An Investigation on the Aristotelian Foundations of Martha Nussbaum’s Capabilities Approach and the Disability Issue Utilizing Nussbaum’s Earlier Works on Aristotle

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  Presented June 2006

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Martha Nussbaum presents her capabilities approach as an alternative political doctrine that aims to provide a threshold for the possibility of a good life. Nussbaum does this by providing a tentative list of capabilities, living below which would be tantamount to not making “human functioning” available to citizens (FJ, 71). Being a liberal (as she claims she is), she naturally presents a doctrine that tries to put a solution to the problems posed by a utilitarian political doctrine: the problem of seeing only the aggregate and not the individual; the problem of considering desires as sufficient determinant of needs; the problem of understanding development only in economic terms, and similar other problems. But, aside from these, she also presents a possible solution to the Rawlsian problem areas, i.e., areas that are problematic, and apparently cannot be reached, by the Rawlsian concept of social justice. These problem areas are the following: the disabled, the highly interdependent but at the same time highly asymmetric relations between poor and rich countries; and the non-human animals. Hence, her capabilities approach, specifically that which is developed in Frontiers of Justice: Disability, Nationality, and Species Membership (2006), aims to show the threshold for the possibility of a good life for the disabled, for the poor citizens of other countries, and for non-human animals.

This alternative capabilities approach is claimed by Nussbaum to be Aristotelian, nevertheless this claim is something that Nussbaum did not substantiate in FJ. To be able to have a better understanding of the approach, it is necessary to look into its claimed Aristotelian foundations. In doing so, we would not only be able to understand why the approach is configured as such, we would also have the additional bonus of seeing some unity in the voluminous works of Nussbaum.

I shall limit the investigation on Nussbaum’s earlier works on Aristotle. This means that I will not look into her earlier works that are not directly Aristotelian (even if the approach is claimed to be Aristotelian); neither will I look at the primary works of Aristotle. I shall also only include the application of the capabilities approach to the issue of disability. Hence, this thesis is an investigation on the Aristotelian foundations of 1.) the capabilities

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1 We may also look at the titles of the predecessor articles of the capabilities approach for further reinforcement that Nussbaum claims that her approach is Aristotelian: “Social Justice and Universalism: In Defense of an Aristotelian Account of Human Functioning,” (1993) and “Aristotelian Social Democracy” (1990) (italics mine).

2 With the exclusion of her works on De Motu as Nussbaum expressed her dissatisfaction with these earlier works. See RA (278-279) and footnote in NF (179).
approach and 2.) the disabilities issue as addressed by the capabilities approach, limiting Aristotle to Nussbaum’s expositions so far.

This thesis will have four parts plus a short conclusion. Chapter 2 will deal with an exposition of the capabilities approach and the disabilities issue as it was developed in *Frontiers of Justice*. Chapter 3 will be an exposition of Nussbaum’s Aristotle, using her previous works as basis; and Chapter 4 will be the attempt to point out the Aristotelian foundation of the capabilities approach. In the end, the thesis is supposed to show to what extent the approach and the applied disability issue truly Aristotelian.
CHAPTER 2
THE CAPABILITIES APPROACH IN FRONTIERS OF JUSTICE

The capabilities approach is a political doctrine that works on the concept of a threshold list, the hurdling of which by each and every citizen is the task of the political system. In other words, it is the job of the politician to make sure that each and every individual goes beyond the list; by doing so, each one is empowered to perform certain functionalities that make the good life, in its many diverse forms, possible. The capabilities list is as follows (FJ, 76-78):

1. Life
2. Bodily health
3. Bodily integrity
4. Senses, imagination, and thought
5. Emotions
6. Practical reason
7. Affiliation
   a. Being able to live with and towards others, to recognize and show concern for other human beings, to engage in various forms of social interaction; to be able to imagine the situation of another.
   b. Having the social bases of self-respect and nonhumiliation; being able to be treated as a dignified being whose worth is equal to that of others.
8. Other species
9. Play
10. Control over one’s environment
    a. Political
    b. Material

Now, these capabilities apply to everyone. Actually, Nussbaum extends its applicability not only to all human beings, disabled or not, rich or poor, but to non-human animals as well. For the purposes of this thesis, as mentioned in chapter 1, I will only present Nussbaum’s application of the approach to the disabled and not to the other two groups addressed in FJ. Allow me to elaborate on the theoretical foundation and basic concepts of the approach, as it was discussed in FJ, first. After which, I shall briefly go through the list again, expounding on parts that may need clarification. Lastly, I shall present Nussbaum’s application of the approach to the issue of disability.
I. Theoretical Foundation and the Basic Concepts of the Capabilities Approach

The Capabilities Approach and Human Dignity

The capabilities approach works on the premise that the human being is dignified (FJ, 159). In spite of her claim that the concept of human dignity is intuitive albeit basic to a number of national constitutions (FJ, 155), it is still possible to make a short exposition of what she means by this term.

By the term “dignity,” apparently Nussbaum ascribes to something that makes a being worthy of respect: “the capabilities approach sees the world as containing many different types of animal dignity, all of which deserve respect and awe” (FJ, 159). Now, such a respect makes the being (in our case, the human being) have a “claim” for such a respect, without having to “win” that respect (FJ, 160). As for what accounts for the presence of such dignity, Nussbaum alludes to what she calls an Aristotelian conception of dignity. This Aristotelian concept of dignity, as distinct from the Kantian and the Rawlsian conception that links dignity with the concept of a “person,” which in turn is tightly linked to rationality (FJ, 159), does not restrict what is worthy in a human being to rationality. Sure, rationality is important, but Nussbaum claims that the Aristotelian concept of political and social animal speaks of a human worth that does not reside solely in the rational. Instead, rationality goes hand-in-hand with sociability (FJ, 159). Now rationality and sociability are both concerned with bodily needs (FJ, 160). How or why this is so, Nussbaum is silent. Hence, human dignity, in Nussbaum’s Aristotelian sense, refers to rationality, sociability, and bodily care or concerns. Hastily, I want to add that in an earlier section of FJ, we see Nussbaum conceding to Kant as regards dignity. She also refers to treating persons as ends, and not as mere tools (FJ, 71) as forming part of what it means to treat persons as dignified beings. Let me discuss sociability a bit further, as Nussbaum apparently did not discuss how rationality, general bodily care, and the human being as an end are concepts that form part of human dignity in FJ.

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3 Nussbaum vacillates every now and then in her discussion of the capabilities approach as either encompassing non-human animals, or only referring to human beings. This is palpable when she uses both the terms “human beings” and plainly “beings” in her discussions. Nevertheless, for our purposes, since I would not include in the discussion the non-human animals, I would prefer to just refer to the human beings as the subject of the capabilities approach.

4 This she links with the Marxian idea that the human being is “in need of a plurality of life-activities” (Marx in FJ, 159).
Without providing a definition of rationality in *FJ*, Nussbaum nevertheless provides a description of sociability. Sociability is described as the human’s need for both symmetrical and asymmetrical relations with others (*FJ*, 160), because we “cannot imagine living well without shared ends and a shared life” (*FJ*, 158). First, our relations with others is both symmetrical and asymmetrical; that means, we search for some reciprocity not only among “normal” human beings but among normal human beings and disabled human beings; normal human beings and non-human animals; and normal human beings from economically rich countries and other human beings from economically poor countries. That human beings search for symmetrical reciprocity is almost common sense since such may provide mutual advantage, but beyond that, Nussbaum claims that having asymmetrical relations is something that we humans yearn for because such may still be reciprocal and contain “truly human functioning” (*FJ*, 160).

That asymmetrical relations may be reciprocal Nussbaum exemplifies through the numerous examples of mentally disabled children and their relations with “normal” human beings, like their parents. Sesha Kittay, for example, the mentally disabled daughter of the philosopher Eva Kittay, does not only receive affection from her parents. She also provides joy and affection to her parents in ways that she could by, for example, hugging her parents or swinging to their favorite music (*FJ*, 96). I shall defer a longer discussion of such relations when we talk of the disabled.

For Nussbaum, asymmetrical relations are not only reciprocal; they also contain truly human functioning. But what does Nussbaum mean by functioning? If capability refers to having the “opportunity to engage in” (*FJ*, 171) certain activities like political participation or religious “functioning,” functioning, on the other hand, means actually participating in something like actually participating in political or religious activities. Again, an asymmetrical relation contains truly human functioning as Sesha Kittay does numerous actual human functions, like playing and dancing, in an accepting and appreciating human environment.

Sociability then, both symmetrical and asymmetrical, does not only provide mutual advantage (as liberalists claim). It also provides certain degrees of reciprocity as well as space for a rich host of human functioning. Living without sociability is something

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5 Of course, what “normal” means deserves separate attention, and that I cannot provide in this thesis. It seems that Nussbaum uses “normality” here to refer to lack of mental and physical disability.

6 Human beings cooperate with one another for mutual advantage is a basic assumption of Rawlsian liberalism (*FJ*, 33), premised on the Humean conception of relations among rough equals as the basic circumstance of justice (*FJ*, 48–49).
unimaginable for a human being (FJ, 158). To even pull this point further, Nussbaum claims that sociability makes the human being be naturally concerned about the other’s good: “the good of others is not just a constraint on this person’s pursuit of her own good; it is part of her good” (FJ, 158). In this sense, the human being is social not only in a just way, but also in a benevolent way (FJ, 158).

Now apparently, even if all human beings have a claim to a dignified life (dignity, we recall, has its basis in rationality, sociability, bodily care, and the concept of treating each person as an end and not as mere means), it is a fact that not everyone lives a life with dignity, or to be more accurate, a “life worthy of human dignity” (FJ, 70). Now, a life is worthy of human dignity when “truly human functioning” (FJ, 71) is available to each person. What Nussbaum means by “truly human functioning” we can only state a tautology (i.e., a life that is worthy of human dignity) or make speculations (based on her discussion on sociability, inputting our own intuitive ideas on rationality, bodily care, and each person as an end) and probably, no list can ever come out on what sorts of lives are lives worthy of human dignity as there are so many diverse worldviews as there are people. Nevertheless, in spite of or amidst these multitude of “comprehensive ethical doctrines” (FJ, 163) of what truly human functioning means, there is the possibility of an “overlapping consensus” on what will make these lives truly humanly functional. Hence, even if there is no consensus on what is meant by “truly human functioning” (and as I stated above, probably there could never be such a consensus), Nussbaum claims that there is a consensus (or the possibility for such a consensus) on the means for such. The means that we are referring to here is the capabilities list. We may quote Nussbaum extensively on this point:

It is (i.e., the capabilities list) articulated, or at least we hope so, in terms of freestanding ethical ideals only, without reliance on metaphysical and epistemological doctrines (such as those of the soul, or revelation, or the denial of either of these) that would divide citizens along lines of religion or comprehensive ethical doctrine. It is therefore hoped that this conception can be the object of an overlapping consensus among citizens who otherwise have different comprehensive views. (FJ, 163)

Hence, the capabilities list as a threshold makes “truly human functioning” possible, it makes “life worthy of human dignity” available to each citizen, and it does this in spite of

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7 Nussbaum did not provide a definition of justice, though she does give us a clue of what she means by it in FJ (86.-87). It refers to a virtue that has to deal with human being living together, dealing with issues distribution of goods.
the absence of an agreed upon conception of “truly human functioning” because the list is non-metaphysical, i.e., it does not subscribe to any comprehensive doctrine, but plainly works on the liberal concept of overlapping consensus. Simply, it means that in the midst of differing metaphysical doctrines, some sort of agreement is still possible on a matter, and in our case, an agreement on this capabilities list. Now, lest some inaccuracy might ensue, a further qualification on what I have just referred to as “means” ought to be stated at this point. Nussbaum was clear when she stated that the capabilities list ought not to be considered as “instrumental,” but instead it ought to be considered as a “way” towards a life with dignity: “The capabilities are not understood as instrumental to a life with dignity: they are understood instead, as ways of realizing a life with human dignity, in the different areas of life which human beings typically engage” (FJ, 161). Exactly how an “instrument” is distinct from a “way” was not stated by Nussbaum, though we could infer from her succeeding statements that probably, the term “way” captures the procedure she recommends on how the list ought to be used, than the term “instrument.” Nussbaum said that we ought to “move through these different areas” (italics mine) (FJ, 161) and see which areas in our lives are “minimally compatible with human dignity” (FJ, 162) and which are not. Hence, when we (or in ideal cases, politicians or government officials in charge of social, political, and/or economic planning) move through the list, each part of the list ought to be considered and compared upon the present life situation of the citizens. The goal, if a life worthy of dignity is to be possible, is to “get citizens above the capability threshold” (FJ, 71), to make each citizen cross the borderline set by all the parts of the list. As long as one part of the list is not yet crossed, then, the threshold has not yet really been crossed: “(As long as) people are living below the threshold on any one of the capabilities, (it) is a failure of basic justice, no matter how high up they are on all the others” (FJ, 167). In effect, Nussbaum seems to be saying that no authentic life of “truly human functioning” is possible, no matter what one’s comprehensive doctrine is, if the borderline set by the list has not yet been crossed. Hence, at the very least, making citizens cross the borderline ought to be the minimal goal of the state.

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8 This is Rawls’ definition of overlapping consensus, referring to a consensus on the political concept of justice: “When political liberalism speaks of a reasonable overlapping consensus of comprehensive doctrines, it means that all of these doctrines, both religious and nonreligious, support a political conception of justice underwriting a constitutional democratic society whose principles, ideals, and standards satisfy the criterion of reciprocity.” (Rawls 2005, 482-483).

9 In this instance, by citizens, we refer to each and every human being since all have a claim on a dignified life (being dignified beings).
So far, what we seem to get from this discussion is this: the capabilities approach works on the (supposedly highly intuitive but at the same time allegedly widely accepted) concept of human dignity as its foundation; at the same time, the goal of the capabilities approach is to make life worthy of human dignity possible. If such a seeming tautology bothers the reader, let me state one more important concept of Nussbaum’s: that dignity and the capabilities list are intertwined that it is a chicken-and-egg issue which came first: “Dignity is not defined prior to and independently of the capabilities, but in a way intertwined with them and their definition” (FJ, 162).

**Capabilities Approach as Universal at the Same Time Respectful of Plurality**

Nussbaum claims that the capabilities approach ought to be “fully universal,” i.e., it should apply to each and every human being (FJ, 78). In this instance, the capabilities list ought to be treated as something cross-cultural, with an implicit assumption that an overlapping consensus as wide as such could actually be achieved. She then cites international human rights as the model that the capabilities approach patterns itself after, as regards its universal appeal and applicability. Nevertheless, the capabilities approach is also mindful of cultural and other sort of differences among people. Hence, as such, the approach provides space for pluralism. Such respect for pluralism is characterized by the following (FJ, 78-81): the list is open-ended, to make room for future revisions; the items in the list are generally and abstractly stated “precisely in order to leave room for the activities of specifying and deliberating by citizens and their legislatures and courts” (FJ, 79); the items are non-metaphysical and ought to be agreed upon by an overlapping consensus (as we have explained above); the political goal is capability and not functioning so as to give people the choice whether to actualize or not, or to choose between different ways of actualizing (i.e., different functionalities) their host of capabilities; liberties that protect pluralism like freedom of speech and freedom of association form part of the list; and lastly, though persuasion is acceptable as a means of promoting the approach, Nussbaum clearly stated her disapproval for an all-out, whatever-it-takes implementation of the approach since such may be detrimental to plurality.
II. The Capabilities List

In *FJ*, there are ten items in the capabilities list as stated above. Let us just go through each one of them swiftly.

*Life*. One ought to live a life within a span that falls within a “normal” range. This means not dying too early, or extending one’s life too long to the point that “one’s life is so reduced as to be not worth living” (*FJ*, 76). Dying too early probably means not approximating an acceptable life span; while extending one’s life too long may refer to such prolongations as those of hopelessly comatose patients living in respirators for long periods.

*Bodily Health*. In *FJ* (76), Nussbaum defined body health in terms of 3 descriptions: having good health including reproductive health; being adequately nourished; and having adequate shelter. Why shelter is placed in this category and not in, say, category 10b, i.e., control over one’s material environment, or probably have a category of its own, is something Nussbaum did not explain. Surely, shelter is more than for the mere preservation of one’s body and its health.

*Bodily Integrity*. This refers to the freedom of locomotion without threat of violence. This also refers to one’s right not to be assaulted in any way, including sexual assault such as those that happen in cases of domestic violence (*FJ*, 76). On a more positive note, having bodily integrity also refers to one’s right to partake in activities that give sexual satisfaction and to choose in matters of reproduction (*FJ*, 76).

*Senses, Imagination, and Thought*. This refers to being able to use one’s senses to imagine, think, and reason in ways that one thinks is most productive, in ways that “are most human,” “informed and cultivated by an adequate education” (*FJ*, 76). Such may include but is not limited to scientific, mathematical, and literary thinking, the production and the experiencing of religious, musical and similar other artistic or otherwise experiences that one may consider as worthwhile. Included here is the experience of pleasurable experiences and the avoidance of non-beneficial pain (*FJ*, 76).
**Emotions.** This refers to having to capably experience the full range of emotions (such as love, grief, longing, justified anger) to people and things that we are emotionally attached with. It also refers to one’s right towards emotional development without having to be interfered by fear and anxiety in such a development (JF, 77).

**Practical Reason.** This involves one’s right to think and formulate what she/he considers to be good and to plan, evaluate, and design one’s life according to one’s reflections. This capability includes, but is not limited to, the right to engage in religious observances and the protection of one’s liberty of conscience (FJ, 77).

**Affiliation.** This capability is two pronged: on the one hand is the capability to socialize with others with benevolence and care; on the other hand is the capability to be treated as a being with dignity just like all other human beings, excluding all forms of unjust discrimination (FJ, 77).

**Other Species.** This capability refers to having positive relations with and the right to care for non-humans like animals and plants (FJ, 77).

**Play.** This includes one’s right to have fun, to express such in laughter, and to engage in activities for recreation (FJ, 77).

**Control Over One’s Environment.** There are two general forms of control over one’s environment: political and material. Political control refers to having the capability to participate in politics (which assumes the right of free speech and association) (FJ, 77). Material control refers to the capability to hold property; “right to seek employment on equal basis with others”; “freedom from unwarranted search and seizure”; to work in such a way that is worthy of a human being which includes one’s use of practical reason and the freedom to associate and have “meaningful relationships of mutual recognition with other workers” (FJ, 78).
III. The Issue of Disability

The disabled, whether physically or mentally, is one of the groups whose needs for a life worthy of human dignity Nussbaum addressed in *FJ*. Nussbaum’s basic position is this: the disabled are human beings who are as dignified as the “normal” human beings and, as such, deserves a flourishing life ensured by the same list of capabilities. Given such, let me present first Nussbaum’s defense on the “humanity” and consequent “human dignity” of the disabled (more especially for the mentally disabled whose difference with “normal” human beings can be so pronounced). After which, I shall present the specific application of the capabilities approach to the disabled.

Nussbaum utilizes the capabilities list to allude to the humanity of the disabled, at the same time uses the list to speak of what they deserve to have; being true to the intertwining of the capabilities list and dignity that we spoke of above. She speaks of the humanity of Sesha this way: “some of the most important human capabilities are manifest in it (i.e., in Sesha’s life), and these capabilities link her to the human community rather than to some other” (*FJ*, 188). Hence, in so far as human capabilities are manifest in a disabled person’s life, linking her to the human community and to no other, the disabled is no doubt a human being, and therefore a dignified being. Being dignified, the disabled individual deserves a flourishing life as well, and hence, to be as much “capable” for this sort of life as possible. We all belong to the same sort of species, i.e., the human being, and as such, disabled or normal, the same norm applies to us. The capabilities list is the species norm for all of us (*FJ*, 179-195). Before we proceed, it is of interest to know how Nussbaum answers a prospective inquiry on the humanity of severely disabled people. Probably not unless we are talking about the anencephalics, Nussbaum puts the burden of proof on the inquirer. For Nussbaum, it has long been a fact that “impediments that were thoroughly social were seen as natural” (*FJ*, 188), and hence, a stigma has been put against the disabled making “normal” people lessen or deny their (i.e., the disabled person’s) humanity (*FJ*, 191). Hence, more effort has to be put to see this humanity that for a long time now has been denied due to stigma.

Nevertheless, in spite of the disabled person’s status of equality in dignity with the “normal” person, the relation of asymmetry between the disabled person and the “normal person” is something that cannot be denied. This is most obvious as the disability becomes even more pronounced. Now, implicit in this position is the extra amount of energy needed to be able to ensure that the disabled are covered by the same capabilities
list; in short, the application of the capabilities list to the disabled raises the need for extra care. Hence,

…the need for care in times of acute or asymmetrical dependency as among the primary needs of citizens, the fulfillment of which, up to a suitable level, will be one of the hallmarks of a decently just society. (FJ, 168)

Depending on the severity of the disability, the disabled can only be made “capable” through care, through some sort of asymmetrical relations with others. The goal of care is univocal: to bring the disabled above the threshold of the capabilities list as much as possible. The “normal” human beings, on the other hand, ought to provide this asymmetrical caring relation with the disabled, not only out of beneficence, but because they cannot imagine a non-shared life (FJ, 158), and that the good of others is their business as well. As for the role of the state, it ought to make sure that the disabled people are made “capable” as much as it is possible, harping on this single list, making all sorts of effort to see what else it can do to provide the disabled with the capabilities. Nussbaum cites three such avenues where the role of the state is made manifest: public policy on guardianship, education and inclusion, and the work of care. Briefly, the state should ensure that in cases where the disabled cannot attain a capability directly or on her own, some sort of public policy on guardianship ought to be provided. As regards policy on education and inclusion, the state ought not only to provide funds for the continuous education of the disabled children; these policies should also be inclusive as reasonably as possible, so as to make the disabled truly part of the human community. Lastly, and this probably is the least given attention to, is public policy on the work of care. This refers less to the disabled and more to the guardians, the care workers. The work of care ought to be promoted as real work for both men and women (FJ, 214), that is, it ought to be considered important as other professions are important. I shall not linger anymore in these policy issues as the distinct state policies that directly affect the disabled are beyond the scope of this work.
This chapter will be an exposition of Nussbaum’s Aristotle, as reflected in her previous works on Aristotle. Hence, all references made about Aristotle are to be understood as “Aristotle according to Nussbaum.” This chapter will have four divisions: Aristotle’s general strategy; Aristotle’s psychology; Aristotle’s ethics; and Aristotle’s idea of capability.

I. Aristotle’s General Strategy


In AH, Nussbaum informs us that Nussbaum’s Aristotle’s general strategy in ethics is the same as with his strategy in other fields (102). Given such, it would then be beneficial for us to look at Aristotle’s strategy in ethics for such would give us his basic paradigm, making it a bit easier for us to situate his philosophy, as expounded by Nussbaum, properly.

The general strategy that Aristotle claims is his strategy not only in ethics but in the sciences as well is this: “to preserve the greatest number and the most basic of the ‘appearances’ – human perception and beliefs – on the subject” (AH, 102). There would then be at least two parts of the general strategy: the preservation of the greatest number and the investigation of the most basic of the appearances. Let us look at these two parts then.

By the preservation of the appearances, Aristotle refers to the preservation of “what people say, perceive, believe”; and by the greatest number he refers to what people from different places with different cultures say, perceive, and believe. This would mean that Aristotle’s system takes the basic perception and beliefs of people seriously. Nevertheless, this does not mean that his system is a taxonomy or a basic sociological compilation of the different beliefs that different cultures have. Far from it. The basic aim for the consideration of the beliefs and perceptions of different people is for Aristotle (and his students and followers) to “winnow” what has been put forth and to “preserve the greatest and deepest part of the original material” (MD, 57). This implies that the
gathering of the different beliefs is just the first step. After such, some sort of discussion and scrutiny ought to happen. Nussbaum tells us that such is what actually happens in Aristotle’s classroom. The students are asked to put forth their beliefs about a particular issue. After which, with Aristotle’s lectures, the students are supposed to “sift” and “scrutinize” (MD, 57) what is put forth, aiming for a winnowed version that somehow should solve the puzzle (i.e., the question put forth at the beginning), with less discrepancies, at the same time reflective of what is deepest in the original material presented. Hence, through the scrutiny of “appearances” (i.e., beliefs, sayings, perception) by the “number” (i.e., the group), with the help of an able teacher, the aim of a rational consensus in resolving an issue or a puzzle can be met. In this process, Aristotle expects that the solution will not only be some consensus answer on an issue, but in fact, is reflective of what is deepest in the original list. This way, the appearances have been not only preserved but also put forth through the winnowing process.

Some further qualifications on this ethical procedure have to be mentioned before we could move on. First, the product of the procedure ought to be open-ended (MD, 57), i.e., it ought to be open for revisions if other experiences and further dialogue prove such to be necessary. Also, the procedure ought to be hinged on consistency (MD, 65), i.e., the present answer ought to be in harmony with the other results, as well as with “everything else held to be true” (MD, 65). This means that ethics, being part of the truth, ought to be in harmony with other truths whether it be metaphysics, biology, etcetera (MD, 65). This is a very tight toll, but nevertheless worthwhile if ethical truths are to be worthy of such a qualification. We can now move on.

We can well observe how “appearances” and the “greatest number” have been preserved on the issue of ethical aspirations. When considering what is good for us and for other human beings, “our views about who we essentially are and what changes we can endure while remaining ourselves set limits of a kind upon what we can wish, on what our ethical theories can commend” (italics mine) (AH, 91). In this instance, our perception and beliefs of who we are (i.e., who we are as human beings), as well as the limitations of our being who we are, makes us capable of defining, again through some sort of a deliberation on the “necessary and sufficient conditions of (our) continuing to exist as human beings” (AH, 91), what is ethical and unethical for us. We might have to go through and evaluate our diverse human activities and figure out which among them we consider as important and “could not continue” (AH, 94) without. It is, in the end, our
internal inquiry (i.e., “conducted in and through human conceptions and beliefs” [AH, 94]) on our essential human nature that best answers the issue on ethical aspirations.

MD gives us three more characteristics of ethical arguments that may help us formulate the Aristotelian paradigm that Nussbaum paints for us better. These three characteristics are the following: ethical arguments have a practical goal; they are value relative; and they ought to be responsive to particular cases (MD, 58). Let us look at each one of them.

When we say that ethical arguments have a practical goal, we are simply saying that ethics ought to lead us not only to some sort of knowledge, but to some kind of “improvement of practice” (MD, 58). Concretely, the goal is not only to know what goodness means but to be good individuals; as Aristotle himself said, “For we aim not to know what courage is but to be courageous” (Aristotle in MD, 59).

Ethical arguments are also value-relative. By this we refer to what we have just discussed above, i.e., that ethical arguments ought to be bounded by human experience, by the appearances (MD, 61). This means that the search for ethical truth (or for any other kinds of truth, for that matter) ought to be “an accurate account of the (human ethical) world as we experience it” (MD, 61). An important reflection as regards value-relativity is the reflection of what a good life is. When we give our account of a good life, a flourishing life (i.e., eudaimonia), it ought not to be an account that “strikes us as…not worth living” (MD, 62). It might be good to go through them as eudaimonia would constantly resurface in the different discussions in this chapter.

Eudaimonia cannot be a life “full of sufferings” (MD, 62); nor life without “pleasure nor pain, or pleasure of only the ignoble sort” (MD, 62); nor a life with “too many experiences that we experience unwillingly” (MD, 62); nor a life “with too much mindless and choiceless pleasures which animals are also capable, or to the pleasures sleep” (MD, 62); nor a life “having good things but without friends” (MD, 63). These types of lives are obviously not worth choosing for a human being. As such, they cannot be described as good human life. In contrast, a good human life ought to be complete, i.e., it does not lack even one good thing the absence of which would make life seriously incomplete. Hence, given the examples of Aristotle we have just enumerated, it may be possible that one human being has many good things but does not have friends. Such a life, though having many things, seriously lacks something necessary for a good life. Such a life is obviously not acceptable as a good life. Let us now turn to the last characteristic of ethical arguments.
Lastly, ethical arguments are responsive to particular cases, i.e., “statements about conduct” (MD, 66) must talk about concrete particular cases since ethical arguments talk about human actions and human actions are always particular. This does not mean that universal statements or general accounts are useless. For Aristotle, universal statements ought to act like a guidebook, such as that of a medical book. Cases are always particular, and physicians should address the particularity of the case, using the medical book as a guide as to how such cases have been addressed before. If an anomaly occurs, the physician cannot stick to the book and simply say, “well that’s what the book says, that anomaly simply is not happening.” In such a circumstance, some other ways of attending to the particular case must be done.

Generally, Aristotle’s strategy aims for the preservation of the greatest number and the investigation of the most basic of appearances through the winnowing process. Such investigations, most especially ethical investigations, mostly have practical goals, are value-relative, and are responsive to particular cases.

II. Aristotle’s Psychology


*Aristotle’s Explanation of Action*

In *RA*, Nussbaum tells us how Aristotle gives an account of action that is common among rational animals, including human beings of course. Action, or movement in general, is accounted for by two psychological elements, namely cognition (Gk. *noesis*)

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10 Traditionally, the contents of this subchapter have been subsumed by the larger term called “rational psychology.” I never encountered Nussbaum use that term nor did she come up with her own category. In the absence of a term from Nussbaum, I shall stick to the traditional term for the topics in this section, dropping the term “rational” and retaining only “psychology” since rationality may be “biased,” and Nussbaum clearly ascribes more to being human than just rationality. Actually, even the term “psychology” has its metaphysical underpinnings (Gk. *psyche* for soul), but Nussbaum has yet to discredit Aristotle’s metaphysics before such a term ceases to be appropriate.
and desire (Gk. orexis) (RA, 276-277). These two elements are said to be “proper causes\textsuperscript{11} of the action” (RA, 281), as “efficient causes\textsuperscript{12} of movement (RA, 277), as “individually necessary\textsuperscript{13} and (in the absence of an impediment) jointly sufficient\textsuperscript{14} active causes” of movement (RA, 277). Obviously, Aristotle gives such a special place for these “causes” of movement, and we shall try to give an account of these causes in order to attempt a justification for such a special treatment. Nevertheless, it must be said that these “efficient causes” needs a “necessary condition” for their operation (RA, 281). The necessary condition would be physiology. In this sense, physiology is considered as “equipment” that made it possible for the psychological elements to move an animal (RA, 281). I must say that there seems to be something unclear classifying physiology as an equipment of cognition and desire (after which, Nussbaum denies dualism [RA, 281]) instead of characterizing it as material cause\textsuperscript{15} of human action. In this matter, Nussbaum’s Aristotle does not clarify as to the choice of specification.

Desire and cognition are movers of the animal (RA, 276). Between the two, Nussbaum’s Aristotle gave emphasis on desire, not because it is more important than cognition, but because of the implications of desire as a mover. Let us then discuss desire first as a mover of the animal before providing a joint account of the efficient causality of these two movers.

Aristotle invented the term orexis to refer to desire (RA, 273). In order to preserve the appearances on what happens when an animal “voluntarily” moves, there was a need for Aristotle to invent a term that would account for such a movement, in contrast with a more materialist account of movement such as those of the atomists like Democritus’s where an involuntary movement seem not to be essentially different from a voluntary movement such that both are accounted for by atomic movements. The term orexis was rarely used prior to Aristotle, nevertheless, in the few times that it came out, it already had a sense that somehow captures what Aristotle notices when movement occurs. The word oregesthai was used a few times by Plato and it meant “reaching out for” or “grasping” (RA, 274). In Homeric texts, the word orego meant “stretch out” and “reach

\textsuperscript{11} Aristotle spoke of four (proper) causes: efficient, formal, material, and final causes. Cognition and desire, categorized as efficient causes, would then be proper causes of movement.

\textsuperscript{12} Efficient causes are traditionally defined as “primary source of change,” though traditional illustrations to explain efficient causality have always used the example of an animate being as a unity (eg., the human being, the dog, etcetera) and not to just one or two of three of their faculties.

\textsuperscript{13} A cause is necessary if without which an effect cannot happen.

\textsuperscript{14} A cause is said to be sufficient if their presence guarantees the effect.

\textsuperscript{15} Material cause refers to the stuff (matter) out of which something is made of.
out” as in stretching out one’s hand to somebody or something (RA, 274). After some

time, Greek tragedy playwrights started to use the term to mean “to yearn for,” some sort

of internal reaching out (RA, 274). Such use of the word orexis made it easy for Aristotle
to mean “desiring or wanting” (RA, 274) that captures both passivity and activity. Hence,

when an animal desires for something, it ceases to mean as being passive over the object,
as simply “being-overwhelmed” (RA, 274) by an external object. The term orexis denotes

a more complex interplay of an external object and a re-action, a desiring, a yearning and

reaching out for, as an activity of the animal for the object being desired. The ultimate

aim of such a desiring is the “grasping of the object to take it to oneself” (RA, 275). Now

such an account could hardly be perceived as merely mechanical (as the atomists’ account

of animal movement) nor plainly passive (as Plato’s account of animal [as opposed to

human] movements [RA, 272]) but a combination of both activity and passivity.

Now, orexis, as desiring, is present in all movements of an animal, both external (such

as grasping an object) and internal (such as thinking). It is, as Aristotle asserts, “involved

in every action” (RA, 275) as orexis has three types, boulesis (wish) that accounts for

desiring in the rational, intellectual movements of an animal, and epithumia (appetite) and

thumos (emotions) to account for orexis in irrational movements (RA, 275). At this point,

we are confronted with some terminologies that seem to be inconsistent with each other.
Nussbaum’s Aristotle’s sudden use of the terms “rational” versus “irrational” sweeps us

off our feet not only because he does not clarify as to the distinction, but also because

previous accounts speak of emotions as “rational” (the account of emotions in DP and in

AE). Also, the title of the article, “Rational Animals and the Explanation of Action”

seems to give space for animals that are non-human but still rational (FJ agrees with such

an interpretation). If at least some animals are rational, and if rationality may permeate

the different activities of the rational animal (see AH, 113-115), then where does the

distinction between rational and irrational lie? To further confound us, Nussbaum’s

Aristotle insists that orexis is a single thing (RA, 275). He cannot be referring to orexis as

conceptually being one as he spoke of three types. Probably, orexis is single as the

movement that results is, in all appearances, single. These are confounding issues that I

think cannot ultimately be resolved here. Nevertheless, in spite of such confusion, we do

get what seems to be the rationale for the use of the term orexis.

Orexis, precisely because it entails the grasping of an object towards the subject,

shows that “lack of self-sufficiency or completeness” of an animal (RA, 276), of course,

including the human being. To be a moving creature then, in all appearances, allude to a
natural insufficiency that ought not to be mourned about. Also, _orexis_ points to the “intentionality” of movement both in its “object-directedness” and its response to the world as the animal perceive it (RA, 276). Lastly, the term also makes us see a close connection between animal and human movement: both are intentional, both are passive and active, both are accompanied by _orexis_.

So much for desiring. Now, desire comes with cognition as its natural partner in causing efficiently the movement of an animal. Cognition, again, has three types: _phantasia_,¹⁶ _aesthesis_,¹⁷ and intellect (RA, 276). What all three have in common, and hence what distinguishes cognition from desire, is the fact that all three are “concerned with drawing distinctions” (RA, 276). Movement, then, could be well accounted for by cognition that does two things: first is the presentation of an object to the animal’s awareness; after which, once the animal desires it, cognition presents the “premise of the possibility” (RA, 276) of “grasping” or possessing the object desired. Once the object is perceived as possibly within reach, then movement towards an object happens.¹⁸ “In the absence of an impediment, thought (plus _orexis_) and the movement are ‘nearly simultaneous’” (RA, 277). In this way, we see that the interplay of activity and passivity in cognition and desire, in the absence of an impediment, can give an explanation for an animal’s action. They are efficient causes as the change that happens, i.e., movement, can be directly attributed to these two elements. They can then be considered as primary sources of the change that occurred. Individually they are necessary causes as no movement is possible if either one is lacking, as we saw the need for the interplay of the two. Jointly they are sufficient causes since in the absence of an impediment, thought, desire, and movement are almost simultaneous. In this sense, these two psychological elements are necessary and sufficient efficient causes of an action, as long as impediments are not present, and assuming the presence of a body (a physiology) as the “necessary condition” (RA, 281) for the causal action of the two.

An interesting consequence of this reflection on rational animals’ movement is the consequence of intended actions for both human beings and other rational animals. The movements of rational animals are their own “reaching out” or “yearning,” such that their actions can be properly designated as a _hekousios_, i.e., as voluntary movements (RA,

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¹⁶ Phantasia is defined as an interpretative selective element in perception, in virtue of which things in the world “appear” to the creature as a certain sort of thing (RA, 276).

¹⁷ Traditionally, this refers to sense-perception.

¹⁸ We could imagine that a somewhat similar complexity of coordination happens when an animal moves away from an object (instead of towards it) though this time maybe not with orexis but something that we may loosely call aversion.
This means that actions done by children and adults are voluntary. What then sets apart the action of an educated adult from that of children? What sets them apart is what Aristotle called *prohairesis* or “effective deliberation” (RA, 283). Hence, an educated adult is capable of such a deliberation, assuming that she/he has already been made capable via education, while a child or a poorly educated adult isn’t yet. This has implications on the process of making those without deliberative capabilities yet to be capable of such. Children and poorly educated or uneducated adults are already voluntary subjects capable of choice and intentional action. As such, in the process of making them capable of deliberation, this rudimentary sense of responsibility and voluntariness ought to be taken into account. Children are not mindless beings who ought to plainly be manipulated (RA, 286). Instead, their education ought to take them as “intelligent creatures who act in accordance with their own view of the good” (RA, 286). This has direct repercussions on the process of designing an educational program for human beings without *prohairesis* yet. As to the implications of how rational animals ought to be treated, again, Nussbaum’s Aristotle is silent.

*Aristotle on Human Nature*

For Nussbaum’s Aristotle, sociability and practical reason have architectonic roles (NV, 265-266), “suffusing and organizing all the other functions” (NV, 266) such that other functions may be considered human only in so far as they are guided by both of these (NV, 266). Hence, essentially, humans are social and exhibit practical wisdom. Let us talk about these two characteristics then.

In “Aristotle on Human Nature and the Foundation of Ethics” (1995), Aristotle demonstrates man’s sociability in three ways: by an appeal to ordinary beliefs, by an appeal to tradition, and by an appeal to man’s use of language. It can be noticed that all three demonstrations are internal and evaluative in nature, i.e., based on appearances, as we have discussed above, and appeal to what we deeply believe in.

That ordinary beliefs demonstrate man’s sociability Aristotle shows us by appealing to one’s natural feelings towards not having friends: “for without friends nobody would choose to live, even if he had all the other goods” (Aristotle in AH, 103). We have seen this point mentioned above, and here, Aristotle appeals to “appearances” and the “greatest number.” No human being, in spite of having almost everything, would consider life
worth choosing if she/he would not have associations. After such an appeal, Aristotle then makes a speculation, this time directly alluding to what seems to be man’s nature:

It *seems likely* that it belongs by nature to the parent towards the child and the child towards the parent…and that it belongs also to members of the same nation towards one another, especially among human beings. That is why we praise who love and benefit other human beings. And *one might also observe* in one’s travels to distant countries the sense of recognition and affiliation that links every human being to every other (Aristotle in AH, 103-104).

From ordinary beliefs on the inevitability of having friends as part of a good life to an appeal to relations emanating from human nature, Aristotle uses not hard logic to give hard proofs but uses the very paradigm we have talked about above. Nevertheless, in spite of the apparent “softness” of his procedure, in its simplicity it does have an undeniable effectivity in bringing home its point. This is what Nussbaum means when Aristotle’s “procedures validate conclusion” (AH, 109). A person who would deny man’s sociability is asked to check her/his own beliefs and see if a life without friends is something he would consider worthwhile; or a life without parents truly loving and taking care of their children can be considered as naturally human.

An appeal to tradition also affirms what the appearances are, i.e., what the internal beliefs are. In this case, Aristotle cites Homer who in turn alludes to Achilles’ hatred towards the Cyclops for not having any sense of sociability. Such a being like the Cyclops is a “lovers of war, being ‘unyoked’ like a piece in the dice-game”’ (Aristotle in AH, 107). The Cyclops is such a being that is like an unyoked piece in a dice-game, i.e., it is like a lost part of a game. Separated from the game itself, it has lost its identity (AH, 107). The human being is also such, once separated from sociability as characteristic of her/his humanity. Like the Cyclops who, apart from having only one eye, has the features of a human being, but lacking in sociability, it is separated from what is supposed to identify it from our species. This is, in all appearances, what seems to be deepest in tradition.

Lastly, Aristotle appeals to man’s use of language. Language has been pervasive, and has been that which is clearly human (apart from other animals), something that is important without which life would be hard to imagine. Now language and sociability are like two sides of the same coin. Language ceases to be relevant if man would not socialize anyway. To accept that language is intimately human and to deny man’s sociability is a contradiction. Anyone who accepts that language is intimately human, but denies man’s sociability, and does so in discourse is guilty of what philosophers call a
“performative contradiction,” i.e., it is communicating but denying that one is communicating with others. This is what Nussbaum also meant when she said that the “procedures validate their conclusion.”

Now, the other architectonic of human nature is what Aristotle called practical reason. Practical reason is closely associated with what we have called *prohairesis* or “effective deliberation”; in AH, Nussbaum’s Aristotle referred to the exercise of *prohairoumenoi*, i.e., choosing, as the exercise of practical reasoning (AH, 110-111). Just like our previous discussions, Aristotle also passes through appearances and the greatest number test when he talks about practical reason as characteristically human.

That practical reason is characteristically human Aristotle demonstrated by first showing that a life without it is not worth choosing (again, passing through that test if life without such is worthwhile). Apparently, life without choice and deliberation would seem to be not worthy to be called a human life. A life, for example, of extreme hedonism wherein everything is just pure pleasure without much room for choice and deliberation, would not seem to pass the “appearances” and “greatest number” test, even if many people would say that they would prefer this life. Also, to be an extreme hedonist, i.e., to choose life without a choice, is to be guilty, again, of performative contradiction.

Aristotle also does a sort of odd-man-out test to allude to practical reason as the activity proper to a human being. He gives us a number of functions. The task is to determine which function is characteristically human. The choices are the following: life, life of nutrition and growth, life of perception, and practical reason (AH, 113). Life and life of nutrition and growth are functions that plants, animals, and humans have. Hence, such cannot be the functions that characterize human beings. Life of perception is a function of animals and humans, and as such, again, cannot be what characterizes human beings. The last one which is practical reason, is something that apparently only human beings have. As such, a life of reason, i.e., a life of choice and deliberation, is that which is worthy of human life (AH, 113). Now, lastly, does this mean that activities that are properly human are “pure” practical reason activities without any taint of the other functions? Not really. Nussbaum’s Aristotle’s answer is this: to live a life according to practical reason is to make practical reason the “distinctive and guiding feature that gives the life its characteristic overall shape” (AH, 113). This means, an activity is considered a human activity if such is ordered by reason. Hence, eating may be considered a human activity if it has the “mark” of reason in it, i.e., it entailed some sort of deliberation and choice. Hence, the toll is not so high as to make contemplation the sole human activity,
the only activity that is considered human. In fact, for Nussbaum’s Aristotle, activities that entail planning and organizing would be activities that have the mark of practical reason in them (AH, 117) and hence, properly human activities.

**Goods of the Human Being**

Practical reason entails choosing and deliberating. This automatically assumes that the human person has choices to deliberate on. As such, these choices ought to be real choices such that some sort of deliberation would truly ensue as to which one an individual would pick. It cannot be that the human being only has one default standard for such would make choosing not really choosing but plain determination of which of the two the standard favors. Hence, for example, to set up material accumulation as the standard would automatically tilt choices in favor of such standard. Choices such as charity, aid to the needy, and activities of similar sort are automatically of second importance compared to business establishment, working on a full-time prestigious job, etcetera. This all boils down to the need for diverse values that are non-commensurable to accommodate for the host of human goods that are laid in the human smorgasbord for actual choice. In this part of the thesis, we will talk about human goods and their fragility/vulnerability. Though we would not linger in this topic, it is still of importance that we say something about it. We shall be using two essays for this purpose: “The Vulnerability of the Good Human Life: Activity and Disaster” (2001), and “The Vulnerability of the Good Human Life: Relational Goods” (2001).

The numerous goods that the human being is capable of having are needed for a good flourishing life. And by goods here, we refer to circumstances like riches, relatively acceptable physical features so as not to make one horribly ugly, a stable family, a loving relationship, etcetera. All these things Aristotle tagged as luck or tuche. Tuche is needed for eudaimonia.\(^{19}\) The tragedy-like absence of tuche may at a certain point affect the good life since good acting is necessary for good living, and being bereft of tuche, certain actions are held to be impossible. This point may easily be seen through the example of a person in good-condition to be a runner, but is a slave and hence does not have the tuche to be an athlete. As such, the good life is not possible for such a human being, no matter how endowed he might be as a possible athlete. In such an instance, there is an obvious

\(^{19}\) For Aristotle, eudaimonia or good life is the same as makariotes or being happy (VG, 331).
gap between being good, i.e., being conditioned and even being capable of living well, and actually living well. Note that for Aristotle, a man of virtue may well survive lack of certain sorts of tuche, and still manage to live eudaimonia, making do of whatever is available for such. Nevertheless, as mentioned above, tragedy sort of loss, or grave loss of tuche would certainly make the expression of a good condition impossible, and hence eudaimonia ceases to be actualized.

So far, we have discussed that tuche is needed for eudaimonia, and that the absence of certain tuche disrupts the possibility of actual activity for the completion of eudaimonia (VG, 322). Hence, obviously, a capability to do good (necessary for eudaimonia) may be impeded from its needed expression by the absence of tuche (the possible athlete that is a slave, or the possible good friend who is made physically isolated from other human beings). Now, the absence of tuche could be so grave that even the person of strong character would not find any way of expression. Or worse, such lack may be so bad to affect not only the needed actualization of good disposition or capabilities. They may damage the very condition of virtuous action, the capability, the good disposition in itself (VG, 322). Harshness of life may for example rob one of the capability to trust, to be courageous, to intensely love someone, to be capable of laughter, and so on. Such loss of character, which Aristotle ascribes to some elderly people (VG, 338), are results of lack of tuche. And in such a loss, he says that it would take a lot of effort before the lost capability to be brought back, and hence before eudaimonia be actualized again: “What does take time and repeated good fortune to heal is the corruption of desire, expectation, and thought that can be inflicted by crushing and prolonged misfortune” (VG, 337).

III. Aristotle’s Ethics

This topic shall be divided into two parts: Aristotelian virtues; and emotions and ethics. We shall be using two essays in this subchapter: “Non-relative Virtues: An Aristotelian Approach” (1997) and “The Discernment of Perception: An Aristotelian Conception of Private and Public Rationality” (1985, 1990).
Aristotelian Virtues

In *NV*, Nussbaum’s Aristotle argues that virtues,\(^{20}\) though are highly particular, may still be objective and as such, may well be used to criticize local traditions that fail to live up to such a norm. In this part of the thesis, we shall talk of the process of coming up with such an objective knowledge of the truth, and what objectivity for Nussbaum’s Aristotle means.

Nussbaum’s Aristotle works on a thin account of a number of virtues, from which a thick account is expected to ensue:

The ‘thin account’ of each virtue is that it is whatever being stably disposed to act appropriately in that sphere consists in. There may be, and usually are, various competing specifications of what acting well, in each case, in fact comes to. Aristotle goes on to defend in each case some concrete specification, producing, at the end, a full or ‘thick definition of the virtue. (NV, 245)

Hence, the initial task of Nussbaum’s Aristotle would be the gathering of the different virtues applicable in different spheres (which Nussbaum also called “grounding experience”) (NV, 247) and to determine what seems to be stable in such virtues. Hence, for example, Aristotle looks at the sphere of bodily appetites after which determines moderation as the virtue that is applicable in that sphere. He then determines what is stably part of the conception of moderation is. Such thin account may be as simple as not indulging in the objects of appetite beyond what is beneficial to the body. After such a determination of thin account of virtue, further discussions and “comparative and critical debates” (NV, 256) should ensue for further specification, aiming for a fuller account of the virtue. Several competing thick accounts may be presented, but here again, the winnowing process is called to do its job. Hence, different people might say that moderation involves occasional or habitual bodily mortifications; while others may specify moderation as such that as long as no obvious signs of bodily “protest” are present, then one is still living within moderation. In this process of winnowing, hopefully, a thick account agreeable to all would ensue. We should note that such a specification ought not only to have the stable characteristic of a rule; it should also be responsive to particulars. Nay, for Aristotle, a good rule is a summary of wise particular

\(^{20}\) Traditionally, virtues are defined as good habits. They may also be seen as capabilities that makes *eudaimonia* possible. Nevertheless, virtues are not merely instrumental. Being *good* habits, they have intrinsic worth.
choices (NV, 257), and hence as such, the thick account, once made into a rule, ought to take into account the particulars, and even be reflective of them. Now, assuming that the thick account has been made into a rule, what then happens if particular events show an “anomalous” situation wherein what seems good is not what is specified (or not how it is specified) but some other specification? In such a circumstance, the particular wins over. This may have implications on adjusting the existing rule to give way to this anomalous particular situation:

Like rules in medicine and navigation, ethical rules should be held open to modification in the light of new circumstances; and the good agent must therefore cultivate the ability to perceive and correctly describe his or her situation finely and truly, including in this perceptual grasp even those features of the situation that are not covered under the existing rule. (NV, 257)

Hence, as we have noted earlier, the priority of the particular over rules can be observed. Rules, for Aristotle, ought to be context-sensitive as they are reflective of past good particular decisions. What then is meant by objectivity? Simply, it means that “if another situation should arise with all the same ethically relevant features, including contextual features, the same decision would again be absolutely right” (NV, 257).

Given what has been said so far, there seems to be another element that allows for an objective ethical decision, and it cannot be this thick account of virtue. Before I attempt towards some specification, allow me to give an illustrative account of Nussbaum’s showing how virtue could be both context-sensitive and objective.

Nussbaum cites Martha Chen’s experiences in attempting to increase the literacy rate of women in a rural area in Bangladesh. Chen’s group’s initial effort at educating women simply did not work. Nevertheless, after continued efforts and adjustments in the educational programs to make them more contextually relevant, the Bangladesh women started engaging themselves more in the program more enthusiastically (NV, 258-259).

Could the Chen story be accounted for by the thick account of virtue, or is there something else at work here that is yet to be made explicit? Whether or not the Chen account was reflective of a thick account of virtue, of a rule that stood on its ground, is difficult to evaluate. What made the social workers persist on their thick account of the virtue anyway, if they encountered initial difficulties as to the very acceptability of their thick accounts? When, then, could we say that particulars have primacy? How do we know that this particular circumstance is when our thick accounts should stand on ground,
and when does the rule give way to particulars? These are questions that are very difficult to answer, and Nussbaum’s Aristotle does not seem to help us resolve these difficulties. Nevertheless, as I have said above, there seems to be something else at work here which yet is to be made explicit. This something I am referring to is an intuitive idea of what humanity ought to be. Probably this is what Nussbaum’s Aristotle has been alluding to when he talks of finding what is deepest in cultures, of preserving appearances, and in finding out what the “greatest number” would say.

Emotions and Ethics

That emotions have a role in what is ethical is asserted by Aristotle. In DP, Nussbaum’s Aristotle asserts the following about the role of emotions in ethics: an ethical individual is someone whose feelings are in harmony with what she/he thinks is good; emotions come into picture when making an ethical choice.

A good individual is someone who does not only what she/he thinks is right, but does that in such a way that her/his emotions are in synch with her/his thoughts. Hence, a good individual is someone who exercises charity, for example, and truly desires to do so, and feels good while doing so (DP 1985, 186-187). This means that a person who does the good but does not feel like doing it is less praiseworthy compared to someone who does a good deed and feels good about it. Actually, appearances would show us that this in fact is correct. We seem to attribute praise to someone who not only did a good thing but also seemed happy in doing such. We are not necessarily satisfied with people who give greetings without sensing sincerity in such greetings, for example.

Likewise, an ethical decision also involves emotions. Here, Nussbaum’s Aristotle gives as an example the poor ethical decision reached by an akratic person. An akratic person seems to have good control of her/his intellectual faculties. Contrary to what Socrates thinks, an akratic person may in fact know fully well what is good or bad. Nevertheless, she/he may not be expected to choose what is good. What then is lacking? Apparently, what she/he lacks is the heart, the desire (orexis), to do such. Given thus, she/he decides in not in favor of what is ethically good. This reminds us of the solipsistic Hamlet who never brought himself to action, or a preacher who preaches without living up to his words.

21 Akrasia is defined as being weak-willed.
In the essay, “Nature, Function, and Capability: Aristotle on Political Distribution” (1988), Nussbaum lays the foundation for the capabilities approach. In this part of the thesis, we shall talk about the Aristotelian distributive concept as well as his concept of the different levels of capabilities.

The distributive concept refers to an ideal political arrangement wherein the state of affairs is such that everyone is enabled to do best, for each one to possibly live eudaimonia (NF, 146-147). Ideally, it is a set-up wherein the state does what it can, within its given circumstances (NF, 148), to assess the lives of each individual and see how such an individual is made capable for functions, and eventually, live a good life. Needless to say, such an assessment ought to be an assessment of a plurality of capabilities that the individual ought to have. It cannot be an assessment based only on a singular scale, like the scale of material wealth, for example. What then are we referring to as capabilities?

Capabilities are those that make individuals do functions (NF, 160), if they choose to do so. There are many sorts of capabilities and such capabilities are non-commensurable, that means, each one has a value on its own and could not be measured by some other capability. The development of these capabilities ought to be one of the major concerns of the state. Now, Nussbaum’s Aristotle puts forward three sorts of capabilities: internal, external, and basic capabilities. Hence, a person may be internally capable (I-capable), externally capable (E-capable), and/or have basic capabilities (B-capable). What are the differences between these capabilities?

I capability is defined in the following manner:

A person is I-capable of function A at time $t$ if and only if that person is so organized at $t$ that, should the appropriate circumstances present themselves, the person can choose an A action (NF, 160).

Hence, a person is considered as I-capable if she/he is predisposed to do a function provided that circumstances are favorable. This may be translated as having the skills, the virtue, or whatever characteristic that facilitates the performing of a task.

Now, it must be remembered that capabilities ought to be developed. And hence, there is the need for education. Nevertheless, even before education, some sort of
predisposition is already present to make one I-capable. This predisposition that makes one capable of being I-capable given ample education or training is what is called basic capability. Hence, after education, a child may likely to know how to read. But, even before learning to read, the child already has the basic capability to understand, to see, to distinguish, etcetera, that are necessary before one learns how to read. Now, the presence of B-capabilities is what Nussbaum’s Aristotle claim to be the basis of distribution of goods and services by the state towards some sort of I-capability. An obvious example of services distributed would be education:

At least a necessary condition of being a recipient of such distribution is that one should already possess by nature a less developed capability to perform the functionings in question, a capability such that, given the appropriate education and external resources, one could, in time, become fully capable of that functioning. (NF, 166).

In this sense, Nussbaum’s Aristotle makes a person’s initially organized constitution the basis for state distribution, for the granting of rights to individuals to claim certain things from the state. It works on the premise that the recipient of the goods and services would have to use such well, and hence, at the very basic, should have the necessary constitution for the capabilities that the state aims to develop.

Now, upon provision of education and some other services, and upon making the individuals I-capable, the state should also ensure that circumstances are favorable so that if the individual so chooses, those capabilities may be put into practice. At the very least, the state should remove impediments that block actual functioning. Hence, a person who is I-capable at the same time is provided suitable circumstances for the actualization of the functioning if he so chooses is considered E-capable:

A person is E-capable of function A at time \( t \), if and only it at \( t \) the person is I-capable of A and there are no circumstances present that impede or prevent the exercise of A. (NF, 164).

Such a gap between I-capability and E-capability is a common thing in developing countries, for example. Many people are made capable because of higher levels of education, but in the absence of opportunities for the actualization of education and training, many individuals are underemployed, i.e., not E-capable. To cite one example that happens in the Philippines, many trained physicians opt to practice as nurses in other
countries because this is the only capability that they are allowed to (i.e., given the chance to) practice that gives a fairly decent wage. New doctors do not earn decently in the Philippines, and other countries do not need them and hence, a number of them choose the option of practicing as nurses abroad instead.

Hence, B-capabilities are prerequisites not only to make people I-capable but also for the state assist the individuals in attaining I-capability. Once attained, it is also the state’s responsibility to ensure that I-capabilities are actualized, if individuals choose to. That individuals are E-capable is likewise the responsibility of the state.
CHAPTER 4
THE CAPABILITIES APPROACH AND NUSSBAUM’S ARISTOTLE

In this chapter, we shall look at the salient points of the capabilities approach as discussed in chapter two and attempt to provide for their Aristotelian foundation as discussed in chapter three. There will be three parts of this chapter in total, as we shall be looking at the Aristotelian foundation specifically of the following: the main points of the capabilities approach, the capabilities list, and the discussion of disability within the approach.

I. The Aristotelian Foundation of the Main Points of the Capabilities Approach

The capabilities approach seems to have the following as its main points: Each and every person as rational and in need of symmetrical and asymmetrical relations because of her/his sociability, is dignified and as such is entitled to all the capabilities specified in the capabilities list. In this sense, the human being’s dignity is the very foundation for the capabilities approach, at the same time the goal that the approach is working for. Now, as regards the nature of the capabilities list, it is to be noted that the list, en banc, act as threshold for the availability of human functioning for the individuals since they are opportunities for activity and not just quantities of resources. It is meant to make the attainment of the different versions of human flourishing possible, defined by each and every one’s distinct set of beliefs, and as such, the capabilities list ought to be conducive for as much agreeable world view as possible. Hence, the list is ideally meant to be a product of an overlapping consensus, non-metaphysical, and respectful of pluralism without neglecting universality.

Given that the main points of the approach are such, let us attempt to provide for their Aristotelian foundation. Let us begin with the points that can clearly find their roots in Nussbaum’s Aristotle. After which, we shall look at the points that seem to present some problems as to their foundation.

That the capabilities that citizens are entitled to are many and not just one seems to be a point that can find its roots in Aristotle. We can recall that Nussbaum’s Aristotle spoke of the human person as having life, needing nutrition, capable of growth, and capable of perception; all of these functions are pervaded by practical reason and sociability. Being rational entails choosing, including the choices necessary for the function of nutrition, growth, and perception. Sociability entails creating and maintaining different
relationships, both symmetrical and assymetrical. As such, performing according to reason, i.e., being capable of deliberative choice, at the same time living up to one’s sociability entails a host of capabilities. Hence, it is reasonable to suppose that the human being needs different capabilities to live a life worthy of a human being. She/he needs diverse capabilities to be able to live up to the very demands of her/his nature.

Diverse capabilities are also necessary not only because of the human being’s complex nature, but also because the human being has her/his concept of eudaimonia, the attainment of which necessitates several functionings. Again, given such, a host of capabilities are necessary for such human functionings. Hence, to be able to fulfill or even make possible the good life, the human being obviously needs different capabilities. As such, we could say that both the demands of human nature and the possibility of a good life bespeaks of the necessity of diverse capabilities in the human being. Hence, the human being, to be able to live up to her/his nature with her/his specific view of a good life, is entitled to many capabilities. The most basic of these capabilities were outlined by Nussbaum in her capabilities list.

The next point that has an Aristotelian foundation is this: that the capabilities in the list are to be treated as threshold for the availability of human functioning for the individuals since they are opportunities for activity and not just quantities of resources. The obvious foundation for this is the discussion on I, B, and E capabilities. We have stated that individuals who are already B-capable ought to be made I and E capable by the state through the provision of necessary goods and services. It is very important to recall that in the process of making an individual not only I capable but E capable, the state should make sure that there are no circumstantial impediments for the exercise of a specific function, if she/he chooses to exercise such. Hence, this means that for the functionings stated in the very definition of E-capability to be actual functions, certain B and I capabilities ought to be attained first. This implies the reaching of certain thresholds before certain functions are actualized.

Next, we may say that the point that the capabilities approach respect pluralism without neglecting the universal has Aristotelian roots when we recall the discussion on the Aristotelian strategy. We said that the Aristotelian strategy preserves the greatest number. As such, the “many” and the “diverse” are taken into account. Nevertheless, as we have also mentioned in chapter three, we cannot simplify the Aristotelian strategy as some sort of taxonomy. There is that thrust towards the truth, and hence towards the universal, via the winnowing process of the appearances. We may also want to recall that
in this very same strategy, rules, which most of the time approximates universality, have a
distinct place. They are to act as guidelines for particular conduct cases.

We may also say that the claim that the list is a product of an overlapping consensus
has Aristotelian roots. In spite of the Rawlsian origin of the term, overlapping consensus,
we find in Aristotle the beginnings of such an idea. We have just mentioned above that
Aristotle’s procedure entails the winnowing of the appearances as well as the preservation
of the greatest number. Now, this winnowing act is done not by Aristotle alone but is the
product of dialogue and debates between Aristotle and his diverse students. As such, the
end product, the winnowed concept, may roughly be equated to this concept of
overlapping consensus. Of course, there are real differences between the two, but at least
for our purposes, what I wish to highlight is the very process of coming up with a
consensus.

Lastly, the concept that the human being has practical reason and sociability, the two
architectonic properties that shape the very dignity that is human, which in turn act as the
foundation of the capabilities approach, has obvious Aristotelian roots as well. We have
already made mention of practical reason being specifically human (without neglecting
the problem I have posed in chapter three on the issue of the use of the term rational as
specifically human at the same time calling other non-human animals as rational). As
such, this architectonic pervades all of the human being’s activities. We could also recall
that for Nussbaum’s Aristotle, man is thoroughly social and as such, she/he cannot but be
related to others. Hence, *philia* is something natural for man, as it is natural for the human
being to love’s her/his children, to feel for his fellowmen, to want friendship, etcetera.
Now, such relations are not only symmetrical but also assymetrical. Obviously, the
relation between parents and children are assymetrical, especially during the early years
of the children. There are limitations as to the asymmetry that the Aristotelian system
seems to allow, though we shall defer the discussion on this limitation for later when we
discuss disability.

The points above have obvious Aristotelian foundations. Nevertheless, there are
points in the concept of the capabilities approach that seems to have some problems as to
their Aristotelian origin. The first point that seems problematic is the point that the
capabilities approach begins at the same time aims for human dignity. The problem
comes from the fact that the point assumes one thing: that Aristotle did develop a concept
of human dignity. But, not even Nussbaum’s Aristotle categorically defined dignity. Nor
did he state clearly why the human being is worthy of respect and awe. True, he has
managed to provide us with distinguishing characteristics like practical wisdom and sociability; nevertheless, he did not tell us why such characteristics are not only distinguishing characteristics but also characteristics that necessarily put the human in a privileged position. The farthest we can go as regards the concept of dignity as being worthy of respect and awe is to say that because life without respect is unimaginable and not worth choosing, then respect is something that human life should have. But does need necessarily translate to a trait such as dignity? We get no clear answers as regards this question. Probably, the concept of dignity does not really have roots in Aristotle. Probably only rationality and sociability is Aristotelian. Now, if the very claim that dignity is an Aristotelian concept is problematic, we can expect not to be able to provide for the Aristotelian roots of the claim that the capabilities approach begins at and at the same time aims for human dignity.

The second point that has problems as regards its Aristotelian roots is the point that the capabilities in the list are to be pursued for each and every individual. In the first place, we have never encountered even Nussbaum’s Aristotle unequivocally speaking for the rights of each and every individual. The closest we can get is that of the distribution conception which in the first place Aristotle was ambivalent about, and even without such ambivalence, we do encounter problems. In the distribution conception, those who are rightfully recipients of the said distribution are those who are already B-capable. But then again, how about individuals whose B-capabilities are much limited like the profoundly mentally disabled? We shall go back to this point later, nevertheless, it ought to be said that such limitations challenge the point that the capabilities are indeed to be pursued for each and every individual, if not restricts the very definition of what an “individual” in this given point.

Lastly, that the capabilities list is not metaphysical is hardly an Aristotelian conception at all. Aside from the fact that Aristotle himself developed a metaphysical system,22 nowhere in Nussbaum’s text did her Aristotle deny the importance of metaphysics. Actually, as we have mentioned above, Nussbaum’s Aristotle concedes that the universal has a certain importance. We know for a fact that comprehensive doctrines such as that of metaphysics are universalizing. As such, even Nussbaum’s Aristotle gives

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22 There are debates as to who “systematized” (systematization in the sense of categorization like that present in metaphysics books) Aristotle’s metaphysics, but this is not the point. It cannot be denied that Aristotle did have a specific metaphysics that he worked on, utilizing such metaphysics in diverse discussions. Hence, Aristotle’s metaphysical system pervaded his works such that a basic knowledge of his metaphysical terms and conceptions would help a lot in understanding what he writes in his other books.
space for metaphysics. It is noteworthy to state that even Nussbaum utilizes Aristotle’s metaphysical terms and concepts every now and then. In explaining desire and rationality for example, Nussbaum used the metaphysical concept of causality.

As far as the main points of the capabilities approach are concerned, Nussbaum’s Aristotle seems not to be a sufficient as foundation for the entire conception. Now, let us turn to the capabilities list and see how far Aristotle can be utilized to account for each item in the list.

II. The Aristotelian Foundation of the Capabilities List

Just like the discussion above, we can categorize the items in the list as having clear Aristotelian foundation and those that are not clearly rooted in Aristotle. Let us look at each item in the list.

In the discussions we have seen above, we have noticed that there was rarely any mention of the human body, bodily health, or bodily integrity. Though we could more or less find such discussions in the primary works of Aristotle, we could not find a solid discussion in Nussbaum’s Aristotle. We could always say that at least one of the virtues pertains to the body, but this claim applies to all aspects of the human being as well. We may also say that the body, its health, and its integrity are fragile and necessary goods for *eudaimonia*, or that the body are instrumental causes of movement, but we cannot say much more than that if we only look at Nussbaum’s discussions. Hence, the claims that life should be lived up to its normal range and that bodily health should be maintained do not have direct foundations in Nussbaum’s Aristotle.

The claim that one ought to use one’s senses in such a way that one thinks and engages in productive activities may be implied when Aristotle spoke of the need of the citizens for education, but just like Nussbaum’s claims on the body, her claims regarding senses, imagination, and thought need firmer foundation in Aristotle; at the very least, Nussbaum should have made this foundation more explicit.

As regards the care for other species, when Aristotle spoke about the *orexis* in rational animals, it alludes to the importance of a certain sort of treatment for such kinds of animals. Nevertheless, this could not be extended to simpler animal forms (like planktons or invertebrates) or to plants. Again, it is highly probable that something about the relations between humans and other life forms may be made explicit from Aristotle’s primary works, but Nussbaum’s Aristotle is wanting on this.
Nussbaum’s Aristotle did discuss emotions extensively and hence, the claim that the full range of emotions ought to be experienced seems to be clearly founded in Nussbaum’s Aristotle. We should recall that for this Aristotle, emotions have a big role in ethical decisions, in designating a human act as praiseworthy or not so praiseworthy. Emotions occupy such a large role in ethical decisions since if we would recall, emotions may also be categorized as orexis, and hence, they also account for movement.

The claim that one ought to live life according to one’s reasonable plans, i.e., according to practical reason, is clearly founded in Aristotle. We would recall that practical reason is considered as an architectonic of the human person such that activities are human to the extent that they are pervaded by reason.

That we should be capable of treating others with benevolence and justice, and that we ought to live life as beings with dignity worthy of respect is a claim that is founded on Aristotle’s discussions on man’s sociability. We discussed above this other architectonic and that sociability involves both symmetrical and assymetrical relations. We have also seen Nussbaum’s attempt to relate this architectonic to dignity, keeping in mind that the claim that dignity is an Aristotelian concept is problematic. Hence, affiliation as a capability is founded in Nussbaum’s Aristotle.

Lastly, that one ought to be capable of political participation is something that Nussbaum’s Aristotle provided for. Man, as political and social, out to be provided with circumstances for the exercise of such. Now, as regards the control for one’s property and the right to seek employment on equal basis with others, at least the protection of rights to own and the preservation of the condition where individuals can seek work on equal basis with others are alluded to as part of the goods and services that the state owes to individuals. These are part of the goods and services that ought to be distributed by the state to its citizens. Hence, control over one’s environment has its foundation in Aristotle.

III. The Aristotelian Foundation of the Points About Disability

As regards the application of the capabilities approach to the mentally disabled, we do encounter a number of problems which at least in my vantage, seem irresolvable given what is so far made available by Nussbaum’s Aristotle. Although Nussbaum claims that the mentally disabled are also dignified human beings as well who deserve a good life and as such should be made I and E capable as much as possible may be defended and grounded in the Aristotelian system up to a certain extent, as the disability goes down the
scale where mental and social functions are more degenerate, it seems to reach a point where the blanket claim of the applicability of the capabilities list cease to have Aristotelian foundations. If the disability is such that we could still notice some form of reasoning (for example, through real choice) and some form of acceptable sociability, then we could still say that it passes Aristotle’s test of human architectonic. If we notice that the individual could still work on basic capabilities to learn new things, then we say that she/he has certain B-capabilities to work on. Nevertheless, this is not always the case.

Although we can easily claim that the disabled are human beings and as such are dignified, that they deserve to be made I and E-capable as well, that they ought to be provided with opportunities to make the good life possible for them, these are claims that are difficult to establish as Aristotelian, specially for the profoundly mentally disabled. Let me outline the sources of difficulty.

In the first place, Nussbaum’s Aristotle made practical reason and sociability as architectonic of the human being. There are instances, as that of the idiot or the imbecile or severely autistic when even basic training is not possible, not to mention meaningful communication and reasonable planning. In such an instance, it would seem that these human beings can hardly be seen to exhibit actions that can be rightly called actions pervaded by reason, and probably sociability is down to a minimum when forms of communication are much restricted. Given such, we seem to have problems establishing the very humanity of the profoundly mentally disabled if we use Nussbaum’s Aristotle’s architectonic.

Second, even if Aristotle alludes to assymetrical relations such as those between parent and child, the nature of such a relation is such that after some time, the relation is made capably symmetrical. Given time and proper education, the child will mature and would be capable of dealing in a symmetrical way with her/his parents. Thus, this implies that the child, initially with orexis develops prohairesis to be capable of symmetrical relations with the adult. But, what happens when the child is such that even her/his very orexis is so limited to bare minimum (such as those individuals where even training is proved to be impossible) and no palpable practical wisdom, and hence no prohairesis as well, seems forthcoming? Nussbaum’s Aristotle did not provide for such, and Nussbaum seems to be alluding to some other philosophy when she speaks of the applicability of the capabilities list to all human beings, the profoundly disabled included.

Third, the severely or profoundly mentally disabled lack many B-capabilities, the necessity of which we spoke about above. B-capabilities are the very prerequisites for the
obligation of the state to provide goods and services to make the individual I and E capable. Seemingly, Nussbaum’s Aristotle would without second thoughts exclude the severely and profoundly mentally disabled from the list of individuals that the state owes its services and goods to.

Lastly, *tuche* is necessary for *eudaimonia*, according to Nussbaum’s Aristotle. A profoundly disabled individual obviously misses out on some luck that most “normal” individuals seem to have. Whether it is the luck of having a certain bodily composition, specific genetic make up, or whatever, there is something gravely missing in an idiot’s life that the possibility of *eudaimonia* may be put in question. Here again, just like the first three points, we cannot look at Nussbaum’s Aristotle for an answer on how, given such the graveness of lack of luck in an idiot’s life, is *eudaimonia* possible.

These are difficulties that seem insurmountable if we insist that the capabilities approach is Aristotelian. We seem not to have any choice, if we stick to Nussbaum’s Aristotle, but to exclude the profoundly disabled from the capabilities list, no matter how much Nussbaum herself repeatedly insists on their humanity. It is either that or Nussbaum is utilizing another ideology to defend her blanket claim that everyone, including the profoundly disabled, are to be made capable using the capabilities list as checklist. In the end, as I stated in the beginning of this subchapter, Aristotle can only be alluded to as the foundation on the claims regarding the disabled up to a certain extent. The physically disabled seem not to encounter any problems, and the mildly mentally disabled could still make it. But Aristotle ceases to be a viable foundation for the severely and profoundly disabled.
CONCLUSION

We have seen that although certain points in the capabilities approach are Aristotelian (in Nussbaum’s sense), not everything could very well be rooted in Aristotle. In fact, certain points are even problematic when we try to root them to Aristotle. Just the approach itself, we see that at least three points are problematic as to their Aristotelian foundations: the capabilities list is to be pursued for each and every individual, the capabilities approach as founded on and working towards human dignity, and the capabilities list as being non-metaphysical. Though the list itself does not give us much problems as to their Aristotelian foundations, except for occasional need to make the Aristotelian foundation more explicit, the discussion on the Aristotelian foundations of the disability question is gravely problematic. In the disability question, we saw how Aristotle can act as a foundation only to a certain extent. When confronted with the issue of profoundly disabled individuals, Nussbaum’s claims cease to have Aristotelian roots.23 As such, we can conclude that Nussbaum’s Aristotle can only partially account for what is so-called an Aristotelian capabilities approach. Probably, we would have to look at Nussbaum’s other sources to understand the roots of her other claims.

23 Actually, we see how Aristotle is similar to Kant as regards the importance of reason when we talk of humanity. In this sense, Nussbaum’s use of Aristotle’s ideology does not entirely solve the problem she posed regarding Kant’s “rationalism.”
REFERENCE LIST


