when working in the informal sector, where they often face job insecurity and a lack of social benefits. (2) Nussbaum's lists of central human capabilities establish minimum thresholds for human dignity and clear benchmarks for understanding the realities of women working in the informal economy. (3) By bridging theory and policy, Nussbaum establishes normative criteria that the government must adhere to, allowing for the evaluation of actual gaps like social protection and safe working conditions.

This paper is divided into three sections: the first section will elaborate on women's conditions and experiences in the informal economy. It examines the theoretical reinforcements of Nussbaum's capability approach in understanding occupational justice in the informal economy. The second section will discuss Nussbaum's list of human capabilities. This list of capabilities is essential

⁹ For a further elaboration of this view, see Nussbaum, "Victims and Agents," in *The Boston Review* 23 (1998), 21–24, and "Political Animals: Luck, Love, and Dignity," in *Metaphilosophy* 29 (1998), 273–87.

¹⁰ For the rest of the paper, I will use Martha Nussbaum's forthcoming (a), focusing on legal issues and constitutional. See Martha Nussbaum, *Sex and Social Justice* (1999); Martha Nussbaum, *Women and Development: The Capabilities Approach* (2000) (to be cited *Women and Development* hereafter), Nussbaum, *Capabilities as fundamental entitlements: Sen and social justice* (2003), Nussbaum, *Frontiers of Justice* (2006), Nussbaum, *Creating Capabilities* (2011). I wanted to specify, however, that I will use *Women and Development* as my main source.

¹¹ The facets of the informal economy, which I do not include from the definition are not crucial, such as the social or communal sector and the illegal sector.

¹² See Human Development Report 1999 of the United Nations Development Programme (UNDP)

¹³ Nussbaum, *Women and Development*, 71. It is important to note that this is distinct from a philosophical approach regarding people's desire-fulfillment, happiness or income, consumption, or expenditures. Other facets of the capability approach can be traced back to Adam Smith, Aristotle, and Karl Marx. See also Nussbaum 1988, 2001, 2003.

in identifying women's reinforcing or weakening capabilities in the informal economy. In this section, I will focus on explaining why capability is an appropriate political goal. Additionally, it further examines women's limited access to institutions. I argue that economic and political thought should include a feminist and philosophical approach in policy-making concerning women's issues in the informal economy. I argue that these capabilities furnish a basic political principle that can be embodied in constitutional guarantees. Finally, the last section will discuss the conceptual relationships between Nussbaum and Sen, stressing the importance of theorizing informal women workers' capabilities as a philosophical foundation for occupational justice. Nussbaum's capabilities approach makes an actual contribution to the practical pursuit of social and gender justice. Thus, government has a central duty to ensure that such justice is guaranteed.

Conditions of Women in the Informal Economy

Women are often disadvantaged in the workforce simply because they are women, poor, less educated, and unprotected by law. When a woman is elderly and disabled, she is more likely to face workplace discrimination. Men are also seen working in the informal economy, but women receive frequent low-paying and more vulnerable categories of work, such as domestic workers or self-employed home-based workers.¹⁴ This is rooted in the idea that women are conventionally primary caretakers of the needs of their children, their families, and their homes.¹⁵ Women's endowment to sustain their family's needs is frequently viewed as a *natural* part of women's responsibilities. Despite these stereotypes, women have dignity who deserve respect from laws and institutions. I will begin by discussing women's conditions in the informal economy to understand why women's capabilities in the informal economy are fundamental human capabilities that should not be diminished.

Informal economy is defined by the International Labour Organization (ILO) as "all economic activities by workers and economic units that are—in law or practice—not covered by formal arrangements."¹⁶ What is often neglected is that women make up an undeservedly large proportion of the informal economy's workforce, from domestic workers to street vendors to subsistence farmers and seasonal agriculture.¹⁷ Women in the informal economy are confronted with structural barriers preventing them from having decent paid work, thus compelling them to attend to care responsibilities.¹⁸ Discrimination in the availability of work, based on sex and gender increases women workers' vulnerability, leading to exploitation.¹⁹ Perhaps there are numerous other reasons why women work in the informal economy. They either choose to work in the informal

¹⁴ ILO, "Empowering women in the Informal economy," in *ILO Issue Brief 4* (2018), 1.

¹⁵ Nussbaum asserted that women are burdened with what we call a "double day." Women have two jobs, one outside their homes as employees and another when they return home. This simply means that women, especially in poor countries, do not have time for self-improvement activities. See Nussbaum, *Women and Development*, 1-2; Nussbaum, *Women and Equality*, 238.

¹⁶ ILO, 2002 ILC Resolution and Conclusions on Decent Work and Informal Economy, <https://www.ilo.org/topics-and-sectors/informal-economy>

¹⁷ UN Women, "Progress of the World's Women 2015–2016: Transforming Economies, Realizing Rights," in *UN Women*, 2015, chap. 2, 71.

¹⁸ ILO, "Empowering women in the informal economy," in *ILO Issue Brief 4* (2018), 1.

¹⁹ Marx argued that it is morally reprehensible to prioritize the ends of some over those of others. Treating a person like a mere object for the benefit of others is the essence of exploitation. The goal of this is to create a society where every person is respected and allowed to live genuinely human lives. This statement is cited in Nussbaum, *Women and Development*, 3.

economy or are forced to do so due to problems in the formal economy or motivated by the need to survive.

Nevertheless, women's work has yet to be considered. Most often, they accept jobs that offer low wages with long hours of work and poor working conditions that expose them to health and safety hazards, with no security or protection.²⁰ Thus, I wanted to show emphasis on the non-recognition of women's work in the informal economy, resulting in unpaid or low-income wages or salaries, thereby impeding women's capability to receive equal social and legal protections. I will primarily focus on domestic workers, unpaid care, and homeworkers. Although these informal workers provide critical services, they frequently lack access to rights and protection. They also face some of the most challenging working conditions.²¹ In domestic work, women work for low wages or no compensation at all. In many cases, women work without written contracts, resulting in various forms of exploitation.²² I argue that the vulnerabilities that women experience are caused by their lack of formal arrangements.

In many developing countries like the Philippines, domestic work is almost unnoticeable as a form of employment, which contributes to the current situation. Domestic work is done at home as opposed to in an office or factory. The purpose of their work is to care for millions of households, not to create additional value.²³ Domestic work is often informal and undocumented, which is why it is undervalued. Although its roots can be found in the "master-servant" relationship, it is frequently seen as something other than regular employment because it does not fall under the broad purview of current labor laws. Due to this, a lot of laws do not specifically address the domestic employment relationship, which leaves domestic workers open to unfair, abusive, and unequal treatment.²⁴ Generally, women informal workers earn low wages, making it challenging for them to save money for emergencies or unexpected events, as well as to pay for their own or their family's medical needs and their children's education.

In his work *Divisions of Labour*, Pahl posited that much of the activity in the informal economy falls under the category of work rather than employment.²⁵ Hence, this is exemplified by working outside of agriculture, where women are more likely than men to be self-employed, domestic workers, unpaid contributors in family businesses, and industrial outworkers or homemakers. A significant proportion of women working in agriculture, on the other hand, are also

²⁰ Lucita Lazo, "Challenges in the Economic Participation of women as entrepreneurs," PIDS Policy Notes, <https://pidswebs.pids.gov.ph/CDN/PUBLICATIONS/pidspn1503_rev.pdf>.

²¹ This is due with the thought that women in the informal economy are discriminated as "non-productive and symptom of bad governance." See Lucita Lazo, "Challenges in the Economic Participation of Women as Entrepreneurs," PIDS Policy Notes No. 2025-03; retrieved from <https://pidswebs.pids.gov.ph/CDN/PUBLICATIONS/pidspn1503_rev.pdf>.

²² ILO, "Without contracts, domestic workers' right unprotected," 2015.

²³ Asian Development Bank and International Labour Organization, "Women and Labour Markets in Asia: Rebalancing for Gender Equality," 2011, <https://www.adb.org/sites/default/files/publication/28620/women-labor-markets.pdf>. Asian Development and International Labour Organization will be abbreviated ADB and ILO for convenience hereinafter.

²⁴ ILO, "Asia-Pacific labour market update," 2010.

²⁵ Raymond Edward Pahl, *Divisions of Labour* (New York: Basil Blackwell, 1984), chap. 2. See also Ivan Illich, "Vernacular Gender." Here, Illich argued that the duality that strives for the unattainable ideal of social, legal, political, and economic equality is referred to as "economic sex." Both genders are reduced to mere consumer and worker roles, rendering them as neutered economic agents. Nonetheless, I can infer that women in the informal economy are neutered economic agents.

unpaid contributors to the family farm. Pahl, like Burns, suggested that the lopsided emphasis on employment implies that paid or formal work is the only important type of work.²⁶ In this case, women in the informal economy are not identified as workers or legitimate economic agents. Their contribution to the economy is typically not captured by statistics.²⁷ In other words, women's work is invisible in the policy arena. I argue that the informality of women's work reduces the visibility and makes mainstream institutional interventions to occupational injustices. What is more concerning is that almost all women working in the informal economy come from the socially and economically disadvantaged sector, which requires a lot of work to make a living. As mentioned, women represent the largest number of individuals living in poverty. Within the informal economy, they are vulnerable to violence and other inequalities that aggravate their vulnerabilities. Women's work is not valued as labor. Their labor is devalued by the capitalist patriarchy. In Dorothy Smith's *Feminism and Marxism*, she argued that women are marginalized by the capitalist economic system and that women's work must fill the void left by wage depreciation, irregularity, and uncertainty when unemployment rates are high.²⁸

Obviously, gender inequality is enormously linked with poverty, and when these are combined, the consequence is an acute failure of central human capabilities.²⁹ Thereupon, one of the consequences of activities not being considered employment is that all the work women accomplish is stereotypically perceived as holding no value, or it becomes undervalued. Women workers in the informal economy are the "working poor," toiling in survivalist activities, working difficult and long hours, but not gaining enough income to support themselves and their families.³⁰ Women's time and mobility are restrained by social and cultural norms that assign accountability for social protection to women and prevent investment in women's work. In that regard, women's work in the informal economy is easily hired, fired, cheapened, and exploited.³¹ This is primarily because of women's perceived inability to compete in labor, capital, and product markets.

It is important to note, however, that informal women workers are not a homogenous group. They are distinct in terms of employment, educational attainment, work location, and occupational group. For instance, women working in informal domestic work may confront vulnerability to abuse, a single mother may face discrimination and a lack of legal protection, while poverty or age may intensify economic insecurity. I contend that differences do not mean different standards of justice; they furnish different barriers to the same entitlements. Occupational justice acknowledges dimensions of human flourishing while maintaining a threshold that is shared equally by all. I argue that it produces patterns in how injustices are experienced. With that, it is grounded in human capabilities that give a framework that is attentive to context-specific inequalities.

²⁶ Pahl, *Divisions of Labour*, 84. To see the connections of Pahl and Burn's discussion, see Scott Burns, *The Household Economy: Its Shape, Origins, and Future* (Boston: Beacon Press, 1975), 11.

²⁷ Lea Goelnitz, "Unheard, Unseen, Unrecognized: Women in Informal Employment," in *FES Asia* (2018) <https://asia.fes.de/news/unheard-unseen-unrecognized-women-in-informal-employment?>

²⁸ Dorothy Smith, *Feminism and Marxism, a Place to Begin, a Way to Go* (Vancouver: New Star Books, 1977), 2.

²⁹ Nussbaum, *Women and Development*, 6.

³⁰ ADB and ILO "Women and Labour Markets in Asia," 2011.

³¹ Women working in the informal economy are perceived as nothing more than a commodity, in this sense a source of labor, hired and fired at will. See further discussions, particularly on the four types of Alienation in Karl Marx, "Estranged Labour," *Marxists.org*, 1844, <<https://www.marxists.org/archive/marx/works/1844/manuscripts/labour.htm>>.

(In)accessibility to the Formal Safety Net

Despite intersectional differences, working in the informal economy universally leaves women without any protection from labor laws, and social benefits such as health insurance, maternity leave, paid sick leave, and a pension. It is less viable for women to have access to social protection. Thus, gender inequalities in employment and job quality result in gaps in access to social protection acquired through employment. The primary focus of my paper is on domestic workers, unpaid contributors to family businesses, and industrial outworkers or homeworkers. Within this specific area of the informal economy, they are unlikely to have limited access to social protection.

As such, women in the informal economy toil for lower wages and in hazardous conditions, including the threat to their health and safety. The lack of social protections has long-term consequences for women,³² resulting in labor segmentation. In the Philippines, women constitute “a large portion of the Philippine sector and are mostly found in small home businesses, contractual jobs, and other underdeveloped sector of the economy.”³³ Although there are both men and women working in informal employment, women are more likely to be employed in the most precarious and vulnerable positions, where their pay is low, variable, or nonexistent, their job insecurity is high, and they lack formal safety nets to support them in times of weak economic demand, when they are unable to work, or when they become unemployed.³⁴

The World Health Organization (WHO) frequently reported that women working in the informal economy have to immediately return to work within weeks after giving birth, thus confronting hazardous conditions that adversely affect their health.³⁵ Self-employment or home-based work increases a woman’s economic vulnerability because her work is invisible and unlikely to be recognized as important economic activity. Similarly, they are unlikely to have access to opportunities to improve their skills or to benefit from the solidarity and bargaining power that comes with being organized.³⁶ Consequently, workers in the informal economy may struggle to establish a legal identity due to regulatory or economic impediments. With this, the gender bias against women throughout the world is more dominant and widespread in Third World Countries. In the case of the Philippines, the study *Towards Inclusive Social Protection Program Coverage in the Philippines* proposed that women’s access to social protection is linked to their working status. As a result, most social insurance programs are likely to cover those who are formally employed, as required by law, leaving women in the informal economy underserved. In addition, social insurance in the informal economy becomes only an option because of unstable and low earnings. Significantly, the agricultural sector, at least in the Philippine context, has the highest proportion of workers who

³² UN Women, “Women in Informal Economy,” 2019.

³³ Ecumenical Institute for Labor Education and Research, Inc. “Action Research on the Multi-dimensional Vulnerabilities of Women Workers in the Informal Sector” Philippines. June 2015.

³⁴ ADB and ILO, “Women and Labour Markets in Asia: Rebalancing for Gender Equality,” 2011.

³⁵ Gautam Bhan et al., “Informal Work and Maternal and Child Health: A Blind Spot in Public Health and Research,” in *Bulletin of the World Health Organization* 98:3 (January 28, 2020): 219–21, <<https://doi.org/10.2471/blt.19.231258>>.

³⁶ Carolyn Butler, “Solidarity Center - Info,” Solidarity Center, September 21, 2017, <<https://www.solidaritycenter.org/what-we-do/info>>.

are unable to receive GSIS, SSS, or PhilHealth benefits, with about ninety-eight percent of women workers compared to ninety-five percent of men working in the informal economy.³⁷

Mapping the discussion of this section, I argue that although women make up the majority of the informal workforce and provide a disproportionate amount of support for a substantial number of dependents, the value of less paid, less income, and unpaid labor in society is not widely acknowledged or understood. It makes it difficult for them to be included as beneficiaries of government programs funded by taxes. Their predicaments are exemplified by the risks of poverty and the working spaces that informal workers face, along with a lack of access to the right tools for risk management and their gender, causing many women to experience financial instability or make them susceptible to destitution. Although both men and women are in the informal sector, women are undeniably disadvantaged because of the normative idea that women are the primary caretakers of their families. Hence, I will argue, through Nussbaum's philosophical ideas, that women in the informal economy are worthy of equal rights and dignity, i.e., women's development vis-à-vis work, government intervention, and policy. Ultimately, after examining the conditions of women in the informal economy, I will then discuss the theoretical reinforcements of Nussbaum's capability approach in understanding social and gender justice in the informal economy.

Capabilities Approach in the Informal Economy

With the discussed conditions of women in the informal economy, Nussbaum's capabilities approach provides a framework for women's development that can integrate these economic and working realities. However, the primary question of the capabilities is not, "*How satisfied are the women?*" Or even "*How much in the way of resources is she able to command?*" It is, in lieu, "*What women are actually able to do and to be?*"³⁸ According to Nussbaum, we are not asking about women's satisfaction with what she does, but what she does, and what she is actually in a position to do. I contend that this includes women's working opportunities. Particularly, in *Women and Human Development*, Nussbaum argues in great detail that this is not to be rational only, not only to be happy, but to be capable of engaging in dignified labor.³⁹ As such, women in developing countries are critical to the project for two reasons: first, women frequently experience acute capability failure; and second, their circumstances provide intriguing challenges for this and other approaches, revealing the issues they successfully or unsuccessfully resolve.⁴⁰ Understanding this from the perspective of women working in the informal sector makes them relevant to this project, as they experience capability failure as a

³⁷ Aubrey Tabuga and Carlos Cabaero, "Towards Inclusive Social Protection Program Coverage in the Philippines: Examining Gender Disparities," 2019, <<https://pidswebs.pids.gov.ph/CDN/PUBLICATIONS/pidsdps1911.pdf>>.

³⁸ Nussbaum, *Women and Development*, 71. I borrow the phrasing, of course, to Nussbaum and apply it to the women working in the informal economy. Here, the original phrase is: "How satisfied is Vasanti?" or even "How much in the way of resources is she able to command?" It is, instead, "What is Vasanti actually able to do and to be?" Vasanti is an impoverished Indian woman, portraying how capability approach performs institutional evaluations. Through a Self-Employed Women's Association (SEWA) loan, Vasanti had a source of income. See the phrasing also in Nussbaum, *Women and Equality*, 233.

³⁹ *Ibid.*, 105.

⁴⁰ *Ibid.*, 6. Along with those two reasons, Nussbaum also discusses the issues faced by these women and helps us understand the flaws in "Standard GNP" and "Utility-based approaches." Nonetheless, the issues of women are necessary in and of themselves, and it is hoped that concentrating on them will make up for the prior disregard for gender equality in development as an economic and global human rights movement.

result of their situation aggravated by poverty. Women's conditions are contentious in policy-making that will be imposed by the government.

Women's capabilities reflect a distinct view of economic development compared with the conventional goals of achieving a conclusive salary or income. A society that does not guarantee social justice to all its citizens is not a fully just society, regardless of its level of opulence. Hence, capabilities are regarded as necessary for all women, wherein each woman is treated as an end in herself, rather than as a mere adjunct or means to the ends of others. However, priorities may need to be set temporarily and capabilities must be understood as mutually supportive and all central to social justice. In the case of women working in the informal economy, I argue that a society that ignores their capabilities has disadvantaged these women and that the undervaluation and unrecognition of their work is unjust.

As mentioned, the capabilities approach gauges women's well-being regarding what they are *able to do and who they can be*. Eventually, Nussbaum grounded her theory in her intuitive idea that each person (i.e., women) is worthy of equal respect and dignity. Nussbaum argued that her version of the capabilities approach began with a conception of human dignity and a life worthy of that dignity, hence, a life with "truly human functioning," as described by Marx in his Economic and Philosophical Manuscripts in 1844.⁴¹ With this basic idea as a foundation, Nussbaum attempted to justify a list of ten capabilities as essential components of a dignified life. I argue that reframing this concept of "dignified life" as "dignified labor," the following lists, although universal, are necessary to be achieved by women in the informal economy. As a result of the arduous working conditions of women in this sector, without social or any legal protection, some of the lists are not fully achieved by them.

What Women in the (Informal Economy) Are Able To Do and To Be

To scrutinize the conditions of women in the informal economy, Nussbaum's list of human capabilities examines women's reinforcing or weakening capabilities in the informal economy. Here, I will explain why capability is an appropriate political goal, as Nussbaum argued, by juxtaposing their conditions with the provided lists. Nussbaum, nevertheless, situates this defined set of "central human capabilities" within a distinctive form of political liberalism, explicitly presents them as "political goals."⁴² I will focus, however, on the first three capabilities in my discussion. I argue that these three capabilities are the most fundamental conditions of human dignity and survival, and these are precisely the areas where women in the informal economy are most vulnerable. These serve as a springboard for developing policies and interventions that safeguard women's welfare and enable them to lead lives that are secure, healthy, and dignified.

⁴¹ *Ibid.*, 86, 148.

⁴² *Ibid.*, 87. Furthermore, placing them within a category "political liberalism," which defines them as particular political objectives and gives them a presentation devoid of any particular metaphysical foundation.

*Nussbaum's Central Human Capabilities*⁴³

1. Life: being able to live a normal human life; not dying prematurely from normal curable illnesses or because one's life has been reduced to the point where it is no longer worth living
2. Bodily Health: possessing sufficient nutrition, appropriate shelter, reproductive health, and general well-being.
3. Bodily Integrity: being able to move freely while being safe from sexual, physical, and domestic violence.
4. Senses, Imagination, and Thought: being able to use senses, imagine, think, and reason; acting humanely, guided, and honed by education, which includes instruction in science, math, and reading.
5. Emotions: having the ability to feel emotions for objects and people other than oneself (i.e., to love someone, grieve, etc.).
6. Practical Reason: possessing the ability to discern right from wrong and critically evaluate one's life planning.
7. Affiliation: (a) Possessing the social foundations of dignity and non-humiliation; (b) having the capacity to coexist peacefully and show concern for others.
8. Other Species: the ability to live in concern for and relating to animals, plants, and nature.
9. Play: being able to laugh, play, and enjoy recreation.
10. Control over One's Environment: (a) Political, being able to participate effectively in political choices; (b) Material, being able to hold property.

In examining the conditions of women working in the informal economy in the first section, we find that many, if not all, do not meet these capabilities because of the nature of their work. Women in the informal economy confront precarious and unsafe working conditions, limited access to healthcare, and high exposure to violence and exploitation. Within this situation, what are the reinforcing capabilities of women, given their extremely disadvantaged predicament in the informal economy?

Life underscores the essential priority of safeguarding survival from hazardous working conditions or inadequate social support systems. Bodily Health highlights the imperative of ensuring women's access to proper nutrition and comprehensive healthcare for sustaining a dignified standard of living. The inaccessibility of women in social protection, like paid sick leave, paid maternity leave, and, in the case of the Philippines, PhilHealth, would lead to circumstances like high mortality rates, serious illness, and severe malnutrition. Maternal health studies demonstrate how systemic challenges in healthcare access continue to endanger women's survival, particularly in low-resource areas.⁴⁴ Many of the women who work in this economy are compelled to return to work, as mentioned in the first section, based on the WHO's account. Although the embedded reason is not mentioned, I argue that this is because they do not have paid maternity leave to sustain their newborn child's needs. As Martha Nussbaum articulates: "The disability imposed by childbearing on

⁴³ This version actually came from Nussbaum, *Creating Capabilities*, 33-34. A complete version of the lists found in Nussbaum, *Women and Development*, 78-80. After providing the lists, afterward, Nussbaum recognizes that these lists are open-ended and subject to revision. She argues that society's understanding of its basic entitlements is always subject to revision.

⁴⁴ Stella A. Quimbo et al., "A Systems Approach to Improving Maternal Health in the Philippines," in *Bulletin of the World Health Organization* 90:10 (2012): 714-721.

a member of the labor force is to a large extent socially constructed, above all by the absence of support for childcare, from the public sphere, from employers, and from male partners.”⁴⁵ In some cases, it is reinforced to women who can still get support from their husbands, families, and friends. However, considering most of them belong to underprivileged societies, the capacity to live a normal length, have good health, good productive health, and adequate nutrition is not fully achievable for women in the informal economy. Case in point, Amadora-Nolasco’s study of women in low-income Philippine communities illustrates how poverty, environmental conditions, and limited access to healthcare compromise women’s ability to achieve and maintain health.⁴⁶

Given these situations, many women who rely on the informal economy find that they lack access to adequate financial protection against health risks, frequently resulting in a heavy financial burden on medical costs, which can lead to severe financial problems, like a decreased capability to cover other necessities.⁴⁷ Therefore, the proportion of women’s income allocated to health care is also a crucial factor in assessing women’s capabilities, wherein a lack of access to health care is another facet that contributes to income insecurity and vulnerability to poverty. Undeniably, access to health care is one of the most important social protection areas for informal workers in the developing world, like the Philippines.⁴⁸ Even with the development of national health systems, at least half of the world’s population remains without access to basic healthcare services.⁴⁹ Particularly, women who depend on the informal economy are more likely to be marginalized and excluded from health care services, because they have greater difficulties paying medical health insurance contributions.

Moreover, women working in the informal economy are vulnerable to sexual, physical, and domestic violence. Poor working conditions in this sector can have significant social consequences besides economic ones. Many people who work informally, particularly in developing countries, confront occupational safety and health risks. On the account of Bodily Integrity, Nussbaum took a proactive approach reflecting her view of violence against women as a capability deprivation. The rationale behind presenting this capability is to acknowledge that, those women who suffer from deprivation of capability due to a lack of bodily integrity, the government and institutions bear the responsibility of creating the social conditions, such as laws and interventions, which facilitate this capability.⁵⁰ This is necessary because maintaining one’s physical integrity is a means of achieving more freedom and employment opportunities for women working in the informal economy.

The informal workers probably suffer from violence because of their job status. Women who work in the informal economy are particularly susceptible to gender-based violence due to the

⁴⁵ Nussbaum, *Sex and Social Justice*, 51.

⁴⁶ Fe Amadora-Nolasco, “Women’s Health Challenges in a Low-income Philippine Urban Neighborhood,” in *Journal of International Women’s Studies* 10:2 (2009): 168–183.

⁴⁷ OECD and International Labour Organization, “Risks and Vulnerabilities in the Informal Economy,” in *OECD iLibrary* (May 21, 2019), <<https://www.oecd-ilibrary.org/docserver/2cfd8904-en.pdf?>>.

⁴⁸ ILO, “World Social Protection Report 2017-19: Universal social protection to achieve the Sustainable Development Goals,” in *Internal Labour Organization*, Geneva, 2017.

⁴⁹ WHO/World Bank, “Tracking Universal Health Coverage: 2017 Global Monitoring Report,” in *World Health Organization*, Geneva, 2017.

⁵⁰ Nussbaum, *Woman and Development*, 81. The capabilities approach holds that the provision of “the social basis of these capabilities” is ultimately the responsibility of the government through its social policies.

lack of protection in their work and gender intersection circumstances.⁵¹ Eventually, the violence that women informal workers face can be rooted in material conflicts, exemplifying limited resources, such as urban space and materials, which can lead to competition.⁵² Other working spaces, such as domestic homes, leave women vulnerable to domestic violence as a result of isolation and lack of access to mechanisms for making complaints and seeking legal recourse. But who are those perpetrators of violence? The state, including local police, traffic cops, border guards, coworkers, family members, the public, clients of informal workers, criminal actors, and strong vested interests with control over the working conditions and workspaces of informal workers, are some of the most common sources of workplace violence. Furthermore, domestic worker abusers may include the employer's friends, family, and coworkers, as well as the owners and employees of brokers, employment agencies, and placement services.⁵³ Considering that large numbers of women work in the informal economy, they are likely to experience violence from these perpetrators. Thus, in 2017, the International Labor Organization (ILO) contended that informal worker organizations ought to be involved in discussions concerning national laws prohibiting violations against informal workers. This discussion is embodied through the "Tripartite Meeting of Experts on Violence." It is deduced in the meeting that: "...governments should adopt or reinforce a policy or policies, in consultation with social partners and with other relevant and representative organizations of persons concerned...Due attention should be paid to workers in the informal economy..."⁵⁴

For Nussbaum, bodily health and bodily integrity are significant to all other capabilities in that they can legitimately interfere with one's decision to some extent. While I prioritize the three capabilities, I argue that the ten lists of capabilities are of equal importance. There will always be disagreements about the exact boundaries of each list, but all are necessary to be possessed by all the women in the informal economy. Women's capabilities should therefore be taken into consideration when juxtaposing these capacities, particularly, life, bodily health, and bodily integrity, with the circumstances of women in the informal economy and their lack of access to any formal safety net. Scrutinizing its connections, due to low wages or unpaid work, those central capabilities are not guaranteed because women do not have access to these formal safety nets. With this, how can we guarantee women in the informal economy? Then, what women in the informal economy *are able to do and to be*.

I argue that the capabilities approach inquiries about what "genuine" opportunities are available to women in this sector. We will now shift our focus to women's development and policy-

⁵¹ ILO, "Violence and Harassment Against Women and Men in the World of Work: Trade Union Perspectives and Action," in *Geneva: ILO* (2017).

⁵² WIEGO, *Violence and Informal Work: Briefing Note* (2018). This has linkages to Marx's Estranged Labor, wherein workers are alienated from other workers because of competitions. Marx claims that work allows people to create strong community bonds. However, industrial capitalism creates work competitive rather than cooperative (Marx, "Estranged Labour," 1844). As a result, not necessarily in an industrial capitalism, we can deduce that women in the informal economy are alienated from other women working in the same sector due to scarce, if not limited, resources, given that they lack the resources that the formal economy possesses.

⁵³ International Domestic Workers Federation (IDWF), "Response to ILO Questionnaire on Ending Violence and Harassment against Women and Men in the World of Work," (2017).

⁵⁴ ILO, "Final Report Meeting of Experts on Violence against Women and Men in the World of Work," 2016, para 19. It is based on "Women in Informal Employment: Globalizing and Organizing" (WIEGO) experiences working with urban informal workers across four industries: waste picking, street vending, domestic work, and home-based work. It is not intended to be a comprehensive analysis; rather, it seeks to paint a broad picture of how industry, workplace, and gender interact with violent sources in order to identify the various types of violence that informal workers face. It also lists potential violent perpetrators based on informal worker accounts.

making to women's capabilities: substantive opportunities in their economic and social environment. The lists of central capabilities impose obligations on governments, which must ensure that all people meet the minimum thresholds for those capabilities. Nussbaum argued that access to these essential capabilities allows for the possibility of a fully human existence.⁵⁵ The recognition of these capabilities enables the government to respect and guarantee its citizens the opportunity to flourishing lives. Nussbaum argued that the advocacy for capabilities seeks to improve the low quality of human conditions in our nations. Additionally, she asserted that concentrating on the particular capabilities that improve general well-being, for example, employment and gender-related capabilities, reveals that different approaches are needed depending on the capability at hand, all of which advance the well-being of women.⁵⁶ Nussbaum then stated: "...the capabilities are an interlocking set; they support one another, and an impediment to one impedes others."⁵⁷

That is where the concept of a threshold comes into the discussion: if a person does not have a certain level of capability in each area (i.e., the lists), they cannot live in a truly human way. Nussbaum calls this "principle of each person as an end," which can be further articulated as a "principle of each person's capability."⁵⁸ The capabilities are sought for every person, groups, families, friends, states, or other corporate bodies. Women, particularly, deserve support in their challenging conditions in the workforce. Women are worthy of support because of what they *are able to do and to be*, and the fundamental political goal is always the promotion of each woman's capability. Thus, my paper will focus on why women's capability in the informal economy an appropriate political goal.

Capability as an Appropriate Political Goal (in the Informal Economy)

Nussbaum argued that capability is an appropriate political goal, not because the theory lacks moral grounding, but because its moral commitments inform public-policy, constitution-making, and international guidance. Nussbaum's account of central human capabilities thereby provides a determinate and action-guiding vision of social justice, lending critical force to policy-making critical for a life worthy of human dignity. Within this framework, the conditions of women in the informal economy may be understood as normative demands for the realization of capability thresholds.

According to Nussbaum, human dignity is grounded as a political doctrine, specifying the institutional conditions necessary for a life worthy of human dignity. In this context, dignity functions as a political conception of the good. In *Frontiers of Justice*, Nussbaum posited that dignity grounds a "political doctrine about basic entitlements."⁵⁹ Ultimately, the list of capabilities is a partial moral conception conceived to guarantee basic political principles⁶⁰ and unifies the overlapping consensus in pluralistic societies.⁶¹ Case in point, political conception in the informal economy can be perceived in the collective struggles of domestic workers for legal recognition and enforceable rights. When domestic workers seek inclusion in labor legislation, such as access to social security,

⁵⁵ Nussbaum, *Women and Development*, 87.

⁵⁶ Nussbaum, *Capabilities as Fundamental Entitlements*, 53.

⁵⁷ Nussbaum, *Women and Development*, 294.

⁵⁸ *Ibid.*, 5, 12, 74, 198.

⁵⁹ Martha C. Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership*, in JSTOR (Harvard University Press, 2006), <155, <https://www.jstor.org/stable/j.ctv1c7zftw>>.

⁶⁰ Nussbaum, *Creating Capabilities*, 109.

⁶¹ Nussbaum, *Frontiers of Justice*, 153-154.

regulated hours, and a minimum wage guarantee, they affirm not just moral worth but a claim to equal civic standing as rights-bearing workers.⁶²

In *The Right of Others: Aliens, Residents, and Citizens*, Seyla Benhabib develops a discourse-theoretic understanding of democratic legitimacy grounded in the moral right of all individuals. Democratic legitimacy hinges on inclusive public reasoning and the power of all individuals to challenge institutional arrangements.⁶³ In the case of informal women workers, dignity becomes a political objective when it requires not only protection through labor policy but also recognition of women as participants of the regulatory frameworks that structure their labor.

However, Nussbaum contended that the entitlements flowing from dignity are “prepolitical”, not artifacts of laws and institutions.⁶⁴ It is an inherent quality belonging to an individual before legal recognition. In this case, informal women workers possess inherent and equal human dignity, a prepolitical moral status, regardless of their labor conditions. The government or the state does not give this dignity; they are responding to it. From the conception, I argue that Nussbaum is articulating that capabilities are political goals because states must organize laws, policies, and social structures to secure those thresholds as a matter of occupational justice. The structural deficiencies that women face demonstrated why capability is a political objective because, without constitutional efforts, the dignity of informal women workers remains nascent in praxis.

Iris Marion Young, for instance, structural injustice refers to the harms people experience because of the broader systems they are part of.⁶⁵ In this case, women in the informal economy face low pay and serious occupational risks not simply because of one employer’s actions, but because multiple actors, such as government institutions, contribute to these conditions. As Young noted, the actions of institutions reinforce the existing rules in a specific context, thereby governments pursue efficiency and cost reduction with this structure. From the perspective of women’s capabilities, these structural dynamics constrain women’s substantive freedoms and limit their ability to achieve central capabilities. As Young maintained, such processes can be transformed only through collective action across different social positions.⁶⁶ I argue that these conditions represent capability deprivation that must be addressed by government institutions. Expanding women’s capabilities in the informal economy, therefore, becomes a political goal requiring coordinated reforms among states, firms, and other institutions.

Thus, the main objective of Nussbaum’s work is to give the philosophical underpinnings for an explanation of fundamental constitutional values that all governments ought to uphold and enforce as a necessary condition for maintaining human dignity. This is a liberal commitment to ensure basic rights for everyone. Thus, she argued that constitutional governments must “protect,

⁶² This is contemplated in Convention 189 of the International Labour Organization (ILO), also known as the *Domestic Workers Convention, 2011*. It established international labor standards such as fair employment terms and social protection, dedicated for domestic workers - a sector historically underserved by formal labor rights.

⁶³ Seyla Benhabib, “The Rights of Others: Aliens, Residents, and Citizens,” in *Philpapers.org* (2012), <<https://philpapers.org/rec/BENTRO-27>>.

⁶⁴ Martha C. Nussbaum, “Capabilities, Entitlements, Rights: Supplementation and Critique,” in *Journal of Human Development and Capabilities* 12:1 (February 2011): 23–37, <<https://doi.org/10.1080/19452829.2011.541731>>.

⁶⁵ Iris Marion Young, *Political Responsibility and Structural Injustice* (University of Kansas, Department of Philosophy, 2003).

⁶⁶ Iris Marion Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990).

promote, or create whatever conditions are necessary for citizens to possess these fundamental capabilities.”⁶⁷ Hence, I argue that governments ought to protect women’s fundamental capabilities, and this is a constitutional obligation. Nussbaum’s universal list of capabilities is a sort of objective basis that allows putting women’s lack of liberty to the fore. Why would women have fewer requirements than men in terms of liberty? The first step of our reflection on the improvement of women’s quality of life is therefore to point out what central capabilities are hardly accessible to them. It is then crucial to understand what institutions are incompatible with women flourishing to act well on it. One must acknowledge the significance of social structures as well as individual agency. I contend that government and other institutions’ interventions are necessary to increase women’s access to social protection.

By foregrounding what women are *able to do and to be*, the study affirms informal women workers’ capabilities at the center of inquiry. Thereby, it uncovers inequalities in resources and opportunities, violations of bodily integrity, and the continued failure to recognize informal labor as a legitimate form of employment. It is crucial to clarify the normative direction of policy on what constitutional commitments should structure informal women workers’ participation in the workforce, what conditions impede their economic advancement, and what entitlements they possess as members of society. Women working in the informal economy remain disproportionately marginalized despite occupying some of the most precarious positions in the labor market, characterized by low wages, insecurity, and exploitation. Analyzing these conditions reveals the structural barriers that restrict women’s access to institutions and underscores the need for policies grounded in justice rather than mere economic growth.

Limit to Women (in the Informal Economy) Access to Institutions

In light of the foregoing arguments, informal women workers frequently encounter a wider variety of risks, which most often reflect their living and working circumstances. I argue that it is therefore critical to undertake a systematic assessment of these risks to illuminate the social and economic costs of treating informal women workers as peripheral rather than legitimate economic agents. Moreover, women in this sector often lack the opportunity to communicate their concerns to policymakers, leading to the formalization of policies that do not align with their needs and priorities.⁶⁸ Such a case not only exposes women to economic insecurity and hazardous conditions but also conveys precarity, particularly for children and the elderly, who often reside in similarly informal and unprotected living arrangements in developing contexts.

Generally, women in the informal economy who “can” achieve economic independence are perhaps hindered by low and insecure wages, work in unsafe conditions, no paid health and medical benefits, no pension, and risk of sexual harassment. This being the case of women’s liberty,⁶⁹ Nussbaum asserts, “liberty is not just about having rights on paper; it also requires being in a material position to exercise those rights”⁷⁰ Nevertheless, governmental or institutional

⁶⁷ Nussbaum, *Women and Equality*, 227.

⁶⁸ See ILO (forthcoming), *Compendium of practice - Examples of relations developed by workers’ and employers’ organizations with the informal economy*, International Labour Organization, Geneva

⁶⁹ See Nussbaum, *Women and Development*, 53. Here, Nussbaum detest paternalism, to the extent that we do because we value every person’s liberty when it comes to critical matters. It is entirely consistent to oppose some paternalistic ideologies while equally endorsing those that serve as the foundation for these core principles.

⁷⁰ Nussbaum, *Upheavals of Thought*, 1.

organizations play a paramount role in empowering women by providing real-world opportunities, with accessibility to formal safety nets. Women are not just simply denied the same rights as men; many are unaware of their subordination. Only political dialogue allows for the expression or emergence of personal choices and needs. Thus, to address inequalities, policies must prioritize both economic and political freedom.⁷¹

Nevertheless, Nussbaum constructs a theory of fundamental social justice using the capabilities approach. On top of that, women employed in the informal economy are the poorest working-class members and have the least influence on the government to implement certain policies that recognize their informal work as a form of employment. Recognizing informal women's work as a legitimate form of employment, consistent with the argument advanced in the first section of this paper, elucidates why women working in the informal economy face constrained institutional access to their capabilities as a political goal. Such evaluation provides both empirical grounding for sustained public investment and normative justification in legal protection, occupational safety, and labor regulation, while guiding the formulation of coherent and evidence-based policy responses.

Having examined the empirical conditions of informal women workers and assessed what they are substantively *able to do and to be*, the discussion now shifts to the theorization of the accounts of occupational justice. In the next section, I will engage the capability frameworks of Nussbaum and Sen to conceptually ground the analysis and to develop a more relentless account of the capabilities of women within the context of informal labor.

Understanding Nussbaum's Capabilities Approach and Amartya Sen's Capabilities

The goal of this section is to draw connection between Nussbaum and Amartya Sen's capabilities approach. With their complementing argument, I aim to show the need and importance of theorizing women's capabilities and development as a proper philosophical base in viewing occupational and gender justice in the informal economy. I will summarize Amartya Sen's development economics research and further detail the capabilities approach as a theory of development. As Nussbaum accurately notes, when formulating economic policies, we need a "counter-theory" for those that prioritize material well-being or, in the grand scheme of things, economic growth.⁷² Towards this discussion, I will proceed to analyze the horizon of occupational justice and to articulate mediating principles necessary for translating its philosophical foundations into concrete institutional and policy frameworks.

The capabilities approach is predicated on the idea that opportunities and human freedom are essential to social development, as advocated by Sen, Nussbaum, and the United Nations Development Programme (UNDP). Generally, the capabilities approach forwarded by these scholars provides a social development framework that can consider the conditions of women. Women comprise the majority of those living in poverty, and that they are particularly vulnerable to violence and other forms of inequality that compound their vulnerabilities in working in the informal economy.

⁷¹ Muriel Gilardone et al., "The Weight of Institutions on Women's Capabilities the Weight of Institutions on Women's Capabilities How Far Can Microfinance Help?," (2009), <<https://shs.hal.science/halshs-00421839/document>>.

⁷² On other hand, an increasing number of economists and statistical offices are interested in evaluating the capabilities approach to understand and identify its practical effects, thus, to measure capabilities or reasonable proxies.

Theorizing Capabilities Approach and Social Justice to Women's Development

The value of informal women workers' labor, within the capabilities framework, lies not in labor participation itself but in the extent to which it expands their (real) opportunities to live with truly human dignity. Sen posited that how individuals live their lives, and the services and institutions to which they have access, are linked to their annual earnings, which are often neglected by many approaches. He argued that poor and low-income individuals are vulnerable and perform poorly not only because they do not have enough income or wages, but also because they lack certain freedoms or capabilities.⁷³ This position is linked to the conditions of most domestic and home-based workers. Sen's position has linkages to the experiences of domestic, care, and home-based workers, whose impediments stem not only from low income or wages but from institutional exclusions and limited accessibility to social and legal protection.

Another point to consider, Sen has prioritized "what is of intrinsic value in life, rather than on the goods that provide instrumental value or utility."⁷⁴ Sen demonstrated that welfare may increase with more freedom and choice, in contrast to a utilitarian measure of human welfare, which would suggest that individuals are worse off if their standard of living is lower. Low income and poverty are now understood to be the denial of fundamental liberties.⁷⁵ As a matter of fact, income is a means to an end rather than an end in and of itself. From the perspective of informal women workers, low wages in domestic work are not just a form of economic disadvantage but an indicator of a limited ability to transform into secure living conditions. The political goal, therefore, is not merely to raise incomes or wages, but to restructure the institutional conditions, enhancing informal labor and protecting women workers from exploitation.

As discussed in the second section, in the part of reinforcing and weakening capabilities of women, Sen advocated basic capabilities such as "the ability to be well nourished, to avoid escapable morbidity or mortality, to read and write and communicate, to take part in the life of the community, to appear in public without shame."⁷⁶ This emphasizes the need of reinforcing women's capabilities, since even basic thresholds of well-being remained unattained for many. At such a point, Sen argued that basic capabilities function both instrumentally and constitutively.⁷⁷ By this, I regard that they are instrumentally valuable in enabling substantive freedoms and opportunities, and constitutively valuable in the means to live well. Sen utilized the concept of capability primarily to define the range within which comparisons of life quality or, as he sometimes refers to it, "the standard of living" are most useful.⁷⁸ Here, we ask questions about people's capability, not their level of satisfaction or the amount of resources they can possess, which is the same as Nussbaum's idea. Additionally, Sen also argued that the best place to express concerns about social equality and inequality is in the realm of capabilities. Nussbaum explained how capabilities, along with the notion of a threshold level of

⁷³ Amartya Sen, "Development as Freedom" (Oxford University Press, 1999), <<http://www.c3l.uni-oldenburg.de/cde/OMDE625/Sen/Sen-intro.pdf>>.

⁷⁴ This is quoted in Steven Pressman and Gale Summerfield, "The Economic Contributions of Amartya Sen," *Review of Political Economy* 12:1 (January 2000): 97, <<https://doi.org/10.1080/095382500106830>>.

⁷⁵ Sen, *Development as Freedom*, 125.

⁷⁶ *Ibid.*, 126.

⁷⁷ See Thomas Wells, "Sen's Capability Approach," Internet Encyclopedia of Philosophy, 1999, <<https://iep.utm.edu/sen-cap/>>.

⁷⁸ Sen, *Development as Freedom*, 127.

capabilities, can serve as a foundation for fundamental constitutional principles that citizens have a right to demand from their governments.⁷⁹

Gender inequality, according to Nussbaum's capability approach, can be defined as a collection of dysfunctions in a social space in which women are disadvantaged in a variety of ways, including resources, education, health, control over their bodies, lives, and employment.⁸⁰ Meanwhile, for Sen, respecting people's freedom to do the things they value, choose what they want to do, and make decisions based on their options is what it means to be free.⁸¹ This line of reasoning emphasizes not only women's material conditions but also the horizon of choices available to informal women workers. In contexts where patriarchal hegemonies remain ingrained in legal systems and economic arrangements, women are frequently positioned as secondary citizens.

All things considered, I argue that this is an issue of occupational justice in the realm of social and gender justice. These justices discern occupational recognition for all informal women workers in society, regardless of class, age, gender, or other institutional differences. This study is an attempt to build a theoretical bridge to the practice of occupational justice. It is grounded in the idea that human beings have a right to engage in dignified work. In understanding women in the informal economy, it serves as a lens to address the compounded structural injustice that impedes them from achieving legal protections and security at work.

With my aim to understand women in the informal economy, I assert that occupational justice is comprehended as both a matter of social justice and gender justice. First, it is a matter of social justice because accessibility to secure, meaningful, and protected work is structured by broader economic systems and institutional arrangements that shape informal women workers' opportunities. Reviewing the idea of dignity and inviolability, Nussbaum's capabilities approach is a foundation for social justice in drafting and framing policy and law, which promotes gender justice. It offers a struggle-focused framework for understanding the marginalized conditions of women in the informal economy. As such, Nussbaum's list of capabilities is a step in achieving a gender just society through constitutional guarantees. Whatever its level of opulence, an institution that does not guarantee those capabilities to all its citizens is not committed to being a just society. Second, it is a matter of gender justice because these occupational injustices are not neutral; they are affected by patriarchal norms, unpaid care responsibilities, occupational segregation, and the devaluation of women's labor. A capability-based theory of gender justice, as developed by scholars such as Ingrid Robeyns, shifts the focus of justice from resources or outcomes to individuals' real opportunities to achieve valuable ways of being and doing.⁸² The Capabilities Approach, as articulated by Nussbaum, furnishes a normative framework for evaluating whether individuals have real opportunities to flourish. Even though the approach does not function as a complete distributive formula for social welfare, it institutes a threshold of central capabilities that any gender-just society must secure. Governments should guarantee this threshold, and failure to meet it signals structural social injustice.

⁷⁹ Nussbaum, *Women and Development*, 92.

⁸⁰ *Ibid.*, 89.

⁸¹ Sen, "Equality of What?" in *McMurrin S Tanner Lectures on Human Values*, Volume 1, (Cambridge: Cambridge University Press, 1980).

⁸² Ingrid Robeyns, *Wellbeing, Freedom and Social Justice: The Capability Approach ReExamined*, 1st ed. (Open Book Publishers, 2017), <<https://doi.org/10.2307/j.ctt1zkjxgc>>.

Considering the practical implications of this study, mediating normative principles and ethical criteria are significant to guide the translation of capabilities into concrete policy interventions for informal women workers, assuring that the Capabilities Approach is operationalized in institutionally coherent and justice-oriented frameworks. I suggest that informal women workers should be treated as rights-bearing agents entitled to the institutional conditions necessary for a fully human life, not just passive welfare beneficiaries. This required guaranteeing thresholds of core capabilities, wherein policy aims not only at economic growth but also at ensuring substantive capabilities for women informal workers. Government policies must go beyond adopting gender-responsive measures, such as providing flexible social protection schemes, and including legal recognition of informal labor. This adds another layer of arguments linking capabilities to political principles, which can be embodied in constitutional guarantees. In addition, policy design must be context-sensitive while upholding universal standards of dignity. While the scope of capabilities is universal, their realization should respond to local economic realities and cultural contexts.

Based on these, the approach advocates for a structural transformation rather than mere compensatory welfare, accompanied by clear mechanisms. Legal recognition, inclusive labor reforms, and enforceable protections ensure that capabilities function as normative benchmarks of justice rather than symbolic commitments. A principle of recognition and status equality, grounded in Nancy Fraser's theory of participatory parity in *Scales of Justice*, holds that justice requires not just redistribution of resources but also the dismantling of institutionalized cultural patterns that deny certain groups equal social standing.⁸³ Applied to informal women workers, these principles emphasize how domestic work, care work, home-based production, and other forms of informal labor are often misrecognized as supplementary or marginal, strengthening structural subordination.

Whether the policy itself can offer a discursive framework to explain gender and employment in the informal economy is up for debate. I plead that an effort should be made to develop a discursive framework that is comprehensive and adequate to address issues regarding context, the significance, and nature of employment in general, course selection, success, and inaccessibility to safety nets that further impede women's development and capability. Indeed, since these are important and need sufficient attention, they should also cover complex realities about how women in the informal economy are positioned in society.

Capabilities Approach in Praxis

For women working in the informal economy, access to employment and job development are essential tactics for fostering social, political, and economic opportunities for women. In the Philippines, there have been existing laws and policies to support women in this sector. Article II, Section 9 of the 1987 Philippine Constitution mandates the State to facilitate social justice, reduce poverty, and improve the quality of life for all. This commitment is supported by Republic Act No. 8425, which acknowledges the informal economy as a basic sector and offers for its participation in governance and reform planning. Republic Act No. 9710 ensures respect for their human rights and calls for the realization of decent work under conditions of dignity, equity, and security, as women in the informal economy are particularly marginalized as a group. Access to social protection is additionally mandated by Republic Act No. 10606 and Republic Act No. 11223, which equip

⁸³ Nancy Fraser, *Scales of Justice Reimagining Political Space in a Globalizing World* (New York: Columbia University Press, 2009).

universal health insurance coverage, as well as by the Social Security Act of 2018, which guarantees protection against income loss due to sickness, disability, old age, maternity, and other contingencies.⁸⁴

I argue, however, these enactments remain deficient because they do not fully translate formal rights into substantive freedoms when regarded through the lens of Nussbaum's Capabilities Approach. Implementation gaps, contribution-based systems, and bureaucratic barriers preclude many informal women workers from effectively accessing decent work protections, despite the legal framework acknowledging women's marginalization and guaranteeing protection on paper. Structural gender inequalities, such as unpaid care burdens and occupational segregation, persist in constraining their real opportunities to achieve central capabilities. Thus, despite progressive legislation, a considerable gap persists between formal legal recognition and the tangible expansion of women's capabilities in the informal economy.

Against this backdrop, I can suggest that women's protection entails differentiated yet binding obligations structured according to institutional power because capabilities set threshold conditions of justice. The State bears primary responsibility to institutionalize capability thresholds, while market actors can systematize production in manners consistent with human dignity, beyond mere contractual compliance. Moreover, civil society can mediate and democratize these processes by promoting marginalized voices, scrutinizing institutional failures, and repurposing formal rights into entitlements.⁸⁵ This is echoing Iris Marion Young's social connection model of structural responsibility, which unveils responsibility among all actors who participate in and benefit from the structural processes that produce unjust consequences, rather than condemning it into single perpetrator.⁸⁶ In that regard, the capabilities of women working in the informal economy will be improved by the provisions of support services, specifically for those who face structural and intersectional forms of inequality.

With that in mind, to truly help women in the informal economy, resources such as care, legal advocacy, and capabilities should be institutionalized. Guaranteeing safety nets for informal workers is a critical part of social and economic development strategies. Thus, policy advocacy can be utilized to advance the right to protective security measures like a welfare safety net. However, I want to stress that my accounts might not offer a concrete solution, but it briefly provides recommendations for upholding the capabilities of women informal workers, thus transcending them from the informal to the realization of decent work.

Conclusion

In this study, I aimed to understand the condition of women in the informal economy using the Capabilities Approach of Martha Nussbaum. Women across many societies are underprivileged,

⁸⁴ Philippine Commission on Women, ed., "Enacting a Magna Carta of Workers in the Informal Economy," 2019, <https://pcw.gov.ph/assets/files/2019/10/PCW-WPLA-PB-10-Magna-Carta-of-Workers-in-the-Informal-Economy.pdf?x34628>.

⁸⁵ See Wim Van Opstal, Nancy Bocken, and Jan Brusselaers, "The Roles of Civil Society Associations in Organising the Informal Circular Economy," in *Sustainable Development* (August 20, 2025), <<https://doi.org/10.1002/sd.70168>>.

⁸⁶ Iris Marion Young, "Responsibility and Global Justice: A Social Connection Model," in *philpapers.org* (2006), <<https://philpapers.org/rec/YOURAG>>.

not just by economic position but by gendered norms that treat them as adjuncts to the ends of others. These impediments are heightened in the informal economy, which, while serving as a critical source of income for millions of women and their families, frequently exposes them to exploitation, absence of social protection, and legal invisibility. Women in this economy are overrepresented in unpaid, low-wage, and precarious forms of work, rendering them structurally vulnerable. I argued that women in the informal economy are bearers of equal human dignity and central capabilities. Their failure to reach threshold levels of these capabilities is not a matter of individual deficits but a problem of social justice. Drawing on Nussbaum's list of central human capabilities, I examined whether these basic entitlements are reinforced or weakened under conditions of informal labor. My study implicitly demonstrated that many of these capabilities are systematically constrained by structural inequalities. Crucially, capabilities are political goals rather than comprehensive moral ideals. Therefore, women's capabilities in the informal economy are institutional obligations. Social justice demands that states secure threshold levels of capability, rather than conforming women to a particular model of flourishing.

I stressed in this study that this political conception of dignity maintains universality while remaining sensitive to context. Intersectional factors such as class, ethnicity, age, and migration status shape distinct pathways of capability deprivation. Intersectional differences do not dissolve the shared normative claim that all women are entitled to these entitlements. Dignity in this framework is embodied, wherein the violations of women's dignity surface through lived realities such as unsafe working conditions, exposure to harassment, lack of maternity benefits, and exclusion from legal recognition. Ultimately, by sitting Nussbaum's account alongside that of Amartya Sen, I highlighted both the evaluative and normative dimensions of the Capabilities Approach. While Sen stressed comparative assessment and public reasoning, Nussbaum furnished a more determinate threshold account that can ground constitutional principles. Nussbaum and Sen strengthen the argument that a capability-based framework offers a philosophically robust foundation for basic entitlements for women working in the informal economy.

Finally, I offered an argument that respect for women informal workers' dignity in the informal economy urges the establishment and enforcement of constitutional and institutional guarantees that secure central capabilities as a pressing foundation of social, economic, and occupational justice. The informal workplaces should not be a space where human dignity is suspended; instead, it is in such structurally vulnerable contexts that the political goals of justice become most critical and most palpable.

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