LOGOS, PATHOS AND ETHOS

IN MARTHA C. NUSSBAUM'S CAPABILITIES APPROACH

TO HUMAN DEVELOPMENT

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INTRODUCTION: ELEMENTS IN AN APPROACH TO HUMAN DEVELOPMENT

Three areas for constructive work on human development are much discussed: what are the values which should define and guide human development; what are causes and barriers for human development; and how can we operationalize a theorised approach (a package of concepts, values, and explanatory theories) in terms of measurement, instruments and policy priorities. There are also three less discussed but essential counterpart areas of work. First, operationalization requires not just measurement but institutionalization, including establishing and sustaining a programme of research for action, and attracting and keeping the support of a body of researchers and potential users. Second, an ongoing research and policy programme of human development, and action on its findings, requires a basis of widespread public commitment and concern. Lastly, without rich observation and evidence, each of the required commitment, concern, ethical theory and positive theory are likely to be weak and insufficient. Table 1 highlights these six areas.

Table 1: Essential areas for work on human development

MUCH DISCUSSED AREAS	*VITAL ADDITIONAL AREAS*

Ethical Theory
 	
Positive Knowledge on:
    Causes
    Requisites
    Constraints
    Effects
 	
'Operationalization':
    Measurement
    Prioritization
    Implementation
	Mobilization and Sustaining of Public and Private Concern and Commitment
	
	Rich Observation and Evidence
	(including of the lives and thoughts of deliberating human subjects, in their diverse concreteness, complexity, and individual specificity)
	
	Institutionalization, including through stimulating and maintaining a research and policy programme(s)
	• *Cooperative network of researchers and users, with resources and morale, sustained by:*
	• *Judicious strategy and tactics*

A theory of human development needs thus to be more than only a theory in welfare economics or ethics. Amartya Sen's capability approach arose in response to the question of what is the appropriate space for evaluating people's advantage and the distribution of advantages ('equality of what?'). A human development theory or approach has further purposes besides evaluation and so requires additional types of information. Sen has extended his capability approach considerably, notably in

Development as Freedom, but it retains a welfare economics imprint. A human development theory should preferably be helpful in other roles too: including for understanding behaviour and explaining agency and satisfactions; for mobilization of attention, concern and commitment; and for guidance in the processes of formulating, making and implementing public choices.

Martha Nussbaum's special quality has been to give an overall vision of human development which adds depth in most of these connected areas, not only the evaluation and measurement of advantages and their distribution. We will see how she enriches attention to the 'human' in thinking about 'human development', through her treatments of the centrality of human emotions, affiliations and communication. Her publications since 1999 considerably strengthen and enrich her contribution, though retaining some perhaps questionable features. I will look especially at her formulations in *Women and Human Development* and *Creating Capabilities*, but with supplementary reference to *Sex and Social Justice*, *Upheavals of Thought*, and *The Clash Within*, as well as at *Poetic Justice*'s statement of her methodological perspective, since these other books remain neglected in the international development studies literature.

The paper has the following main parts. A short first part addresses the relationship between purposes and methods in ethics. It distinguishes various foci or arenas in ethical and ethics-related discourse, and examines some corresponding methods. This sets the stage.

The second part presents Nussbaum's work in ethical theory, including her priority capabilities list, as part of an overall approach to development ethics, including ethics-related observation and practice. We will look at each of the major areas we highlighted in Table 1, not only at abstracted theoretical ethics. We make a detailed comparison with Sen's capability approach, and see its somewhat different purposes and correspondingly different methods. We identify and review major debates around Nussbaum's capabilities approach, and how the revised and deepened version published since 1999 responds to earlier comments.

The paper's third and fourth parts examine Nussbaum's recommended methods. Centrally, we consider her advocacy of the use of imaginative and other idiographic literature, including for deepening understanding and building concern and sympathy for persons; and of the analysis and use of emotions, with special reference to compassion. We consider also the broader principles, of engagement with a wide range

of evidence, including personalized accounts, and of 'internal criticism', i.e. conversation with a cultural tradition by drawing on its own internal resources. We will consider the methods' rationales, how far Nussbaum follows the principles, and how far she could open up to further types of evidence, collaboration, and interaction.

In effect, the paper examines logos, ethos and pathos—the three elements of persuasion recognized by classical Greek rhetoric: *logos* (reasoning), *pathos* (the felt experience which a discourse draws on and the feelings it evokes), and *ethos* (including the degree of confidence, mutual respect and authority which the author establishes in relation to the audience)—in Nussbaum's work on human development.

1. DIVERSE STAGES IN PRACTICAL DISCOURSE REQUIRE DIVERSE METHODS

The more types of purpose one has, the more types of evidence, conceptualization and theorization one must use. Consider a series of stages or foci in practical ethics:- exposure to real cases; trying to grasp and interpret them using readily available 'everyday' ideas; trying to build general concepts or theory, if and when felt necessary; returning to analyse real cases using such tools from theory; and making and acting on practical choices. More simply we might refer to three broad stages: induction, theorization, and decision-making/action. These different purposes and stages of thought are found to involve different styles of case-use and argumentation (Gasper 2000a).

Induction involves reflecting on experiences of real people, preferably through striking, absorbing, accessible examples. Cases can sensitize people to situations, issues, and ethical claims; build fellow-feeling; and convey notions about what is good. To do this they must be vivid, engrossing, and typically about real or plausible people. 'Constitutive narratives' for example, says Benner, are stories which 'exemplify positive notions about what is good' (1991: 2), they convey core values within an area of practice and help to motivate and sustain its practitioners.

The immediacy and force of a story, a real case, outdoes any general statement. It contextualizes, and adds personal flavour and credibility. Anecdotes too, not only thick rich narratives, may do part of this and do so with great economy. Brief anecdotes give no answers, at least no reliable ones; but they can establish a felt connection and help to open hearts and minds. The *Voices of the Poor* study (e.g., Narayan et al. 2000)

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lacks holistic narratives—people's comments were processed and pigeonholed—but some of its quotations pierce like a knife.

Theorizing, whether theory-building or the 'modelling' of a particular case, typically calls for more abstracted thought, with exclusions and simplifications to allow systematic analysis of or with the remaining factors. Often excluded will be details about people which could distract the analyser and distort her analysis. Sometimes the cases considered are wholly imaginary.

The cases which are looked at to support decision-making and action should typically again be real and often detailed, to convey the complexity of contexts and to show, in 'learning narratives' (Benner 1991), the skills needed to act on values. Such stories bring emotions which are remembered too, which helps in later recall and activation of the skills, in action. We change our moral views especially by experiences which strongly involve our emotions, says Nussbaum. Ideally such emotions and stories, sometimes of inspiring personal exemplars, help to build commitment as well as skills.

This general principle that ethics and practical discourse include a variety of activities, which have distinct purposes and different appropriate methods, informs Nussbaum's work. It lends the work unusual richness and insight. Her capabilities approach thus involves much more than a list of specific priorities in or for human lives. In a preliminary description, one could say that it also involves:

- A *wide-angle but focussed vision*, looking at the content and potentials in key aspects of people's lives, all people's lives. Her list of priority capabilities fits here.

- A way of looking, within the field of vision, with *openness and sympathy*. The list of priority capabilities embodies a basic theme: insistence on *respect for all persons*, as our starting point, from which culturally diverse interpretations and historically specific negotiations will proceed; rather than starting our public reasoning from whatever biased cultural and historical orderings hold sway.

- Use of a wider *range of evidence*, including richer sources—fiction, poetry, auto-biographies, and now also interviews and open-ended observation—than those used in economics and much other work on living standards.

- A deeper *way of understanding*: using rich pictures of mind, personhood, emotions and language; and a richer *style of presentation*, that seeks to explore the human

content of evidence, including its emotional content, to build concern both for persons and for particular aspects of life.

Should all this be included when we consider Nussbaum's capabilities approach? Yes, if we are interested in what are the essential working parts of her approach to the ethics of human development. Furthermore we can see linkages within this set which suggest that it forms an interconnected package, not a priority capabilities list plus a bunch of quite separate features. While the others are not features that could only accompany a capabilities list, to specify and discuss her capabilities approach without them is artificial and misleading.

'The capabilities approach' is an imperfect title then for this overall perspective on human development. 'Capability approach' was a fair description of Sen's proposal for welfare economics: to adopt an alternative primary space for the accounting of well-being or advantage, an alternative to utility or real income. When extending his work beyond welfare accounting Sen has employed other titles: 'development as freedom' or UNDP's 'human development'. Nussbaum used the label 'Aristotelian social democracy' in her earlier work, but outgrew that. 'Cosmopolitan humanism' might fit now, with perhaps 'the capabilities approach' as a secondary label to indicate the disaggregated perspective on people's lives and the respect for their freedoms.[1] Or one might focus on what the approach approaches, and speak of Nussbaum's approach to the ethics of human development. Here however, just as Alkire (2002) uses the label 'capability approach' to refer to Sen's entire system, we may for simplicity refer to Nussbaum's overall approach as her 'capabilities approach'.[2]

Nussbaum's approach attends to issues not covered in Sen's, while his in turn contains purposes and aspects, such as measurement, not covered in hers. Sen has a stronger planning orientation or relevance; Nussbaum a stronger orientation to devising basic constitutional principles, as seen for example in *Women and Human Development*, and to citizen education, as in *Poetic Justice*, *Cultivating Humanity*, *The Clash Within* and *Not for Profit*.

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[1] *Creating Capabilities* rejects a designation as cosmopolitan (p.92), when Nussbaum employs an extreme 'comprehensive' (p.93) definition of political cosmopolitanism: primary loyalty to humanity as a whole (as if a citizen of a world-state). The usage in this paper does fit Nussbaum: acceptance of the Stoic principles of equal dignity and substantial ethical concern for all of humanity, as in support for an extensive universal set of human rights.

[2] *Creating Capabilities* notes concern for capabilities of animals as an additional reason for this label.

2. MAPPING NUSSBAUM'S CAPABILITIES APPROACH

The evolution of Nussbaum's capabilities approach since the early 1990s

The WIDER research programme led by Sen and Nussbaum in the late 1980s and early 1990s led to two noteworthy volumes, *The Quality of Life* and *Women, Culture, and Development*. These consolidated and extended ideas on what we should mean by improvement in the life of a person or group, and on how far are answers to such questions culturally relative. Nussbaum and Sen have espoused somewhat different positions. Some people find attractions in Nussbaum's neo-Aristotelian capabilities ethic, compared to Sen's thinner, more Kantian approach. Nussbaum gives a rich picture of what is a full human life; talks more in terms of real people, real life, not abstractions; and may thus be more able to reach wider or different ranges of people than only economists and analytic philosophers (Gasper 1997: 299). Yet, Nussbaum's work from that period (Nussbaum 1988, 1992, 1993, 1995a, 1995b) often raised misgivings: '…a "top-table", still too disciplinary, and emphatically Aristotelian style might bring not just substantive intellectual shortcomings, but antagonize others and thus short-circuit the debate it sought to advance' (Gasper 1997: 300).

Nussbaum's subsequent work, notably in *Women and Human Development (WHD)*, has taken up the challenges voiced by many commentators. *WHD* gave a deeper, more measured, integrated and practical statement than in the earlier papers, which she rightly declared now to be superseded (e.g., 2000b: 103). Some major new areas of exposure and thought became apparent: an absorption in the hard practical reasoning of law, especially after her move from a department of classics to a law school; her adoption of a Rawlsian political liberalism which provides space for various comprehensive ethics rather than tries to enforce any one; and equally important, regular visits to India, partnered by considerable associated study.

Nussbaum's approach takes human unity as the default case in ethics and adds variation where there is reason to do so, rather than starting by presuming difference and requiring us to prove commonality. She demonstrates in detail, in theory and by examples, how there is scope for cultural variation in operationalizing stipulated central capabilities and in life beyond them. She notes a series of channels for this (2000b: 132): (i) the stipulation is of only a limited core set of priority capabilities, beyond

which there can be diversity; (ii) the core set includes liberties and choice; (iii) these priorities are stated only in general terms, and are (iv) to be then operationalized by local democratic processes; and (v) they are stated in terms of ensuring capabilities (as opportunities), rather than insisting on the corresponding functionings. Feature (i) marks the move away from her earlier advocacy for public policy of a more extensive and individualistic ethic. She now effectively incorporates insights from communitarianism, while avoiding relativism.

She thus makes clear her support for a 'political' rather than 'comprehensive' liberalism; and for an 'overlapping consensus' model (as argued for by many basic needs theorists; Braybrooke 1987, Gasper 1996, 2004). She focuses on specifying criteria of 'a decent social minimum' (2000a: 75), rather than a comprehensive list of proposed requirements for human flourishing; and on a limited set of more basic capabilities, not a long list of required functionings. Her early 1990s version had instead propounded criteria for, first, a life deemed 'human' rather than subhuman, and second, a life deemed a good human life. The newer version has a more useful intermediate focus, consistent with the advice of various commentators.

The 'top table', Aristotelian, combative, Northern feel has considerably declined. Aristotle remains a major influence, for reasons eloquently summarized in *Creating Capabilities* (2011: 125ff.), but no longer dominant. The primary self-designation as Aristotelian has gone, reflecting awareness of its dangers and of her other affiliations, new and old, including to the Enlightenment and its aims of liberty and 'a life enlightened by the critical use of reason' (1999b: 2; see also 2000b: 103).

General orientation and elements of Sen's and Nussbaum's capability approaches

To try to understand Nussbaum's capabilities approach we can compare it with Sen's work, with special reference to their mature versions, in *Women and Human Development* and in Sen's synthetic statement *Development as Freedom*.[3] Tables 2 and 4 below offer a multi-part comparison, which can be outlined as follows:

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[3] *WHD* offered a comparison (pp.11-15), but this was written prior to the appearance of *Development as Freedom* and drew some excessive contrasts. A powerful later paper by Nussbaum (2003) in effect compares the two books, with primary reference to the issue of specification of priority capabilities. Chapter 4 of *Creating Capabilities* adds further remarks.

A. General orientation: Sen and Nussbaum have substantially different audiences and so engage in different conversations.

B. In terms of the intellectual tools they bring, Nussbaum employs a more elaborate theory of personhood.

C. This difference is reflected in some of the elements of their capability approaches proper, including their concepts of capability, as we will see shortly.[4] They differ too on the need for an indicative list of priority capabilities. We will see that this relates to the different sets of roles identified and adopted for their approaches.

D. Concerning roles, both Nussbaum and Sen impressively span from review of experience, through building theoretical frameworks, to forging proposals for action. Nussbaum is more oriented to the additional roles of building engagement, concern and motivation. For questioning consumerism in rich countries, Nussbaum's approach offers more too.

E. Nussbaum uses a different, on the whole wider and richer, methodological 'palette', corresponding to her different conceptions of audience, personhood and roles.

Some elements in the comparison will be familiar to many readers of Sen and Nussbaum and their major commentators (e.g. Crocker 2008, Alkire 2002; see also Gasper 1997, 2002, 2007a), especially within the first three aspects, and I will not attempt to discuss all the elements in detail here. The main purpose of the tables is instead to organize the comparison and to bring out some less familiar elements. Several of these concern roles and method, and will be presented in Table 4.

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[4] Table 2C's comparison uses the classification of components which I used in Gasper (2002, 2007a) to characterize Sen's approach.

Table 2: First three parts of a comparison of the capability(/-ies) ethics of Sen and Nussbaum

A. ORIENTATION	SEN	NUSSBAUM
Main audience	Economists, analytical philosophers, UNDP, World Bank &c.	Literary philosophers, humanists, feminists, lawyers, civil society
Style	Politically safe: 'cautious boldness, seeking a wide, mainstream audience with terms, tones and topics that will appeal [to] and engage them.' (Gasper 2000b: 996)	Bold (though cautious in *WHD* on issues in India – e.g., Shah Bano case; but not so in *The Clash Within*)
Attention to culture	Limited	Extensive
Multi-cultural	Yes	Has become multi-cultural (in relation to the contemporary world; was already so for literary and past worlds)
Universalist / relativist in ethics	Universalist, with much space for variation.	Universalist, with much space for variation. Head-on critique of relativism.

B. BACKGROUND PERSPECTIVES		
Normative individualism	Yes	Yes, '*Principle of each person's capability':* no one is expendable (Nussbaum 2000a:12), each should be treated as an end
Theory of the person	Less content: his picture includes reason and desires (plus 'sympathy' and 'commitment'); but has less on meanings, or on the skills in reasoning, valuing, operating and co-operating. People are seen as reasoning choosers more than as full actors.	Richer picture of thought, including emotions, and the influences on them. Stronger than Sen on interpreting meanings and action, including on uses of emotions.
Emphasis on freedom	Very high. Includes stress on the instrumental value of freedom, in addition to its independent value and its constructive value (i.e. role in building validated moral conclusions). Emphasis on freedom as choice and on 'Development as Freedom'. Strong focus also on justice. Relatively little on care.	High.[5] Less focus on behaviour in markets; more stress than Sen on law, emotional development, etc. Emphasis on freedom as self-mastery? 'Development as Human Decency and Human Flourishing'. Strong focus on justice. Substantial attention also to care.

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[5] Nussbaum can be as strong as Sen in the degree of normative priority she declares for capabilities (*WHD*, p.63, calls capabilities 'the', not 'a' relevant space for comparisons of quality of life; see also pp. 87-8). This priority to capabilities is more plausible for prescription, and less often so for evaluation, where the case for attention to functionings is often high. She exaggerates the case against requiring certain functionings (such requirements are widespread, e.g. in road use; p.88), but elsewhere does note cases where mandatory functioning is justified (often for children, health, safety, and various duties; 2000b: 130-1). Her principle of equal capability applies only up to the level of the decent minimum. Like Sen she certainly gives weight to other distributive principles too, as seen in her discussions of cases.

C. CAPABILITY APPROACH COMPONENTS	SEN	NUSSBAUM
1. Broad informational base	Yes. A wide field of vision, looking at the contents of (all) people's lives	Yes; even wider
2. A language (family of terms)	Its main creator	Partly shares this language, but partly modifies it.
2a. Notion of functioning	Highly generalized and abstract treatment	More concrete, with attention to experiential content of some central functionings
2b. Notion of 'capability' / 'capabilities'	Undifferentiated, micro-economics influenced, theory-derived conception of 'capability': as opportunities	Experience-derived, plural, phenomenological notions of 'capabilities': as potentials, as skills, as opportunities
2c. Well-being / agency	Extensive use of this distinction, since he centrally argues with and against utilitarians	Prefers categories less based on arguing with utilitarians (and which thus might sometimes half adopt their biases; Nussbaum 2000a:14, 2011: 197 ff.)
2d. 'Sympathy' / 'commitment'	These distinctions exemplify a well-being/agency distinction, but Sen does not do much with them	A major focus. Goes far deeper than Sen in this area, using more and other terms.
3a. Moral priority to capabilities, in valuation	Yes; proposed as the key 'space' for evaluation. Choice is presumed not to become oppressive.	Yes
3b. Moral priority to liberty	Yes	Yes, in that liberty is not to be traded away for more of other goods (2000a:12)
4. Priority to capability, as a policy rule	Yes [One can accept #4 without accepting #3, but not vice versa]	Yes. This is consistent with Nussbaum's focus on legal constitutions
5 & 6: how to prioritize, including amongst capabilities	5: by having 'reason to value'. 6: Sen points to public processes, calls for participation.	5: Same as for Sen. 6: Nussbaum focuses on processes in both the political and legal systems.
7a. Priority capabilities list	No explicit list. No clear 'Marxian/Aristotelian idea of truly human functioning' (Nussbaum 2000a:13). Sen is ambiguous here.	Yes – but increasingly has presented own list as indicative of a prioritisation procedure and as open to local interpretation.
7b. Link to human rights framework	Now quite strongly linked (e.g. in Human Development Report 2000); but with doubts about treating rights as hard side-constraints (Nussbaum 2000a:14)	Capabilities approach as explicitly a human rights approach (Nussbaum 2006); 'a basis for central constitutional principles' (2000a:12). Basic rights are to threshold levels for priority capabilities.
7c. Thresholds (prescriptive basic needs)	Nussbaum suggests 'Sen nowhere uses the idea of a threshold' (2000a:12). Rather, he sometimes uses it, but does not specify thresholds unilaterally.	Priority goes to achieving basic threshold levels. This ranks above the expansion of opportunities beyond those levels for richer others.
7d. Security	Required for priority capabilities (CHS 2003)	Required for priority capabilities (Nussbaum 2011: 145)

Concepts of capability

A merit of Nussbaum's version compared to Sen's has been the distinctions she makes between types of capability, even though her labels may be questioned (Gasper 1997 & 2002). She uses 'basic capability' to refer to undeveloped potentials; the label 'basic' is, however, ambiguous and is often used by others normatively rather than, as here, positively. She uses 'internal capability' for developed skills; but 'basic' capabilities too are internal to people. Earlier she used the label of 'external capability' for the attainable options which people have (plain 'capabilities' in Sen's informal usage) given their 'internal capabilities' and the relevant external conditions. Her newer label, 'combined capability', captures the relevance of both sets of factors but could bring misleading connotations too. And she uses 'central capability' for a priority-status attainable option, though again 'central' is an ambiguous term. The adjective 'priority' could be more transparent. Nussbaum does of course make a claim for the instrumental and normative centrality of the key capabilities that she lists. They are held to be valued in themselves, necessary features of being fully human, and instrumentally central for any life (2000a: 74). Table 3 sums up this set of terms, in comparison with Sen's terms, everyday language, and a possible alternative set of labels. Whatever the labels are, Nussbaum helps us to think more clearly about four importantly different concepts.

Figure 3: Sen's and Nussbaum's capability concepts and labels

	Concept 1: *An undeveloped human potential, skill, capacity*	*Concept 2:* *A developed human potential, skill, capacity*	*Concept 3:* *The attainable (set of valued) functioning(s), given a person's skills and external conditions*	*Concept 4:* *A priority for attainable (&/or achieved) functioning*
SEN'S LABEL		Capability (informal usage)	Capability (formal usage)	Basic capability (occasional usage)
NUSSBAUM'S LABEL (2000a: 84)	Basic capability; innate	Internal capability	Combined capability (earlier: external capability)	Central capability. (Basic capability – an occasional usage; e.g. 1999a: 87)
ALTERNATIVE LABEL (Gasper 1997)	P-capability (P for potential)	S-capability (S for skill)	O-capability, or option (O for option)	Priority capability / Basic need or basic right

The proposed list of priority capabilities

Nussbaum's exercise in theory building aims to identify a largely consensual or persuasive list of universal priority (opportunity-) capabilities. Why? She notes that the list is permanently open to debate and re-making, and to local interpretation and threshold-setting (e.g., thresholds are 'set by internal political processes in each nation, often with the contribution of a process of judicial review', 2001a: 418). So why try to personally specify such a list? The answers implied seem to be that without a highlighted indicative set of candidate entrenched priorities we leave too much open to self-interested interpretation by the powerful; and that Nussbaum seeks to convey a method of thinking, with principles of procedure and selection, for developing such a priority set. Rather than being an exercise in monological elite rule, such a priority list will suggest a starting point and ground for a bill of rights, part of a legal constitution. 'Human rights are, in effect, justified claims to such basic capabilities or opportunities' (1999a: 87). Nussbaum's greater emphasis previously on Aristotelianism than on the Universal Declaration of Human Rights, plus other aspects of her earlier style, contributed to the still recurrent charges of elitism.

Her list highlights capacities and opportunities to choose. Some critics propose that it is illiberal to *insist* that people must have choice and the capacities for choice. But choice includes the option to choose a way of life which is without choice (within a religious order, for example). She provides examples of well-educated women who choose to wear a burka although not obliged to, and of some who make that choice after a period living without the burka; but who do not insist that others should be deprived of the choice and obliged to wear the burka (e.g., 2000a: 153). Similarly she gives striking examples of people celebrating their increased field of choice, such as thanks to literacy.

Nussbaum sometimes evinces optimism about convergence on a consensus core set of capabilities, and is surprisingly optimistic about the impacts of oppression on preferences and acceptance (e.g., 'regimes that fail to deliver health, or basic security, or liberty are unstable' – 2000a: 155). Are her views and proposed priorities really a wide consensus? While Gayatri Spivak (1999) for one suggests not, the priorities seem compatible with the huge *Voices of the Poor* study (Narayan et al., 2000). But her list in any case rests not primarily on current opinion polls, but on a proposed criterion of

prioritization and on the expectation that its results will converge with those from use of a criterion of informed and educated desire.

While Nussbaum does carefully apply a criterion—what constitutes a decent human life?—it remains somewhat vague and its application intuitive. Her preference for the Mosaic length of ten makes the resulting list a little contrived. In contrast, Doyal & Gough's *A Theory of Need* (1991) uses sharper criteria—first, what are the requirements for physical and mental health and for autonomy of agency? and second, what are those for higher levels of flourishing, including critical autonomy?—and a more explicit and structured method of application, which proceeds back down a chain of causation from desirable functionings to required capabilities to commodity characteristics to specific satisfiers to implied societal preconditions (see also Gough 2000, 2013; Gasper 1996). Nussbaum lacks this structure and thus her list becomes a more personal selection of priorities from across several of these levels.

So, Nussbaum's work can be seen as justifying a bill of rights; but is less rigorous and elaborated than Doyal and Gough's parallel work, which corroborates but upgrades the approach behind her list. Why then has Nussbaum's work had more attention and impact? Part of the reason is that Nussbaum more strongly embeds her means of prioritization into a larger humanistic project. While her prioritization methods may be less refined, she has elaborated additional methods which address much else of what we require in human development ethics, as we will see later.

The theory needs refinement in some other respects too. Any theory faces difficult boundary cases. Nussbaum's requires qualification for cases beyond its core focus of the adult householder citizen, such as the seriously disabled or 'differently abled' for whom some capabilities are out of reach (see Nussbaum 2006); and for the half of humankind who are children or infirm. Nussbaum provides some of these qualifications, in a practical style enriched by her legal studies. She considers the case of religious celibates, who seem to reject that 'it is always rational to want [all the specified core human capabilities] whatever else one wants' (2000a:88); and argues that they rationally would want the sexual and other opportunities whose use they reject, for only thus does their sexual and other abstinence acquire meaning. Many hermits may disagree. She argues that hermits in fact seek affiliation to others, by praying for others or indirectly promoting universal spiritual upliftment. But some

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hermits seek no societal affiliation, no human betterment, only an affiliation to some notion of the divine.

Nussbaum has here two ways forward open to her, not mutually exclusive. She could take the main path followed by Doyal & Gough: establishing and promoting the needs implied by a more restricted, sharper normative criterion. She can then avoid insisting that hermits want or logically should want sexual opportunities. Secondly, if she wishes to continue to work with the more extensive and vaguer criterion of human decency or dignity—less extensive and vague than the 'good life' criterion expounded in her early 1990s work but still not likely to give a tidy list of ten—then the theory requires fuzzier specification. The international human rights tradition and the global ethics movement of Hans Küng and others help to convey how a fuzzy theory can still valuably structure ongoing areas of debate, guide choices, and respect and face differences. Nussbaum already identifies two of her central capabilities—affiliation and practical reason—as more central than others; and comparably there can be some marginal cases and the list will have no sharp end point. Some of the proposed priority capabilities might be better seen as important desiderata than as absolute requirements (Crocker 1995; Gasper 1997). In this second option the list could be presented as an exemplar of a methodology which offers a framework for dialogical investigation and practical specification (cf. Alkire 2002). Otherwise it arouses fears in some people of a preemptive bid to capture the ear of metropolitan power-holders.

A list should be theorized and relativized by identifying and highlighting the roles it is meant to serve. Nussbaum has argued that a list is important not only as a counterweight to power in distribution processes within an established political community, but also more generally promotes sympathetic recognition of and attention to other humans. If we see the list as a method, or part of a method or family of methods within an approach, then we can think about its functions and then about how to construct and use it. The list is a means not an end; if we focus on the ends we can sometimes find suitable alternative or supplementary or modified means. The many valuable aspects in the overall capabilities approach should not be obscured by reduction of the approach to a quest for one specification of this one element.

Roles and methods

Roles more broadly

A conscious role of Sen's capability approach is to increase the range of types of information which we use, in order to provide a more adequate evaluative accounting. He later highlighted a second role: to provide underpinnings for conceptions of human rights. Nussbaum shares these aims. She highlights too a sister to the role of mobilizing more relevant information, namely: to provide a relevant language to express people's own multi-faceted concerns better than do measures of income and utility (2000b: 138-9). Next, the evaluative accounter, not merely his present accounting, can be affected by the choice of language. Two more roles of Nussbaum's approach are thus: to make observers more open, through this enriched perception of the content of lives; and, it is hoped, to build sympathy and commitment. Imaginatively 'standing in other people's shoes' can change you, not only your information set.

Nussbaum—who was an actress in an early stage of her career—is more conscious or explicit than Sen about these later roles. While Sen rightly points out that goodwill exists, contrary to the assumptions and influence of much economics, he considers less the methods by which it might be fostered and defended. Yet it often exists only as a thing of rags and tatters. He has advanced a hypothesis that public information in a democracy prevents famines, but this presumes that the informed majority will care about a threatened minority. The hypothesis therefore fails in some cases intra-nationally, as well as of course inter-nationally.

Table 4 extends our comparison of Sen and Nussbaum into these areas of roles and methods. It uses the criteria which we mentioned earlier.

Table 4: Final two parts of a comparison of the capability(ies) ethics of Sen and Nussbaum

D. ROLES	SEN	NUSSBAUM
Multi-modal (witness, theory, policy)	Yes. A source of his effectiveness	Yes; her policy orientation has grown, with a distinctive focus on fundamental entitlements and constitutional principles
To direct attention to a wide range of information and make observers more open	Yes	Yes; even more so than Sen
To provide a language to express people's concerns	Less so	More so
To help build observers' concern and sympathy; including globally	Yes, though this has received less emphasis than the knowledge roles of having a wider range of information	Yes, more than in Sen. To build sensitivity both for persons and for particular aspects of life. Explicitly cosmopolitan, universal
To provide a basis for action	Effective with audiences who are already committed. Limited with others?	Greater attention than Sen to the motivational requirements for action
Action on what? Consumerism?	Is consumerism discussed? ('he sidelines how the acquisition of commodities can sometimes be at the cost of much human freedom', Gasper 2000b: 996)	Attention to consumerism is readily compatible with Nussbaum's richer picture of human needs and motives

E. ON METHOD		
Way of looking	Broad informational base, plus vivid illustrations	A way of looking with openness and concern
Range of types of evidence	Mostly official statistics and historiography. Some use of testimony and personal witness, and of mythology	A wider range of evidence, including richer sources – fiction, poetry, biography and autobiography, now sometimes also interviews, direct observation
Way of understanding	Humane social scientist	A deeper way of understanding, using richer pictures of self, mind, emotions and language
Style of presentation	Humane committed social scientist	A richer style of presentation, that explores the human content of evidence, including its emotional content, to build concern and commitment
Type of cases	Often uses artificial cases, simplified 'situations'	Rich cases, often real cases
Rhetorical repertoire (logos, pathos, ethos)	Attends to and is effective in all three of these rhetorical dimensions; including by adapting his style for different audiences. This is an important source of his influence, including in analytic philosophy and economics.	Attends powerfully to each aspect, but with occasional lapses in ethos. Has great power for some audiences, but lesser access, credibility or meaningfulness to most economists.

Methods, in relation to purposes

While Nussbaum's works from *Sex and Social Justice* (1999) onwards clarify the objectives of her capabilities approach, its foreground components and their justification, her special strengths of methodological richness and in conceptualisation of personhood are longerstanding. They deserve equal or greater attention in discussing her approach to human development, and have changed much less since the mid 1990s.

The method components overlap and mutually reinforce each other, but each deserves separate specification, as in Table 4. A broad informational base and rich detail in presentation can contribute to empathy, being able to understand others' feelings; and to sympathy, seeing with concern, caring. However: 'Whether such empathy will promote compassion on the part of insiders or outsiders…will depend on our judgements of seriousness, responsibility, and appropriate concern' (Nussbaum 2001a: 440). And whether compassion leads to caring action depends also on will, and on views about transjurisdictional duties and the respective roles of different bodies.

Nussbaum's universalistic language focuses on what we share as human beings: it aims to give respect to what deserves respect, not to morally irrelevant features like (typically) race and gender and (sometimes) nationality. Her modulated cosmopolitanism (Nussbaum 1994, 2006), in which she advocates concentric circles of decreasingly intense affiliation, is linked to her method. To look at the detailed contents of people's lives is considered a way of strengthening not just recognition of what we share behind the circumstantial details but also the emotional acceptance of this shared humanity.

What is the relationship between stages, purposes and methods in Sen and Nussbaum's work? Table 5 elaborates upon the picture of possible purposes given in Figure 4's 'multi-modal' row (witness, theory, policy), while using the abbreviated classification of stages in ethics: exposure and induction; theorization; and prescribing for action. It then indicates how even upon the same stage the two approaches differ, reflecting their creators' different disciplines and background perspectives. Sen's central focus is as a theorist, whose work is enriched by and enriches empirical observation and policy analysis (Gasper 2008). Nussbaum's list is an attempt to ensure that such empirical and policy work attends to key dimensions of human existence. Her methodology centres on detailed reflection on 'life-size' cases which involve recognizably real people, whether truly real or literary creations. In the Aristotelian

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tradition such extended treatment of cases is held to foster ethical discernment (Nussbaum 1999b). Her work across the three stages is not tri-partite: her reflection on a case often spans all three. And her methods include close textual analysis, with all the surprises and learning that this can generate.

Table 5: Comparison of Sen and Nussbaum's attention to stages and cases

	SEN	NUSSBAUM
FIRST STAGE Exposure to experience	High attention by economics standards; still low for humanities. Compared to previous welfare economics, his capability approach leads one to consider the substantive contents of lives. Considers anecdotes and situations (Gasper 2000a).	Much more attention than in Sen, including to thoughts, intentions, feelings, life-histories, and thus to particularized individuals as well as selected functionings. Considers histories and rich fiction (Gasper 2000a).
SECOND STAGE Theorization	Intensive formal analysis of somewhat simplified, abstracted situations, often imagined ones	Theorizing here is less separated from the study of cases. Gives substantial but less detailed attention than Sen to formal analysis; has less apparatus for doing such analysis.
THIRD STAGE Prescribing for action	Substantial attention, especially jointly with Jean Dreze (see Gasper 2008, 2009)	As intensive as Sen, but with a different focus: on individual legal cases, specific legislation and legal constitutions

The stylized comparison above of Sen and Nussbaum has brought out in particular that Nussbaum's approach contains not only arguments against ethical relativism and for a universal priorities list, but has a range of purposes and corresponding methods which demand examination as central to her project. The second half of the paper explores this agenda, and discusses how Nussbaum uses her declared methods.

3. NUSSBAUM AND ETHICS METHODOLOGY: OF STORIES AND EMOTIONS

Nussbaum advocates a wide but focussed vision that covers key aspects of people's lives and sustains attention to the human significance of evidence, including its emotional content. She proposes empathy and shows how it links to compassion. In all these respects she in large part does what she advocates. But one also encounters repeatedly expressed dissatisfactions with her range of evidence, range of interlocutors, and style of debate.

A full discussion would assess each of Nussbaum's proposals on method, including in relation to her purposes, and assess her practice against her theories. We would look at her investigation of emotions less comforting than sympathy, but equally fundamental: fear, disgust and shame. Here we must be selective. We will consider her examination and application of the key emotion of compassion, and her use of rich human narratives; the extent of her intellectual sources, including her relatively limited field exposure and collaborations; and an occasionally still over-confrontational argumentative style.

Sympathy and commitment, compassion and mercy

An enormous virtue of Nussbaum's work lies in its attention to emotions, including to their roles in ethical judgement and ethical action. She considers too their dangers, distortions and determinants. Emotions figure as central capability no.5 in her list (2011: 33-4), and are involved in items 7-9: affiliation, play, and relations with other species.[6] To describe and explain, and to persuade and act effectively, we need to understand, employ and influence much besides 'utility' and 'preference'. Not least, we need more attention to the realms of care, besides the realms of freedom and of justice (van Staveren 2001), and to issues touched on by Sen in the 1970s under the labels 'sympathy' and 'commitment' (Sen 2005; Gasper 2007b). Nussbaum has gone much further in this direction, drawing on wider sources.

Sen stressed the presence and importance of motives other than self-interest. In his usage, 'sympathy' meant felt satisfaction which is derived from seeing or

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[6] Nussbaum sometimes defines emotions too narrowly: as related to things outside a person's control which have great importance for the person's *own* flourishing (2001a: 4, 22). Our own goals and our own

contributing to the well-being of others; and 'commitment' meant the willingness to act towards goals other than the agent's own well-being, including the well-being of others, even though this will not raise and might diminish the agent's well-being. Sen's distinctions perhaps still reflected the mould of utilitarianism: only one type of felt satisfaction was recognized. A concern for others which did not make the agent happy was then not seen as sympathy, even though the word's parts (sym-pathy) suggest feeling-with. 'Commitment' remained a disconnected, somewhat mysterious category. Nussbaum points out that 'one cannot fully articulate Sen's own more complex predictive and normative theory of reasoning without prominently including the emotions in which parts of that reasoning are embodied' (2001a: 392).

Compassion (Nussbaum's preferred term for sympathy) has a central role in moral, and thus all social, life. While Elster's treatise on the emotions mentions it only briefly (1999: 68-70), as pity, Nussbaum examines it on an appropriate scale. '…a basic sort of compassion for suffering individuals, built on meanings learnt in childhood' appears virtually universal and quasi-natural, and often survives even massive counterforces of ideology and socialization (2001a: 389). 'By contrast, an abstract moral theory uninhabited by those connections of imagination and sympathy can easily be turned to evil ends, because its human meaning is unclear' (pp. 389-90). Emotion is certainly not a sufficient guide in ethics, she emphasizes, but it is a necessary component; and emotions can be educated.

Nussbaum distinguishes empathy, the ability to imagine the experience of another person, from compassion, seen as concern ('a painful emotion') 'at another person's undeserved misfortune' (2001a: 301). She takes sympathy to be coterminous with compassion, or a mild version of it; and avoids the term pity, deeming it now tainted by condescension. Aristotle described compassion as concern for the misfortune of another person, arising when that misfortune is seen by the observer as (1) major, (2) undeserved, and (3) of a type which could happen to himself. Nussbaum endorses the first two posited parts, but gives good reasons to consider the third a relevant contributory factor but not a necessary feature. She replaces it with (3*): the misfortune happens to someone (or some being) who figures within the observer's universe of concern. The re-specification seems meant as an empirical description; it is not argued like a typical definition, in terms of convention, etymology or logic, but on the basis of

flourishing must be distinguished, Sen would say; for we can sacrifice ourselves for others and for ideals.

cases of real or imagined feelings. The diagnosis helps Nussbaum find impediments to compassion: fear of acquiring duties to help (2001b: xxxvii); and envy, shame and disgust, which belittle others' sufferings or exclude them from one's universe of concern (2001a: 423). It also implies ways to try to promote appropriate compassion, by spreading more adequate theories of (1) ethical importance, (2) causation and desert, and (3) the scope of ethical community.

We can question Aristotle's second component too, the idea that compassion does not apply to deserved misfortune. In this case the component is stipulated by Nussbaum as part of her definition, but that seems to exceed most ordinary usage. The term 'compassion'—to feel with or for another's suffering; 'pity inclining one to help or be merciful' (Oxford Dictionary)—does not by etymology or convention imply that the suffering must be undeserved (see also Comte-Sponville 2002: 106 ff.), though that is certainly a reinforcing factor, as in the case of children in very poor countries. Nussbaum refines her stipulation in two important ways: if the misfortune is excessive compared to the misdemeanour, or if the misdemeanour is related to factors beyond the agent's control, then compassion can arise.

Compassion is for a victim, mercy is for a culprit, says Nussbaum. Mercy is benevolence toward a culpable but partly condonable wrong-doer. But in effect we can extend compassion to a culprit if we see damage which he has earlier suffered. He may be held only partially blameworthy, and hence deserving compassion if he has been punished as if fully responsible. In a fine essay on 'Equity and Mercy' (1999a: Ch.6) Nussbaum relates mercy to an attention to the particular circumstances and detailed histories of persons, such as provided in rich, realistic novels, depth journalism and humanistic anthropology. We come to see the forces, complexities and chances, often beyond the control of individuals, which contribute to misfortunes and misdemeanours. Whether one factor forms grounds for mitigation or for the opposite depends on its combination with the other factors, so: 'Telling the whole story, with all the particulars, is the only way to get at that' (1999a: 177). Further, punishment is not determined exclusively by the degree of mitigation, but also by concerns like deterrence and the other effects and costs; and compassion does not logically imply that we must act to remedy a situation, for that depends also on the likely effects and costs of the attempt. The implication is that we may not need to be so wary of feeling compassion. We can

show compassion to those whom we consider in error. Her explorations of imaginative literature help to show how.

Ethical insights from thick-textured humanist narratives

In *Poetic Justice* Nussbaum memorably argues that:

> a novel like [Dickens's] *Hard Times* is a paradigm of such [needs/capabilities based] assessment [of people's quality of life]. Presenting the life of a population with a rich variety of qualitative distinctions, and complex individual descriptions of functioning and impediments to functioning, using a general notion of human need and human functioning in a highly concrete context, it provides the sort of information required to assess quality of life, and involves its reader in the task of making the assessment (Nussbaum 1995c: 52).

The novel *Hard Times* is shown to have both a critical and a constructive role. It brings to life, in the person of Gradgrind, a narrow perspective from routine economic thought, that insists that ordinary people's motives are simple, self-interest alone, and that everything important can be measured, compared and aggregated in a single calculation which establishes a tidy correct solution. The novel refutes that perspective, through Gradgrind's story and that of his family. Thus what is called 'sophisticated economics of the Gradgrind sort is a bad novel' (1995c: 34): it tells poor (inaccurate, unreliable, misleading) stories and is potentially useful only when it makes clear that it is a reductionist, as-if, exercise.

Constructively, good novels like *Hard Times* do the following, Nussbaum shows:

- They present 'a style of human relating in which…moral attitudes are made more generous by the play of the imagination' (1998: 234), thus contributing to a habit of considering that the other 'has a complex inner life, in some ways mysterious, in some ways like [one's] own' (1995c: 38). This reaching behind surfaces contributes to more adequate explanations of life and to better societies. Lack of such imaginative entry to others' minds brings 'psychological narcissism, of citizens who have difficulty connecting to other human beings with a sense of the human significance of the issues at stake' (2001a: 426).
- They show the joy and value of some things – including play and fun – in themselves, not merely as items for use.

- They cross the boundaries between cultures: 'works of imaginative literature are frequently far more supple and versatile [tools] across cultural boundaries than are philosophical treatises with their time-bound and culture-bound terms of art, their frequent lack of engagement with common hopes and fears' (1998: 242).

- They promote a shareable perspective on 'the human being': a recognition of 'human needs that transcend boundaries of time, place, class, religion and ethnicity, and [make] the focus of [our] moral deliberation the question of their adequate fulfilment' (1995c: 45); and that thus embody 'the Enlightenment ideal of the equality and dignity of all human life, not of uncritical traditionalism' (1995c: 46).

- At the same time, they insist on the 'diverse concreteness' (1995c: 20) of 'deliberating subjects' (p.34), 'the complexity of the lives of individuals and the salience of individual differences' (p.34). 'A story of human life quality, without stories of individual human actors, would…be too indeterminate to show how resources actually work in promoting various types of human functioning' (p.71).

In sum, Nussbaum claims that imaginative literature 'provides insights that should play a role (though not as uncriticized foundations) in the construction of an adequate moral and political theory; second, that it develops moral capacities without which citizens will not succeed in making reality out of the normative conclusions of any moral or political theory, however excellent' (1995c: 12). It can, not least, 'contribute to the dismantling of the stereotypes that support group hatred' (p. 92).

Some literary theorists suggest that imaginative literature is potentially uniquely good in these roles. They see 'literature as a distinctive mode of thought about being human' (Haines 1998: 21). Whether 'literature' extends beyond novels, poems and plays, to essays, biography, travelogues and literary criticism, is debated. For development ethics, real narratives are vitally important, probably even more so than fiction. Consider for example the impact of works of biography and autobiography from China, such as *Wild Swans* (Chang, 1991) and *Son of the Revolution* (Heng & Shapiro 1983). However Nussbaum's main focus and that of much of the related discussion is on imaginative writing, with a claim that this has special features. It takes us into a variety of other minds, in ways that other forms—even perhaps poly-vocal reportage—may be less able to.

The thick language of literature 'expresses our moral intuitions in a way that the "thin" language [of much philosophy] does not', argues Parker (1998: 10), drawing on

Charles Taylor's *Sources of the Self*. Restriction to the thin languages of philosophy leads us to talk about something else than our real moral thoughts. In reaction to the 16th and 17th centuries' Wars of Religion in Europe, Enlightenment ethics chose to proceed with a conception of persons as individual reasoners only, neglecting their other features and capacities, even their processes of maturation as persons. 'The abstract moral deliberator has no capacities that can be shown only through their development', unlike in the richer moral psychology seen in the Bildungsroman (Diamond 1998: 52). Various philosophers now make such points at a general level. Nussbaum is 'a distinguished exception' in providing also in-depth readings of literature, remarks Haines (1998: 30). This adds weight to her view on whether imaginative literature can be a substitute for philosophical ethics. She concludes rather that the two provide complementary ways of thinking ethically and that literary criticism mediates between the two (Haines, p.32).

Pictures provide a sister route by which sympathy is aroused or withheld. Pictures have a special power but also a simplicity and, by virtue of the very openness and underspecification which can stimulate our imaginations, a proneness to distorted interpretation. Our facility in mentally inventing scenarios often brings the danger that we think we understand when in fact we don't (Becker 1998). Written accounts call forth images too but try to inform our interpretation more. Novels typically elaborate the linking scenarios more carefully, to ensure that we understand with more care and depth. They try to not just show a process in their characters, but to induce its counterpart in the reader. Building a sense of real people through evocative detail, recounting situations and events in which we could imagine ourselves, and drawing out their unforeseen consequences, can engage our sympathy for those described.

Wayne Booth argued in *The Rhetoric of Fiction* that sympathy 'is technically produced and controlled by the devices of access, closeness and distance' (Nair 2000: 114). First: 'We are more likely to sympathise with people when we have a lot of information about their inner lives, motivation, fears, etc.' (p.110). This is the method eschewed by economics (and by pictures from afar), whose analyses strictly ration the requirements for both information and sympathy, following Sir Dennis Robertson's premise that nothing is scarcer, relative to requirements, than love for one's fellow man (Robertson 1956). Second: 'We sympathise with people when we see other people who do not share our access to their inner lives [DG: e.g., sometimes external economists]

judging them harshly or incorrectly. In life we get this kind of information through intimacy and friendship. In fiction we get it through the narrator…or through direct access to the minds of the characters' (pp. 110-11). Thirdly, 'Information alone cannot necessarily elicit a sympathetic response. Sometimes it is the careful control of the flow of information, which controls a reader's judgement.' (p.111). When a reader shares information that he knows one character has and another lacks, it tends to place him in the former's shoes and on their side. A third person narrator may present events to us but through the protagonist's eyes, thus making us see her with both distance and involvement.

Novels can cast particular light on how 'the self comes into being as a dialogic process' (Hillis Miller, cited by Parker 1998: 13), rather than being inherent like the kernel of a nut. Identity can be seen, says Nair, firstly as derived from the relationships between persons, 'the system of differences through which individuality is constructed / structured'; and secondly 'as a narrative. The only way to explain who we are is to tell our own story' (Nair 2000: 109). This takes us beyond Sen's picture of identity as simply multi-dimensional (Sen 2006), to reflect on how persons' valuations in those dimensions arise and evolve within systems of social relationships which also evolve.

Nussbaum proposes that 'there are some moral views which can be adequately expressed only through novels', thanks to their scale and style of investigation (Diamond 1998: 39). The central moral payoff from novels is not only from following what the characters experience and how they choose, but, says Nussbaum, even more from following how the novelist reflects on this. The reflection comes not as formal general arguments; although those are what most philosophers search for from literature, often impervious to its ambiguities, warn Diamond, Nussbaum and others. Literature offers no propositional systems but builds our sensitivity and imagination – our heart and soul (Adamson 1998: 89). Philosophers in practical ethics sometimes use cases intensively, but only as illustrations, for building general classifications, guidelines and codes. To protect anonymity and to abstract sufficiently in order to try to establish general principles, they 'routinely alter [cases'] setting and culture, supposing that this leaves the "essential" aspects of the case untouched' (Wiltshire 1998: 188). Yet the particular details may be central to the meaning of the case. Wiltshire argues that given the situational specificity and complexity of cases, and the prevalence of vital aspects which are not tidily commensurable, we should not rely on general

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rulebooks but on educated judgement based on deep immersion and the use of educated emotions. Personal narratives written by participants, for example those involved in 'complex emergencies', can offer such immersion and education. They tell real histories, not anecdotes or reductive simplifications or momentary situation reports, with attention to the emotions involved and the context of whole lives. The narratives illustrate conflicting viewpoints, real time pressures, unforeseen events and undesired effects, and the transformation of perspectives in the face of extreme experiences (Wiltshire 1998: 188-9). They fulfil most of the functions which Nussbaum identifies as required in ethics, and with more realism than in nearly all fiction. Her own work presents various narratives, real and fictional, which essay these tasks.

Adamson fears that Nussbaum is overly prone to impose a lucid order, find a ready answer, rather than sometimes live with indeterminacy. Nussbaum repeatedly declares she is open to that (e.g., 2001b: 14), and insists that a literary work be read as a whole, not dipped into for selected illustrations. Literature maintains our awareness that there is more in life than we know or understand, whereas so much ethics is narrowly, overconfidently knowing (Diamond 1998: 51). So, literature can help build sensitivity and imagination, as well as help us to respond and act (e.g., Nussbaum 2001b: xvii, Ch.7). It can generate questions, perception of possibilities and, says Adamson, a sense of people's lives—rather than by itself give answers to 'How should we live?', let alone a full and adequate general conception of 'Life' (1998: 104). Nussbaum concurs.

4 – CAVEATS: ETHOS, COMPASSION, BUILDING A RESEARCH MOVEMENT

Range of sources

Sen, Nussbaum and the UN Human Development Reports conclude that not all things of major importance are commensurable, neither when we think of life as a whole nor when we discuss public policy. We therefore need to evaluate by using diverse sets of information. Nussbaum goes further, since alongside evaluation she adds purposes of explanation and persuasion. She mobilizes a range of types of material in addition to those conventional in philosophy and economics. Her longstanding and enlightening examination of imaginative literature—classical Greek, Hellenistic, Roman and modern

European—has steadily extended to cover less exclusively Northern, bourgeois or fictional sources. She draws also from law and psychology, and thoughtfully treats the practical choices faced by judges and (other) policy-makers, including issues of balancing, feasibility and timing. Her post-1994 work has engaged much more with varied modern realities of livelihood and politics. Her limited but intense research trips to India in March 1997 and December 1998 influenced *Women and Human Development* strongly and are part of what has grown into a much more extensive engagement.

Both field visits to India were a matter of a few weeks: active, tightly programmed, but still a matter of weeks; the second occurred shortly before finalization of *WHD's* Preface. 'What was Kant's or Rawls's field exposure?', and 'Literature is the perfect substitute', one might say in defence. Philosophers must primarily base themselves on the field studies done by others. But credibility and image problems arise for social philosophers of global human development if they work in isolation and without varied experience of the globe. How reliably can they interpret what they read? Credit goes to Nussbaum for exposing herself more directly. At the age of fifty she experienced 'days that were different from any days I had ever spent' (*WHD*, p.ix); but did not pause there to reflect on the possible impact of months, and years, of such exposure.

The extent and quality of one's range of interlocutors is a vital potential compensation for the inevitable limits of one's own experience. Nussbaum disciplines her ideas by reference to contemporary cases, the situations of ordinary people, and the views of colleagues from many countries, including a number in India, as well as to Proust, the Greek tragedies and Henry James. The balance remains somewhat towards a 'Northern highbrow' mix. While she has added substantial, modern, non-European cases and coverage, in *Women and Human Development* those cases remained relatively few and in the style of literary cameos, indeed sometimes taken from literature (notably a story by Tagore). *WHD* makes intensive and good use of the cases of two modern Indian women - Vasanti in Ahmedabad, and Jayamma in Trivandrum. These cases open the book and are regularly referred to in its later stages (and again in *Creative Capabilities*). Yet they seem rather thin in number (two) and depth (perhaps even from single meetings reliant on interpreters) for Nussbaum's ambitious purposes. Nussbaum promised a later fuller book, but appeared to have fuller theoretical coverage

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in mind, not a much fuller experiential base or collaboration with a Southern author or authors. *The Clash Within* reflects several more years of involvement with India, but misses the benefit of an Indian co-author. The gaps here can be taken as spaces for further work by others, including both social scientists and philosophers, especially in cross-disciplinary and multi-national collaborations.

Rhetorical strategy, tact and tactics

Nussbaum reaches out to a variety of audiences through a variety of media—books and lectures, magazine articles and tv discussions—on a series of striking topics which she shows to be interconnected. Her rhetorical strengths include great lucidity sustained across extensive and intricate argumentation, exploration of emotions and meanings through use of a wide range of revealing examples, and evident intense reflection and sincerity.

In terms of reasoning, while *Women and Human Development* and *Creating Capabilities* explicitly do not present Nussbaum's full philosophical defence of her approach, they buttress the approach in several ways. One is by comparison with theoretical alternatives, which strengthens audience confidence. For example *WHD* gives an impressive refutation of pure proceduralism, the idea that principles of justice can be established without any substantive ideas about the nature of the agents whom these principles are meant to concern (e.g., p.139). Conclusions could only be drawn by Rawls from his Original Position thought experiment by including ideas, open or often tacit, about the basic purposes or interests of the parties. *WHD* clarified the relationship of Nussbaum's views to other theories too. It gives informed desire theory a subsidiary normative role, and shows in detail how closely it and her approach can converge on implications.

Another deepening of the approach, to some eyes and in terms of both argument and tone, comes in Nussbaum's thorough and sympathetic response to the criticism that spiritual and religious aspirations were slighted in her previous accounts of central capabilities. She now highlights religion as a legitimate response to needs for expression, association, and affiliation (2001a: 419), while maintaining principled limits to the free exercise of religion; it is not to be free of reason, consistency, and humanity.

One further strength is her practice sometimes of the style of 'internal criticism', expounded in a 1989 paper written jointly with Sen. They argued that the range of intellectual sources and resources within a culture provide bases for it to learn and evolve, including in response to influences from outside, rather than by demanding acceptance of 'parachuted in' external packages of ideas that may lack local resonance, relevance or acceptability. Commentators and critics are likely to have more influence if they build to a great extent on internal sources and resources. Hans Küng's global ethics project offers a good example of how to build from within as well as without (Küng 1997). A parallel claim exists regarding discussion and criticism of intellectual schools and particular authors: that it is generally more effective for critics to take seriously the authors' aspirations, projects and sincerity, and show how the aspirations can be better fulfilled by certain substitutions. Nussbaum's recent books frequently practice this, and seek agreements on conclusions even where there is some disagreement on premises and routes.

Her late 1980s and early 1990s pieces on capabilities had relied heavily on an externally specified neo-Aristotelian vision of 'the good life for man', and met extensive resistance in some quarters. Inspired by passion, Nussbaum's replies seemed occasionally distorted by it, further departing from the spirit of internal criticism. *WHD* helpfully proceeded more in that spirit, for example in Ch.3 on religion, where Nussbaum listens intently within a culture and builds upon its own moral tradition and categories. This is consistent too with adoption of a Rawlsian political liberalism, which provides space for various comprehensive ethics rather than trying to enforce any one, and extends her approach's tool-kit and political relevance. At the same time Nussbaum notes the danger that internal discourse in tradition-based ethics can become ethnocentric reendorsement, and shows the need for external critical inputs.

In this difficult balancing act, aspects of Nussbaum's tactics and tone can be questioned. She has sometimes ventured emphatic views on various Indian matters which she might understand insufficiently. In the course of her overall defence of people's rights to form, have, and use opinions, and to be able to do so, she yet declares: 'the nation is in no position to enforce either these laws [that mandate compulsory education] or laws against child labour at this time' (2000a: 231), a statement that can be queried given what has been achieved in Sri Lanka, Kerala, and

elsewhere.[7] Lack of crosschecking of details on India also significantly affects *The Clash Within*, potentially compromising its important message and ensuring that Nussbaum's opponents will ignore that.[8]

Nussbaum appears sometimes overemphatic in her political judgements about a country she still knew relatively little. One respects, however, her project of internal criticism, that involves close reference to debates within India and the concepts and judgements which they presume, and her belief that traditions are more than a set of petrified practices and instead contain sub-traditions of reflection and the potential to evolve. Elsewhere in much of her work she is admirably thorough in letting us see analytical options and what is at stake.

When Nussbaum feels passionately that a particular view is not just mistaken about something important but actually dangerous, her eloquence has turned her prolific pen into a double-edged sword. Convinced of her cause, she sometimes leaves no prisoners; those declared guilty are publicly despatched, even in many published versions. A 1980s dispute with the Marglins was prominent in a 1992 article, a 1995 book, and still in 1999's *Sex and Social Justice*. A grey-material pamphlet by Veena Das from 1981 is impaled in that same book, and again in 2000 in *Women and Human Development*. In the 'Professor of Parody' case in *New Republic* during 1999, most of Nussbaum's comments as reviewer seem well-argued and some of the reactions to them (collected in the issue of April 19th) misplaced or overheated; but there is overkill in her tone and some unnecessarily hurtful flourishes. These failings recur at points in the appropriately titled *The Clash Within*; for example, an intemperate attack on (the sometimes intemperate) Arun Shourie falls short in both empathy and compassion.[9] Nussbaum needs to maintain within her discursive circle scholars like Seyla Benhabib

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[7] To mention briefly some other India examples from *WHD* which can affect authorial authority: Gandhianism is presented as the antithesis of the Western, although its founder spent twenty-five formative years in Britain and South Africa to return to India as a dedicated revolutionary (2000a: 67); page 27 cited 10,000 aborted Indian female fetuses p.a., a vast underestimate, and page 30 reported just two girls raped a day, in a nation of one billion. Similarly, from the 2011 book: school midday meals were pioneered in Tamil Nadu not Kerala (p.38).

[8] Amongst the disconcerting inaccuracies that could have been avoided through use of a co-author, p. 96 presents Vishnu and Rama as different and hostile deities (though Rama is an incarnation of Vishnu); p. 113 states that Gandhi for a while gave support to Japan during World War Two (rather he withdrew his initial support for Britain); and p. 179 misidentifies politician George Fernandes as a BJP member. After giving the official data of a steady rise in the Muslim share of India's population, page 203 declares: 'So the idea that Muslims have been outstripping Hindus in their birthrate has no substance'.

[9] Shourie's work on religion did begin in the 1970s, including a 1979 book after his handicapped son was born in mid-decade. See Shourie's 1982 biography written when he was awarded a Ramon Magsaysay award for journalism: http://www.rmaf.org.ph/Awardees/Biography/BiographyShourieAru.htm.

and Nancy Fraser, two of those who protested at the 'Parody' paper's manner. Deirdre McCloskey and Arjo Klamer's 'The Rhetoric of Disagreement' (1989) offers good advice, including a 'Maxim of Presumed Seriousness' in relation to those with whom one disagrees. We should not use the weaker possible formulations of our opponents' views. And just as there are standard reasons for mercy and sympathetic mitigation, well expounded by Nussbaum, there are good reasons too for cool understatement in debating disagreements.

Nussbaum's primary audience is North American, explicitly so in *Cultivating Humanity* or *The Clash Within*; implicitly in several other books' lengthy discussions of US law cases and *WHD*'s style of periodic advice to Western feminists; and still so in *Creating Capabilities*.[10] Especially if there are any conventions and imperatives in American public discourse which reward and motivate overstatement, one should remember a danger that some non-American audiences can stereotype 'Americans', as sometimes arrogant, naïve, dominating and overinfluential. American authors seeking a global audience have to counteract this. Most of Nussbaum's work counters the danger with style and grace, but with occasional problem spots such as we mentioned. There is much to be learnt from Sen's tactics and style, which contribute to his ability to mobilize collaborators and have influence through diverse research and policy networks (see Gasper 2000b). He takes care to identify common ground, to build and preserve a convincing ethos, to encourage others, and to collaborate and lead in joint work.

CONCLUDING REMARKS

Martha Nussbaum's already impressive contribution has been considerably broadened and deepened by her published work since the late 1990s, including advances in each of the aspects of persuasion—logos, pathos, ethos. Both *Creating Capabilities* and *Women and Human Development*, for example, give systematic and rewarding treatments of her capabilities approach; and *Frontiers of Justice* provides major extensions of the approach: for the disabled, across national boundaries, and for non human life.[11] The books remain work in progress which leaves various issues requiring further attention.

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[10] P.66 speaks of 'Our Supreme Court'; and 'in this country' refers to the USA (2011:16).
[11] On *Frontiers of Justice*, see Gasper (2006).

The priority capabilities list, for example, can be upgraded with a framework such as Doyal and Gough's or Alkire's.

Nussbaum's formulations on capabilities must be understood however as not just a priority list, but as a way of proceeding, a broad *approach* to ethics and human development. This paper has centred not on fine-tuning a list and details of the approach's theory of the good, but on the roles of a list and the approach's other components. We identified and considered major elements other than those which refer directly to capabilities: ideas about audiences and purposes, background concepts and values, including concepts of personhood and emotion, and the approach's sources and methods for obtaining and interpreting materials. We considered how the choices of purpose, audience, and stage of work could influence the choices of methods and sources.

Various choices of audience and of the line and timespan of projected influence are legitimate. Nussbaum's focus matches some essential arenas, purposes and audiences. She seeks longer run influence on constitutional and legal frameworks and on political culture, in order to buttress compassion, cosmopolitan concern and human rights. She aims to influence how people listen, see and act, and thus to change listeners, not only their information set. We saw for example that Sen's hypothesis that a democracy will prevent famines relies on a degree of felt political community. If there is little such community, crippling shortage amongst marginal groups may not receive attention and concern in the national or even regional metropoli, let alone internationally. Given the extent and even growth of selfishness and narrow group-ism both globally and intra-nationally, for example in relation to climate change, Nussbaum's attention to the bases of concern for others is highly relevant in policy ethics, not only in personal ethics. Her time horizon is consciously relatively long term, as reflected in her stress on upgrading of school and college education, not least in rich countries (1997, 2010).

We see then the pertinence of her focus on the analysis and education of emotions, especially compassion. Nussbaum connects the worlds of socio-economic and philosophical discussion of human development to these more intimate realms. For social and development policy, the emotion of compassion may be central, and Nussbaum provides a rich examination. She points out its vulnerability to narrowly defensive specifications of who is within the universe of moral consideration, of how

seriously they are or would be harmed by a situation, and of how far they are themselves to blame for it. However, one can doubt Nussbaum's adoption of the Aristotelian conceptualization of compassion as necessarily or contingently arising only when a misfortune is undeserved. A non-desert criterion is relevant, but to make it essential may be questionable.

We can gratefully endorse Nussbaum's advocacy of intent study of imaginative literature in order to examine and educate compassion and the emotions more generally, though with a proviso that the power of 'Great Books' for many audiences can be exaggerated. Questions remain about the balance between types of literature (fictional, historical, biographical, autobiographical etc.), and about how one might feasibly and effectively promote such study within the confines of education in social sciences and the professions, even in international development studies. We cannot look to Nussbaum for all these answers; it is an area that demands ongoing work (cf. Lewis et al., 2008).

Nussbaum's enormous agenda brings a need for many types of evidence, collaboration and interaction. Perceptions of her own degrees of empathy, compassion, mercy and cosmopolitanism become important, especially given the frequency of reactions elsewhere against Americans from elite settings. In debate with those who differ, and in seeking to attract cooperators and fellow travellers, tact and tactics are vital. Nussbaum's writings overall are impressively empathetic, compassionate, judicious, and merciful; but with some possible lapses, of commission (in disputes) and omission (in collaborations). We can learn from how effectively Sen has fostered a major research programme through building collegiality, networks and partnerships and through defusing resistance. He has attracted and kept the support or attention of a wide family of potential collaborators and potential users.

While it was useful to itemize and contrast the contents of Sen's and Nussbaum's approaches, as was attempted here, neither approach is fixed and finished. The purpose of the comparison was to better understand what they say; to try to assist each of these sister programmes to improve; and to promote a well articulated connection and a productive and cooperative working relationship between them. We require a capability/capabilities/post-capabilities approach that transcends and outlives its founders, and that contributes effectively towards human development.

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