

## Martha Nussbaum or the Democracy of Capabilities

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**Martha Nussbaum has written a prolific body of work, all of it aimed at correcting the failings of political liberalism and constructing a more fully developed democracy. The theory of capabilities is at the root of this endeavour: it allows us to combat all forms of inequality by analysing the conditions out of which they emerge.**

Martha Nussbaum has invented a moral and political philosophy that is capable of redefining our understanding of feminism, of justice, and also the role of our emotions, of human development and of literature. This body of work is not just impressive because of the variety of themes that it tackles and the number of pages Nussbaum has written; her methodology in itself also inspires respect. As a philosopher, and holder of the Ernst Freund Distinguished Service Professorship for Law and Ethics at the University of Chicago, she argues in favour of a type of abstraction that is always combined with more empirical research. In terms of the ancient philosophical division that we have inherited from Greek Antiquity, she is influenced by Aristotle rather than by Plato. In *The Fragility of Goodness*, one of her first books, which deals with the ethics of the Ancient Greeks, she views Aristotle as the promoter of a relational ethics through which a concern for appearances takes on the form of a reflection about the vulnerability of the good life<sup>1</sup>.

The view that the forms of life and examples, arising out of reality, are essential for us to construct a philosophical discourse that is rooted in a diagnosis of our globalised present is an Aristotelian one. An edifying philosophy, which works with definitions, with general principles that struggle to accommodate individual cases or unusual life stories, has no place in Martha Nussbaum's mental universe. This act of placing philosophy under tension by putting it into contact with reality is also a way of making empirical findings more reflexive: "Without abstraction of some sort, there could be no thought or speech; and the type of abstraction characteristic of the tradition of political philosophy has great value, so long as it is tethered in the right way to a sense of what is relevant in reality (something that has not always been the case)."<sup>2</sup> We should think of a feminist philosophy in these terms. On the one hand, it aims to go against postmodern culturalism by reconnecting with universalist approaches and promoting transcultural standards of justice, equality and liberty. On the other hand, it sets itself the task of helping us to understand the real life of women, in terms of the various problems that they encounter due to their gender depending on whether they live, for example, in the United States of America or in India.

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<sup>1</sup> *The Fragility of Goodness*, Cambridge, Cambridge University Press, 1986, Chapter 8, "Saving Aristotle's appearances", p. 240-263.

<sup>2</sup> *Women and Human Development: The Capabilities Approach*, Cambridge, Cambridge University Press, 2000, p. 10.

Going even further, this feminism should be analysed within the international context, namely that of a globalised state of economic development that should be properly appreciated or evaluated. In this respect, Martha Nussbaum highlights the importance of quality of life comparisons between countries, in the spirit that was inaugurated by Amartya Sen, rather than sticking to rankings based on gross domestic product that do not provide any information about social wellbeing. The economy cannot be reduced to economic growth; it is at the service of individuals, which implies taking into account “what all citizens are entitled to by virtue of being human.”<sup>3</sup>

The possibility of reigniting social progress thus arises out of the acknowledgement of an approach through capabilities, which is a way of thinking about the conditions of human development that opens up the range of life choices for any individual. The declaratory approach that is promoted by establishing rights is not enough; it must be completed by a full enforcement of the law. Capabilities allow us to defend a power to be and to act that is equally distributed against everything that prevents it from being: social classes, gender, ethnic or religious origin, castes. The issue in this case is indeed to redefine political liberalism by taking a different position than Rawls’ abstract model, by giving political liberalism the means of focussing on experiences by attributing to human liberty the meaning of a liberty of fulfilment. This is not however equivalent to returning to a form of principled humanism, but rather to outline the way in which people in government can promote the quality of life of the people they govern. The development of capabilities always takes place on an individual level, but it must be placed under the responsibility of society. The aim is indeed to find the means, mainly through public policies, of giving the power to be and to act to those whose liberty is constrained by all sorts of obstacles.

The perspective chosen by Martha Nussbaum is to view capabilities as human rights that constitute the moral foundation of a formulation of political principles. Asking questions about moral philosophy then becomes an essential part of this process. These questions address other issues: the relationship between literary and philosophical modes of moral reasoning, the role of emotions in moral life or the influence of shame and disgust on social life and the law. The ways in which human beings live and must live are two essential problems for philosophy, in accordance with a specific interweaving of the social and moral realms that deals with the possibility of attributing meaning to life. What is a human life in the terms of a philosophical discourse that appropriates the perspective of internationalisation without ignoring the legal specificities of the different democracies in the world? How can we reconcile the global with the local, universality and pluralism, theory and practice, reason and emotions, the private and the public spheres? Subscribing to Martha Nussbaum’s philosophy implies that one must first call into question a certain number of philosophical distinctions that have been established over the course of the history of philosophy.

## **A Feminist Philosophy**

In *Sex and Social Justice*, the philosopher suggests that we should think together on feminism, internationalism and liberalism, within the context of a globalised economy. This investigation requires that we uphold respect for “human dignity” through laws and institutions. According to the introduction to *Sex and Social Justice*, “the idea of human

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<sup>3</sup>*Ibid.*, p. 33.

dignity is usually taken to involve an idea of *equal worth*<sup>4</sup>: distinctions based on the domination between rich and poor, rural and urban, female and male, South and North, are all called into question. And if we add the idea of liberty to that of dignity, respecting the equal worth of individuals becomes equivalent to promoting their ability to construct a life that corresponds to their projects, desires, and dreams. Human dignity is connected to the possibility for all human beings to be active: equality combined with liberty therefore refers to what Martha Nussbaum, writing in *Creating Capabilities*, calls the “idea of active striving”<sup>5</sup>. Each agent deserves equal respect from the law and institutions, but this does not mean that everyone will necessarily end up in the same situation. But the deployment of skills, of efforts and of desires in order to make something of one’s life should not be prevented or reserved to a happy few.

### *The Ambiguity of the Reference to Political Liberalism*

This human dignity is particularly relevant to women who, all over the world, must resist inequalities and hindrances to their self-realisation. For Nussbaum, the issue is to promote a feminism with salient characteristics: internationalism, humanism, liberalism, the social shaping of preference and desire, the reference to there being an intelligence of emotions. Humanism highlights the value of human dignity, the internationalism of taking into account the globalised economic reality, the social shaping of preference and desire, individuals’ freedom of action, the intelligence of emotions, and the criticism of an abstract rationality.

Liberalism is a useful political framework for calling upon democracy, but it must be amended, it must be subjected to constructive criticism. In the chapter entitled “The Feminist Critique of Liberalism”, Martha Nussbaum deals with the indecisions of feminism in terms of political liberalism, its mistrust of a system that might be too formal, since this liberalism refers to the tradition of Kantian liberalism as represented in the 20<sup>th</sup> century by the political philosophy of John Rawls, or to liberal utilitarianism as it arises out of the work of John Stuart Mill. She then reminds us of the paradox that is anchored at the heart of feminism; feminism is both a political movement for the liberation of women (and therefore a production of practices), and a set of discourses, of knowledge and reflections that also constitute them as women. On the one hand, feminist theories have produced critiques of liberalism viewed as a perverse political system which, while invoking human liberty, has continued to enslave women for the benefit of men. On the other hand, women’s liberation movements, particularly at the moment in non-Western countries, which do not always have democratic practices, call upon the language of political liberalism to justify the women’s struggle. According to Martha Nussbaum, be it in India, Sudan or Bangladesh, feminist struggles against religious traditions, against female circumcision, against the power of fathers, of husbands, of brothers, are carried out in the name of a language that calls for rights, for the autonomy of the individual, for dignity, for respect for women. These terms, which are drawn from the liberal tradition – a liberalism that is invested with a Kantian type of ethics – are used to promote a radical criticism of society, as though using them was equivalent to defining and prescribing what is crucial for the quality of life of women. The crux of the reference to liberalism relies on the fact that the individual is the basis for political life, and that in this perspective women can be viewed as separate individuals. By being viewed as part of the human race, women are therefore equal to men, and just as able to realise themselves

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<sup>4</sup>*Sex and Social Justice*, New York, Oxford University Press, 1999, p. 5.

<sup>5</sup>*Creating Capabilities: The Human Development Approach*, Cambridge, Harvard University Press, 2011, p. 31.

and to act. At the same time, liberalism is not enough to form the basis of a feminist theory, because, since it only determines the public sphere, it cannot rule upon real and day-to-day existences as they are, for example, highlighted by familial structures. In short, the view of women that can be provided by liberalism is too abstract; it “[adopts] an unacceptably formal conception of equality.”<sup>6</sup>

### *Inequalities of Gender*

Nussbaum’s project for a feminist political philosophy aims to construct a real equality in opposition to the gender inequalities that exist in different forms depending on the countries, regions, social classes, castes or religious beliefs involved. It is true that normative concepts are essential, but so are descriptive concepts. This is why Nussbaum often refers to the situation of women in India (Vasanti or Jayamma, whose lives we are told about). Being a philosopher means knowing how to settle into stories that show how individuals can become particularly vulnerable at a time of rapid economic change.

This empirical starting point, which combines theory and practice, requires some clarifications about India, where the place of women is a complex issue to analyse. Gender equality exists in theory, since India has been a constitutional parliamentary democracy since its independence: “India’s Constitution is a very woman-friendly document.”<sup>7</sup> At the same time, if we move from the law to the economy, India is on the whole an extremely poor nation where women are even worse off than men. In the field of education, the gaps between men and women are striking, and are the result of a cultural overvaluation of men to the detriment of women. India’s democratic structures coexist with traditional and religious cultural elements that can be used to discriminate against women. However, these same cultures can be modified by critical reflection. India is an example that reminds us that the differences between Western and Oriental values are constructs that are often put forward by colonialism to entrench its power; democratic forms can exist anywhere in the world. Feminism must abandon any perspective that is centred on Europe or on the United States, in order to tackle real gender inequality problems without ignoring their complexity and the diversity of their social and political expression: “In general, any productive feminism must be attentive to the issues that people really face and to the actual history of these issues, which is likely to be complex.”<sup>8</sup>

Having said this, however, taking into account forms of life as they are and advocating a feminism that engages with the ordinary lives of women is not equivalent to leaning towards relativism. For Martha Nussbaum, feminism is still normative, and this political struggle against gender inequalities must be carried out with the support of an ethical framework for a reflection on human development. Human beings living in society are not just agents at the service of other individuals in order to implement life projects that have been decided upon in the spheres of power; each one deserves to be considered as an end in him/herself, as a source of action and of value production. Defining every human being as an agent means acknowledging the relevance of policies that support the realisation of individuals’ own projects. Defending equality – including gender equality – implies constructing an equality of opportunities between agents, promoting dreams and desires that lead to individual

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<sup>6</sup>*Sex and Social Justice*, p. 67.

<sup>7</sup>*Women and Human Development*, p. 24.

<sup>8</sup>*Ibid.*, p. 41.

flourishing and self-realisation<sup>9</sup>. Inequalities are due to the fact that many individuals do not receive any support in constructing their lives. Martha Nussbaum therefore returns to the life story of numerous women, and the lack of public protection that diminishes their humanity:

Vasanti and Jayamma, like many women in India and in the rest of the world, have lacked support for many of the most central human functions, and that lack of support is at least to some extent caused by their being women. But women, unlike rocks and trees and horses, have the potential to become capable of these human functions, given sufficient nutrition, education, and other support. That is why their unequal failure in capability is a problem of justice.<sup>10</sup>

Feminism is expressed through the establishment of conditions that provide the foundations for a more just world.

### **Justice and Capabilities**

The lack of support for the fulfilment of some lives (often those of the poorest people) also highlights the problems of dependency or oppression, which very visibly affect women. The figure of the liberal individual, which is rooted in the moral value of autonomy or in the fact of considering every human being as an end in him/herself, is not enough to eradicate various forms of subjection. In *Frontiers of Justice*, Martha Nussbaum adds her voice to the various American schools of theory that show that political liberalism has failed in its conception of justice. This impersonal theory excludes from political representation any individuals who remain, for whatever reason it may be, dependent beings or beings who are hindered in their self-realisation, even though the democracies it deals with are structured around the idea of the legal subject. As American philosophy reminds us, the social theory of the contract, which relies on the independence of the contractors, does not allow us to institute the equal treatment of all human beings. Indeed, liberalism has so much been structured around an undivided cult of the fiction of the autonomous individual, that it has not been able to elaborate a theory of real individuals, who are engaged with a social world and a political universe that erroneously considers that all individuals have the same means of being active and free.

#### *Justice as the Corrector of Liberalism*

Martha Nussbaum reminds us that women have never, in the liberal tradition, been granted the moral equality of individuals, in other words autonomy<sup>11</sup>.

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<sup>9</sup>*Ibid.*, p. 58.

<sup>10</sup>*Ibid.*, p. 110.

<sup>11</sup> In fact, Kant, in his remark in §46 of the *Doctrine of Right*, did indeed in his day define some people as excluded from honourable humanity by drawing a vigorous distinction between active citizens and passive citizens. The former are viewed as free subjects who must be treated as ends in themselves and not means, since they are not things that can be appropriated. The latter are characterised by their dependence or minority: they include women, immigrants and any individual who is not self-sufficient in terms of his/her own activity. Passive citizens are dependent beings, who are therefore too vulnerable, open to manipulation and, for this reason, dangerous. They cannot lay a claim to being moral and political subjects.

All we can do is put the following question to political liberalism: is the liberal principle of autonomy, which is at the basis of the acknowledgement of a rational individualism, not equivalent to accepting the exclusion of all dependent beings, including women? In other words, how can we combat gender inequalities within a system of thought that does not acknowledge them, in the name of a rationalisation of subjects? *Frontiers of Justice*, which is published under the aegis of a dedication to John Rawls, is at the same time eminently critical of the liberal concept of justice: it views it as too abstract, rigidified by a particular political tradition, that of the social contract that only conceives of individuals as “free, equal and independent”<sup>12</sup>. It is true that liberalism was able to form as a body of doctrine with the aim of establishing similarities between men against all forms of subordination or subjection. However, it has remained silent about a certain number of individual facts that, today, threaten its concept of social justice:

[...] such theories leave no place for those who for long stretches of a life, or even the whole of a life, are markedly unequal to others in their productive contribution or who live in a condition of asymmetrical dependency.<sup>13</sup>

Martha Nussbaum is a member of this feminist movement rooted in a discussion of John Rawls, together with Susan Moller Okin, or Eva Feder Kittay<sup>14</sup>. Even more, for Nussbaum, the main criticism that can be made of liberalism is its lack of support for individuals. It is this observation that prompted her to develop a theory of capabilities.

### *The Contribution of the Theory of Capabilities*

The theory of capabilities uses one of the central values of liberalism: liberty as a way of opening up the sphere of the possible for each human being. At the same time, it distances itself from the various forms that economic liberalism takes today, and from the omnipresence of the market as a norm. Going against the economist trends in economics, the capabilities approach stresses the fact that life cannot be summed up by one’s income. Martha Nussbaum has collaborated with Amartya Sen on this issue, and together they have elaborated the concepts of capability and of quality of life. They thus worked in an operational capacity from 1986 to 1993 within the framework of a project on quality of life for the *World Institute for Development Economics Research* in Helsinki; they particularly focussed on India within this context. They convincingly showed the hindrances affecting the lives of many women in India, and how specific programmes based on the implementation of capabilities (in the fields of education, of health, of the provision of clean credits, of political participation) can reduce gender inequalities by opening up possibilities, by making hitherto unthinkable life fulfilments effective.

For economists such as Sen, evaluating the prosperity of a country requires that we take into account the “quality of life” of individuals, the opportunities that are offered to them,

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<sup>12</sup> *Frontiers of Justice*, Cambridge/London, Harvard University Press, 2006, p. 28-34.

<sup>13</sup> *Ibid.*, p. 33.

<sup>14</sup> On the one hand, the issue is to diagnose the blindness of political liberalism when faced with dependences or various forms of vulnerability (be they social, vital or environmental). On the other hand, these philosophers do not reject all references to liberalism, but instead recommend that the market society, its values, laws and public policies, should be transformed. See Susan Moller Okin, *Justice, Gender and the Family*, New York, Basic Books, 1989, and Eva Feder Kittay, *Love’s Labor*, New York/London, Routledge, 1999.

the meaning they attach to their existence<sup>15</sup>. With Sen, the life of an individual is considered as a combination of various ways of operating (states and actions) and quality of life is evaluated in terms of the capabilities or capacities of this individual to accomplish various combinations of these ways of functioning<sup>16</sup>. Three characteristics are worthy of note. First, striving for wellbeing as a quality of life is essential; and wellbeing depends on accomplished functionings, but also on the possibilities of accomplishing these functionings in practice. Capabilities make for real possibilities of enjoying wellbeing. Secondly, they then allow us to favour an approach through liberty viewed as the liberty of an agent to choose what he/she accomplishes and to produce wellbeing or not. Thirdly, they imply a concept of good that does not rely on any pre-constituted objectivity (such as Rawls' primary goods, Dworkin's resources, or real income in GDP-type analyses), but on the choices and decisions of subjects, on the condition that these subjects are able to deploy their skills.

Sen, like Nussbaum, redefines the perspective of human liberty through the concept of liberty of fulfilment. Human dignity requires the possibility of having the widest range of choices possible, which implies paying attention to the contexts that might favour these possibilities or not, which are always specific. The aim is to find the means to give a power to be and to act to those individuals whose liberty is constrained by all sorts of obstacles. The main question is therefore: "what is each individual capable of doing and being in his/her life context?" We can then once more refer to the life of Vasanti, which haunts many of Nussbaum's books: "The central question asked by the capabilities approach is not, '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?' Taking a stand for political purposes on a working list of functions that would appear to be of central importance in human life, we ask: Is the person capable of this, or not? We ask not only about the person's satisfaction with what she does, but about what she does, and what she is in a position to do (what her opportunities and liberties are)."<sup>17</sup> Thus, the preferences and choices of Vasanti are not just constituted by what she accomplishes in a situation that is constrained by her status as a woman, her belonging to a particular caste and her dependence on an alcoholic, violent husband. We cannot, in the capabilities approach, limit them to those preferences that are revealed by circumstances that oppress her liberty. They must become the expression of an unimpeded subject who is able to organise enough combinations of functionings in a political, social and economic environment that is not unfavourable to it. It is indeed appropriate here, according to the very terms used by Martha Nussbaum in *Creating Capabilities*, for "a woman [to seek] justice"<sup>18</sup>. Capabilities serve to establish the conditions for a more just world. On this point, Nussbaum considers that she is taking a different path to Amartya Sen. While he placed an emphasis on the freedom of wellbeing (the freedom to choose how we function), Nussbaum more widely takes into account the question of justice, and therefore the project for a political and social philosophy<sup>19</sup>.

Capabilities must then lead to public policies that must be defined at the level of the nation-state in order to promote this justice. This is not equivalent to returning to a form of principled humanism, but rather to outline the way in which people in government can

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<sup>15</sup> The report issued by the Stiglitz international commission (2008), which was commissioned in France by President Sarkozy at the start of his tenure, stresses the relevance of the capabilities approach. François Hollande, who has been President of the French Republic since May 2012, awarded the prestigious *Légion d'honneur* to Amartya Sen in February 2013.

<sup>16</sup> Amartya Sen, *Inequality Reexamined*, Oxford/New York, Oxford University Press, 1992, Chapter 3.

<sup>17</sup> *Women and Human Development*, p. 71.

<sup>18</sup> *Creating Capabilities*, p. 1.

<sup>19</sup> *Ibid.*, p. 113-122.

promote the quality of life of the people they govern. The development of capabilities always takes place on an individual level, but it must be placed under the responsibility of society.

### *The Fundamental Capabilities*

Improving the quality of life of all individuals within one and the same nation therefore requires an improvement of all of their capabilities. On the one hand, capabilities are universal and can affect everybody in that they constitute a fundamental freedom of human beings that must be respected. On the other hand, they are compatible with the diversity of civilisations and levels of development, since they require thresholds, priorities that each country will set itself depending on its particular context. According to one of Sen's formulations, the capability of a person "represents the various combinations of functionings (beings and doings) that the person can achieve"<sup>20</sup>. Capability is a form of liberty: it implies that there must be enough trajectories that are accessible to everybody. It also requires equality: for each person to be able to make this choice in his/her context. According to Nussbaum, we can therefore define fundamental or central capabilities whose absence puts human life in danger: "certain functions are particularly central in human life, in the sense that their presence or absence is typically understood to be a mark of the presence or absence of human life."<sup>21</sup>. Martha Nussbaum lists ten of them: 1/life, 2/bodily health, 3/bodily integrity, 4/senses, imagination and thought, 5/emotions, 6/practical reason, 7/affiliation, 8/relationship with other species (animals, plants and nature), 9/play, 10/control over one's environment. The issue here is indeed to define a set of opportunities which individuals may decide to take or not<sup>22</sup>. They thus have the opportunity of developing themselves, or investing their desires in a pluralist manner. Society sets itself the task of supporting the expression of these capabilities. All life is worthy of additional support; lacks of capability are constituted by opportunities that are not offered to individuals. The poverty and inequality that arise out of this should therefore not be solely reduced to the issue of income. They are far more affected by any opportunities for employment, for health, for political participation etc. that are not open to an individual.

Public policies must therefore take into account skills that should be connected to individual persons with a view to allowing them to lead a life worth living. The main issue for Martha Nussbaum lies in the fact that the capabilities theory is in accordance with approaches that aim to transform society through rights. The political role of capabilities depends on it being possible to deploy them through institutions as rights that should be completely efficient and always adapted to the social or cultural reality of a country. The choices or preferences of individuals are constructed by the laws and public policies that govern them<sup>23</sup>. Guaranteeing central capabilities means acknowledging them as a kind of rights of individuals in the name of social justice: "The ten capabilities, then, are *goals* that fulfil or correspond to people's prepolitical entitlements: thus we say of people that they are entitled to the ten capabilities on the list."<sup>24</sup> By defining them as objectives, Nussbaum highlights their politically normative character. Each of these ten practical orientations of human lives must

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<sup>20</sup> *Inequality Reexamined*, p. 40.

<sup>21</sup> *Women and Human Development*, p. 71-72.

<sup>22</sup> *Creating Capabilities*, p. 18.

<sup>23</sup> *Women and Human Development*, p. 112-113.

<sup>24</sup> *Creating Capabilities*, p. 169.



be part of the political programmes of all the countries in the world with variations, thresholds, particular highlighting of certain particular capabilities, etc.

The theory of capabilities allows us to turn social justice into an ultimate goal for all types of countries in the world. The theory of capabilities is thus a new way of viewing political liberalism against neoliberalism, which implements policies that make society into a site of competition and conflict in the name of a conception of individual responsibility and profitability that justifies inequalities. How, then, do we recreate a common world of which the motor would be equality in terms of respecting the liberty of individuals? A theory of equality cannot be abstract. Equality, but equality of what? warns Amartya Sen<sup>25</sup>. The equality of persons becomes education, health, housing, work or political participation. Equality is the equality before something; it is not egalitarianism, with all the negation of singular stories that this can imply. According to Nussbaum, such a theory of social justice is not contained within an abstract construction inventing a perfectly just community, but it can, thanks to capabilities, promote life opportunities, social horizons that can eliminate unfavourable contexts. Injustices must therefore be fought against according to thresholds which, for Martha Nussbaum, bring us back to the possibility of a decent or dignified life. The question, for example, is not so much that of a right to housing for all, as the fact that every human being should be able to live in decent housing, which requires that we define in practical terms what constitutes appropriate housing. Equality must be conceived of in terms of the equal dignity of human beings who are seeking acknowledgement of this dignity<sup>26</sup>.

## **What Democracy?**

A philosophical reflection cannot just be reduced to a mode of logical argumentation, or to the knowledge of facts, but must also take into account the way in which it thinks about the position of others:

Citizens cannot relate well to the complex world around them by factual knowledge and logic alone. The third ability of the citizen, closely related to the first two, is what we can call the narrative imagination. This means the ability to think what it might be like to be in the shoes of a person different from oneself, to be an intelligent reader of that person's story, and to understand the emotions and wishes and desires that someone so placed might have.<sup>27</sup>

### *The Place of Others*

According to Nussbaum, the capacity for empathy for another person or for attention to others is an essential aspect of life in society; it must even be developed, preserved based on the connections that develop from childhood. A small child must learn to see another human being; this is the result of an effort to go beyond an initial inability to make a distinction between the self and the other, between one's body and other bodies or objects. The capacity to pay attention to another person requires, on the one hand, that one has no need to enslave others, and on the other, that one accepts interdependency rather than nourishing a desire to completely control the world. As Martha Nussbaum reminds us, Winnicott has

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<sup>25</sup> *Inequality Reexamined*, p. 12: "Two central issues for ethical analysis of equality are: (1) Why equality? (2) Equality of what?"

<sup>26</sup> *Frontiers of Justice*, pp. 292-293.

<sup>27</sup> *Not for Profit: Why Democracy Needs the Humanities*, Princeton, Princeton University Press, 2010, p. 95-96.

provided us with important analyses of how the development process progresses in children. If their relationships with the people closest to them go well enough, if attachment is created in a satisfactory manner, outside of a climate of violence or indifference, then an ethical attention to others becomes a reality for the child. Incidentally, within this context, play has an essential function. It is a type of activity that constructs bonds between individuals through the production of what Winnicott calls a “potential space”<sup>28</sup>. Play is an essential key to personal growth because it allows us to accept a relationship to others which is mediated through surprise and vulnerability, but in such a way that the imagination always compensates for the confrontation with the other<sup>29</sup>. Play is indeed a way of reminding ourselves that being human implies having a life to lead including more or less expected interactions, with moments of vulnerability and shareable emotions. This life to lead can take on an ethical meaning that allows us to view other people as being part of a common space: “People can close up, forgetting the inner world of others, or they can retain and further develop the capacity to endow the forms of others, in imagination, with inner life.”<sup>30</sup> Plays allows us to practise this capacity to project ourselves into other people’s lives through imagination, acting against all forms of closing in on oneself<sup>31</sup>.

### *Human Beings are Fundamentally Vulnerable*

From *Frontiers of Justice* onwards, Martha Nussbaum has situated herself more expressly within the perspective of an inflexion of liberalism in the name of dependence. We could say that she comes closer to Richard Sennett’s point of view, as expressed in a now famous sentence in *Respect*<sup>32</sup>: “The dignity of dependence never appeared to liberalism a worthy political project”. In a similar way, *Frontiers of Justice* attempts to inflect the liberal concept of justice according to Rawls, which is too abstract, rigidified by the political

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<sup>28</sup> *Ibid.*, p. 99.

<sup>29</sup> As is also pointed out by Cora Diamond, whose views are close to Martha Nussbaum’s on this point, imaginative activity does not just promote identification with others based on a capacity to sympathetically share another person’s feelings; it has a part to play in the construction of the self, which cannot happen in a closed manner, based on a distanced and controlled rational inner life. Cora Diamond, *The Importance of Being Human*, Royal Institute of Philosophy Supplement, 29, 1991, pp. 35-62.

<sup>30</sup> *Not for Profit*, p. 100.

<sup>31</sup> Martha Nussbaum’s unexpected homage to the Rousseau who wrote *Émile* at the end of *Frontiers of Justice* should be understood within this framework of an analysis of human relations that preserves both interdependence and vulnerability against a closed figure of the autonomy of rational beings. Rousseau is not so much relevant in his capacity as the author of the *Social Contract* as in his capacity as the author who uses an appeal to moral sentiments as the point of passage from the near to the distant in the name of a renewed social justice that is at work in education, the elevation of sentiments and the development of a sense of justice. In elaborating an anthropology of vulnerability, he was conceiving of a radical change of direction for justice and equality. For Nussbaum, Rousseau is a unique, exceptional philosopher: he is “the only classical social contract thinker who devotes sustained attention to the malleability of the moral sentiments, their susceptibility to cultivation through education” (*Frontiers of Justice*, p. 410). Thus, Book IV of *Émile* should be read as an attempt to conceive of social justice, meaning the radical changes that must be implemented within a society in the name of the equality of its members. Going against all the instituted injustices which we are taught to naturalise, Rousseau puts forward a virtuous education based on a good compassion. The exercise of pity, in a good or almost naked soul, then becomes a terribly effective means of learning to perceive vulnerability, to be sensitive to it in others but also in oneself<sup>31</sup>, even though, generally, human beings are raised in the belief that they are self-sufficient and invulnerable. Rousseau, according to Nussbaum, had understood how much social life imposes upon us a dependence and vulnerability that often tend towards alienation, disdain and unbearable enslavements. *Émile* allows us to become aware not only of the importance of vulnerability, but also of a bond to others that is nourished by the emotions. Even more so, he encourages a criticism of political liberalism because it has set aside the concept of “dependence”.

<sup>32</sup> R. Sennett, *Respect in a World of Inequality*, London, Penguin, 2002, p. 125.

tradition of the social contract, which only conceives of individuals as being “free, equal and independent”. Of course, political liberalism has formed something like a body of doctrine that had the aim of establishing similarities between men against all forms of subordination or subjection. However, it has ignored a certain number of particularising individual data that now jeopardise its concept of social justice. According to Martha Nussbaum: “such theories make no place for those who for long stretches of a life, or even the whole of a life, are markedly unequal to others in their productive contribution or who live in a condition of asymmetrical dependency.”<sup>33</sup>

The philosophical task is thus to re-elaborate Rawls’ theory insofar as the contract theory developed in *A Theory of Justice* constructs a “normality” that imposes limits and creates infra-political situations that constitute just so many obstacles to social justice: “doing justice to people with physical and mental impairments”, “extending justice to all world citizens”, “face the issues of justice involved in our treatment of nonhuman animals”<sup>34</sup> – all of these considerations are not matters of charity or compassion, but rather of justice, whereas the liberal definition of the legal subject does not allow us to take this into account. Dependence always defines the human condition at one point or another in life. Justice must include a reference to a “taking care” of others when they are dependent, in accordance with the idea that the treatment of dependence calls upon the capacity to act of those who are receiving care. Martha Nussbaum deals with preoccupations and ways of thinking about politics that are close to the ethics of care. In particular, she discusses the work of Eva Feder Kittay on dependence, a body of work that, like hers, is rooted in a reading of Rawls<sup>35</sup>.

### *On Vulnerability to Emotions*

Going even further, from the perspective of a philosophical anthropology, Martha Nussbaum is fascinated by the concept of “vulnerability”<sup>36</sup>. As early as in *The Fragility of Goodness*, she has taken into account this idea of vulnerability, and, based on a reading of Aristotle, has posited the problem of rationality. Human beings are at once active and permeable through emotion to the events that unfold in the world. How can we conceive of the rationality that is constituted through action without making human beings too eminently vulnerable<sup>37</sup>? But Martha Nussbaum ventures beyond the history of philosophy. Vulnerability is viewed more as a given of the present, in that it appears to be at the heart of democratic considerations that reject any transcendental order of sovereignty: “Democratic equality

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<sup>33</sup> *Frontiers of Justice*, p. 33.

<sup>34</sup> *Ibid.*, pp. 1-2.

<sup>35</sup> *Ibid.*, p. 96-97.

<sup>36</sup> On this point, see Pierre Goldstein, *Vulnérabilité et autonomie dans la pensée de Martha C. Nussbaum*, Paris, PUF, 2011, especially “Affectivité et raison : bien agir, est-ce être hétéronome ?”, pp. 11-52.

<sup>37</sup> In a certain way, Aristotle precedes Rousseau, and develops the outline of a way of taking vulnerability into account through moral education as he conceives of it (in “Martha Nussbaum. Justice et développement humain”, an interview carried out by Laura Lee Downs in *Travail, genre et sociétés*, no. 17, pages 5 to 20, Martha Nussbaum refers to the importance of Aristotle and Rousseau in her intellectual development). The educational process cannot be limited to conditioning or to learning to develop a capacity to adapt to the real world. It requires a moral education and a development that makes the educated being into an active being that is able to set itself a project, to make choices and to deliberate. According to Nussbaum, the Aristotelian *orexis* is a concept that we should value, since it allows us to combine the fact of being directed towards an object with the mix of activity and passivity that goes with this aim, since it appears in the material world. In other words, the concept of *orexis* combines vulnerability with activity (*The Fragility of Goodness*, p. 282-289). It leaves room for desire, for its proximity with the will, since desire is a kind of will that is invested in the world of needs; existence is experienced within the framework of the contingency of our relationships to others and to nature; it makes of the human being a vulnerable being and a being of needs.

brings vulnerability.”<sup>38</sup> Indeed, the standards of democratic behaviour imply a conception of education and human development that is largely characterised by a construction of social bonds that allows for personal experiences that are open to the world and to others, in line with an accepted interdependence.

In particular, the other is viewed through an interpersonal relationship in which the I experiences its openness and vulnerability based on what has been achieved through activities such as play. It cultivates relationships which are nourished by its imaginative and emotional capacities. It is therefore necessary, according to Nussbaum, to take imagination seriously, and not to limit it as Descartes does to the status of “chatter of the mind”. In the same way, emotions cannot just be summed up as raw sensitivity, with no depth or discursiveness. Emotion is a relationship to the world, an interpretation of this world and a certain way of perceiving objects: “Emotions... involve judgments about important things, judgments in which, appraising an external object as salient for our own well-being, we acknowledge our own neediness and incompleteness before parts of the world that we do not fully control.”<sup>39</sup> In an emotional state, thought is constructed through an evaluation of the external world. Emotions allow human beings to avoid locking themselves up inside an abstract rationality that could lead, even as early as the time of the Ancient Greeks, to subjection to the vagaries of fate. They fully participate in Nussbaum’s philosophical project, which is a re-evaluation of the activity in all the forms it takes, with a fundamentally vulnerable humanity; we only desire, choose, want, prefer, within the framework of an openness to the world and to others which is also a weakening of ourselves. The etymology of the word “vulnerability” refers us back to the Latin *vulnerabilis*, “he who can be wounded”, both literally and figuratively. A wounded being is a being who is limited, hit or affected from the outside. Opening up to the world and to others means accepting a vulnerability that implies confrontation, hindrances, and changes to our initial desire or will. Autonomy is constructed in a complex and non-linear manner precisely because of its vulnerability.

Ultimately, Martha Nussbaum’s work creates a vision of the future, based on the concept of vulnerability, and of what it can imply in terms of the normative bond to others. She is thus able to write, on the topic of sympathy in *Not for Profit*:

The cultivation of sympathy has been a key part of the best modern ideas of democratic education, in both Western and non-Western nations. Much of this cultivation must take place in the family, but schools, and even colleges and universities, also play an important role. If they are to play it well, they must give a central role in the curriculum to the humanities and the arts, cultivating a participatory type of education that activates and refines the capacity to see the world through another person’s eyes.<sup>40</sup>

The development, through education, of the ability to see the world through another person’s eyes, highlights the importance, from childhood, of experiences of otherness that teach us the value of relationships to others, through conflict in some cases. In this perspective, which might be summed up as a respect for differences within democracy in the name of values of liberty and equality, the humanities and the arts are formative elements. However, they are overlooked today in teaching programmes because they are viewed as not being useful in market societies that are structured around profitability. These disciplines allow us to consider

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<sup>38</sup> *Not for Profit*, p. 100.

<sup>39</sup> *Upheavals of Thought*, Cambridge, Cambridge University Press, 2001, p. 19.

<sup>40</sup> *Not for Profit*, p. 96.

behaviours that promote a critical participation in democracy. And the critical participant is necessary for democratic vitality to exist<sup>41</sup>. He/she gives content and truth to the very possibility of political or social transformation. In particular, the imagination, which is cultivated by the arts and humanities, invites us to consider the world from new perspectives. It fully participates in a vision of social justice. It seems that in *Not for Profit*, Martha Nussbaum's interest in the implementation of a real politics of democratic participation takes shape. Taking inspiration from Martha Nussbaum, but setting off in a direction which she has not necessarily directly expressed, we can ask ourselves whether participatory democracy, conceived of as a necessary complement to representative democracy, is not the only way of making society more just, of bringing to the fore any problems and claims that political parties themselves cannot make public. As she puts it, the power to be and to act of many individuals in democratic regimes is largely neglected, when it could strengthen these regimes: "Democracies all over the world are undervaluing, and consequently neglecting, skills that we all badly need to keep democracies vital, respectful, and accountable."<sup>42</sup> The arts and humanities are part of a project for the widest possible human development, which implies deploying the capacity of individuals to take part in the public life of their countries.

Could we not go a step further and assert that Martha Nussbaum conceives of democratic life within the framework of a deployment of the critical spirit, in the name of the constitution and upholding of a community that has embraced different forms of participation? In such a view, literature is then given a magisterial position as being that which introduces some disturbance and distance to the usual functioning of social order. Referring to the ethical role of literature, as Martha Nussbaum likes to do, means thinking about it as a reflexive activity that is able to improve human beings by offering them the possibility of projecting themselves into other lives, of finding models and counter-models in books. Can literature not be viewed as a way of practising social criticism in the name of a political transformation of globalisation?

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<sup>41</sup> In Martha Nussbaum's words, a child should be raised as "an active and critical participant", in *Not for Profit*, p. 57.

<sup>42</sup> *Not for Profit*, p. 77.