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The Human Person in Martha Nussbaum's Capabilities Ethics

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In face of worsening global poverty and social inequity, the United Nations, in 1990, established the United Nations Development Program (UNDP), on the operating principle, articulated by 1998 Nobel Laureate for Economics Amartya Sen, that a nation's people, who constitute its real wealth, must be treated "not just as the means but, more importantly, as the principal ends of development."¹ This people's "quality of life," that is, their capacity to attain desirable "levels of satisfaction," as a matter of the greatest importance, must be correlated, not with "the amount of resources they are able to command," but with "what [they] are able to do or to be."²

American philosopher Martha Nussbaum provides a cognate account of these "capacities," and of the "legal/constitutional guarantees of what citizens ought to have the right to demand from their governments" for in order to achieve, through the operation of these capacities, desirable "threshold levels" of benefit to themselves.³ It ought to be mentioned at this point that, as a research fellow in 1986 at the World Institute for Development Research (WIDER), Nussbaum had worked in India, among poor women, in proximity to the horror and pain of their "real and concrete, rather than abstract," living

¹Des Gasper, "Is Sen's approach an adequate basis for considering human development?," in *Review of Political Economy* 14:4 (2002), p. 441.

²Martha Nussbaum, *Women and Human Development* (Edinburg: Cambridge University Press, 2000), p. 12.

³*Ibid*
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conditions.⁴ She has sought ever since to alert policy makers worldwide of the fact, bannered in the 1997 UNDP Human Development Report, that “no country treats its women as well as its men according to a complex measure that includes life expectancy, wealth and education,”⁵ as well as of the steps that, eschewing the abstract preoccupations of economics – in her view, Sen’s weakness – could bring amelioration. Among the things they could do is put “basic political principles... [and] constitutional guarantees”⁶ in place that would facilitate women’s efforts to build for themselves a more “fully human” life – with an improved life expectancy, a meaningful education, and decisive access to material security.⁷ Within the ambit of such a life (reminiscent, in her view, of both Aristotle and of Marx), they would be expected to conduct themselves, not poorly, but with dignity and flourish.⁸

The Human Person: A Twofold Intuitive Idea

Nussbaum starts off with the observation that women in much of the world lack support for the fundamental functions of a human life. They are less well-nourished than men, less healthy, more vulnerable to physical violence and sexual abuse. They are much less likely than men to be literate, and still less likely to have a professional and technical education.⁹

Operating at some point between the opposing force fields of a “double day” that, at the same time that it situates them in oftentimes extremely demanding and perilous work environments away from their households, imposes upon them the multiple tasks that await them upon their return home, they are left with neither the time nor the energy to engage those other “functions,” such as “play and the cultivation of their imaginative and cognitive faculties” that, in Aristotle’s and Marx’s view, are required of people for them to be human at all.¹⁰ These functions are tied to resources other than simply

⁴*Ibid.*, p. xvi-xvi

⁵*Ibid.*, p. 2.

⁶*Ibid.*, p. 298.

⁷*Ibid.*, p. 12.

⁸*Ibid.*

⁹*Ibid.*, p. 1.

¹⁰*Ibid.*, pp. 1-2
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material ones, such as the values that, by circulating around their communities, people cultivate, absorb, store. These values are what would "actually inspire [their] effort" to bring eudaimonia or public happiness "from its state of concealment or mere potentiality"¹¹ to an actuality of "good living."¹² "It is impossible," observes Aristotle, "or difficult to do fine things without resources" (NE1099a31-3). People need such "good things from outside," not only to avoid stasis or paralysis, but also and, perhaps, more importantly, to conduct their affairs, "not merely [in] an animal way," but "humanly." Eudaimonia, in that sense, is a function, not of people's ideal states, but of what they are "able to do and to be." "Good living is good acting," she says, and involves resource-building which, like "good athletic conditioning, is a kind of preparation for an activity," and "it finds its natural fulfillment and flourishing in activity."¹³

Vast numbers of women worldwide, however, are prevented, among other things, by their lack of access to an adequate education, from engaging in activities crucial to such "human living." In formerly Taliban-dominated Afghanistan, for example, many women were forbidden by their restrictive religious practices, to operate in the public, and among men who were not proximately related to them, which meant they could not attend school, or consult with male physicians when they needed to, and for the most part forced into marriages for which they were neither physically nor psychologically prepared. By no stretch of the imagination did such women "live well." Quite the reverse, their lives was "so impoverished that [they were] not worthy of the dignity of the human being"; yes, they went on living, "but more or less like animal[s], unable to develop and realize [their] human power."¹⁴ Theirs were lives "without dignity and choice... in which [they were] no more than an appendage of someone else"; lives

¹¹ Martha Nussbaum, *The Fragility of Goodness* (Cambridge: Cambridge University Press, 1986), p. 324.

¹² Amartya Sen, *The Quality of Life* (Oxford: Oxford University Press, 1993), p. 30. Sen acknowledges a debt to Nussbaum for calling his attention to this Aristotelian consideration. See Amartya Sen, *The Standard of Living* (Cambridge: Cambridge University Press, 1987), p. 23.

¹³ *Ibid.*, p. 324.

¹⁴ Nussbaum, *Women and Human Development*, p. 72.

imposed upon by “a type of death,” the “death of [their] humanity.”¹⁵ This became the case for them, unsupported in their lives “by [the] appropriate education, by leisure for play and self-expression, and by valuable association with others.” The lives they “operate[d] at a merely animal level,”¹⁶ served as a veritable tunnel to the “core of what exploitation is.”¹⁷

Yet, incontrovertibly, the human person is “a dignified free individual who shapes his or her own life in cooperation and reciprocity with others, rather than being passively shaped or pushed around by the world in the manner of a flock or herd animal,” asserts Nussbaum in *Women and Human Development*.¹⁸ A life is always someone’s in particular. “Each person has just one life to live, not more than one... the food on A’s plate does not magically nourish the stomach of B... the pleasure felt in C’s body does not make the pain experienced by D less painful.”¹⁹ Nussbaum replicates Marx’s forceful assertion that each human life is not a “means to [that] end,” but is “an end in itself,” demanding that it be valued, looked after, accorded respect, provided with the “right education and material support” and buttressed by such “values” as would be “central for political purposes.” What this whole thing “turns ultimately on [is] seeing human beings as people with rights to exercise, not as parts of a stock, or a population that passively exists, and must be looked after.”²⁰

The Threshold of Capabilities as a Politically Realistic Framework

Nussbaum considers what Sen’s assertions in development economics “might mean politically,” that is, in terms of people’s specific political entitlements. She deploys, as opposed to Sen’s abstract and politically improbable “equality of capability,” the notions of “a threshold of capability,” and “core human entitlements... respected and

¹⁵*Ibid.*, p. 83.

¹⁶*Ibid.*, p. 72.

¹⁷*Ibid.*

¹⁸*Ibid.*, p. 38.

¹⁹*Ibid.*, p. 56.

²⁰*Ibid.*
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implemented by the governments of all nations.”²¹ The idea is that with decisive support from their governments, human beings can attain “not only mere life, but a life compatible with human dignity.”²² Given the incredible diversity of our global order, however, this support is often not available. National communities around the world, therefore, both within themselves and with respect to one another, need to engage in the sort of political deliberation and consensus building that hopefully would produce “a uniformity of public political arrangements” whose aim would be to “deliver to citizens a certain basic level of capability,”²³ and this would require, as a first starting point, the operation of “major political liberties safeguarding pluralism” such as “the freedom of speech, the freedom of association, and freedom of conscience.”²⁴ These freedoms, moreover, ought to be invoked, not “to reinstate metaphysical ideas, the usual effect of which is to bifurcate people along divisions of culture and religion,” but to establish “a freestanding ‘partial moral conception,’ imbedded within “purely political consensus-driven ends.”²⁵ It is in view, not of moral-universal-prescriptive ends, but of political ones, that, in a pluralist world, a threshold of capabilities ought to be established, along with the pertinent constitutional protections, as these would involve global constituencies that stand in the greatest danger of being prevented from attaining to a truly human life, such as those of the world’s women and children. These guarantees become all the more important in view of the fact that it would not be in the power of any government, on the basis of a simple, ad hoc, fiat, to, for instance, “make all women emotionally healthy,” whereas legal and constitutional guarantees might. Such guarantees “influence emotional health, through suitable policies in areas such as family law, rape law and public safety.”²⁶

²¹Martha Nussbaum, *Frontiers of Justice* (Cambridge, MA: Cambridge University Press, 2006), p. 70.

²²*Ibid.*, p. 292.

²³*Ibid.*, p. 71.

²⁴*Ibid.*, p. 297.

²⁵*Ibid.*, p. 296.

²⁶*Ibid.*
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The Universal Nature of the Ten Central Human Capabilities

As mentioned earlier, Nussbaum asserts that “each citizen, in each and every nation... [must be treated] as an end,”²⁷ insofar as each citizen delivers a “thick” presence of the good, which “begins from two facts”²⁸:

First, that we do recognize others as humans across many divisions of time and space. Whatever the differences we encounter, we are rarely in doubt as to when we are dealing with a human being and when we are not. The essentialist account attempts to describe the bases for these recognitions; by mapping out the general shape of the human form of life, those features that constitute a life as human wherever it is. Second, we do have a broadly shared general consensus about the features whose absence means the end of a human form of life.²⁹

Nations and governments have, therefore, to hammer out agreements on “certain universal norms of human capability.” These, in turn, could be made to play a “central [role in]... thinking about basic political principles...” such as the “constitutional guarantees” underpinning them.³⁰ Indeed, these “universal values are not just acceptable, but badly needed, if we really are to show respect for all citizens in a pluralistic society.”³¹ Sen does not exactly designate the “areas” that such a constitutional and legislative agenda would seek to influence, although, in illustration of his arguments, he often cites literacy and health care. Nussbaum, not as circumspect, draws up a list of those things the relative presence or absence of which in the lives of people would provide a “measure [of] the quality of [the] human [in those lives].”³² She lists ten³³:

²⁷*Ibid.*, p. 6.

²⁸*Ibid.*, p. 60.

²⁹*Ibid.*, p. 215.

³⁰*Ibid.*, p. 35.

³¹*Ibid.*, p. 60.

³²Nussbaum, *Women and Human Development*, p. 71.

³³*Ibid.*, pp. 78-80.

- life (the ability to play out a normal span of life);
- bodily health (the ability to arrange for adequate nourishment and shelter)
- bodily integrity (the ability to provide for one's physical security, the right to one's own body, to voluntarily generated sexual satisfaction, to freely conceive and bear children)
- senses, imagination, and thought (the ability to deploy the senses, imagination, thought and reason; this requires an adequacy of education, informed and free from repression)
- emotions (the ability to develop attachments to other people and things)
- practical reason (the ability to "form a conception of the good and to engage in critical reflection for the planning of one's life")
- affiliation (the ability to interact, empathize, with other people, so as to develop the social bases of self-respect, and non-humiliation, as well as discrimination on the grounds of race, sex, etc.)
- other species (the ability to manifest concern for the natural world)
- play (Being able to play and laugh)
- control over one's social environment (the ability to participate in political process, to own possessions, and seek employment)

A life deficient of the capabilities listed above is bereft of human dignity.³⁴ It "would be too lacking and too impoverished to be human at all."³⁵ Wherever a person is, as an end in himself or herself, he or she would be entitled to all of the capabilities on the list. For if an individual possesses say, only nine of the others, but is deficient of the tenth, and is, as a result, under constant threat of terrorism, his or her well-being would be terribly compromised. An Aristotelian essentialist,

³⁴Nussbaum, *Frontiers of Justice*, p. 78.

³⁵Martha Nussbaum, "Human Functioning and Social Justice: In defense of Aristotelian Essentialism," *Political Theory* 29 (2), p. 220.

Nussbaum believes that a life deficient of even one of them, would somehow be lacking in humanness.³⁶ On the other hand, possessed of all these universal values, one stands a better chance of attaining to a fuller life than one otherwise might. So women as a group, for instance, ought to be allowed the originality of their thoughts, the directness of their emotions, the expansiveness of their imagination, and the proper functioning of their practical reason, for them to live truly well. They ought to be accorded every opportunity to be heard, to be allowed their chosen career, and to be supported whatever their plan of life. Upon zeroing in on such functions as the ten listed above, we can determine whether or not our established social and political institutions are doing anything to support them.³⁷ Such a concrete framework would provide a basis for policies on human development efforts. Gasper remarks that Nussbaum's list sets a relevant starting point for discussion and public action.³⁸ The universal character of the human capabilities constituting Nussbaum's framework, underscores the need for a politically justifiable approach that is sensitive to cultural pluralism, at the same time that it provides a political basis for identifying priorities in human development. That in humans which makes them human provides the "element for shared acceptance between ideologies that can otherwise differ."³⁹ This is Nussbaum's achievement, that she gives us "a conception of human well-being that arises from the investigation into 'human be-ing' – into the meaning of 'human' and the contents of 'being.'"⁴⁰

Why Make A List Of Capabilities?

Some critics, however, accuse Nussbaum of being, as they put it, "monological," by not making allowance for the incommensurability of cultures, and the irreducible complexity of human life. She sets too high a standard, they claim, for human wellbeing. Gasper asks,

³⁶*Ibid.*, p. 222.

³⁷*Ibid.*, p. 214.

³⁸Des Gasper, *The Ethics of Development* (Edinburg: Edinburg University Press, 2004), p. 186.

³⁹*Ibid.*, p. 185.

⁴⁰*Ibid.*, p. 182.
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"Why make a list of universal capabilities?"⁴¹ Nussbaum's claim that "a deep thinking individual could rationally determine what is rationally binding in a situation," insofar as it arbitrarily assigns uniform valences to all people, in all places, and at all times is, he would argue, too prescriptive.⁴² In her rejoinder to that criticism, Sabina Alkire proposes we follow a participatory procedure in identifying those central values. Participation, she says, plays a constructive role in clarifying values and value priorities."⁴³ Alkire notes that "participation refers to the process of discussion, information gathering, conflict and eventual decision-making, implementation, and evaluation by the groups directly affected by the activity."⁴⁴ The stakeholders themselves ought to talk insofar as they would be the most affected by the issues. Indeed, as Sen and Dreze maintain, the intrinsic value of participation in a democratic society has some implication for the quality of life:

Participation also has intrinsic value for the quality of human life. Indeed being able to do something not only for oneself but also for other members of the society is one of the elementary freedoms which people have reason to value. The popular appeal of many social movements in India confirm that this basic capability is highly valued even among people who lead very deprived lives in material terms.⁴⁵

So while Nussbaum may appear to "override individual preferences and rights to construct the meaning of their life as they see fit,"⁴⁶ as Alkire suggests, the participation of this issue's different stakeholders, can provide the overarching remedy.

Gaspar points out, additionally, that Nussbaum appears to confuse what she calls a dignified human existence with Aristotelian human flourishing, with the result that a deficiency in any of the elements that make up the latter would be said to flag that existence as somehow lacking in dignity and therefore less than human.⁴⁷ So if someone was

⁴¹*Ibid.*, p. 186.

⁴²Des Gaspar, "Sen's Capabilities Approach and Nussbaum's Capabilities Ethics", *Review of Political Economy* 14 (4), p. 296.

⁴³Sabina Alkire, *Valuing Freedoms* (Oxford: Oxford University Press, 2002), p. 136.

⁴⁴*Ibid.*, p. 129.

⁴⁵Amartya Sen and Jean Dreze, *The Political Economy of Hunger* (Oxford: Oxford University Press, 1995), p. 106.

⁴⁶Gaspar, "Sen's Capabilities Approach and Nussbaum's Capabilities Ethics", p. 297.

⁴⁷Gaspar, *The Ethics of Development*, p. 188.

deficient in, say, practical reason, that is, in his or her ability to apply critical thinking and reflection in “form[ing] the notion of the good, [and] not only in function[ing] competently in terms of a socially given conception,”⁴⁸ then he or she would be deficient in life. This would be a grossly unfair reading, however, of the lives of people who, on account of the monotony and tedium of their everyday activities – and one would have to include in their number such operatives as carpenters, masons, electricians, etc. – have little motive to develop, much less exercise, their “critical powers to know the good.”⁴⁹ Such a take on “practical reason,” in addition to its being mostly Western in pedigree, strikes Gasper as being “excessively individualistic.”⁵⁰ Not all people, in relation to whom the “critical powers to know the good” have not fully kicked in, are, in Nussbaum’s sense, “less than human.” On account of the difficulties, many do fall short of a full compliance with the ten central human capabilities listed by Nussbaum. That fact alone ought not to augur the cancellation of the individual’s true measure of dignity. David Crocker argues as well that Nussbaum’s list is unjustifiably essentialist. They would be better regarded, he believes, “not as conditions, but as relevant criteria.”⁵¹

But this is precisely why Nussbaum puts such a high premium upon an overlapping consensus. All parties ought to have the opportunity to be heard. What the list provides is a sound starting point for different societies. What would best serve any given society or culture its denizens need to deliberate upon. “The list,” as Gasper puts it, “can be interpreted according to context.”⁵² Nussbaum herself chimes in, saying the list is “always subject to on-going revision and re-thinking.”⁵³ Such a list does not so much set too high a standard for human wellbeing, but establishes the basic criteria that social and political institutions must regard themselves as being duty-bound to promote. It helps to assess the situation of people, especially the poor, so that policies can be adjusted and readjusted according to whether or

⁴⁸*Ibid.*

⁴⁹*Ibid.*

⁵⁰*Ibid.*

⁵¹David Crocker, *The Ethics of Consumption* (Oxford: Rowman and Littlefields Publishers, Inc., 1998), p. 173.

⁵²Gasper, *The Ethics of Development*, p. 186.

⁵³Nussbaum, *Frontiers of Justice*, p. 78.

not these are addressing the urgent concerns of people.

Conclusion

I have tried to show how Nussbaum's Capabilities Ethics provides a development framework of the fully human. Following Aristotle and Marx, she grounds it in the concepts of human flourishing and human dignity. The idea of a threshold of a human capabilities concretizes the approach to inequality in society, which Sen has famously elaborated in his enduring question, "equality of what?" But in contrast to Sen, Nussbaum's work in the area has provided a broader sense and understanding of pluralism in society, and her proposal for an overlapping consensus seeks to address the problems brought about by a world divided by different beliefs and norms. The central list of human capabilities tell us that there is something basic about human existence, and that in order to value that piece of human existence in its care, each government must guarantee its citizens those entitlements that stand to bring them decency and dignity, and the honor of a life that is "human and fully human."