The art of imagining: Martha Nussbaum between vulnerability and autonomy

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The Art of Imagining: Martha Nussbaum Between Vulnerability and Autonomy

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Declaration

This thesis contains no material that has been extracted in whole or in part from a thesis that I have submitted towards the award of any other degree or diploma in any other tertiary institution.

No other person's work has been used without due acknowledgment in the main text of the thesis.

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Abstract

Vulnerability is one of the key notions in contemporary sciences and humanities, as well as in the self-understanding of a human being. It encompasses our ontological fragility and the existential mutability and unpredictability of the world, our relationships, and ourselves. The multidimensionality of the notion is a subject of intense academic research. In this thesis, I discuss whether vulnerability should assume more importance in philosophical anthropology than autonomy, or whether they are equally important. The writings of Martha Nussbaum offer a particularly rich perspective from which to reflect upon this problem. In my thesis I set the following aims: 1) to systematise and critically evaluate the notion of vulnerability in the works of Nussbaum; 2) to examine its relation to the notion of autonomy; 3) to identify and evaluate the advantages and challenges that stem from thinking of the two together. In Nussbaum's early writings, ontological vulnerability is a starting point for her anthropological reflections. The analysis of her later writings unveils that a profound understanding of vulnerability requires that we distinguish between various forms of vulnerability, and consider it in tandem with – and not in opposition to – the notion of autonomy. Drawing closer attention to Nussbaum's understanding of imagination, enriched by a reflection on the relationship of imagination to autonomy, appears fruitful in addressing the challenges that stem from the intertwining of autonomy and vulnerability. Apart from imagination's role in intersubjective understanding, it is central for an understanding of oneself as a subject who, despite his/her limitations, has agency. Imagination conditions the capacity to strive for freedom within the context of our fundamental vulnerability, to reach beyond our immediate conditioning but within the context of such conditioning. Imagination thus becomes extremely important for an ethics between vulnerability and autonomy.

Introduction

In 1966, Hans Jonas identified vulnerability as *the notion* that encompasses all organic life, from the most primitive ones such as bacteria, to the most complex—human beings.[1] The beginning of this decade has been a painful reminder of how vulnerable we all are. The COVID-19 pandemic has highlighted the universality of our vulnerability, affecting people of all nations, genders, and backgrounds. It has brought to the forefront the varieties of vulnerability: the fragility that stems from our embodiment, from our economic interdependence, as well as from our social natures. Isolation, which has alienated us from our bodies and our communities, has revealed just how central they are in our lives. Today, we can see with particular clarity that we are vulnerable beings, and that vulnerability is central to our experience. How we deal with this knowledge varies greatly.

In scholarly literature on vulnerability, the notion has been gaining resonance across a variety of disciplines for at least two decades, as scholars recognize it as an ontological condition of human being. Vulnerability has become a central notion for recent debates in philosophical anthropology, feminist ethics, ethics of care, political theory, legal studies, for example. An important voice in those debates is that of Martha Craven Nussbaum, who has made the topic of vulnerability central to her entire scholarship.[2] Indeed, even before the pandemic, it was recognized that "issues surrounding precarity, debility and vulnerability are now of central concern (…) as we try and navigate an increasingly uncertain world."[3] And yet, there is still no consensus as to what vulnerability actually means.

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[1] Paolo Becchi and Roberto Franzini Tibaldeo, 'The Vulnerability of Life in the Philosophy of Hans Jonas,' in *Human Dignity of the Vulnerable in the Age of Rights: Interdisciplinary Perspectives*, ed. by Aniceto Masferrer (New York: Springer, 2016).

[2] In an interview with NEH Chairman William D. Adams for the *Humanities* magazine, Nussbaum herself explicitly points to vulnerability as the topic uniting her scholarship: "My whole career is about the search for the conditions of human flourishing, and asking, What are the catastrophes that can get in the way? What are the ways in which we're vulnerable? Of course, as human beings, we ought to be vulnerable. We shouldn't try to say that we can be self-sufficient or do everything that's necessary for a good life on our own, because we need other people." William D. Adams, 'Martha C. Nussbaum Talks About the Humanities, Mythmaking, and International Development,' *HUMANITIES,* 38.

[3] Matthew R. McLennan, *Philosophy and Vulnerability. Catherine Breillat, Joan Didion, and Audre Lorde* (London Bloomsbury Academic, 2019), p. Front Cover.ng

The very etymology of the word 'vulnerability' points to various aspects of the notion. Vulnerability etymologically stems from the Latin *vulnus* (wound).[4] To be vulnerable, therefore, means to be susceptible to wounds, although this susceptibility can be understood in various ways. It can be interpreted as an existential or an ontological condition of human being, whereby the ontological understanding would stress our relational and embodied nature, and existential vulnerability would refer to our contingent and unpredictable existence. This distinction also entails that there are various forms of vulnerability: as embodied creatures, we are susceptible to physical harm, hunger, abuse, decline, disease and death. As affective beings, we are vulnerable to emotional and psychological wounds. As social and relational, we are vulnerable to rejection, loss, infamy, coercion, abuse. Even our rationality is inherently vulnerable (we do not have access to a god-like understanding), as is our sense of meaning and purpose, as well.

Vulnerability can be, furthermore, understood as a reduced capacity (weakness and defencelessness), or as a capacity (openness or capability to be wounded), or as an overlapping of all these (see the discussion in part I). As a reduced capacity, vulnerability highlights the various sources of harm to which we are susceptible, as well as the unequal distribution thereof, as manifest in forms of injustice and inequality. As a capacity, it is seen as a positive concept: namely, as the ability to embrace the fragility of our condition, and the ability to be open to the world and to others. In its context specific as well as its ontological dimensions, it seems to have a complex nature: it is an inherent aspect of human life, but may also manifest itself in various forms of pathology and injustice. It a condition of human flourishing, of a life that encompasses virtue, meaningful relationships, and activities, but by embracing vulnerability as a capacity to be open, we also expose ourselves to more potential wounds. The dialectic between capacity and incapacity seems inherent to the notion of vulnerability. This multidimensionality of vulnerability poses many theoretical challenges and is subject to many contemporary analyses.

One of the most prominent problems inherent in the notion of vulnerability is its relation to autonomy. In much theoretical work on vulnerability, it is understood in opposition to autonomy (with some notable exceptions).[5] This opposition has its roots in the very development of the notion. Vulnerability seems to emerge as a new paradigm in philosophy,

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[4] 'Vulnerability' in *The Oxford English Dictionary* [online] <www.oed.com/view/Entry/224871> [Accessed September 2020].

[5] See Catriona Mackenzie, Wendy Rogers, Susan Dodds, ed., *Vulnerability: New Essays in Ethics and Feminist Philosophy* (New York: Oxford University Press, 2014).

against the paradigm of invulnerability. Since vulnerability theorists seek to stress the importance of animality (embodiment), relationality, affectivity, and constraint in human lives, the ideal of autonomy, which is often understood as connoting self-sufficiency, unbounded freedom and rational self-control, seems contrary to vulnerability. From this perspective, the notion of vulnerability is seen as a remedy to the post-Enlightenment paradigm of liberalism, which entails the exaltation of autonomy as a crucial aspect of what it is to be human.

But is this opposition fruitful? This question seems particularly urgent today, given the theoretical importance of the notion of vulnerability, as well as its practical application in policy execution. In order to examine this phenomenon, the question guiding this thesis is: *should vulnerability assume more importance in philosophical anthropology then autonomy, or are they equally important*?

An analysis of Nussbaum's approach to the notions of vulnerability and autonomy seems to be a particularly helpful means of untangling the various threads of this question. The competition of paradigms described above is reflected in Nussbaum's writings. The tension between the notions of vulnerability and autonomy is visible in her philosophical as well as her political works. If we look at Nussbaum's writings chronologically, two periods can be clearly distinguished: her early writings, where she develops a vision of human being as vulnerable being, and her works on the Capabilities Approach, where she devotes more attention to the value of autonomy. It is important to note that Nussbaum herself has never explicitly endorsed the notion of autonomy as founding for the Capabilities Approach. Nonetheless, as I shall argue, the 'architectonic' function of practical reason could be read as expressing the centrality of autonomy for the approach. Nussbaum's later views on rationality, dignity, and individualism, suggest that she seeks to develop a vision of the human being that would accommodate stress on autonomy together with her earlier insights about vulnerability. Nonetheless, her works are often criticized as succumbing to one or the other end of the spectrum of the opposition between vulnerability and autonomy.

In order to answer its main question, the thesis aims to 1) systematise and evaluate critically the notion of vulnerability in the works of Nussbaum; 2) examine its relation to the notion of autonomy; and 3) identify and assess the advantages and challenges that stem from thinking of the two together.

The thesis builds on the increasing body of literature that seeks to reconcile the notions of autonomy and vulnerability (notably, some branches of phenomenology, as well as relational theories of autonomy). It is more and more often stressed that separating the two notions limits our understanding of their complexity and can have negative effects for policy development

and execution. While overlooking ontological vulnerability may lead to the development of policies incompatible with human nature, overlooking the human vocation to autonomy may lead to paternalism and increasing the dependency of the vulnerable. By situating the analysis of Nussbaum's understanding of vulnerability and autonomy in this context, I hope to contribute to the clarification of the theoretical understanding of the relation between the two notions. While most scholarship on the topic focuses on political solutions to this difficult tension, I hope to fill the gap in literature on vulnerability and autonomy by pointing to the centrality of imagination in this context. The success of the search for autonomy in the face of vulnerability would depend upon an imagination that is intersubjective yet maintains its relation to freedom. Such imagination, though its relation to freedom, would allow us to reach beyond our limits. Through its relation to vulnerability, it would allow us to address those limits constructively.

Thesis Outline

This thesis is divided into three main parts, each containing two chapters. Part I is a general study of vulnerability and an introduction to the topic. Part II examines the foundations of Nussbaum's Capabilities Approach, and points to the centrality of philosophical anthropology in Nussbaum's political theory. Part III examines to what extent and in what ways the vision of the human being that stems from Nussbaum's CA accommodates the notions of vulnerability and autonomy, and points to the centrality of imagination in this context.

In the introductory Part I (Chapters 1 and 2), I address the questions: What is vulnerability? Why has it emerged as an important notion in contemporary philosophy? I also sketch the current state of debates around it and point to some of the gaps in the current literature on the matter. In Chapter 1, I begin by considering the etymology of and mythology around the notion of vulnerability and reflect on how the complex meaning of the word is reflected in current philosophical literature. I analyse the existential, ontological, capacity-oriented and incapacity-oriented interpretations of vulnerability. Drawing on the contention that myths offer important insights about the vulnerability implicit in the human condition, I look at foundational narratives of Western culture – The Myth of Cura, Myth of Achilles, and the Story of the Tree of Knowledge, which capture the complexity of vulnerability its context-specific as well as ontological dimensions. The Myth of Cura exposes vulnerability as a basic identity of human

being. As human beings, we are fundamentally torn between the bodily and the spiritual realms, between our finitude and the desire for the infinite.[6] In the Myth of Achilles, acceptance of this vulnerable identity is portrayed as a condition of a fulfilled humanity. In the Story of the Tree of Knowledge, the birth of consciousness of vulnerability is portrayed as a birth of consciousness itself. This relation also points to a fascinating connection between vulnerability and imagination. Adam and Eve's sin makes them conscious of their vulnerability, and thus of the finite nature of their identity. They enter historical time, where they no longer live in the immediacy of the moment. But this is also what makes imagination possible: the loss of unity of identity is what makes Adam and Eve fundamentally free to transcend themselves and become other than they are, to imagine and reach toward alternative scenarios of existence. It is only in this in-between of our identities that the freedom of imagination can be sought. In this sense, the birth of vulnerability and imagination coincide.[7]

Chapter 2 analyses the notion of vulnerability in contemporary philosophy from the perspective of Thomas Kuhn's notion of competing paradigms. Vulnerability seems to emerge as a new paradigm in philosophy, against the paradigm of invulnerability. The thinkers most commonly associated with the latter (Plato, Stoics, Kant, or Descartes), are often accused of not paying attention to human embodiment and animality, relationality, emotions, dependence, and so on. I look into the reasons behind the growing scepticism towards their account of the human condition. Then, I briefly examine the development of the notion of vulnerability in bioethics, political theory, and contemporary philosophy. Most prominently, in phenomenology vulnerability is frequently understood as describing the very structure of subjectivity, as a condition of openness that makes relatedness possible. In the Anglo-Saxon tradition, vulnerability has been central to certain branches of feminist philosophy, to the ethics of care, as well as some forms of virtue ethics. What is striking is that some of those theoretical works, particularly those that draw on the criticism of Kant, relate the paradigm of invulnerability to the ideal of autonomy. For this reason, they see vulnerability and autonomy as opposed. I point to the difficulties that stem from opposing the notion of vulnerability to that of autonomy and argue that debates on those notions can be significantly enriched by a systematic analysis of Nussbaum's work on vulnerability, due to its theoretical complexity and its practical and political dimensions.

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[6] Andrew Wiercinski, ed., *Between the Human and the Divine: Philosophical and Theological Hermeneutics* (Hermeneutic Press, 2002).

[7] M.E. Littlejohn, ed., *Imagination Now: A Richard Kearney Reader* (Lanham: Rowman & Littlefield International, 2020).

In Part II of the thesis I look at the foundations of Nussbaum's Capabilities Approach: her early moral theory and the development of her political theory. I ask what understanding of vulnerability stems from those writings and what are the merits and the shortcomings of that understanding.

Chapter 3 analyses Nussbaum's early moral theory in light of her criticism of the 'invulnerability' paradigm in philosophy. In her early writings, Nussbaum constructs a convincing dichotomy between philosophers who are motivated by the desire for invulnerability and poets who acknowledge human vulnerability. The main antagonist is Kant, whom Nussbaum criticizes for introducing the separation between the moral realm and the realm of vulnerability. Her effort is to challenge Kantian moral philosophy and posit vulnerability at the centre of moral debates. Juxtaposing Sophocles to Kant in her analysis of Antigone, Nussbaum stresses that we are vulnerable to conflicts of values which cannot be commensurate. She draws on Euripides's Hecuba to argue against the Kantian separation between the moral and the natural realms, and to advance a point about the fragility of the goodness of character. Finally, she juxtaposes Plato's and Aristotle's views on philosophical methodology, to disclose that moral debates should incorporate human vulnerability as a methodological starting point. This posits a reflection on 'what is it to be a human being' at the centre of our search for the good life. Those early considerations have greatly contributed to acknowledging vulnerability as a methodological starting point for moral debates. By the same token, they disclose the centrality of philosophical anthropology for moral theory. However, the dichotomy between vulnerability and invulnerability on which Nussbaum initially relies leads her to oversimplifications: by focusing on the importance of luck, fragility, and appearances, Nussbaum overlooks the equally important human need to strive actively beyond our limits and constraints (albeit always within the bounds of vulnerability).

Chapter 4 looks at the development of Nussbaum's political theory. I argue that though her engagement with the notion of dignity, Nussbaum seeks to overcome the vulnerability-invulnerability dichotomy in her considerations on justice. Crucial in this analysis is her turn toward political liberalism. Her engagement with the Kantian notion of dignity, as well as Sen's and Rawls's formulations of liberalism, mark a crucial change of perspectives in Nussbaum thinking, as she seeks to incorporate the ideals of liberty with her earlier considerations on vulnerability. In her later works, she seeks to develop a vision of the person as both vulnerable and capable. I argue that sensitivity to both aspects of the human condition constitutes a basis of the success of Nussbaum's Capabilities Approach. Nonetheless, Nussbaum is not successful in managing all the tensions that arise in her attempts to reconcile her Aristotelian insights on

vulnerability with political liberalism. Ultimately, those unresolved tensions lead Nussbaum to question the centrality of philosophical anthropology for the CA. However, I argue that if the CA is to remain devoted to the protection of the vulnerable as well as to the promotion of their rights, then its grounding in philosophical anthropology that entails vulnerability and capability needs to be sustained.

In Part III, I turn to a more extensive analysis of the notions of autonomy and vulnerability that stem from Nussbaum's CA. Drawing on the centrality of the 'architectonic' capabilities of 'practical reason' and affiliation,' I argue that Nussbaum's notion of autonomy is in line with relational autonomy theories, which stress the essentially vulnerable nature of human autonomy. I also argue that central to navigating the tension between vulnerability and autonomy is the notion of imagination.

Chapter 6 examines the capability of 'practical reason,' which in the CA is expressed through the notions of choice and agency. I argue that Nussbaum's stress on practical reason points to the centrality of the value of autonomy in the CA, notwithstanding her unwillingness to acknowledge that centrality. Nussbaum has expressly stated that she could only endorse a political account of autonomy. Yet, the 'architectonic' function that the capability of practical reason plays in her approach points to a more comprehensive, than political, account. This inconsistency has its roots in the tensions within the CA between the Aristotelian and liberal frameworks on which the approach is built. At the same time, the tension between those two frameworks allows Nussbaum to build a complex and profound account of practical reason as a capability that is both active and passive. Through her analysis of Aristotle's *phronesis*, Nussbaum points to the elements related to passivity – emotions, feelings, perception – as central aspects of human rationality. Through her engagement with liberal thought, she stresses the active function of practical reason in scrutinizing its own perceptions. The notion of 'practical reason' that we find in the CA, as well as its further specifications under the notions of choice and agency, incorporate the notions of vulnerability and capability. This would suggest that the idea of autonomy in the CA is fundamentally related to vulnerability. However, a further analysis is needed to consider the importance of relationality for such an account of autonomy.

In chapter 7, I turn to the analysis of the second 'architectonic' capability, that of affiliation, and its relevance for the understanding of the notion of autonomy in Nussbaum's CA. First, I look at the foundation of the capability of affiliation, that is, Nussbaum's early considerations on relationality in the context of her analysis of Plato's *eros* and Aristotle's *philia*. The perspective of vulnerability allows Nussbaum to disclose the inherent and

instrumental value of relationality in human lives. However, her account of relationality does not exclude, but incorporates individuality as a central aspect of healthy and flourishing relations. This account of relationality is captured in the CA as the capability of affiliation. Affiliation, in the context of the previous analyses of practical reason, points to the possibility that the understanding of autonomy that stems from the CA is in line with the concept of relational autonomy – the notion that stresses the essentially relational and vulnerable structure of human autonomy. However, it is crucial to distinguish between those forms of vulnerability which are antithetical to autonomy, and those which are constitutive of it. While some forms of vulnerability condition human relatedness, flourishing, and autonomy, others can undermine it. While the CA provides a promising framework for addressing the vulnerabilities that undermine autonomy, I suggest that it could benefit from a clearer distinction between various forms of vulnerability. Moreover, the political nature of the CA is limited in addressing the internal vulnerability of autonomy, as can be observed in the example of adaptive preferences. The notion of imagination appears central in this context.

I argue in Chapter 8 that imagination is crucial for an ethics that navigates between vulnerability and autonomy. Nussbaum points to imagination as central in addressing the facticity of human vulnerability. For her, imagination allows us to 'see as' other human beings, which conditions relatedness and allows for the development of attitudes of empathy, respect and solidarity across differences. However, Nussbaum does not pay equal attention to imagination's relevance in the context of autonomy. I attempt to fill this gap by pointing to the relation of imagination to freedom. Without compromising Nussbaum's relevant observations on vulnerability, introducing the topic of the freedom of imagination discloses the relevance of imagination in the context of autonomy. Due to its transcendental function, imagination not only conditions the development and sustainment of a moral identity, but is also central in the critique and transformation of the social status quo, as well as in the formation of aspirations. This further reinforces Nussbaum's observations about the political and social relevance of the disciplines that develop imagination.

Part I: Development of the Notion of Vulnerability

The first chapter of this thesis attempts to untangle the question: what is vulnerability? Until recently, many philosophers, moral and political theorists, and scholars from other disciplines, have ascribed to vulnerability mainly negative connotations. Due to those connotations, theorists have often treated vulnerability as a pathology that the contributions from their respective disciplines should aim to overcome.[1] But should (and can) our vulnerability be minimalized? In order to reflect on this question, I analyse the mythology of vulnerability in The Myth of Cura, The Myth of Achilles, and the Story of the Three of Knowledge. In the second chapter, I systematize some of the recent contributions to the development of the understanding of the relation between being a human being and being a vulnerable being in light of a recent paradigm shift.[2] Today, when we read literature concerning the most burning issues of the contemporary world, it is difficult not to notice an increasingly frequent reference to the notion of vulnerability.[3] Not only is vulnerability becoming central to some of the most critical scholarship, but also, it is re-conceptualized as theorists attempt to clarify its meaning. They point out that vulnerability, although indeed connoting the negative notions mentioned above, is much more complex and worthy of study, and of being incorporated into our philosophical and political frameworks. Nonetheless, scholars that focus on the notion of vulnerability frequently do so by juxtaposing vulnerability to the idea of autonomy. I highlight some of the theoretical difficulties that stem from the overlooking of the ideal of autonomy in the debates on vulnerability. Finally, I consider why it is valuable to ponder into the contributions of Martha Craven Nussbaum to the understanding and development of the theme of vulnerability. I point to the particularly interesting aspects of Nussbaum's work on vulnerability that will be developed in the subsequent parts of this thesis.

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[1] For this reason, vulnerability has long remained astonishingly absent from the majority of normative frameworks in the history of the human sciences. McLennan, *Philosophy and Vulnerability* (2019), p. 15.

[2] The term 'paradigm shift' was introduced by Thomas Kuhn. For a more detailed discussion of his idea, see section 2.2.1.

[3] For example, Henk ten Have points out that "The number of journal publications using 'vulnerability' as a keyword has grown exponentially from ten in 1967 to 3,272 in 2014 (according to a PubMed search in January 2014)." Henk Have, 'Respect for Human Vulnerability: The Emergence of a New Principle in Bioethics,' *Bioethical Inquiry,* 12 (2015), 395-408 (p. 396).

1 Etymology and Mythology of Vulnerability

When we ask ourselves about the meaning of the term 'vulnerability,' many associate it with powerlessness or weakness, but is this precisely what it entails? Do those synonyms exhaust the potential of the term, or is there more to it?[1] In order to consider the relevance of the notion of vulnerability and clarify its meaning, I shall begin by setting two strategies that are common in its consideration: an analysis of its etymology and reference to the mythology of the notion of vulnerability. While inquiring into etymology helps to unveil the original meaning implicit in its source language (a meaning which, albeit often overlooked, is at the foundation of our understanding of the notion), examinations of mythology provide vital insights into its relation to our self-understanding. The need to go back to the originary meaning of words in order to understand the meaning that they convey is one of the essential parts of the interpretive process. This topic has perhaps been most convincingly developed by Martin Heidegger in *Being and Time*.[2] Heidegger's philosophical analyses frequently begin with etymological considerations. Indeed, although not much has been written on the topic, Heidegger frequently operates on etymological methodology, as he seeks to recover "the whole range of historical meanings of a word."[3] Why is etymology so important for Heidegger? It is because "different etymological experiences evoke new experiences of being; these experiences disrupt conventional paradigms of expression and thereby invite different degrees of subtlety which allow what is previously

[1] This is a conclusion of a research conducted by social work researcher Brené Brown (who became known to the public due to a TED talk video entitled "The Power of Vulnerability" - one of the most popular TED talks with circa 9,5 million views [as for march 2019]. Brown claims that the perception of vulnerability as weakness is among the most widely accepted most dangerous myths related to it. See Brené Brown, *Daring Greatly: How the Courage to Be Vulnerable Transforms the Way We Live, Love, Parent, and Lead*, 1st edn (New York: Gotham Books, 2012). Recent academic writing seems to support Brown's stance. For example, Catriona Mackenzie, in her volume on vulnerability, points out that: "In both everyday moral discourse and moral theorizing, vulnerability is often invoked in connection with a range of other concepts, including harm, need, dependency, care, and exploitation." Catriona Mackenzie, Wendy Rogers, and Susan Dodds, 'Introduction: What Is Vulnerability, and Why Does It Matter for Moral Theory?,' in *Vulnerability: New Essays in Ethics and Feminist Philosophy*, ed. by Catriona Mackenzie, Wendy Rogers, and Susan Dodds (New York: Oxford University Press, 2014), pp. 1-32 (p. 1).

[2] Martin Heidegger, *Being and Time*, trans. by John Macquarrie and Edward S.Robinson (Oxford: Blackwell, 1967).

[3] Matthew King, 'Heidegger's Etymological Method: Discovering Being by Recovering the Richness of the Word,' *Philosophy Today,* 51 (2007), 278-89 (p. 278).

'unsaid' to be spoken."[4] By unveiling layers of etymological meanings of the word, we can open, re-discover it, and arrive at new possibilities of understanding.

Another fruitful interpretive strategy is the analysis of myths. The interest of scholars in myth does not stem from their conviction that it might be *a true story*, but from the conviction that it conveys *the truth of the story* about the most fundamental aspects of human beings' existence. Myths, as Paul Ricœur has convincingly argued, are vehicles of experience.[5] It is only through their symbolism that we arrive at an understanding of ourselves:

> myth is something else than an explanation of the world, of history, and of destiny. Myth expresses in terms of the world—that is, of the other world or the second world—the understanding that man has of himself in relation to the foundation and the limit of his existence. Hence to demythologize is to interpret myth, that is, to relate the objective representations of the myth to the self-understanding, which is both shown and concealed in it.[6]

Myths have the potential to expose to us the fundaments of the way that human beings have answered the essential questions regarding our own existence over the course of centuries. They open not only a possibility of a more profound understanding of the most fundamental notions, but they open the interpreters' creative potential for self-understanding in the light of those stories. It becomes crucial to appreciate how myths shape the notions that we use in our everyday life. Ricœur encourages us to consider that, since our contemporary societies are founded on myths, their interpretation becomes vital in the process of demythologization and self-interpretation of individuals, nations, and cultures.

Drawing on Heidegger and Ricœur's observations, the analysis of the etymology and mythology of vulnerability appears to be a good starting point for the untangling of the meaning of the notion of vulnerability, as well as an introduction into subsequent analyses of the subtleties inherent in it.

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[4] Frank Schalow, 'Language and the Etymological Turn of Thought,' *Graduate Faculty Philosophy Journal,* 18:1 (1995), 187-203 (p. 187).
[5] See, for instance, Paul Ricœur, *The Fallible Man*, trans. by Charles A. Kelbley, Rev. edn (New York: Fordham University Press, 1986).
[6] Paul Ricœur, *The Conflict of Interpretations: Essays in Hermeneutics*, trans. by Kathleen McLaughlin et al. (Evanston: Northwestern University Press, 1974), p. 391.

1.1 Etymology

Vulnerability, according to the Oxford English Dictionary (hereafter: OED), is a term derived from the Latin *vulnus* (wound). From the noun derived the verb *vulnerare* (to wound), and later, the adjective *vulnerabilis* (vulnerable).[7] OED suggests that, in its early use, 'vulnerable' indicated "susceptible of receiving wounds or physical injury." Since the XVII century, it is also used figuratively, to denote defencelessness against non-physical attacks or damage, such as criticism or calumny.[8] To be vulnerable, therefore, means to be susceptible to both physical and non-physical wounds. This Latin root of vulnerability is shared by most Western languages (thus we have vulnerability in English, *vulnerabilità* in Italian, *vulnérabilité* in French, *vulnerabilität* in German, *vulnerabilidad* in Spanish etc.) Those considerations are in line with initial remarks on understanding vulnerability as weakness or defencelessness. To be vulnerable may denote to be physically or emotionally weak – in the sense of being susceptible to wounds.

Understanding vulnerability as weakness or defencelessness entails two further possibilities (which reflect the two possible philosophical stances on the matter): such defencelessness is attributed to particular groups of persons (although this is now a less frequent understanding), and therefore vulnerability is interpreted as a reduced capacity, or it is understood as an ontological condition of a human being (this now seems to be a more or less universally shared view) and therefore concerns everyone.

The non-ontological understanding of vulnerability focuses on "the contingent susceptibility of particular persons or groups to specific kinds of harm or threat by others."[9] On this view, although all human beings are potentially vulnerable to various, physical and non-physical, kinds of wounds, what makes some persons or groups especially vulnerable is their inability or reduced ability to protect themselves. This inability stems from the contingent context in which they find themselves. Due to various factors, they lack in power, control, self-sufficiency, or autonomy needed to defend and define oneself and one's interests. Those persons or groups may include but are not limited to, people with mental illness, infants, the elderly, citizens of developing countries, immigrants, the poor, or women. The non-ontological view, therefore, puts to the forefront the context which renders some agents vulnerable to the

[7] 'Vulnerability,' (September 2020).
[8] Nonetheless, arguably, this second use was implied already in the Latin original meaning. For example, as Warren Reich suggests, already Cicero "spoke of the 'three major woundings': of life, reputation, and health." Warren T. Reich, 'Taking Care of the Vulnerable: Where Religious and Secular Ethics Meet in a Pluralistic World,' in *Solenne Celebrazione Accademica in Occasione della Visita in Tretntino de Sua Santità il XIV Dalai Lama*, (Trent: University of Trent, 2011). p. 10
[9] Mackenzie,'What Is Vulnerability?,' p. 6.

inequities of power, capacity, need, and resources. By focusing on those aspects, this approach aims at stimulating positive social and political change in order to reduce the inequalities and possibilities of the exploitation of vulnerable subjects.

By way of contrast, according to the ontological view, vulnerability is an inherent aspect of the human condition. It is not certain vulnerable subjects, but all human beings, that may be considered to be vulnerable. Vulnerability is ontologically rooted in human embodiment and, therefore, universally shared by all human beings, and not reserved for specific disadvantaged populations or persons. The two views of vulnerability, as a reduced capacity or as an ontological condition, have been subject to various debates. On the one hand, critics point to the limited practical use of the ontological notion of vulnerability. They claim that interpreting vulnerability as a universal condition of the human being may potentially obscure the context-specific vulnerabilities and needs of various people or groups, thus, making it challenging to frame policies that could contribute to their just treatment by the society. On the other hand, the non-ontological view is often criticized for overlooking the universality of vulnerability, and maintaining the distinction between invulnerable subjects, and vulnerable 'others.' Such distinctions may lead to discrimination or paternalism, as well as some pathological forms of care.[10]

Nonetheless, the tension implicit in the two views can also be beneficial, leading to the development of a more politically and philosophically adequate concept of vulnerability. Recent debates on vulnerability seek to draw together the ontological and non-ontological understandings of the notion. For example, Mackenzie points to the need to acknowledge "the ontological vulnerability that is inherent in the human condition," while at the same she strives to identify "context-specific forms of vulnerability."[11] She points to the following sources of vulnerability: embodiment (animality), sociality and affectivity, and the socio-political situation.

First, human beings are ontologically vulnerable to physical 'wounds' due to their embodiment and mortality. The basic condition of embodiment, in turn, triggers a series of related sources of vulnerability. "By virtue of our embodiment, human beings have bodily and material needs; are exposed to physical illness, injury, disability, and death; and depend on the care of others for extended periods during our lives."[12] Human embodiment is not only a source

[10] For example, Fineman argues that ascribing the concept to vulnerable populations may lead to "victimhood, deprivation, dependency, or pathology." Martha Albertson Fineman, 'The Vulnerable Subject: Anchoring Equality in the Human Condition,' *Yale Journal of Law and Feminism,* 20 (2008), 1-23 (p. 8).
[11] Mackenzie,'What Is Vulnerability?,' p. 10.
[12] Mackenzie,'What Is Vulnerability?,' p. 1.

of illness and mortality but also a source of our dependence on care. It makes us vulnerable to a significant number of factors – both internal (such as illness, or mortality), as well as external (such as being physically injured by another person or being dependent on receiving food, as, for example, in the case of a baby). Secondly, in the figurative sense, vulnerability to non-physical injury may entail both emotional and socio-political vulnerability. "As social and affective beings we are emotionally and psychologically vulnerable to others in myriad ways: to loss and grief; to neglect, abuse, and lack of care; to rejection, ostracism, and humiliation."[13] We are, thus, vulnerable not only to physical injury, but also to emotional or status-related injury, which is not immediately visible as in the case of physical wounds or malnutrition, and yet it can be just as harmful. Also, as socio-political beings, we are "vulnerable to exploitation, manipulation, oppression, political violence, and rights abuses."[14] Emotional, as well as socio-political dimension of human beings, situates us in a position where we are needy of and vulnerable to other human beings in a number of ways, both in our private and public lives and that we are subject to deep suffering when our emotional or social needs are not being met. Thirdly, we are also "vulnerable to the natural environment and to the impact on the environment of our own, individual and collective, actions and technologies."[15] Human beings, as members of the ecosystem, are also vulnerable to the processes of nature, as well as to the consequences of their own actions on the environment. Although this aspect has been long overlooked (there are some exceptions to this, such as Hans Jonas who, in *The Imperative of Responsibility*, points to "the critical vulnerability [*Verletzlichkeit*] of nature to man's technological intervention"), it now appears undeniable that we are deeply environmentally vulnerable.[16] The processes of nature can have a direct impact on our physical vulnerability (as in the case of natural disasters, air pollution, and more), as well as on our emotional vulnerability (where depression can be related to a long versus a short daily exposure to the sun, or where anxiety is aroused with the threat of climate change). The same applies to the use of technology, which creates new areas of vulnerability, such as in the case of the impact of social media on social relations, or cyber-crimes.[17]

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[13] Mackenzie,'What Is Vulnerability?,' p. 1.
[14] Mackenzie,'What Is Vulnerability?,' p. 1.
[15] Mackenzie,'What Is Vulnerability?,' p. 1.
[16] Jonas claims that "This discovery [...] alters the very concept of ourselves as a causal agency in the larger scheme of things. It brings to light, through the effects, that the nature of human action has *de facto* changed, and that an object of an entirely new order – no less than the whole biosphere of the planet – has been added to what we must be responsible for because of our power over it." Hans Jonas, *The Imperative of Responsibility: In Search of an Ethics for the Technological Age* (Chicago: University of Chicago Press, 1984), pp. 6-7.
[17] Moreover, it is often pointed out that there is a relation between technology and the striving for invulnerability. See, for instance, Hannah Arendt, *The Human Condition*, 2nd edn (Chicago: University of Chicago Press, 1998).

Drawing on those sources of vulnerability, Mackenzie provides a systematization whereby she divides vulnerabilities into inherent, situational, and pathogenic.[18] Alfredo Marcos, on the other hand, focuses on different aspects of the problem and divides types of vulnerability into: psycho-somatic, social, and spiritual.[19] A number of other examples of taxonomies could be given. What they highlight is that it is important to note various sources and forms of vulnerability.

But different taxonomies also point to the second issue. While vulnerability can be seen as susceptibility to being wounded in the negative sense (as incapacity), it also connotes a second, positive meaning (as a capacity).[20] The capacity-oriented view of vulnerability brings to the forefront that to be vulnerable is also to be "*open* to attack or damage," "*capable* of being physically or emotionally wounded," and "liable to increased penalties but e*ntitled to increased bonuses* after winning a game."[21] The introduction of those three notions mirrors a critical change of perspective on the notion of vulnerability that has taken place in the scholarship on the matter.[22] Associating vulnerability with openness and capability implies that it requires a certain ability, competence, as well as choice. The notion of 'entitlement to increased bonuses' suggests that being vulnerable may, in a way, generate some profits or benefits. In recent scholarship, scholars often agree that vulnerability is the condition *sin qua non*, which grants human beings access to meaningful emotions, relationships, and lives.[23] While this topic gains more interest in various strands of philosophy, it has been arguably most extensively developed within phenomenology:

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[18] This topic will be explored further in the thesis. See Chapter 6. For a more specific description of those categories see Mackenzie,'What Is Vulnerability?,' pp. 10-13.

[19] "Each type of vulnerability is connected with specific risks. For example, the risk of bodily or psychological disorders, ecological risks—whether they be natural or generated by humans—threaten us to the degree that we are bodily and psychologically vulnerable. The risks of social exclusion and of poverty correlate with our social vulnerability, and the risks related to lack of information and to the loss of meaning in life correlate with spiritual vulnerability." Alfredo Marcos, 'Vulnerability as a Part of Human Nature,' in *Human Dignity of the Vulnerable in the Age of Rights: Interdisciplinary Perspectives*, ed. by Aniceto Masferrer and Emilio García-Sánchez (Cham: Springer International Publishing, 2016), pp. 29-44 (pp. 37-38).

[20] Interestingly, the American Sign Language conveys a similar understanding of vulnerability. According to the ASL dictionary, the sign currently used to denote 'vulnerable' is synonymous to helpless, defenceless, powerless, and it is transmitted through the lowering of both hands fingers-down. The video version of this sign can be consulted at: https://www.handspeak.com/word/search/index.php?id=7514

[21] 'Vulnerability' in *Merriam-Webster* [online] <https://www.merriam-webster.com/dictionary/vulnerable> [Accessed February 2019]. Cursive added by me.

[22] Also in the sign language, there have been proposals to change the sign that denotes vulnerability (the proposed alternative is two fists at the height of chest opening to the sides). See Brown, *Daring Greatly* (2012).

[23] Interestingly, Eastern and Central-Eastern European languages do not seem to have an exact equivalent of vulnerability. For example, 'vulnerability' frequently poses problems to the Polish translators, who propose words like *wrażliwość* (sensitivity), *bezbronność* (defencelessness), *kruchość* (brittleness) and more – words that, unlike the English vulnerability, do not seem to convey well the complexity and the twofold possibility of the understanding of the notion.

> From a phenomenological perspective, vulnerability is not only the result of social and political oppression. It also describes the very structure of subjectivity, its "transcendental condition, pointing to an openness and plasticity that makes possible transformation." [Gilson] Vulnerability is relational in the sense that it always presupposes my openness and exposure to the world and to others. It is also relational in the sense that our very relations and bonds are in themselves vulnerable and precarious. We co-constitute meanings because we co-exist and because the plasticity of interpersonal understanding pertains to the multilayered expression of subjectivity's vulnerability. Vulnerability structures the subject's experience of the world. As such, it is a "susceptibility" to be wounded rather than an actual failure or frailty. It is then possible to see it as a capacity to be sensitive to someone's expressive unity, to be sensitive to differences and creations.[24]

Vulnerability thus discloses the transcendental structure of subjectivity that conditions human relatedness, affectivity, and self-understanding. In this sense, it can be seen not as a deprivation of certain capacities, but as a capacity. Our previous analysis has revealed that vulnerability is frequently related to weakness; a weakness that is either understood as a characteristic of particular individuals or groups or as an ontological condition of a human being. But a further examination of the meaning of vulnerability discloses the positive potential of the word, whereby vulnerability is seen as a structure of subjectivity that enables us to live in the world. Those considerations, although by no means exhaustive, divulge the complexity of the theme of vulnerability and the dialectics of capacity and incapacity inherent in it. In the next part, we shall proceed with the analysis of the mythology of vulnerability in order to further ponder on the multilayered meaning of the notion.

1.2 Mythology

A further and more profound understanding of the notion of vulnerability stems from the reflection on its founding myths. In the literature on the subject, two myths are most frequently quoted in relation to vulnerability: The Roman Myth of *Cura* (Care) and the Greek Myth of Achilles. We shall analyse those, adding a third notable example – the Story of the Tree of Knowledge.

[24] Elodie Boublil, 'The Ethics of Vulnerability and the Phenomenology of Interdependency,' *Journal of the British Society for Phenomenology,* 49 (2018), 183-92 (p. 184).

1.2.1 The Myth of Cura

The myth of *Cura* explores the notions of vulnerability and care as ontologically rooted in the human condition. It was found in a second-century Latin collection of myths edited by Hyginus. The myth gained resonance in philosophy after Heidegger's extensive interpretation of it in *Being and Time*.[25] The myth of *Cura*, in English translation, is as follows:

> Once when 'Care' was crossing a river, she saw some clay; she thoughtfully took up a piece and began to shape it. While she was meditating on what she had made, Jupiter came by. 'Care' asked him to give it spirit, and this he gladly granted. But when she wanted her name to be bestowed upon it, he forbade this, and demanded that it be given his name instead. While 'Care' and Jupiter were disputing, Earth arose and desired that her own name be conferred on the creature, since she had furnished it with part of her body. They asked Saturn to be their arbiter, and he made the following decision, which seemed a just one: "Since you, Jupiter, have given its spirit, you shall receive that spirit at its death, and since you, Earth, have given its body, you shall receive its body. But since 'Care' first shaped this creature, she shall possess it as long as it lives. And because there is now a dispute among you as to its name, let it be called '*homo'* for it is made out of *humus* (earth).[26]

The myth portrays the human being as a creature shaped, and, as long as he or she lives, held together, by Care. The need to be 'held together' stems from the fact that human beings are split between two realms: the spiritual (represented by Jupiter) and the bodily (represented by Earth). Care is the mode that allows human beings to overcome and reconcile the two dimensions inherent in their condition. This analysis guides section VI of Heidegger's opus and serves in support of his crucial *Existentiale*: the notion of care (*Sorge*) as the Being of *Dasein*.[27] More specifically, in *Being and Time*, Heidegger argues that *Dasein* is a Being-in-the-World (*In-der-Welt-sein*). This implies an activity; indeed, for him, *Dasein* is in the world in as much as it

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[25] See Heidegger, *Being and Time* (1967). Part I, Section VI, pp. 241-44 [SZ, 196-200]). Heidegger was not the first to refer to the myth of Cura. For example, also a German poet and philosopher Johann Gottfied Herder referred to the myth in a poem published in 1787, whereby he calls cura the "mother" of the human. Nonetheless, it is Heidegger's interpretation that has given the myth the most significant resonance. See Johann Gottfried Herder, 'Das Kind Der Sorge,' in *Volkslieder. Übertragungen. Dichtungen*, ed. by Urlich Gaier (Frankfurt am Main: Deutscher Klassiker Verlag, 1990), pp. 743-44.

[26] This is a translation by Macquarrie and Robinson of Heidegger's translation of the Latin myth. The original is as follows: "Cura cum fluvium transiret, videt cretosum lutum sustulitque cogitabunda atque coepit fingere. dum deliberat quid iam fecisset, Jovis intervenit. rogat eum Cura ut det illi spiritum, et facile impetrat. cui cum vellet Cura nomen ex sese ipsa imponere, Jovis prohibuit suumque nomen ei dandum esse dictitat. dum Cura et Jovis disceptant, Tellus surrexit simul suumque nomen esse volt cui corpus praebuerit suum. sumpserunt Saturnum iudicem, is sic aecus iudicat: 'tu Jovis quia spiritum dedisti corpus, corpus recipito, Cura enim quia prima finxit, teneat quamdiu vixerit. sed quae nuc de nomine eius vobis controversia est, homo vocetur, quia videtur esse factus ex humo'." Heidegger, *Being and Time* (1967), p. 242.

[27] See Heidegger, *Being and Time* (1967), pp. 225-74.

acts. The action of taking care expresses the practical dimension of our existence.[28] For Heidegger, there are two types of care: the ethically negative care (for example, excessive care for money), which implies inauthentic existence in discordance with one's essence, and the ethically positive care – which implies being with other beings and taking care of them. This second type of care is what constitutes authentic existence, that is: restores *Dasein* to him or herself. Care (*Sorge*) is, therefore, the ontological condition of Dasein. Moreover, in the myth, the decision that the 'homo' is given to *Cura* is made by Saturn (Time). This paves the way for Heidegger's analysis of the temporal structure of Care, which implies that it is by and through care that we discover our temporality. The discovery of our temporality and the orienting ourselves towards the future is what distinguishes us from other, merely present beings. Care, thus, becomes the crucial existential condition of Dasein. The myth of *Cura* is pivotal to sustain those arguments, because it is in the myth that Dasein expresses itself 'primordially' (*ursprünglich*), "unaffected by any theoretical interpretation."[29] Thus, it is though the story's symbolical character that we can grasp the significance of Care as the Being of Dasein.

Recently, it has been noted that the myth of *Cura* provides other compelling symbolic imagery: that of vulnerability inherent in the human condition. In the myth, the need to care stems from human beings' spiritual and physical vulnerability: "this mythic narrative portrays the prototypical human as *a creature that is vulnerable* to losing the cohesion that is holding it together."[30] The myth thus focuses our attention on the vulnerability that is part of our basic identity, and implies that care of the vulnerable is a fundamental aspect of morality.[31] Social morality should not consider care of the vulnerable as a service owed by the privileged to the less privileged, but, since it is one of the basic parts of human identity, it should also be considered as a basic structure of all relations. It is precisely this theme of the intertwining of vulnerability and care, inspired by the myth of *Cura*, is at the forefront of the contemporary ethics of care.

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[28] Drew A. Hyland, 'Caring for Myth: Heidegger, Plato, and the Myth of Cura,' *Research in Phenomenology,* 27 (1997), 90-102 (p. 92).

[29] As Hyland points out, "No less striking is the rhetoric he employs to do so. He entitles the section in which he introduces the myth with strong language: 'Confirmation (*Bewahrung*) of the Existential Interpretation of Dasein as Care in terms of Dasein's Pre-ontological (*vorontologishen*) Way of Interpreting Itself.'" Hayland offers a more in-depth analysis of Heidegger's discussion on his use of the myth of Cura, in particular an analysis of the use of term ontic, or preontological to describe the myth. see: Hyland, 'Caring for Myth,' p. 92.

[30] Reich, 'Taking Care of the Vulnerable,' (2011), p. 16. Cursive added by me. Reich contraposes the myth of Cura to Thomas Hobbes' myth of social contract - the myth of 'War of Each Against All.' This point will be elaborated further in this chapter.

[31] Reich, 'Taking Care of the Vulnerable,' (2011), p. 18.

1.2.2 The Myth of Achilles' Imperfect Invulnerability[32]

A second myth frequently referred to in discussions on vulnerability is the Greek myth of Achilles. One of the non-Homeric tales of the childhood of Achilles recounts that when Achilles was born, his mother, Thetis, in an attempt to make him invulnerable to physical damage, submerged him in the waters of the River Styx, except for the part of his heel by which she held him–the proverbial 'Achilles' heel.' The heel remained the only spot on Achilles' body that was vulnerable to physical injury. Years later, as a man, Achilles rose to fame as a brave and invincible warrior, capable of defeating in battle even Hector, the son of King Priam. Nonetheless, during the siege of Troy, Paris (Hector's brother) shot a poisoned arrow into Achilles's heel. He succeeded in hurting Achilles' only vulnerable spot, which resulted in the death of the great warrior.[33] The myth of Achilles sophistically depicts the evolvement of Achilles' external, but also internal vulnerability. It can be read in different, although interconnected ways: a) as a reflection on the affinity between vulnerability and human relatedness, b) as a reflection on woundedness as inherent in human nature, and c) as a reflection on vulnerability as a virtue – the capacity to deal with mortality or suffering which also creates bonds within the human community.

From the beginning of the story of Achilles, we can identify a powerful imagery of the connection between vulnerability and relatedness. Vulnerability is implicitly conveyed as the condition of maintaining relations: in this case, a mother-son relation. For Achilles to achieve perfect invulnerability, his mother Thetis would have to pay the price that she was not willing to pay, that is: that she let him go completely, releasing him to the current. Had Achilles' mother let go of her son's foot, his invulnerability would have become 'perfect,' and he would have become immortal. Nonetheless, the price for Achilles' invulnerability would be the loss of the bond with his mother. Achieving perfect invulnerability would require Thetis to separate herself from her son. The story, therefore, implies that it is impossible to reconcile invulnerability with relatedness.

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[32] This is an expression used by Jonathan Burgess's to describe the Myth of Achilles. For a thorough examination of the myth's first version (whereby it is argued that the most famous version of Achilles' imperfect vulnerability arose much later than it is commonly assumed), see Jonathan Burgess, 'Achilles' Heel: The Death of Achilles in Ancient Myth,' *Classical Antiquity,* 14 (1995), 217-44.

[33] Marcos,'Vulnerability as a Part of Human Nature,' p. 37.

Had Achilles been fully immersed in Styx, not only would he have been split off from his mother, but also, he would have become an immortal god, losing his human nature.[34] The myth, therefore, as the myth of *Cura*, depicts vulnerability as an intrinsic part of human nature. Human beings are vulnerable, and it is impossible to reconcile invulnerability with being a human being, "complete elimination of vulnerability is incompatible with retaining human nature."[35]

The myth of Achilles also elucidates that the universality of vulnerability inherent in the human condition is on many levels intertwined with meaningfulness. This intertwining is explored by Marina Brazins McCoy in *Wounded Heroes.* McCoy, considering examples from Greek literature, including the story of Achilles, claims that "Homer presents wounds and their signifying of mortality as central to the possibility of a meaningful, teleological narrative about human life."[36] In the case of Achilles, by the end of the story, it becomes clear that, as he was gradually accepting vulnerability as part of his nature, he gained a greater insight into the meaning of his own life. Vulnerability can be seen in this sense as a virtue. This virtue does not consist in an awareness of the capacity to be wounded, but in the capacity to appropriately recognize the profoundness of human vulnerability and all that goes along with it. Achilles's progress towards this recognition is not immediate. He initially rejects and resists the idea of his own and other Greek soldiers' fallibility. But ultimately, after being fatally shot, he faces his frailty. By entering into the profundity of human suffering, and accepting it as part of his nature, Achilles arrives at a greater self-understanding. It is not only honour and courage, but also vulnerability, that become his virtues.[37] "Part of Achilles 'glory (and the glory of the Greeks) lies in how Achilles comes to terms with his own finitude. (...) Achilles' internal growth is a central part of the epic's insight into vulnerability."[38] The story of Achilles shows not the final defeat of the great hero, but instead, it explores how Achilles, over the course of his life, becomes capable of embracing his vulnerability and acquires true courage: the courage to face his own fallibility and imperfections.

For Nussbaum, the story of Achilles discloses that the capacity to embrace one's vulnerability is crucial from the perspective of political emotions. She points out that "The first

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[34] Nonetheless, McCoy convincingly argues that because the Gods in Greek mythology are immortal, our own cultural tendency is to ascribe them also invulnerability. This is to some extent mistaken, since "Homer portrays the gods as capable of injury, even at human hands." Marina McCoy, *Wounded Heroes: Vulnerability as a Virtue in Ancient Greek Literature and Philosophy* (Oxford: Oxford University Press, 2013), p. 4.
[35] Marcos,'Vulnerability as a Part of Human Nature,' p. 37.
[36] McCoy, *Wounded Heroes* (2013), p. X.
[37] McCoy, *Wounded Heroes* (2013), p. X.
[38] McCoy, *Wounded Heroes* (2013), p. 18.

word of Homer's *Iliad* is 'anger'—the anger of Achilles that 'brought thousand fold pains upon the Achaeans.' And the *Iliad*'s hopeful ending requires Achilles to give up his anger and to be reconciled with his enemy Priam, as both acknowledge the frailty of human life."[39] Nussbaum suggests that the virtue of accepting his vulnerability enables Achilles to overcome anger and to reach toward reconciliation. This points to a clear relation between vulnerability as inherent in the human condition and the meaning of vulnerability in political life. The myth of Achilles thus discloses that vulnerability is intertwined with human life as a condition for relatedness, of meaningfulness, and as a virtue that has not only personal but also political significance.

1.2.3 The Story of the Tree of Knowledge

The meaning of vulnerability implicit in two mythical traditions, the Roman, and the Greek can be explored further in the story of the origin of vulnerability in Judaeo-Christian tradition, that is: the story of the Tree of Knowledge, from the Book of Genesis. Upon creation of the Garden of Eden, God invites Adam and Eve, the original parents, to enjoy the gifts of the garden unreservedly, with one exception: they shall not eat fruit from the Tree of Knowledge: "You may freely eat of every tree of the garden; but of the tree of the knowledge of good and evil you shall not eat, for in the day that you eat of it you shall die." (Genesis 2:16-17 IRSW). Nonetheless, Satan, who was in the garden under the disguise of the serpent, convinced them to eat from the tree, claiming that they will not die, but simply become like God, knowing good and evil. As Genesis continues:

> So when the woman saw that the tree was good for food, and that it was a delight to the eyes, and that the tree was to be desired to make one wise, she took of its fruit and ate; and she also gave some to her husband, and he ate. Then the eyes of both were opened, and they knew that they were naked; and they sewed fig leaves together and made themselves aprons. (Genesis 3:4-9)

The story of the Tree of Knowledge explores the desire of absolute knowledge, which has perhaps found its full literary expression in Goethe's *Faust*, in the context of human vulnerability. Adam and Eve, through their attempts to achieve the Godlike knowledge of good and evil, to 'become like God,' became conscious of own non-Godlike nature. The first experience of the original parents upon eating the fruit was the consciousness of their nakedness, and the shame stemming from it. The awareness of their bodies represents a general

[39] Martha C. Nussbaum, 'Martha C. Nussbaum's Jefferson Lecture: Powerlessness and the Politics of Blame '2017) <https://www.law.uchicago.edu/news/martha-c-nussbaums-jefferson-lecture-powerlessness-and-politics-blame> [Accessed February 2019].

self-awareness not known to them before: an awareness of sin and time. The awareness of sin entails the painful realization of the existence of malice, anger, crime, fear, and more, and the related awareness that all subsequent human generations will be exposed to them (as disclosed in the story of Cain and Abel). The awareness of time entails the awareness of own mutability and mortality. Adam and Eve have not died in the literal sense; but what is perhaps even more radical is that they have become conscious of their fallibility, in both the ethical and the historical sense.

Drawing on the story, Richard Kearney points to a fascinating relation between the birth of consciousness of vulnerability (in both senses described above – the ethical and the historical), to the birth of human imagination. Imagination is, for him, the faculty which enables man to think in terms of the opposites of good and evil, past and future, God and man. "Bringing about the consciousness of sin and of time, the fallen imagination exposes man to the experience of division, discord, and contradiction."[40] This discord exposes human beings to the problems of ethics and morality. Indeed, "the problem of good and evil arises only when there is imagination."[41] Imagination is also central from the perspective of human temporality. Adam and Eve's sin throws them into the historical time where they are aware of own temporality. Unlike in the Garden of Eden, they no longer live in the immediacy of a moment. Thus, their identity, and the identity of all human beings, becomes fundamentally torn – "the spirit is no longer at one with itself" but is "cast out into the chaos of a free-floating existence."[42] But this is also what marks human being as fundamentally free to transcend oneself and become other than he/she is, to imagine and reach toward alternative scenarios of existence. It also points to the possibility of redeeming and transcending the limitedness of the human condition through certain acts and choices over the course of life (for example, we seem to simultaneously accept and redeem our vulnerability in actions such as promising, through which we aspire to the infinite). The story of the Tree of Knowledge, from this perspective, points to the inherent relation between vulnerability, imagination, and ethics, which will be explored further in the thesis.[43]

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[40] Richard Kearney, 'Hebraic and Hellenic Myths of Imagination,' in *Imagination Now: A Richard Kearney Reader*, ed. by M.E. Littlejohn (Lanham: Rowman & Littlefield International, 2020), pp. 69-86 (p. 70).
[41] Kearney,'Myths of Imagination,' p. 70. This also points to the fact that imagination is not ethically neutral.
[42] Kearney,'Myths of Imagination,' pp. 70, 72.
[43] See, for example, Paul Ricœur, *Time and Narrative*, 3 vols (Chicago: University of Chicago Press, 1984)., Arendt, *The Human Condition* (1998).

Considerations on the etymology and the mythology of vulnerability point to the variety of aspects inherent in the notion. Vulnerability seems to be an undeniable part of the human condition, as well as a crucial context-specific aspect of human existence. Indeed, more research confirms this claim. The story of Adam and Eve, to some extent similarly to the myth of *Cura* and that of Achilles, introduces the theme of the complexity of human vulnerability understood both in its ontological and existential dimensions, as a capacity and as incapacity.

2 The Emergence of Vulnerability

2.1 The Paradigm of Invulnerability

In contemporary ethics, moral and political philosophy, social and political sciences, the interest in the notion of vulnerability has been growing since the 1980s. Now it is often interpreted as a central, although 'undertheorized' notion for those disciplines.[1] And it is not only the 'humanities' areas that recognize the theoretical and practical centrality of the notion of vulnerability: it is also significant in such diverse areas as medicine and psychiatry, law, social services, economics and ecology, as well as computing and information science.[2] Vulnerability is among *the* topics of our times.

Themes regarding vulnerability have been present in the history of thought at least since the pre-Socratic philosophers and Greek poets, and have never ceased to be an important, albeit often implicit, part of the reflection of thinkers from various disciplines.[3] Nonetheless, recognizing the vulnerability in the human condition, many thinkers sought after various strategies to minimize it and the suffering that comes along with it. They operated on what now is often called the 'paradigm of invulnerability.' Invulnerability, according to the OED, denotes "The quality or state of being invulnerable; incapability of being wounded or injured."[4] As an opposite of vulnerability, it is often used in philosophy and political theory in order to describe the theoretical presuppositions that excluded the fragile aspects of the human condition. Invulnerability is thus related to aspirations to a complete self-understanding and self-mastery, as well as a detachment from the unpredictability of the world. As a philosophical paradigm, invulnerability is often seen as an attempt to diminish suffering from human lives. As Todd May playfully argues, "For this [ending anguish in this life], in addition to pharmaceuticals, we have philosophies."[5] Today, in philosophy, we are observing a shift of perspectives, or, as

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[1] Wendy Rogers, Catriona Mackenzie, and Susan Dodds, 'Why Bioethics Needs a Concept of Vulnerability,' *IJFAB: International Journal of Feminist Approaches to Bioethics,* 5 (2012), 11-38 (p. 11).
[2] See, for example, Marcos,'Vulnerability as a Part of Human Nature.'
[3] Martha Nussbaum makes this point in the first chapters of *The Fragility of Goodness. Martha C. Nussbaum, The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy, 2nd edn (New York: Cambridge University Press, 2001).*
[4] 'Invulnerability' in *The Oxford English Dictionary* [online] <www.oed.com/view/Entry/89401>
[5] Todd May, *A Fragile Life: Accepting Our Vulnerability* (Chicago: The University of Chicago Press, 2017), p. 68.

Thomas Kuhn would say, a shift of paradigms – from that of invulnerability to that of vulnerability. Before proceeding with an explanation of that shit, it is important to note two crucial aspects: the potential benefits of introducing the distinction between vulnerability and invulnerability, and the potential oversimplifications that may stem from it.

On the one hand, introducing this distinction at the first stage of research may constitute a fruitful starting point for the understanding of today's importance of the latter.[6] Stefano Biancu provides a fruitful overview of Kuhn's idea of competing paradigms. Describing a paradigm as a scientific criterion for choosing problems and their respective solutions, Biancu points to the fact that they are rather inflexible frameworks for the interpretation of nature, that treat all that cannot be encompassed in a paradigm as anomalies.[7] However, when anomalies multiply, and we become aware of them, what follows is a 'crisis of a paradigm,' and a subsequent transitory phase, which consists of the emergence of a new paradigm. What is novel to Biancu's understanding of Kuhn is that he claims that the model of competing paradigms is proper not only to science (in the case that he analyses he focuses on Cartesian dualism as a model of knowledge), but has an ontological and anthropological significance.[8] According to him, similarly to science, also in anthropology "an old paradigm is finished, given that some anomalies that can no longer be reconciled within it have thrown it into crisis. However, a new shared paradigm is slow to emerge and needs to be thought out."[9] With regards to our topic, it would entail that analysing the of the notion of vulnerability in the light of the crisis of the paradigm of invulnerability can inform us not only of the reasons behind the emergence of the notion but it can also allow us to highlight how vulnerability emerged as a category for accomplished humanity. Moreover, it highlights that the process of the change of paradigm is slow and that conscious theoretical engagement with the notion of vulnerability is vital if it is to acquire the status of a new shared paradigm.

On the other hand, it is vital to bear in mind that dividing philosophical views into those two categories is necessarily an oversimplification and, in many ways, it does not do justice to the complexity of the thinking of many authors. The breadth of this topic makes it challenging to render justice to the role of vulnerability in the history of thought, and indeed, secondary

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[6] In *The Structure of Scientific Revolutions*, Thomas Kuhn defined paradigms as epistemological models that give form to particular coherent traditions of scientific research. See Thomas S. Kuhn, *The Structure of Scientific Revolutions* (Chicago: University of Chicago Press, 1962).

[7] See Stefano Biancu, 'Competing Paradigms. A Century of Humanism and Homo Symbolicus,' *Munera. Rivista Europea di Cultura,* Quaderno 2019 (2019), 111-27 (p. 112).

[8] Biancu writes that "This paradigm was born in the context of a reflection of an epistemological type, that is the foundation of a scientific method, but it had lost its methodological characterization to acquire an ontological one. It had become the reference model for thinking about the human..." Biancu, 'Competing Paradigms,' p. 113.

[9] Biancu, 'Competing Paradigms,' p. 113.

literature presents significantly different opinions on the matter. Nonetheless, it seems fruitful to recur to some of the general observations on the history of 'invulnerability' in the Western thought, since certain philosophies of invulnerability still underlie much of the contemporary thinking.

Attempts to achieve invulnerability can be traced back to the origins of philosophy itself. Thus, the first thinker usually associated with those attempts (although this is subject to many debates), in the Western tradition is no one else but Plato.[10] For example, Nussbaum, in her early works, argues that Plato's early Dialogues are 'heroic' attempts to minimalize human vulnerability, by presenting the life of philosophical contemplation, separated from the messy business of human affairs, as the best human life.[11] His project of a non-participatory (and therefore non-plural – and less unpredictable) model of politics in the *Republic* can be read in the same key. Many contemporary critics point to the similar attempts implicit in the works of Epicureans, Sceptics, and, above all – Stoics, who famously argued against ascribing importance to the contingent states, things, or persons.[12] May systematizes the views of those philosophies reading them in the context of invulnerability. Moreover, he makes a significant contribution pointing to a similar tendency to strive for invulnerability implicit in Eastern philosophies: Buddhism, Taoism, and Daoism.[13] On this view, much of our contemporary thinking is built upon ancient philosophies whose important trait was to minimalize suffering implicit in the human condition by inventing strategies to minimalize our exposure to vulnerability.

A further and more radical development of the philosophy of invulnerability in modernity is often ascribed to René Descartes. Descartes is famously accused of ultimately separating the body from reason and identifying the latter as the superior faculty of the human being. His *cogito ergo sum* resulted in ascribing the primacy of all cognition the faculty of reason. In this sense, Descartes' *cogito* as the secularization of the Second Person of the Trinity.[14] This elevation of the human reason resulted in the neglecting not only the relevance

[10] Many scholars have argued that treating Plato as a philosopher who attempted to do away with human vulnerability is not accurate. See, for example, McCoy, *Wounded Heroes* (2013). This point will be developed further on.
[11] This is the adjective that Nussbaum uses to describe Plato's philosophical project. Nussbaum, *Fragility* (2001).
[12] See, for example, Phillip Mitsis, *Epicurus' Ethical Theory: The Pleasures of Invulnerability*, *Cornell Studies in Classical Philology* (Ithaca: Cornell University Press, 1988).
[13] May, *A Fragile Life* (2017). May develops some of the views already present in his previous book *Death*. See Todd May, *Death* (Taylor & Francis, 2014).
[14] See Biancu's discussion of Hans von Pechmann in Stefano Biancu, *Saggio Sull'autorità* (Milano: EDUCatt Università Cattolica, 2014), p. 27.

of the vulnerable body but all that is external to reason.[15] The division between *res cogitans*, and *res extensa*– everything that external to subject's reason, entails that human interiority as pure reason is the active and omnipotent knower and dominator of the passive exteriority (res extensa). From the perspective of *res cogitans*, which is as an interiority *immediately* complete in itself, exteriority is a mere uninfluential extension. As Biancu suggests, this means that the Cartesian subject is ultimately "responsible for giving meaning to a reality that lacks a meaning of its own and therefore does not speak to him and does not question him in any way."[16] Moreover, as Hannah Arendt aptly shows, Descartes' dualism has introduced into philosophy the ideal of solitary intellectual introspection as a means of self-knowledge, marginalizing the relevance of the intersubjective (and, therefore, by definition, vulnerable) character of human being's worldly experience.[17]

In the field of political philosophy, Thomas Hobbes has introduced a narrative of the social contract in his *Leviathan*.[18] According to Hobbes, all human beings are born equal and have equal entitlements towards things. When two human beings desire the same thing to which they are equally entitled, they become enemies and attempt to destroy one another. Thus, they are naturally predisposed for competition and war, the war of 'all against all' is the 'natural condition of mankind.'[19] In order to preserve their lives, using reason, they may agree to follow the norms of peaceful conviviality in a society. Therefore, Hobbes proposes an image of society as a group of essentially sovereign, autonomous, and competitive individuals who accept certain norms in the act of self-preservation, and who, by doing, so concede a part of their sovereignty to the state. Hobbes' narrative has been criticized for reducing politics as to a field of the endless war of the powerful, whereby the most vulnerable lack moral standing, and which excludes notions such as care.[20]

The ideal of invulnerability is often ascribed to the works of Immanuel Kant. Although here, as in the case of Plato, theorists' views diverge significantly, Kant is often seen as a father of modern philosophical tradition that constructs the image of man/woman as the rational

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[15] See René Descartes, *Discourse on Method, and Other Writings*, trans. by A. Wollaston (Baltimore: Penguin Books, 1960).
[16] Biancu, 'Competing Paradigms,' p. 113.
[17] Philosophers' later negligence of the importance of appearing in front of the neighbour as means of disclosing of own identity was, indeed, the primary reason for Arendt's disappointment with Western philosophy and for her refusal to be called a philosopher (she preferred to be called a 'political theorist' instead). (Arendt, *The Human Condition,* pp. 280-285.)
[18] See Thomas Hobbes, *Leviathan*, trans. by C. MacPherson (London: Penguin Books, 2003).
[19] Hobbes, *Leviathan* (2003). This is a part of Leviathan's Chapter XIII title: "Of the Natural Condition of Mankind, as Concerning Their Felicity, and Misery."
[20] See Reich, 'Taking Care of the Vulnerable,' (2011), p. 14.

invulnerable individual, fully capable of exercising moral judgments.[21] For example, for Hans Von Pechmann, Kant's tripartition of critical knowledge in autonomous spheres (which resulted in the division between pure and practical reason, between the science of nature and that of moral, between what is and what should be, between the spontaneity of understanding and the autonomy of willing), has resulted in the elevation of reason as the only source of authority, the epistemological code of European thought.[22] Kant's anthropology became subject of numerous criticisms among the scholars working on the theme of vulnerability. Kant's notion of autonomy is one of the most critical points in debates on vulnerability and will constitute an essential element of this thesis' analyses.

Although more examples of philosophical attempts to achieve invulnerability could be made, the thinkers mentioned above, are most commonly accused of proposing various means (such as contemplation, indifference, authority, reason, autonomy, and more) in order to overcome the vulnerability implicit in the human lives.

Against that background, as Matthew McLennan points in his recent volume on vulnerability, "contemporary thinkers – and tellingly, many of them from feminized, radicalized, poor, and disabled vantage points – have had to insist upon the fact of human vulnerability, painstakingly reworking our normative frameworks to incorporate it."[23] As we shall see, this statement is not entirely accurate, or at least, it is not exhaustive. Some scholars point out that vulnerability has been an important theme already for the thinkers mentioned above. But even if we accept the view that vulnerability has been long absent from philosophy, we should nonetheless notice that its importance has been greatly reconsidered already in the XX century, and not necessarily, as McLennan suggests, solely recently and from the unprivileged vantage points. Nonetheless, McLennan's statement appropriately stresses the philosophical, normative, and political effort put into incorporating vulnerability into contemporary scholarship.

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[21] Critics who point out the vital role that vulnerability has played in Kantian ethics are, for example, Pamela Sue Anderson, 'Autonomy, Vulnerability and Gender,' *Feminist Theory,* 4 (2003), 149-64., as well as Paul Formosa, *The Role of Vulnerability in Kantian Ethics* (Oxford: Oxford University Press, 2013).
[22] See Biancu, *Saggio Sull'autorità* (2014).
[23] McLennan, *Philosophy and Vulnerability* (2019), p. 2.

2.2 Reasons for the Emergence of Vulnerability

Increased interest in the notion of vulnerability across various disciplines has many causes. Three appear to be dominant: the turbulent experiences of the XX century, growing pluralism of the contemporary society, and rapid development of technology. The traumatic experiences of violence in the XX century – the two world wars, totalitarian political systems, ethnic cleansing, and other forms of cruelty – have shaken human belief in the firmness of his/her own moral and rational capacities as well as institutions, leading at the same time to a greater awareness of their vulnerability.[24] Those events have inflicted a profound reconsideration of our understanding of morality and ethics, triggering a greater acknowledgment of human being's limits in these fields. Moreover, the belief in the independence of the strength of the spirit and of the will in the face of extreme conditions has become more complex. The unwavering trust that so many had in extreme and cruel ideologies has exposed the appeal and danger of the attempts at reducing the complexity of reality to a single principle and drew further attention to the limits of human reason.[25] Those experiences brought more attention to the common vulnerability implicit in the human condition. As Bryan Turner aptly argues, "the mass violence of the twentieth century's two world wars – followed more recently by decentralized and privatized warfare, manifested in terrorism, ethnic cleansing, and other localized forms of killing – has led to a heightened awareness of human beings' vulnerability and the precarious nature of the institutions they create to protect themselves from violence and exploitation."[26]

In the face of growing moral scepticism, we become more aware of the need for a new kind of ethics – ethics based on vulnerability. The growing pluralism of contemporary societies has come about with a price to pay. It becomes more and more challenging to achieve a rational agreement on matters of how to live together in a complex world. This, on the other hand, is a cause of the growing scepticism on many levels – political, existential, spiritual, and so on. "We are experiencing (…) a climate that is characterized by a profound scepticism due to perceptions of the moral, religious, and social pluralism of our world. This is the negative face

[24] In *War and Genocide,* Martin Shaw provides a historical narrative of "organized killing" in the twentieth century - a narrative, which begins with the Armenian genocide (1915), and ends with the Rwandan genocide (1994). Martin Shaw, *War and Genocide: Organized Killing in Modern Society* (Cambridge: Polity Press, 2003).
[25] For the analysis of the structure of ideology, see Hannah Arendt, *The Origins of Totalitarianism* (London: Penguin 2017). Arendt has also profoundly analysed the topic of the relation between human thoughtlessness and the tragic effects of the unwavering trust in ideologies. Her famous term, the 'banality of evil,' was coined precisely to describe this relation. Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Viking Press, 1963).
[26] Bryan S. Turner, *Vulnerability and Human Rights* (University Park: Penn State University Press, 2006).

of modernism: the growing scepticism that we cannot achieve consensus on values with individuals and groups who represent beliefs, commitments, and interests different from our own."[27] Indeed, today encounters with otherness, which always constitute a challenge to our world-perspective, have become an everyday experience. Factors such as globalization impact us in complex ways and force us to constantly re-think our moral values. Thus, a previous, rationalistic model of ethics, which encourages a kind of thinking that attempts to explain our perceptions and adapt them to our concepts, and only at times permits us to acquire new ideas, proves to be unsatisfactory not only in the theoretical sense but also on the level of everyday experience. As old reference points and foundations prove insufficiently convincing for contemporary men and women, a profound moral scepticism creeps into our everyday lives. In response to this crisis, an alternative understanding of ethics emerges – ethics based on a model of rationality that incorporates doubt and a sense of wonder. Contrary to the paradigms based on a model of rationality that seeks to achieve complete understanding and domination of concepts, rationality based on wonder demands to "open ourselves up and pay attention, a very open attention, to self, life, and world."[28] Such rationality requires sympathetic openness to the other, for it is only through openness that we can suspend immediate judgments based on our preconceptions and pay attention. The notion of vulnerability is central to this kind of open and attentive rationality. It gains a profound ethical and political significance as we reframe the way we think about rationality.[29]

The fast development of science and technology, and human ever-more irresponsible use of it, has put into question the traditional understanding of the human condition and has resulted in the need to re-think what is the measure of the human being.[30] For some time now, philosophers note that modern science runs the risk of presenting itself as philosophically important – and thus exceeding the limits of its domain.[31] By doing so, it constitutes a methodological reductionism with ontological relevance. For example, according to Jonas, while refusing all non-materialistic notions, it leads to the reduction of "Being *in itself* to its materialistic, quantitative and mechanistic aspects only."[32] Ideological scientism (which is different from science), coupled with a triumph of technology, gave a human being a possibility

[27] Reich, 'Taking Care of the Vulnerable,' (2011), p. 4.
[28] Reich, 'Taking Care of the Vulnerable,' (2011), p. 8.
[29] See Maria Luisa Portocarrero, Luis Umbelino, and Andrzej Wierciński, *Hermeneutic Rationality* (Münster: LIT Verlag, 2012).
[30] For an extensive critique of the irresponsible use of technology, see the prologue to The Human Condition, Arendt, *The Human Condition* (1998).
[31] Becchi and Franzini Tibaldeo,'The Vulnerability of Life,' p. 89.
[32] Becchi and Franzini Tibaldeo,'The Vulnerability of Life,' p. 89.

of achieving what a few decades ago seemed only pure speculation – i.e., the overcoming of the human condition (topic developed brilliantly by Arendt in *The Human Condition*) by the so-called *anthropotechnics* – technologies aimed at augmenting human beings' physical and mental limits.[33] The proposal of a profound modification and artificialization of the human being, which the trans-humanists call *enhancement*, is profoundly related to the attempts at achieving invulnerability.[34] Against this background, vulnerability theorists propose that we not only accept our vulnerability but also treat it as a *proprium* of what it means to be human. On the other hand, some technology companies study and explore human vulnerabilities in order to exploit them for commercial and political purposes. More and more technicians note the need to regulate the way in which those platforms pry on human vulnerabilities.[35]

2.3 Development of Vulnerability

Philosophy

In philosophy, explicit interest in the notion of vulnerability can be traced back at least to Heidegger, who has drawn on the myth of care to depict *Sorge* as the main Existenziale of the human condition.[36] Jonas has taken further Heidegger's considerations – in Jonas' philosophy, vulnerability is interpreted as the condition for humanity, and indeed for life itself. As Paolo Becchi and Roberto Franzini Tibaldeo show, for Jonas, the struggle for survival (against death) is the prime activity characterizing organic life.[37] Vulnerability, thus, characterizes all forms of organisms, from the most primitive ones such as bacteria to the most complex - human beings.[38] Jonas' writings elucidate the centrality of the idea of vulnerability in some of the most

[33] Arendt writes: "The wish to escape the human condition, I suspect, also underlies the hope to extend man's life-span far beyond the hundred-year limit. This future man, whom the scientists tell us they will produce in no more than a hundred years, seems to be possessed by a rebellion against human existence as it has been given, a free gift from nowhere (secularly speaking), which he wishes to exchange, as it were, for something he has made himself." Arendt, *The Human Condition* (1998), p. 2.
[34] Marcos,'Vulnerability as a Part of Human Nature,' p. 31.
[35] It is now well-known that social media platforms apply sophisticated designs and algorithms to maximize the attention that users devote it and profit from advertising. This, in some cases, may be not only addictive and psychologically harmful, but can also be politically destabilizing.
[36] K. Ziarek, 'A Vulnerable World: Heidegger on Humans and Finitude,' *Sub-Stance,* 42 (2013), 169-84.
[37] Jonas writes: "Committed to itself, put at the mercy of its own performance, life [...] is exposed to the world from which it has seceded, and by means of which it must yet maintain itself. Opposing in its internal autonomy the entropy rule of general causality, it is yet subject to it. Emancipated from the identity with matter, it is yet in need of it; free, yet under the whip of necessity; isolated, yet in indispensable contact; seeking contact, yet in danger of being destroyed by it, and threatened no less by its want: imperilled thus from both sides, by importunity and aloofness of the world, and balanced on the narrow ridge between the two; in its process, which must not cease, liable to interference; in the straining of its temporality always facing the imminent no-more." Hans Jonas, *The Phenomenon of Life: Toward a Philosophical Biology*, 1st edn (New York: Harper & Row, 1966), p. 5.
[38] Becchi and Franzini Tibaldeo,'The Vulnerability of Life,' p. 94.

pressing ethical debates today, such as those regarding genetic manipulation and enhancement, euthanasia, organ transplantations, and more.[39] His considerations are particularity relevant today, when the possibilities of medicine make those questions ever more present, and when some acclaimed scientists argue that human destiny, in the distant future, is precisely to overcome our organic condition.[40] In this context, Jonas is a very fruitful author on the topic of metaphysical importance and ethical relevance of the notion of vulnerability.

Furthermore, Warren Reich has described the philosophical contributions to vulnerability by Emmanuel Lévinas and Jürgen Habermas. Reich shows how Lévinas develops the notion in the context of a persons' receptivity for the ethical appeal from the other- an appeal which is expressed by the other's face.[41] To show one's face in its full nudity (and, therefore, its vulnerability) is, for Lévinas, the condition of becoming a true subject.[42] He defines vulnerability as a prerequisite, which constitutes the self as an ethical subject. The face of the other entails the moral imperative of care and responsibility.[43] On his part, Habermas has drawn extensively on the notion of vulnerability in the context of communication. For him, human beings are communicative beings, in need of dialogical openness to one another. This openness requires accepting and embracing vulnerability on the part of the subjects immersed in the dialogue. It also entails the profoundly vulnerable aspect of all communication.

Paul Ricœur draws connections between vulnerability (or, as he prefers to call it, fragility) and capability.[44] In Ricœur's anthropology, a human being is a being who identifies her/himself by her/his capacities, by what she/he can do.[45] Following Heidegger, Ricœur explicates the fragility of the human condition and describes the human action as the verification of projects and intentions through posting them in relation to the reality of the world we inhabit.[46] Drawing on, and enriching, Arendt's account of action as the only

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[39] See: Becchi and Franzini Tibaldeo,'The Vulnerability of Life,' p. 82.

[40] For example, Professor Hiroshi Ishiguro, an acclaimed robotics scientist from Osaka University in Japan, during a conference on Roboethics organized by the Pontifical Academy for Life claimed that "ultimate aim of human evolution is immortality by replacing the flesh and bones with inorganic material." Hiroshi Ishiguro, 'Developing Androids and Understanding Humans,' in *Robo-Ethics: Humans, Machines and Health,* (Vatican City - New Hall of the Synod, February 25th - 26th, 2019).

[41] See Emmanuel Lévinas, *Autrement Qu'être Ou Au-Delà De L'essence* (Dordrecht: Springer, 1974), pp. 120-28.

[42] Reich, 'Taking Care of the Vulnerable,' (2011), p. 10.

[43] For a more extended analysis of Lévinas' account of vulnerability, particularly with regards to his critique of the Husserlian subject, see Boublil, 'The Ethics of Vulnerability and the Phenomenology of Interdependency.'

[44] Paul Ricœur, 'Autonomy and Vulnerability,' in *Reflections on the Just* (Chicago: University of Chicago Press, 2007), pp. 72-90 (p. 73).

[45] See Paul Ricœur, *Oneself as Another* (Chicago: University of Chicago Press, 1992)., Ricœur, *Time and Narrative* (1984)., Paul Ricœur, 'Devenir Capable, Être Reconnu,' *Esprit* (2005), 125-29 (p. 125).

[46] See Andrzej Wierciński, 'Hermeneutic Notion of a Human Being as an Acting and Suffering Person: Thinking with Paul Ricoeur,' *Ethics in Progress,* 4 (2013), 18-33. As well as: Andrzej Wierciński, 'Paul Ricoeur's

essentially human performance, Ricœur discerns the capacity to say, to act, to narrate, the imputation, and the act of promising as the attributes of *l'homme capable*.[47] In Ricœur's philosophy, a human being is as capable as she/he is fragile and vulnerable. To every capability corresponds a specific vulnerability – for example, by speaking, I can hurt someone, or be hurt by him or her. The same applies to the capacity to act. We can cause, or be subject to, suffering. Since love also is also a capacity, the vulnerability that corresponds to it is the possibility to be hurt by the loved one. To be a capable human being means to be a suffering, vulnerable human being. For Ricœur, this condition stems from our fragility, which manifests itself in the finitude and temporality of our bodies and identities, as well as in the world where we must cope with our exposure to, and the possibility to cause, unhappiness, injustice, misery, and more. Ricœur's hermeneutics of *l'homme capable* thus allows for highlighting the crucial connection between capability and fragility.

Alasdair McIntyre has contributed to the development of the discussions on vulnerability in moral philosophy.[48] In *Dependent Rational Animals: Why Human Beings Need the Virtues,* McIntyre argues that moral philosophy has long overlooked the moral significance of vulnerability and dependence, due to the discipline's overemphasis on the rational agency as separated from our animality. He claims that the belief that our rationality as thinking beings is deeply intertwined with our animality, and draws on Aristotle's 'metaphysical biology' to show what human beings share with members of some other animal species. McIntyre's attentiveness to the animal features of humanness puts emphasis on the philosophical and moral importance of recognizing our vulnerability, as well as the mutual dependency that stems from it. This vulnerability and dependence should be at the heart of the moral theory, for they condition our capacity of rational agency.[49]

Feminist Philosophy

As we have seen so far, the field of philosophy has witnessed a significant rise in the interest in the notion of vulnerability in the last century. Nonetheless, the notion of vulnerability has been brought to the forefront of the public debate by a particular branch of philosophy – i.e., feminist ethics. Feminist thought has been long interested in the vulnerable subjects that

Anthropological Hermeneutics of a Person as *L'homme Capable*,' in *Hermeneutics of Education: Exploring and Experiencing the Unpredictability of Education* (Zürich: LIT Verlag, 2019), pp. 149-59.

[47] For more on the notion of action and performance, see Arendt, *The Human Condition* (1998).

[48] Alasdair C. MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues* (Chicago: Open Court, 1999).

[49] McIntyre argues that: "The virtues of rational agency need for their adequate exercise to be accompanied by the virtues of acknowledged dependence and that a failure to understand this is apt to obscure some features of rational agency." MacIntyre, *Dependent Rational Animals* (1999), p. 8.

include but are not limited to women. Feminist theory has become a background for the emergence of a new humanism, a humanism that, in contrast with earlier theories that privilege invulnerability, "finds its provocation in the unwilled passivity and vulnerability of the human body, in its susceptibility to suffering and violence."[50] One of the main contributions to this debate is Judith Butler, who, drawing extensively on thinkers such as Lévinas, explores vulnerability through her considerations on the ethical significance of corporeality as an ontological condition of our humanity. Butler's notion of 'Corporeal Vulnerability,' according to feminist critics opens a perspective for the development of a 'Corporeal Humanism,' a humanism "grounded in a descriptive ontology that privileges figures such as exposure, dispossession, vulnerability, and 'precariousness.'"[51] Her influential gender theory could be seen as an expression of such humanism. Nonetheless, Nussbaum, who also counts herself among the feminist thinkers, argues precisely the opposite, and accuses Butler of anti-humanism: "(…) [Butler] is categorically opposed to normative concepts such as those of human dignity and of the treatment of humanity as an end, which she views as intrinsically despotic."[52] As we shall see further, Nussbaum looks at vulnerability and feminism from a significantly different viewpoint than Butler.[53]

Another important feminist theorist in the context of vulnerability is Eva Kittay. Kittay has written extensively on the issues regarding the social contract discourse and disability from the perspective of both a philosopher and a mother .[54] In a fascinating volume entitled *Learning from My Daughter: The Value and Care of Disabled Minds,* Kittay challenges some prevailing rationalistic claims regarding the good life.[55] She explores the disabled people's way of being in the world and experiencing reality and argues that some core philosophical ideas should be re-worked in the light of those experiences. Other crucial thinkers in care ethics include Nel Noddings, Carol Gilligan, and Sarah Rudnick. [56]

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[50] Ann V. Murphy, 'Corporeal Vulnerability and the New Humanism,' *Hypatia,* 26 (2011), 575-90 (p. 575).
[51] Murphy, 'Corporeal Vulnerability and the New Humanism,' p. 576.
[52] Martha C. Nussbaum, 'The Professor of Parody: The Hip Defeatism of Judith Butler,' *The New Republic,* (1999), 37-45.
[53] Indeed there has been some substantial disagreement between Butler and Nussbaum, with Nussbaum accusing Butler of obscurity, lack of social engagement, and weak argumentation, to name but a few (Nussbaum, 'The Professor of Parody: The Hip Defeatism of Judith Butler.')
[54] Kittay's daughter Sesha is mentally disabled. Nussbaum has mentioned her numerous times in her publications regarding justice for, and capabilities of the disabled persons. See, for instance, Martha C. Nussbaum, 'Capabilities and Disabilities: Justice for Mentally Disabled Citizens,' *Philosophical Topics,* 30 (2002), 133-65.
[55] Eva Feder Kittay, *Learning from My Daughter: The Value and Care of Disabled Minds* (Oxford: Oxford University Press, 2019).
[56] See Carol Gilligan, *In a Different Voice: Psychological Theory and Women's Development* (Cambridge: Harvard University Press, 1993). Nel Noddings, *Caring: A Feminine Approach to Ethics and Moral Education* (Berkeley: University of California Press, 2003);Sarah Ruddick, *Maternal Thinking: Toward a Politics of Peace* (Boston: Beacon Press, 1995).

Pamela Sue Anderson's work on the notion of vulnerability in the context of human identity connects it to narrative identity by drawing extensively on Kant and Paul Ricœur. Anderson stresses the lack of transparency of the human mind to itself, which points to the need for narrative as means for self-understanding, and the relational character of identity formation. She coins her own approach to narrative identity, which she sees not in terms of "writing own story," but as "reading the stories in which we find ourselves."[57] Anderson stresses that the development of our identity is dependent on and conditioned by capacities such as attention, affection and relationality—categories that belong to the realm of vulnerability.[58]

Bioethics

In bioethics (which is arguably the discipline where vulnerability has been systematized and studied most), the emergence of vulnerability can be traced back to particular documents: *The Nuremberg Code*, *Declaration of Helsinki*, and *The Belmont Report* (National Commission for the Protection of Human Subjects of Biomedical and Behavioural Research) from 1979, which introduced the notion of vulnerability into the field.[59] However, a true breakout has been the year 1998 and the issuing by The European Commission of *Barcelona Declaration for European Bioethics and Biolaw*. The document was a fruit of a three-year study by a group of twenty-two European scholars, who sought out to sketch a set of four new ethical principles for bioethics (an alternative to the U.S. principles – autonomy, nonmaleficence, beneficence and justice, formulated twenty-five years earlier).[60] The new principles were autonomy, dignity, integrity, and vulnerability. In the document, vulnerability and autonomy are posited together. However, vulnerability, as one of the authors of the document, Peter Kemp argues, is of special importance:

> Vulnerability concerns integrity as a basic principle for respect for and protection of human and non-human life. It expresses the condition of all life as able to be hurt, wounded and killed. Vulnerability concerns animals and all self-organizing life in the world, and for the human community, it must be considered as a universal expression of the human condition. The idea of the protection of vulnerability can, therefore, create a bridge between moral strangers in a pluralistic society, and respect for vulnerability should be essential to policymaking in the modern welfare state. Respect for vulnerability is not a demand for

[57] Anderson, 'Autonomy, Vulnerability and Gender,' p. 149.
[58] Anderson, 'Autonomy, Vulnerability and Gender,' p. 149.
[59] For more information on those documents, in particular on the 'labelling approach' to vulnerability of the Belmont Report, see Rogers, Mackenzie, and Dodds, 'Why Bioethics Needs a Concept of Vulnerability.'
[60] Reich, 'Taking Care of the Vulnerable,' (2011). p. 10.

> perfect and immortal life, but recognition of the finitude of life and in particular the earthly suffering presence of human beings.[61]

As such, vulnerability, with its potential to awaken solidarity, instead of hostility, among various groups, became a basis for policymaking. Recognizing the principle of vulnerability was not only an 'important event' for bioethicists but, above all, it gave vulnerability public legitimacy. Indeed, as Peter Kemp and Jacob Dahl Rendtorff point out, the 'Barcelona Declaration' "does not only represent European ethical principles for bioethics and biolaw, but (…) should also be conceived as a conceptual clarification and articulation of major ethical principles (…)."[62] For the scholars working on the notion of vulnerability, this document symbolizes an official recognition of the central place that vulnerability plays both in ethics and in everyday life. The work of the European Commission on the Barcelona Declaration has been continued by the United Nations Educational, Scientific, and Cultural Organization (UNESCO 2005). In 2011, UNESCO issued a Report of IBC on the Principle of Respect for Human Vulnerability and Personal Integrity, followed by a book publication in 2013.[63] Each year, The Red Cross publishes a "Vulnerability and Capacity Assessment (VCA)." Those documents confirm that within bioethics vulnerability has ceased to be a purely theoretical issue and entered into a domain of practical concern.

Political Theory

In the field of political and legal theory, vulnerability has traditionally been understood as a condition that the state or legal system should minimalize. Nonetheless, this approach is now being revisited on no small scale. In legal studies, Martha Albertson Fineman has developed the notion of 'The Vulnerable Subject' in the context of the critique of liberalism. Fineman argues that the Anglo-American legal tradition has long-overlooked the universal and continuous vulnerability anchored in the human condition. In an effort to propose a new perspective for the interpretation of the themes of inequality and disadvantage, Fineman juxtaposes *the vulnerable subject* to *the liberal subject* and claims that the government should adopt the former as a unit of analysis in policymaking.[64] Her approach is "rapidly gaining

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[61] Peter Kemp and Jacob Rendtorff, 'The Barcelona Declaration. Towards an Integrated Approach to Basic Ethical Principles,' *Synthesis Philosophica,* 23 (2008), 239-51 (p. 240).
[62] Kemp and Rendtorff, 'The Barcelona Declaration,' p. 239.
[63] International Bioethics Committee, *The Principle of Respect for Human Vulnerability and Personal Integrity: Report of the International Bioethics Committee of Unesco (Ibc)* (Paris: United Nations Educational, Scientific and Cultural Organization, 2013).
[64] Also in 2008, Fineman has established 'The Vulnerability and the Human Condition Initiative' at the Emory University. The Initiative, which has "created an academic space within which scholars can imagine models of

acceptance within the legal academy as progressively-oriented scholars rush to apply the theory to a broad range of problems."[65] This growth of interest

> has resulted in the development of a legal paradigm that brings vulnerability and dependency, as well as social institutions and relationships, together into an analysis of state responsibility. This analysis goes well beyond concern with formal equality and impermissible discrimination. What follows is an account of the development of a theory based on human vulnerability in which the state is theorized as the legitimate governing entity and is tasked with a responsibility to establish and monitor social institutions and relationships that facilitate the acquisition of individual and social resilience.[66]

Bryan S. Turner has introduced the notion of vulnerability into the context of human rights legislation. Against the Hobbesian political philosophy, Turner argues that human rights are grounded in our 'unavoidable vulnerability' as stemming from the body, thus inscribing himself in the same line of thinking as Fineman or Butler. However, he takes his discourse into a somewhat different direction, arguing for normative sociology of the body (the study of the way contemporary societies represent the body and make use of those representations). In his review essay "What is the Sociology of the Body"? Turner presents a historical overview of the repression of representations of various kinds of bodies, which, according to him, is directly related to the injustices and prejudice.[67] In answer to these injustices, Turner proposes to found human rights precisely on the idea of the universality of the vulnerability of the body: "Vulnerability defines our humanity and is presented here as the common basis of human rights. The idea of our vulnerable human nature is closely associated with certain fundamental rights, such as the right to life. Indeed, the rights that support life, health, and reproduction are crucial to human rights as such."[68] Therefore, it is the notion of shared human vulnerability that constitutes the most convincing the theoretical fundament of human rights, as well as the most compelling argument for the ideal of the duty of recognition towards the other.

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state responsibility that focus on the universal and constant vulnerability of human beings and their consequential and inevitable reliance on social relationships and institutions over the life course." 'Vulnerability and the Human Condition ', Emory University, (<http://web.gs.emory.edu/vulnerability/about/index.html> [Accessed February 2019].

[65] Nina A. Kohn, 'Vulnerability Theory and the Role of Government,' *Yale Journal of Law and Feminism,* 26 (2014), 1-27 (p. 1). As an example of the growth of interest in vulnerability among the legal scholars, Kohn points to the fact that in the 2013 meeting of the American Association of Law Schools, the notion and theory of vulnerability have been explored in three separate sessions.

[66] Martha Albertson Fineman, 'Vulnerability and Inevitable Inequality ' *Oslo Law Review,* 4 (2017), 133-49 (p. 134).

[67] Bryan S. Turner, 'What Is the Sociology of the Body?,' *Body & Society,* 3 (1997), 103-07.

[68] Turner, *Vulnerability and Human Rights* (2006), p. 1.

2.4 The Debates Regarding Vulnerability – an Overlooking of Autonomy?

We have seen that the notion of vulnerability is one of the central themes in a variety of disciplines: philosophy, bioethics, moral and political theory. In many of the debates, vulnerability is understood in opposition to autonomy. This is perhaps most visible in the case of philosophy, where autonomy is often seen as closely related to the paradigm of invulnerability. Many vulnerability theorists stress that bringing vulnerability to the forefront of philosophical discussions entails that the frameworks based on autonomy need to be rethought. Autonomy is indeed one of the a fundamental values in contemporary Western philosophy since Kant. For him, autonomy connotes "the freedom of will which enables a person to adopt the rational principles of the moral law (rather than personal desire or feeling) as the prerequisite for his or her actions; the capacity of reason for moral self-determination." More generally, it entails "liberty to follow one's will; control over one's own affairs; freedom from external influence, personal independence."[69] On *Stanford Encyclopedia of Philosophy's* definition: "to be autonomous is to govern oneself to be directed by considerations, desires, conditions, and characteristics that are not simply imposed externally upon one, but are part of what can somehow be considered one's authentic self."[70] Contemporary theorists distinguish between moral, personal, and political autonomy. Political autonomy refers to the condition of having one's decisions respected, honoured, and heeded within a political context. 'Personal autonomy' is the capacity to act autonomously, i.e., to govern oneself, in any aspect of life (thus, personal autonomy is not restricted to questions of moral obligation). It entails the conditions, as well as a set of capacities, to govern one's life. 'Moral autonomy,' in the Kantian sense, is the capacity to impose the moral law on oneself. It refers to the capacity to act in accord with the putatively objective moral principles.[71] All three kinds are intertwined.

Numerous theorists who argue that vulnerability should become a basis for the construction of philosophical anthropology, also claim that this anthropology should overturn the existing model, based on the notion of autonomy – a model which is faulty (or at best partial), ideologically motivated and resting on "classical liberal and neoliberal fantasy of self-sufficiency."[72] From their perspective, changing the assumptions of anthropology based on

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[69] 'Autonomy, N.' in *The Oxford English Dictionary* [online]
[70] John Christman, 'Autonomy in Moral and Political Philosophy,' in *The Stanford Encyclopedia of Philosophy*, ed. by Edward N. Zalta (Fall 2020), <https://plato.stanford.edu/archives/fall2020/entries/autonomy-moral/> [Accessed October 2020].
[71] Christman, 'Autonomy in Moral and Political Philosophy,' (Fall 2020).
[72] McLennan, *Philosophy and Vulnerability* (2019), p. 20.

autonomy should become a central task for philosophers – it is a "built-in vocational responsibility of Western/settler disciplinary philosophers today to reconceive and to rework their practice in an egalitarian way."[73] In their hands, the notion of vulnerability can tear "the ideological veil of neoliberalism."[74] The opposition between vulnerability and autonomy is stressed in Finemann's distinction between the vulnerable and the liberal subject, in certain strands of the feminist ethics (for instance, of Alice Jaggar), in communitarian theory, and is sometimes acknowledged by autonomy theorists themselves.[75]

This opposition is based on an individualistic understanding of autonomy, as freedom from constraints. The definitions of autonomy as self-determination, control, and freedom from influence might strike us as very individualistic proposals. Indeed, a dominant conception in bioethics, psychology, and the law is that "autonomy is by definition opposed to vulnerability, limits, or dependency."[76] On those accounts, autonomy is narrowed down to self-assertion and the rule of individual, separated, self-sufficient reason transparent to itself, and capable of making unequivocal judgments.[77] However, today's autonomy theorists point out that this reading does not exhaust the meaning of autonomy, and they stress its relational and vulnerable character. For example, Anderson points to Kant's notion of autonomy as inherently related to vulnerability:

> There has never been much dispute that Kant seeks the limits to what we can know. Yet in the past this limitation has rarely been related to the autonomous use of reason in Kantian ethics. In fact, the postmodern critique of autonomy has assumed just the opposite: that the Kantian subject has a fully transparent knowledge of itself as a rational agent. However, I maintain that this is not the (best) way to read Kant. The postmodern assumption is incorrect, tending to derive from formalist readings of the Kantian autonomous subject as disembodied and disembedded. (…) For Kant, temporal events render us vulnerable to change. More generally, what happens to us is contingent upon the vagaries of everyday circumstances. In fact, it is Kant's recognition of our contingency that led him to try to make the moral realm secure with the reliability and consistency of what is necessarily

[73] McLennan, *Philosophy and Vulnerability* (2019), p. 3.
[74] McLennan, *Philosophy and Vulnerability* (2019), pp. 19-20.
[75] Joel Anderson and Axel Honneth, 'Autonomy, Vulnerability, Recognition, and Justice,' in *Autonomy and the Challenges to Liberalism: New Essays*, ed. by Joel Anderson and John Christman (Cambridge: Cambridge University Press, 2005), pp. 127-49 (pp. 128-29).
[76] Joel Anderson, 'Autonomy and Vulnerability Entwined,' in *Vulnerability: New Essays in Ethics and Feminist Philosophy*, ed. by Catriona Mackenzie, Wendy Rogers, and Susan Dodds (New York: Oxford University Press, 2014), pp. 134-61 (p. 136).
[77] For example, Von Pechmann reads in this key the idea of autonomy in Greek philosophy. He argues that by proposing a discourse on what is true, Greek philosophy would stress the representative form of knowledge – the proposition (or in other terms – judgement), showing a preference for clear transparency of the latter to the ambiguities of narration. Greek philosophy would have, in other terms, preferred the autonomous form of judgment to the heterogeneous structure of narration, which always implies a collective subject and a historically desalinated 'truth' and, therefore, irreducible to judgment. See Biancu, *Saggio Sull'autorità* (2014), p. 26.

> common to all human beings: our capacity to reason. Autonomous reason *aims to* achieve reliability and consistency, but this is always in the face of our inevitable vulnerability.[78]

Similarly, for Ricœur, autonomy is intertwined with vulnerability, to the extent that it is a task which we face primarily with regards to identity in relation to time. It is the capacity to handle one's life as a possibly coherent narrative. Ricœur's notion of narrative identity points to the difficult task of developing a coherent understanding of oneself as the agent of one's acts across the present, past, and future. In relation to the singularity of personal identity, Ricœur sees autonomy as the claim to singularity in its ethical form. However, this singularity must face the challenge of alterity. The autonomy of each person is constructed between two poles: "the effort to think for oneself and the domination or rule by the other."[79]

A parallel understanding of autonomy stems from relational autonomy theories. For instance, for Mackenzie, autonomy can be seen "both as the capacity to lead a self-determining life and the status of being recognized as an autonomous agent by others." It includes a range of capacities: "cognitive capacities, such as reasoning skills and the ability to understand and process information; capacities to question and reflect critically on social norms and values; introspective skills necessary for self-reflection and self-knowledge; emotional and affective capacities required for sustaining intimate personal relationships and for social cooperation; and imaginative capacities necessary for envisaging alternative courses of action."[80] Moreover, both notions meet on the grounds of social justice:

> One of liberalism's core commitments is to safeguarding individuals' autonomy. And a central aspect of liberal social justice is the commitment to protecting the vulnerable. Taken together, and combined with an understanding of autonomy as an acquired set of capacities to lead one's own life, these commitments suggest that liberal societies should be especially concerned to address vulnerabilities of individuals regarding the development and maintenance of their autonomy.[81]

What stems from this is that we need to profoundly rethink to what extent it is beneficial to think of autonomy and vulnerability as opposed. As some suggest, this tendency can distort the understanding of autonomy, narrowing it down to self-assertion, self-protection, complete independence and control over one's environment, and miss much is important and beneficial

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[78] Anderson, 'Autonomy, Vulnerability and Gender,' pp. 152, 60.
[79] Ricœur,'Autonomy and Vulnerability,' p. 82.
[80] Catriona Mackenzie, 'The Importance of Relational Autonomy and Capabilities for an Ethics of Vulnerability,' in *Vulnerability: New Essays in Ethics and Feminist Philosophy*, ed. by Catriona Mackenzie, Wendy Rogers, and Susan Dodds (New York: Oxford University Press, 2014), pp. 33-59 (p. 43).
[81] Anderson and Honneth,'Autonomy, Vulnerability, Recognition, and Justice,' p. 127.

in the idea of autonomy.[82] By the same token, it can distort the understanding of vulnerability and overlook the potential that stems from thinking about vulnerability and autonomy as intertwined. In order to further explore this topic, the II and III part of this thesis will focus not only on the notion of vulnerability but also on its relation to the notion of autonomy.

2.5 How Can Studying Nussbaum Contribute to the Study of Vulnerability?

Nussbaum's work offers a particularly rich perspective from which to reflect on this problem. Nussbaum has made vulnerability a guiding theme of all her scholarship. Her first monograph from 1986, *The Fragility of Goodness: Luck and Ethics in Greek Literature and Philosophy,* hereafter*: Fragility* (a book which has received global recognition and announced her as a "rising star in philosophy with a strong point of view"), had already pointed to the interest she had for the topics concerning human fragility.[83] Although the theme of vulnerability in the Anglo-Saxon philosophy had already been tackled, Nussbaum greatly contributed to those debates and became an important reference point on the topic. In her subsequent writings, she has extended her considerations of vulnerability to the topics concerning human emotions, citizenship, arts and humanities, and, in her arguably most well-known writings on the Capabilities Approach, to the topic of how political arrangements address human vulnerabilities. During the years devoted to the analysis of the human (and nonhuman) vulnerability, Nussbaum has remained an active participant of the most critical debates on its development. She has incorporated constructive criticisms of her work, incorporating the problematic of the intertwining of vulnerability and autonomy to subsequent writings, not shunning from modifying or changing her views.

Although vulnerability is a guiding theme of Nussbaum's scholarship, the author herself has never systematised or theorised it in her writings. Systematic analysis is thus needed in order to fill the gap on that aspect of Nussbaum's scholarship. The importance of the notion of vulnerability and its relation to autonomy, combined with a lack of its systematic analysis in the writings of Nussbaum, reflects the situation of the theme of vulnerability in general. The essential questions in this debate – such as: *What is the dynamic between vulnerability and autonomy? Is vulnerability an ontological condition or is it socially or economically mediated? How is vulnerability connected to relationality? How does the conception of vulnerability*

[82] Anderson,'Autonomy and Vulnerability Entwined,' p. 134.
[83] David Skinner, 'Martha C. Nussbaum. Jefferson Lecture 2017,' <https://www.neh.gov/about/awards/jefferson-lecture/martha-nussbaum-biography> [Accessed May 2019].

influence our political life and our social policies? What are the challenges that stem from the intertwining of vulnerability and autonomy? – are also the questions that Nussbaum has dealt with extensively throughout her career. Systematising and theorising vulnerability in Nussbaum can thus contribute to a better understanding of how vulnerability corresponds to the topics related to personal and political autonomy.

The breadth of Nussbaum's scholarship, which make her such an exciting author to study, is also a source of methodological difficulty in analysing her work. Not only is her approach interdisciplinary, but it is also innovative within the borders of the disciplines themselves. She applies elements of both continental and analytic philosophical traditions; her expertise ranges from authors from antiquity to her contemporaries. On the one hand, Nussbaum's thinking is anti-relativist; on the other, it is far from any form of absolutism. She represents an anti-traditionalist, Enlightenment tendency, and yet draws extensively on Ancient Greek philosophy. She writes for both specialised and general public – and thus in philosophical, juridical jargon, as well as commonly understood language.[84] She praises analytical way of writing yet is also fond of extended metaphors and literary language (some critics accuse her of oversimplifications or vagueness). Since Nussbaum is a contemporary living author, we lack the distance necessary to analyse her writings adequately.

The interdisciplinary character of Nussbaum's work, and the number of her publications, provoke contrary opinions. On the one hand, some praise her as a scholar "on whom nothing is lost" (in words of Henry James), interested in all things human. As a scholar who, far from representing shallow interdisciplinarity in which one knows all and nothing and the same time, is able to achieve mastery in all the numerous disciplines that she writes on.[85] On the other hand, some dismiss Nussbaum as a pathologically overproductive and superficial thinker, in addition to her "having gotten everything wrong, having set out on a path of monstrous arrogance, having deluded herself that she could exceed not just intellectual but national and even psychological boundaries, having identified herself directly and preposterously with reason, truth, reality, and humanity."[86] Whether we accept the first or the

[84] Anna Głąb, *Rozum W Świecie Praktyki. Poglądy Flozoficzne Marthy C. Nussbaum* (Warszawa: Wydawnictwa Akademickie i Profesjonalne, 2010).
[85] This is a view of Henry Richardson in his appreciation for Nussbaum. Henry Richardson, 'Love and Justice for Each: Martha C. Nussbaum through the Eyes of a Friend and Colleague,' *HUMANITIES* 38, 10-11.
[86] Geoffrey Galt Harpham, 'The Hunger of Martha Nussbaum,' *Representations,* 77 (2002), 52-81 (p. 76). Harpham, in his unequivocally dismissive article *The Hunger of Martha Nussbaum*, writes: "Academics, for whom each hyperscrupulous sentence is a separate feat of restrained daring, have two ways of accounting for exceptional productivity. The first is that the writer is a closed-minded narcissist who has established an intellectual framework that generates questions and answers almost automatically, so the time-consuming labor of open-ended research, the sifting of information, the gradual detection of emergent patterns, the generation of

second opinion, it is beyond doubt that Nussbaum's scholarship has gained international recognition and that it provides material for a fruitful analysis of the notion of vulnerability.

The analysis of the etymology and mythology of the notion of vulnerability has revealed various theoretical complexities inherent in the notion. Vulnerability can be seen as a characteristic of certain specific groups or persons, or as an ontological condition of a human being. It can be understood as a capacity, or incapacity. The history of the paradigm of 'invulnerability' has revealed the problems and shortcomings of the old paradigm and the need for a new paradigm. In philosophy, political theory and bioethics, a growing body of literature considers vulnerability in ontological terms and seeks to dissociate the notion from the purely negative connotations of weakness, defenceless, and incapacity. Nonetheless, it is still often opposed to autonomy. By studying the works of Martha Nussbaum in detail, we can contribute to a better understanding of the subtleties inherent in the notion of vulnerability.

conviction and with it a point of view, the articulation of an argument—all this happens with a wondrous but suspect efficiency. The second explanation for unseemly productivity is that the author is a deeply troubled person driven by some unresolved internal conflict that seeks expression in argumentation about some comfortingly if misleadingly, external object. (…) Nussbaum may be a rare instance in which both accounts are combined." Harpham, 'The Hunger of Martha Nussbaum,' p. 52.

Part II: Vulnerability as a Foundation of the Capabilities Approach?

This part examines the basis of Nussbaum's Capabilities Approach. Chapter 3 analyses Nussbaum's early moral theory. In her early writings, Nussbaum draws a strong juxtaposition between embracing vulnerability and aspiring to invulnerability. Her criticism of Kantian moral philosophy and the related discussion on philosophical methodology (Plato's Forms versus Aristotle's Appearances) has contributed to acknowledging that the starting point for moral debates should be actual human experience. Nonetheless, it also leads her to overlook the need to address the challenges that stem from vulnerability.

In chapter 4, I look at the development of Nussbaum's political theory (the Capabilities Approach – hereafter: CA) from the perspective of the notion of dignity. In the CA, Nussbaum distances herself from the vulnerability-invulnerability dichotomy. The notion of dignity that is central for Nussbaum's CA is based on a vision of the human being as vulnerable as well as capable. However, Nussbaum's later formulation of the notion of dignity as a political notion is questionable, especially in light of her preoccupation with animal dignity. Eventually, a lack of clarity leads Nussbaum to the rejection of anthropological inquiry, which is both against the spirit of the CA, and against her preoccupation with human vulnerability. Nussbaum's political theory is actually based on an extensive anthropology.

3 Methodology of Vulnerability in Nussbaum's Moral Philosophy

Introduction

In the first decade of her writings, Nussbaum established her position as an important contemporary philosopher. Through her publications, she drew attention to the theme of vulnerability, and took Anglo-American philosophy "out of its rationalistic comfort zone."[1] Many of the ideas that mark Nussbaum's thinking about vulnerability developed in those early writings. Her fundamental insight is the centrality of vulnerability and luck in ethics, morality, and our accounts of *eudaimonia*.[2] Although Nussbaum has later distanced herself from some of her early claims, their analysis appears indispensable for understanding the core concepts of her thinking.[3]

Nussbaum develops her early stance on vulnerability in *Fragility*, through her engagement with Greek poets and philosophers: Plato – whom she likens to Kant – and Aristotle –who is seen as their opponent.[4] The main thread of her argument is as follows: the pre-Platonic philosophers and Greek tragedians made a profession out of exploring human

[1] Skinner, 'Jefferson Lecture 2017.'

[2] The title's 'fragility' can be read in various ways. According to the *OED*, 'fragility,' from French fragilité (12th cent.), Latin fragilitās, means "the quality of being fragile or easily broken; hence, liability to be damaged or destroyed, weakness, delicacy," as well as "moral weakness, frailty." 'Fragility' in *The Oxford English Dictionary* [online] <https://www.oed.com/view/Entry/74113?redirectedFrom=fragility> [Accessed October 2020].) Nussbaum draws on the Aristotelian understanding of fragility with reference to human animality (human beings as a rational animal). In this sense, she focuses on the traditional understanding of fragility as stemming from our embodiment, affectivity, and so on. Nonetheless, from her analysis stems a second, positive aspect to fragility, related to the notions of openness and capability. The duality of her understanding is later captured in her references to vulnerability. 'Goodness' stands for "the human good" or *eudaimonia*—the ideal of living well and achieving happiness that stems from performing good, virtuous actions (although there are various interpretations of the title's goodness). 'Luck' stands for the Greek *tuchē*, that is, events over which human beings lack control (as distinct from randomness, destiny, or other views about causality), and its connection to ethics. Nussbaum, *Fragility* (2001), pp. xiv, fn. 5.

[3] In a preface written fifteen years after the first publication, Nussbaum acknowledges some of the book's shortcomings and claims that now she would tackle some topics in a different manner. See Preface to Nussbaum, *Fragility* (2001).

[4] For instance, Taylor argues that: "The interpretation of Plato is sympathetic and revealing; and the discussion of Aristotle is superb, tremendously valuable on its own as an attempt to grasp the anthropology and moral thought of this major thinker, as well as being woven in illuminating fashion into the main line of the argument." Charles Taylor, review of *The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy* by Martha Nussbaum, *Canadian Journal of Philosophy*, 18 (1988), 805-14 (p. 808). Kenneth Dorter, on the other hand, claims: "Nussbaum's particular interpretations of the plays are full of insights, even though her general conclusion (that the poets were not rationalists) is not greatly controversial. Her discussions of Plato and Aristotle, however, are controversial indeed. They are designed to show Aristotle as the champion of this pluralistic view of life, and Plato as the champion of rigid rationalism in his early and middle periods, which he subsequently recanted in the palinode of the *Phaedrus* and which is absent from his later works. Nussbaum's theses are not only controversial but seriously one-sided, the result of fundamental oversimplification of both thinkers' work." Kenneth Dorter, 'Nussbaum on Transcendence in Plato and Aristotle,' *Dialogue,* 32 (1993), 105-15 (p. 106).

vulnerability and telling stories of how human lives are vulnerable to fortune, passions, suffering, and death. Against this narrative disorder and despair arising from the acknowledgment of human vulnerability related to it, the need for philosophy was born (indeed, Nussbaum will later claim with Plato that "no god does philosophy").[5] Plato, in a somewhat Nietzschean fashion, is depicted as an opponent of tragedy, and the originator of the line of thought that seeks to eliminate contingency from human life.[6] He sets out to create an alternative vision of human life, protected (to the extent that this is possible) from the vicissitudes of luck. For Nussbaum, he made the search for invulnerability the centre of his philosophy:

> Throughout the dialogues […], Plato's elaboration of radical ethical proposals is motivated by an acute sense of the problems caused by ungoverned luck in human life. The need of human beings for philosophy is, for him, deeply connected with their exposure to luck; the elimination of this exposure is a primary task of the philosophical art as he conceives it.[7]

Thus, the elimination of vulnerability is not only a goal but also a primary reason for the existence of philosophy.

Aristotle, in contrast, recognises human vulnerability and attempts to create a philosophical system which incorporates the poets' insights about the centrality of *tuche'* in human lives. Aristotelian anthropology offers a much more satisfactory answer to questions about the relationship between goodness, luck, and ethics than Plato's (and Kant's) account, acknowledging the vulnerable aspects of the human condition. It "meets our deepest practical intuitions about the proper relationship to luck for a being who is situated between beast and god and who can see certain values that are available to neither."[8] With Aristotle, Nussbaum attempts to recover the relations between philosophers and poets and presents the poets as sources of ethical insights.[9] Thus, she argues for a tragic-vulnerable view of philosophy, and attempts 'save the appearances' of the human condition.

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[5] Martha C. Nussbaum, *Love's Knowledge: Essays on Philosophy and Literature* (New York: Oxford University Press, 1990), p. 384.

[6] David Roochnik notices that depicting Plato as the enemy of tragedy is 'hardly novel'. He claims that "Nietzsche proclaimed loudly the fundamental opposition between Platonism and tragedy, and a huge portion of 20th-century thought has responded by repeatedly damning Plato for our contemporary, technical world." David L. Roochnik, 'The Tragic Philosopher: A Critique of Martha Nussbaum,' *Ancient Philosophy,* 8 (1988), 285-95 (p. 287).

[7] Nussbaum, *Fragility* (2001), pp. 89-90.

[8] Nussbaum, *Fragility* (2001), p. 21.

[9] As Roochnik has pertinently shown, Nussbaum was not the first to take up tragedy as a philosophical theme. He points to Hegel's treatment of *Antigone* or Nietzsche's *The Birth of Tragedy* as examples. Nonetheless, as he argues, her venture is radical from the perspective of the Anglo-American philosophical tradition. Roochnik, 'The Tragic Philosopher,' p. 286.

In this chapter, we shall analyse Nussbaum's juxtaposition of Aristotle's appearances and Plato's forms in light of her criticism of the 'invulnerability' paradigm in philosophy.[10] Through her analysis of the Greek authors, Nussbaum challenges the Kantian ideal of moral law as separated from nature and attempts to posit vulnerability at the heart of moral theory. Her writings have contributed to acknowledging vulnerability as a methodological start point for moral debates. However, her stress on appearances at times leads her to embrace too much vulnerability, which has consequences both for her methodology and her later political theory.

3.1 Nussbaum's Anti-Kantian Moral Philosophy?

Nussbaum's early stance on vulnerability stems from her dissatisfaction with Kant's moral philosophy and his anthropology of the self-sufficient, rational subject, fully capable of exercising moral judgments.[11] She frequently refers to Kantian philosophy as one of the main sources of the prevalence of the paradigm of invulnerability in contemporary philosophy. Although her understanding of Kant is, in many respects, controversial, it is worth noting that Nussbaum's main aim is not a profound discussion with Kant, but the construction of a convincing argument against the contemporary model of morality. Rather than criticising Kant himself, Nussbaum addresses the prevailing interpretation of his ideas, the 'Kantian views' and, by the same token, the assumptions of contemporary philosophy. She speaks of "Kantians and Kant's influence, rather than of Kant's usually more complex and subtle positions."[12]

Nussbaum underlines "our Kantian and Utilitarian heritage in moral philosophy" (although it should be clarified that while the 'Kantian' and 'Utilitarian' are certainly the most important perspectives in moral philosophy, they are opposites – the first one is characterized by a deontological approach, the second by a consequentialist one), especially visible in matters concerning the problems of agency and contingency.[13] This heritage has great consequences

[10] Its main problem is its argumentative strategy. Nussbaum, in order to persuade her readers of the centrality of vulnerability in the ancient texts, draws on the classical philosophic protreptic – a central element of which is *synkrisis* – a judgment by comparison. See Mark Jordan, 'Ancient Philosophic Protreptic and the Problem of Persuasive Genres,' *Rhetorica,* 4 (1986), 309-33 (p. 309). Following Jordan's insights, Janet R. Nelson shows that in Nussbaum's text we can identify the four classical argumentative elements: "1) *synkrysis* or judgment by comparison, 2) contrast of the present with the past, 3) presentation of the end of philosophy as desirable, and 4) personal appeal to the hearer or reader." For a more extensive analysis see Janet Nelson, 'Saving the Phainomena: Religion and the Aristotelian Moral Philosophy of Martha Nussbaum and Alasdair Macintyre' (ProQuest Dissertations Publishing, 1998), pp. 13-14.

[11] Laura Palazzani, *Cura E Giustizia. Tra Teoria E Prassi* (Roma: Studium, 2017), p. 206.

[12] Nussbaum, *Fragility* (2001), p. 4.

[13] Nonetheless, she acknowledges that other views that have also strongly affected our understanding of those questions, and gives examples of Stoic and Christian views regarding divine providence and the Christian

for the contemporary criticism and evaluation of Greek literature and philosophy, as it stands in opposition to the Greek-tragic idea that external, unpredictable circumstances can significantly influence our morality or agency. While critics have argued that Kantian interpretations of the Greek tragedies are, indeed, rare in contemporary scholarship, on Nussbaum's reading, Kantian rationalism and his model of the firmness of the moral sphere, when applied to those texts, leads us to devalue the Greek tragedians' concern with matters related to vulnerability, and to interpret their treatment of those matters as misguided, naïve, or even primitive. As she ironically claims, referencing A.W.H. Adkins's article: "It is as if they [the Greeks] were in difficulties because they had not discovered what Kant discovered, did not know what we Kantians all know."[14] What it is, for her, that "we Kantians all know"?

The central element of Kantian philosophy which Nussbaum finds problematic, and which she will consistently criticise throughout her career, is the division of the Kantian agent between the natural and moral realms. Moral autonomy requires independence from one's vulnerable animality and contingent circumstances ('the assaults of luck'): "The Kantian believes that there is one domain of value, the domain of moral value that is altogether immune to the assaults of luck. No matter what happens in the world, the moral value of the good will remains unaffected."[15] Upon this view, the moral domain should not conflict with other domains. Nussbaum's reading of the Kantian domain of morality as unaffected by external circumstances was inspired by Bernard Williams, who, in his essay, 'Moral Luck,' writes about a:

> still powerfully influential idea that there is one basic form of value, moral value, which is immune to luck and—in the crucial term of the idea's most rigorous exponent—'unconditioned.' Both the disposition to correct moral judgment, and the objects of such judgment, are on this view free from external contingency, for both are, in their related ways, the product of the unconditioned will.[16]

This an apparent reference to Kant. Nussbaum takes this interpretation further in the *Frontiers of Justice* with regards to the notion of dignity, where she claims that the Kantian idea entails that human beings are 'split beings' – on the one hand, autonomous persons, and on the other,

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interpretation of "the relationship between human goodness and divine grace." Nussbaum, *Fragility* (2001), pp. 4, 6.

[14] Nussbaum, *Fragility* (2001), p. 5. This is a reference to Nussbaum's criticism of A. W. H. Adkins, who in *Merit* claimed that "We are all Kantians now." Nussbaum accused Adkins of uncritically accepting Kantian assumptions. See Martha C. Nussbaum, 'Consequences and Character in Sophocles' Philoctetes,' *Philosophy and Literature,* 1 (1976), 25-53.

[15] Nussbaum, *Fragility* (2001), p. 4.

[16] Bernard Williams and Thomas Nagel, 'Moral Luck,' *Proceedings of the Aristotelian Society, Supplementary Volumes,* 50 (1976), 115-51 (p. 115).

animal dwellers in the world of nature. The Kantian idea of dignity stems from the first, and not the second, element of human nature – thus excluding the dignity of people with disabilities, animals, and so on. (For the development of this problem see Chapter 4). The split also influences our understanding of human rationality, relationality, and action.[17] We shall look into those topics in the following chapters. For now, it is crucial to note that for Nussbaum, Kant's split, by positing the moral value as the basic, supreme and unconditioned form of value, entails twofold consequences: first, conflicts of values are done away with. Second, contingent circumstances should not interfere in the actions and choices of moral agents.

3.1.1 Commensuration and Incommensurability of Values

For Nussbaum, this approach lacks due regard to the complexity of real-life dilemmas that stem from the plurality of values and overlooks the role of luck and circumstances in moral actions and choices. Nussbaum calls this Kantian strategy a 'commensuration of values.' It is through this lens that she reads Kant's idea of the categorical imperative and, consequently, autonomy.[18] By proposing that a universal rule should guide one's conduct, Kant overlooks that the good human life is characterized by a plurality of incommensurable values – for example, honesty and a friend's life – that inevitably leads to conflicts of values.[19] Many scholars argue that this reading seriously distorts Kant's idea of the categorical imperative, since in Kant's universal law version of the categorical imperative "one can consistently will that everyone follows maxims or principles that sometimes permit lying."[20] Nonetheless, for Nussbaum, Kant's categorical imperative imposes on moral agents the ideal of commensuration of values – which exposes the inadequacy of Kant's understanding of morality.

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[17] Nussbaum, *Fragility* (2001), pp. Preface, xii.

[18] Kant's categorical imperative is a rule of conduct that is "unconditional or absolute for all agents" and whose validity "does not depend on any desire or end" (as distinct from hypothetical imperative). The capacity to rationally endorse such rule is the condition of autonomy. The most radical and most widely discussed example of the practical implications of the categorical imperative is Kant's famous example of lying to the murderer, in his essay 'On a Supposed Right to Tell Lies from Benevolent Motives,' where he argues that one should not lie under any conditions – including when a murderer asks us if our friend, and his potential victim, is hiding in our home.

[19] See, for example, Cholbi's criticism of Kant in in Michael Cholbi, 'The Murderer at the Door: What Kant Should Have Said,' *Philosophy and Phenomenological Research,* 79 (2009), 17-46.

[20] See Thomas L. Carson, *Lying and Deception Theory and Practice* (Oxford: Oxford University Press, 2010). Carson claims that Kant's example of lying to the murderer should not be interpreted as an application of the categorical imperative.

Nussbaum further develops her interpretation of the Kantian commensuration of values through her reading of Sophocles' *Antigone*, where the heroine, compelled to a tragic choice between family duty and civic duty, decides to bury her brother Polydorus against the law that forbids it. King of Thebes, Creon, finds himself in a similar dilemma as he decides to fulfil his civic duty and forbid the burial of Polydorus, who also happens to be his relative. Although the play begins as a typical account of a conflict of values, it presents us with the exact opposite: each character in the tragedy is depicted as committed to one value which is deemed superior. This strategy enables them to minimalize tragic conflicts that arise when it is impossible to reconcile various commitments. Antigone only recognises the familial duty and is ready to forswear all civic obligations in its name, without hesitation. Creon, to the contrary, acknowledges only the civic duty and disregards the values related to family love. Both characters are following the strategy of commensuration, and both enjoy the internal harmony of a person following a consistent set of rules. On Nussbaum's (and, to an extent, Hegel's) reading, the two characters thus present us with a similar neglect of the moral dilemmas and a bizarre moral one-sidedness that stems from the strategical commensuration of values.[21] This not only leads them to act in insensitive and almost inhumane ways but also, paradoxically, limits their understanding of the binding power of the moral law and of the human condition.

Nussbaum finds this irony to be inscribed in the very idea of the categorical imperative, which overlooks the fact that the moral sphere is characterized by vulnerability and should be approached as such. By positing the moral law as the only true source of value, Kant dismisses the real-life plurality of values and conflicts that arise with it. Similarly, through her analysis of Euripides' *Hecuba*, Nussbaum shows how Kant's understanding of morality blinds him to the importance of vulnerability and luck in our moral lives.

[21]At least to some extent, Nussbaum agrees with Hegel that Sophocles in his play presents us with two similarly morally defective characters. She explicitly says this in the introduction: "Hegel assimilated her [Antigone's] defect to Creon's; some more recent writers uncritically hold her up as a blameless heroine. Without entering into an exhaustive study of her role in the tragedy, I should like to claim (with the support of an increasing number of recent critics) that there is at least some justification for the Hegelian assimilation." Nussbaum, *Fragility* (2001), p. 63. Nussbaum makes this comments referring to Hegel's *The Philosophy of Fine Art* (Georg Wilhelm Friedrich Hegel, *The Philosophy of Fine Art*, trans. by F.P.B. Osmaston (Hacker Art Books, 1975). Hegel also draws on Antigone in his *Phenomenology* and the *Philosophy of Right*.

3.1.2 Vulnerability and Morality

Hecuba tells the story of the Queen of Troy, who loses all in the war and is made a slave.[22] Even under those extreme circumstances, Hecuba remains morally firm. However, when her closest friend, Polymestor, murders her beloved son, Polydorus, and leaves the body on the shore without burying it, Hecuba's moral character changes.[23] She commits herself to taking cold-blooded revenge on Polymestor, an act which Nussbaum sees as depriving Hecuba of her humanity. At the end of the play, Hecuba is transformed into a dog (or, more precisely, a dog-shape stone), an animal which in Greek culture symbolizes indifference to human law. She is thus symbolically excluded from the human community. For Nussbaum, this play, which focuses on "the question of good character and its stability," discloses the twofold relation between vulnerability and morality.[24] Vulnerability understood as openness is a condition of goodness.[25] But this also entails that goodness is essentially vulnerable to luck.

In the first part of the play, Hecuba is depicted as a noble and virtuous queen. The most important, binding trait of the nobility of Hecuba's character before her moral fall is her openness. It conditions her devotion to *nomos* and underlines her royal virtues (honour), community virtues (being a good queen), and relational virtues (being a good mother and wife). Openness is a trait "on which good character rests," "the largest part of good character," or even "an essential condition of good character."[26] Thus, goodness consists, above all, of the ability to be open to the world and other human beings, and of readiness to receive them with

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[22] Nussbaum devotes a few passages to the analysis of Euripides' interest in female characters. For her, his curiosity stems from the fact that Euripides was fascinated by the notion of vulnerability, and thus was captivated by women – creatures who, because of their social and physical position, are most vulnerable to chance. Thus Nussbaum writes: "Through the not uncommon social reality of a woman's life we come to see a possibility for all human life." Nussbaum, *Fragility* (2001), p. 413.

[23] Transcript of the interview Martha C. Nussbaum, 'World of Ideas: Martha Nussbaum,' in *Public Affairs Television* ed. by Bill Moyers (New York Journal Graphics, Inc, 1988). Available at <https://www-tc.pbs.org/moyers/journal/archives/docs/woi_nussbaum.pdf>

[24] In critical literature on Hecuba, her turn against her community is often read as a sign of the inconsistency of the play. For Nussbaum, this reading has its origins in the Kantian ethics of the incorruptibility of the will. Nussbaum, *Fragility* (2001), p. 399. In fn. 7, she writes: "We can now add to our remarks about Kantianism in the interpretation of Greek literature the observation that Adkins's Kantian belief that circumstances beyond the agent's control cannot bring about *ethical* damage plays a regulative role in his decision about what a Greek text might and might not mean." Such reading does not render justice to the complexity of the play. On Nussbaum's account, the structure of the play constitutes in itself a demonstration that Euripides attempted to reflect against the ethical belief that good character is a stable and invulnerable value.

[25] In the preceding parts of this thesis we have seen that in the 2001 introduction to the revised edition of the book, Nussbaum defines 'goodness' from the title as *eudaimonia*, and explicitly denies that it concerns the goodness of character. Nonetheless, against the definition provided in the new introduction, in the body of the text, the focus and the main argument *is* precisely the fragility of good character.

[26] Nussbaum, *Fragility* (2001), pp. 409, 17, 18.

trust and generosity rather than scepticism, despite the risks it entails. Nussbaum further elaborates this idea of by juxtaposing the imagery of goodness understood as the fragility of a plant to the Kantian imagery of the firmness of a jewel:

> To be a good human being is to have a kind of openness to the world, an ability to trust uncertain things beyond your own control that can lead you to be shattered in very extreme circumstances for which you were not to blame. That says something very important about the condition of the ethical life: that it is based on a trust in the uncertain and on a willingness to be exposed; it's based on being more like a plant than like a jewel, something rather fragile, but whose very particular beauty is inseparable from that fragility.[27]

In *Hecuba*, vulnerability understood as openness becomes the basis of moral excellence. However, it can also become the basis of the moral fall. The trustful openness bears within itself a risk of a particularly painful betrayal, which can turn into "a mistrustful suspiciousness … a poison that corrodes all of the excellences, turning them to forms of vindictive defensiveness."[28] In the second part of Euripides' play, Hecuba discovers Polymestor's betrayal and crime. This undoes the roots of Hecuba's moral life and leads her to reverse her scheme of action: she blinds and kills her former friend. The virtues related to *nomos* are thus substituted by the logic of revenge: the *anti-nomos* (against the law). From this perspective, Nussbaum reevaluates the whole logic of revenge and strongly opposes Nietzsche's view that only base characters resort to it. The person of noble character is more susceptible to the corrosion of revenge than the base person because it is the noble person, not the base, who has put all his or her trust in uncertain and contingent things and people.

Betrayal may lead such a person to revaluate the entire system of values on which his or her world is built. What Hecuba loses is not only her legal status, but also her openness and relational virtues.[29] For Nussbaum this entails that she excludes herself from the human community (thus the symbolical transformation into a dog). Thus, openness—the greatest of human excellences—also entails the risk of losing one's goodness. While stressing the beauty of vulnerability, the story warns against the possibility of a catastrophe that this vulnerability always entails, that is, the danger of the degeneration of moral character.

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[27] Nussbaum seems to be referring to Kant's *Groundwork*, where, referring to the will, he writes: "yet would it, like a jewel, still shine by its own light as something which has its full value in itself. Its usefulness or fruitlessness can neither augment nor diminish this value." Immanuel Kant, *Groundwork of the Metaphysics of Morals: A German-English Edition*, trans. by Mary J. Gregor and Jens Timmermann (New York: Cambridge University Press, 2011), p. 17.

[28] Nussbaum, *Fragility* (2001), p. 418.

[29] Nussbaum, *Fragility* (2001), p. 405.

Nussbaum thus points out that vulnerability is constitutive of morality. Against the Kantian view of "the incorruptibility of the good will, sharply distinguishing the sphere of contingent happenings from the domain of the moral personality, itself purely safe against the 'accidents of step-motherly nature," she argues that goodness, understood both as *eudaimonia* and as the goodness of character, is not unconditioned, but is dependent on luck.[30] This means that a good person is always in danger of losing his or her goodness due to circumstances beyond personal control. But to limit this dependence would mean to limit one's goodness. The 'split' between the moral and the natural realm is artificial and makes us overlook the role of vulnerability in our account of morality.

3.1.3 The Two Worlds?

However, is Nussbaum right to accuse Kant of dividing the realm of nature from the moral realm, and positing the moral law as the supreme value? Indeed, there is a possibility of such a reading – although Nussbaum never engages in in-depth debates on the matter, the question she tackles goes back to the ongoing discussion regarding Kant's transcendental idealism, to which we shall briefly refer. This is the doctrine which introduces the distinction between phenomena and noumena, or things-as-they-appear-to-us and things-in-themselves. Although in Kant, the two have slightly different meanings, for the sake of our analysis we can treat them as synonyms (phenomena are appearances "to the extent that as objects they are thought in accordance with the unity of the categories" and noumena – in the negative sense, "insofar as they are not objects of our sensible intuition," can be understood as things in themselves).[31] In Kant's words, transcendental idealism entails that appearances "are all together to be regarded as mere representations and not as things in themselves."[32] Thus, he argues that appearances (objects in space and time) are 'mere representations,' of things that exist independently of our senses or perceptions, but constitute the 'truth' that lies beyond appearance. Kant's distinction between phenomena and noumena has been object of an ongoing debate among Kantian scholars and is known as the 'dual object' and the 'dual aspect' interpretation.

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[30] Nussbaum, *Fragility* (2001), p. 398.
[31] Immanuel Kant, *Critique of Pure Reason*, trans. by Paul Guyer and Allen W. Wood (Cambridge: Cambridge University Press, 1998), p. 347 (A249). See also Nicholas F. Stang, 'Kant's Transcendental Idealism,' in *The Stanford Encyclopedia of Philosophy* ed. by Edward N. Zalta (2021), <https://plato.stanford.edu/archives/spr2021/entries/kant-transcendental-idealism/> [Accessed March 2021].
[32] Kant, *Critique of Pure Reason* (1998), p. (A369).

On the dual aspect interpretation, defended by, for instance, Henry E. Allison, Kant's noumena and phenomena refer to complementary ways of considering an object. They are two sides of the same thing and refer to the dialectic character of knowing. In contrast, theorists such as Strawson or Guyer propose a dual-object interpretation, which has also come to be known as a 'two-worlds' reading. This interpretation suggests that phenomena and noumena are ontologically distinct. It has important implications for Kant's practical philosophy and his understanding of morality. Upon this interpretation, the moral law, which is the basic principle and the source of unconditional value of moral duties, is the noumenon.

In this sense, Kant's noumena can be assimilated to Platonic Forms (which will be an important point in our later analysis): "Platonic Ideas and Forms are noumena, and phenomena are things displaying themselves to the senses.... This dichotomy is the most characteristic feature of Plato's dualism; that noumena and the noumenal world are objects of the highest knowledge, truths, and values is Plato's principal legacy to philosophy."[33] However, while for Plato we can arrive at an understanding of forms, for Kant we can only know the phenomenal; the noumenal realm is beyond the limits of our reason. While we can speculate about it, we do not have access to noumena due to the phenomenal nature of our knowledge. Thus, in Kant's theoretical philosophy the noumena play a vital role as an epistemic limit. We cannot know the moral law, but it manifests itself to us as a as a sense of obligation and duty to follow the categorical imperative. Nonetheless, it is the noumenal realm that allows Kant to posit the moral law as the ultimate source of value. Moreover, the moral law is unconditional, and it is "identical with the positive concept of freedom."[34] In other words, freedom of the will is "the necessary condition of … the complete fulfillment of the moral law." In order to act in accordance with the moral law, we need "freedom of choice and action from constraint by external forces but also even from one's own mere inclinations."[35] But freedom is not to be found in the phenomenal (at least in Kant's *Critique of Pure Reason*), where everything is subject to deterministic laws of causality, but belongs to the noumenal. For human beings, the only way we can reach freedom is "by the subjection of inclination to the rule of reason and its demand for universalizability."[36] Freedom would thus require the capacity to rise above nature. From this perspective, one possible reading is that Kant develops an inherently mechanistic

[33] Ted Honderich, ed., *The Oxford Companion to Philosophy*. 2nd edn (New York: Oxford University Press, 2005).
[34] Paul Guyer, 'Freedom: Will, Autonomy,' in *Immanuel Kant: Key Concepts - a Philosophical Introduction*, ed. by Will Dudley (Stocksfield: Acumen Publishing, 2010), pp. 85-102.
[35] Guyer,'Freedom: Will, Autonomy.'
[36] Guyer,'Freedom: Will, Autonomy.'

conception of nature, which implies that freedom is impossible inside the world of sense.[37] Indeed, in the first *Critique*, Kant claims that while freedom and necessity can be simultaneously present in the same action, they belong to two separate realms.[38] As Joe Saunders point out, this entails that by positing the two world-orders, Kant attempts to open up a space in which freedom and natural determinism would be "com-possible." Yet they are, in their very nature, 'entirely different.' The moral law, and the conception of freedom on which it is based, are thus opposed to nature.[39]

Although she never mentions it, Nussbaum's criticism of Kant seems to inscribe itself, to an extent, in the two-worlds reading of the implications of Kant's transcendental idealism. On this reading, Kant's model of morality (and freedom) is based on his distinction between phenomena and noumena, which has twofold consequences: it enables him to posit the moral law as the ultimate and supreme value (Nussbaum's 'commensuration of values') and entails the separation of morality from the realm of nature and contingency (from the 'assaults of luck'). Nussbaum's reading of Kant suggests that his understanding of morality is an expression of his endorsement of the paradigm of invulnerability. In order to posit vulnerability at the centre of morality, Nussbaum sets out to present an alternative view, where vulnerability becomes inseparable from morality. Nonetheless, by the end of this chapter we shall go back to the question of whether Nussbaum should reject transcendental idealism altogether.

3.2 Forms vs Appearances

The chief antagonist in Nussbaum's major early works is not Kant, but Plato. However, she underlines the continuity between Plato and Kant. In this, again, she seems to be following Williams, who has also assimilated Kant's and Plato's views with regards to luck and vulnerability.[40] We have seen as well that there is a possibility of assimilating (to an extent) Kant's noumena to the Platonic forms. Stressing the likeness between the two authors allows

[37] Joe Saunders, 'Kant and the Problem of Recognition: Freedom, Transcendental Idealism, and the Third-Person,' *Journal of Applied Philosophy,* 24 (2016), 164-82.
[38] Kant, *Critique of Pure Reason* (1998), p. (A 557/B 85).
[39] For Saunders, "This threat can be dealt with, as there is more to science than (mechanistic) physics. There is also biology, for instance, which studies things that operate in ways other than mere mechanism. They operate according to ends, and accordingly require explanations in terms of final rather than merely efficient causes. This enriches our conception of nature in a way that makes it not entirely alien to freedom. The notion of second nature does this to an even greater extent, in that it allows us to account for our social practices and the space of reasons within nature." Saunders, 'Kant and the Problem of Recognition,' p. 178. Hannah Arendt has followed this interpretation of Kant, arguing that natural and biological processes have a deterministic quality, as opposed to human action, which is free. See Arendt, *The Human Condition* (1998).
[40] See Williams and Nagel, 'Moral Luck,' p. 20.

Nussbaum to criticise the 'Kantian views' from the perspective of her reading of the Greek tragedians, Plato, and Aristotle.[41] Through her interpretation of the Greek authors, in order to stress the centrality of vulnerability, Nussbaum posits appearances at the centre of morality. Doing so allows her to argue that the starting point for our thinking of morality should be actual human experience, and not the abstract ideal of the moral law. Of course, Kant also recognized appearances as the only humanly available mode of knowing. But for Nussbaum it is Aristotle who truly understood the implications of this limitation:

> Even the contrast between the world as it is for us and the world as it is behind or apart from our thought may not be a contrast that the defender of a human internal truth should allow himself or herself to make using human language. Here we might say that Aristotle usually maintains his internality more consistently than Kant, refusing, most of the time, even to try to articulate what it is that we cannot say. Aristotelian reason is not so much in bonds, cut off from something that we can, nonetheless, describe or point to, as it is committed to something, to language and thought, and the limits of these. Appearances and truth are not opposed, as Plato believed they were.[42]

Appearances become central for Nussbaum's anthropological and ethical methodology.[43] In her early writings, she juxtaposes Aristotle's appearances to Plato's forms in the context on the debate on the good life (*eudaimonia*) and the nature of the human being (indeed, for Nussbaum the two questions are interwoven).[44] Nussbaum argues that Plato's aspiration to overcome the vulnerability inherent in human existence leads him to overlook the question of what the human being is, in his search for the good life. He thus sets out to construe his entire philosophical system from the perspective of a godlike ideal. This methodological error leads him to create an inadequate system of ethical inquiry. Aristotle's anthropocentric

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[41] Nussbaum's aim in her first writings is neither the accurate analysis of the Greek authors nor the extensive engagement with or criticism of Kant's ideas (indeed, she has attempted to avoid being called anti-Kantian). See Nussbaum, *Fragility* (2001), p. 361.

[42] Nussbaum, *Fragility* (2001), p. 257.

[43] Martha C. Nussbaum, Jonathan Glover, *Women, Culture, and Development: A Study of Human Capabilities*, *Wider Studies in Development Economics* (Oxford: Oxford University Press, 1995), p. 500. Nussbaum considers those conceptions to be the fruit of Western *episteme*. Her *internal* essentialism thus attempts to avoid metaphysical (or transcendental) claims. This has been widely criticised. For example, Paola Bernardini has argued that Nussbaum's approach is functionalist, on the premise that Nussbaum "defines both the body («animality») and reason in functional, rather than metaphysical terms." (P. Bernardini, *Human Dignity and Human Capabilities in Martha C. Nussbaum,* «Iustum Aequum Salutare», VI, 4 (2010), pp. 45–51. Konrad Sawicki, for his part, accuses Nussbaum of materialism, individualism, and a cynical approach to human freedom (K. Sawicki, *Zdolności ludzkie i ich urzeczywistnianie w rodzinie: Koncepcja Marthy C. Nussbaum*, Wydawnictwo KUL, Lublin, 2016.) For a more detailed analysis of Nussbaum's *phainomena* see Chapter 3.

[44] *Fragility* opens with three quotations, one of them from Plato's *Republic*, where Socrates asks Alcibiades: "what is a human being?" Plato, *Alcibiades* I, 129E quoted in Nussbaum, *Fragility* (2001), p. 6. Nussbaum's second book, *Love's Knowledge*, also begins with a quote from Plato, this time regarding the centrality of the inquiry about the good life in Greek philosophy: "It is no chance matter we are discussing, but how one should live." Nussbaum, *Love's Knowledge* (1990), p. 23.

methodology, in contrast, enables him to develop a philosophy that fully embraces human vulnerability, where the two questions – What is a human being? and How we should live? – are in harmony. We shall now look more closely at Nussbaum's early analysis of Plato's and Aristotle's methodologies.

3.2.1 Forms

Plato's main philosophical error, in Nussbaum's mind, is his uneasiness about the human condition. This leads him to begin the search for truth and value outside the human, in the ideal forms. In response to the old-age question – what is the measure of all things? – Plato, through the mouth of Socrates, asserts that "no human being is a good measure of anything."[45] In *Fragility*, Nussbaum stresses the importance of this assertion, describing it as the transitional moment in *Republic* VI. It constitutes the very basis for Plato's model of ethical inquiry:

> Anthropocentric 'laziness' is no good basis for an ethical theory. Socrates had already, in the *Protagoras,* replaced 'The human being is the measure of all things' with the uncompromising 'Knowledge [or: science] is the measure of all things' (cf. Ch. 4, pp. II5, rzo). Now we learn his considered view about what this requirement comes to: from now on, only the 'perfect' (complete, needless) will be 'good measure' of value for the ideal city: for only from the undistracted viewpoint of perfection can truth be seen. Having agreed as much, the interlocutors move away from their former content-neutral picture of the good life, which rested on a merely human consensus and strive towards the pure viewpoint of needlessness.[46]

Thus, Plato refuses to take a human starting point for his reflections. Even more strikingly, Nussbaum implies that for Plato our distinctively human nature is an obstacle for reaching the truth, and that "correct perception would come from a standpoint that is more than human, one that can look on the human from the outside."[47] The only standpoint that allows us to see truth and value is that of needlessness, perfection, in other words – a god's eye standpoint. Such

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[45] Nussbaum, *Fragility* (2001), p. 156.

[46] Nussbaum, *Fragility* (2001), p. 156. Interestingly, Hannah Arendt interprets the discussion between Plato and Protagoras in an entirely different key. For her, Plato's concern was to dismiss the anthropocentrism and the utilitarian approach to the world of nature that stems from Protagoras' claim. She points out that "Protagoras evidently did not say: 'Man is the measure of all things,' as tradition and the standard translations have made him say, but rather 'man is the measure of all use things *(chremata)*,' of the existence of those that are, and of the non-existence of those that are not." She thus insists that "It is quite obvious that the Greeks dreaded this devaluation of world and nature with its inherent anthropocentrism—the 'absurd' opinion that man is the highest being and that everything else is subject to the exigencies of human life (Aristotle)—no less than they despised the sheer vulgarity of all consistent utilitarianism. […] Plato knew quite well that the possibilities of producing use objects and of treating all things of nature as potential use objects are as limitless as the wants and talents of human beings. If one permits the standards of homo faber to rule the finished world as they must necessarily rule the coming into being of this world, then homo faber will eventually help himself to everything and consider everything that is as a mere means." Arendt, *The Human Condition* (1998), pp. 157-58.

[47] Nussbaum, *Fragility* (2001), p. 43.

perspective is, of course, unavailable to us, but Nussbaum reads Plato as suggesting that in order to reflect on what is valuable, we need to be able to go outside shared human conceptions and beliefs, outside our human limitations, into the pure realm of ideas: "the philosopher's ability to judge correctly seems to have less to do with mere quantity of experience than with the fact that experience has taken him to a certain place: a place where reason, free of pain and limitation, can stand alone, above the restrictions imposed upon thought by merely human life."[48] From this viewpoint, we can arrive at pure and definite concepts and ideas. Moreover, the standards for the various ethical virtues can be only established once one has access to the pure forms of ethical norms. This problem is further tackled in *Therapy of Desire,* where Nussbaum quotes Plato's assertion that in the realm of forms the soul sees ethical norms – justice, moderation, knowledge – in themselves: "not the knowledge that changes and varies with the various objects that we now call beings, but the genuine knowledge seated in that which really is" (247D).[49]

This viewpoint allows Plato to establish those values which eliminate conflict and instability, that is, purity, stability, and truth, as organising and ranking the objects and activities that constitute a good human life. Those human beings who judge from the godlike standpoint of forms will want to organise their lives by these values. Therefore, Plato's theory of value, based on the methodology of a godlike viewpoint, has implications for his interpretation of the notion of the good life. In *Therapy*, Nussbaum argues that these views are present in contemporary ethical theory in two versions: religious and scientific. In the scientific model of ethical inquiry, we study the fabric of things in order to discover permanent truths about values and norms; in religious ethics, the ethical standards are set up by God – and our task is to discover them.[50] In both versions, ethical norms exist outside what human beings are

[48] Nussbaum, *Fragility* (2001), p. 147.
[49] Plato, *Phaedrus*, quoted in Martha C. Nussbaum, *The Therapy of Desire: Theory and Practice in Hellenistic Ethics* (Princeton: Princeton University Press, 1994), p. 17.
[50] On the scientific model of ethical inquiry, she writes: "The scientific version thinks of ethical inquiry as similar to inquiry in the physical sciences – (…) In this picture, scientists studying nature inquire in a 'pure' manner, undisturbed and uninfluenced by their cultural framework, their background beliefs, their wishes and interests. Their task is to walk up to the world of nature (as Plato's souls walk to the rim of heaven), to look at it, and to describe it as it is, discovering its real permanent structure. (…) The desires, beliefs, and ways of life of physical scientists – or, indeed, of human beings more generally – must not be permitted to influence their inquiry into its status or their choice of methods of investigation. The idea is that ethics, too, is scientific in just this way. Ethical inquiry consists of discovering permanent truths about values and norms, truths that are what they are independently of what we are, or want, or do. They are set in the fabric of things, and we simply have to find them." She interprets the religious model in a similar way – "God has set up certain ethical standards; it is our job to do what God wants." See Nussbaum, *Therapy of Desire* (1994), p. 18.

and desire: "For both Platonists and these Christians, digging more deeply into ourselves is not the right way to proceed in ethical inquiry."[51]

The standpoint which Plato proposes as the basis for ethical enquiry is "one far removed from the situation of the ordinary human being," and "nothing like that of the ordinary human being."[52] Plato does not take into account those values that are contingent, species-relative, and yet central in human perception of the good. Forms are artificially eradicated from human experience, for we cannot understand abstract forms without their relation to the substance. For humans, as Nussbaum asserts, properties are dependent on the substance:

> When the Platonist speaks of The Good or The White, he is not referring to anything, much less communicating anything to us. He is just crooning away in a corner. For forms are self-subsistent, monadic, where our experience makes properties dependent on substance; forms are non-relational, even where the property (e.g., equality, doubleness) always turns up, in our experience, in a relational context.[53]

In our experience, all properties of reality are understandable only in relation to something. Plato's overlooking of this makes his theory inadequate for the kinds of beings that humans are. Nussbaum goes as far as to claim that Plato's methodology is not only flawed and unavailable to humans but also can lead to possibly destructive outcomes:

> [It is] futile, because such a vantage point is unavailable, as such, to human inquiry; destructive, because the glory of the promised goal makes the humanly possible work look boring and cheap. We could be pursuing the study of ourselves and of our world in ethics, politics, biology, physical science. We could be investigating our human conceptions of place and time, our practices of explaining the change, of counting, of individuating. The Platonist encourages us to neglect this work by giving us the idea that philosophy is a worthwhile enterprise only if it takes us away from the "cave" and up into the sunlight.[54]

Philosophy could be relevant in addressing the particularities of human lives, but Plato's method discourages us from pursuing this goal. In many respects, Plato's method is inherently different to that of Kant. But what is common to them is locating the 'truth' outside the phenomenal. Nussbaum finds a compelling alternative in Aristotle's proposal.

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[51] Nussbaum, *Therapy of Desire* (1994), p. 19.
[52] Nussbaum, *Fragility* (2001), p. 153.
[53] Nussbaum, *Fragility* (2001), p. 256.
[54] Nussbaum, *Fragility* (2001), p. 258.

3.2.2 Appearances

The study of the *phainomena* is intrinsically connected to vulnerability, and allows for its incorporation at the very start point of ethical debates. Nussbaum is both a scrupulous investigator and a passionate follower of Aristotle's philosophical method of the analysis of *phainomena*. Her fascination with 'the humanness' of Aristotle's philosophy resonates not only in her early works but also in her CA – where she draws on philosophy's insights in sketching a framework for evaluating people's possibilities for flourishing.[55] Nonetheless, the method of the analysis of *phainomena* is "in danger of vanishing altogether."[56] In *Parts of Animals*, Aristotle claims that the fact that his students are reluctant to study parts of animals and that they demand a more sublime object of study, testifies to their Platonism. It is a "sign that Platonism appeals to an already deep tendency in us towards shame at the messy, unclear stuff of which our humanity is made."[57] It is only natural to be drawn to the Platonic proposal of transcending the human condition, to overcome the vulnerability implicit in it, for we tend not to be at peace with our humanity. For this reason, oversimplifications and reductions that stem from the desire to transcend it are serious and ever-present dangers. Moreover, they become a source of disgust – a feature which in Nussbaum's later writings will gain political importance: "Some sorts of philosophising have their origin in what Aristotle here calls 'childish disgust' (645ar6); to undo the edifices built by disgust requires, in turn, another kind of philosophy."[58] It is the very task of *phainomena* to show us the way back to our humanity and undo our disgust with it. The study of *phainomena* is the kind of philosophy that embraces vulnerability and makes it an object of interest rather than evasion. In *Fragility*, in order to defend the method and convince the reader of its adequacy, Nussbaum provides a precise analysis of *phainomena*, which we will follow below.

3.2.3 Nussbaum's Aristotelian Phainomena

Many translations of the word *phainomena* as 'observed facts' attempt to ascribe to them the characteristics of a Baconian scientific procedure. Exposing the noun's relationship with the verb *phainesthai* – 'to appear' – and pointing to its relation to *ta legomena'* – 'the things we

[55] Even before the publication of her monographs, in her 1982 article entitled "Saving Aristotle's Appearances" (which was later edited and incorporated to *Fragility*) Nussbaum points to the analysis of *phainomena* as the most humanly relevant starting point.
[56] Nussbaum, *Fragility* (2001), p. 240.
[57] Nussbaum, *Fragility* (2001), p. 260.
[58] Nussbaum, *Fragility* (2001), p. 260.

say' – and *endoxa* – 'the common conceptions and beliefs on the subject,' Nussbaum emphasises the intersubjective and anthropocentric nature of *phainomena*.[59] There is no apparent distinction between *phainomena* and *doxa* – *phainomena* thus consist of descriptions of the world as it appears to or as it is experienced by observers who are members of our kind. The method of analysis of *phainomena* is composed of five steps.[60] Aristotle proposes that in order to examine a given problem, we need to 'set down' the relevant appearances. This includes recollecting "both a study of ordinary beliefs and sayings and a review of previous scientific or philosophical treatments of the problem, the views of the many and the wise."[61] This last group should specifically be composed only of those who share our species membership and some general features of our way of life.[62] We also need to set down the puzzles and dilemmas involved in our inquiry by bringing to the surface the disagreements and ambivalences with which the *phainomena* confront us, assemble the arguments for and against each side, and show how the embracing of a particular view on one issue would affect our view on others. The dilemma, however, cannot remain unresolved – the Principle of Non-Contradiction demands that we press for consistency in our conclusions. The next step comprises of monitoring if the development of our argument remains committed to the *pragmata* – the ways that human beings live and act, or if the internal progress of the argument leads us to awkward and implausible conclusions. Also crucial is advice from an external expert on the subject matter, "someone whom we trust to arbitrate the disputes," since the analysis of the *phainomena* is committed to the facts and is not external to science.[63] Finally, the method also requires 'intellectual habituation' – a sort of understanding that comes from a great familiarity with the subject and from dialectical practice. Therefore, while describing what the method of the analysis of *phainomena* consists of, Nussbaum stresses its anthropocentricity, its interpretive and disclosive character, as well as its relation to *doxa*.

In this analysis, Nussbaum surprisingly omits any reference to phenomenology – an area of scholarship that has treated those topics as central. As Nussbaum points out in Chapter 8 of the *Fragility*, Aristotle directly challenges the exceptionally common philosophical ideal that it is possible to bypass the *phainomena* and go directly to the indubitable truth (that often

[59] See Urszula Lisowska, *Wyobraźnia, Sztuka, Sprawiedliwość. Marthy Nussbaum Koncepcja Zdolności Jako Podstawa Egalitarnego Liberalizmu* (Toruń: Wydawnictwo Naukowe Uniwersytetu Mikołaja Kopernika, 2017), p. 39.
[60] Nussbaum, *Fragility* (2001), pp. 245-51.
[61] Nussbaum, *Fragility* (2001).
[62] This seems obvious; however, Nussbaum makes this point in order to underline the inadequacy of philosophies born in detachment from ordinary human experience.
[63] Nussbaum, *Fragility* (2001), p. 248.

runs completely against the grain of the *doxa*). Drawing on those analyses, she rightly underlines that this method embraces vulnerability, not only to luck (*tuche'*) but also to the human lack of access to a god-like understanding. She writes:

> The *phainomena* present us with a confused array, often with direct contradiction. They reflect our disagreements and ambivalences. The first step must, therefore, be to bring conflicting opinions to the surface and set them out clearly, marshalling the considerations for and against each side, showing clearly how the adoption of a certain position on one issue would affect our positions on others.[64]

Thus, Nussbaum recognizes the ambivalent nature of *phainomena*.

However, she apparently overlooks Heidegger's reading of Aristotle, which entails a similar reprioritisation of experience (*Erfahrung*) over theory. In favouring *phronēsis* and *praxis* (interpreted through the lens of "factical life") over *theoria* and *technê* (and even *sophia*), it is the *phainomena* that are brought to centre stage, and this has major implications for our understanding of the philosophical and scientific method.[65] Heidegger also provides us with a further compelling point on the relevance of the *phainomena*. In §7 of *Being and Time*, he draws a connection between the origin of the word *phainomenon* (*φαινόμενον*) and the word *phainetai* (*ϕαίνεσΘαι*) – "to show itself" – emphasising that *phainomenon* means "that which shows itself, the manifest," "that which shows itself, in itself, from itself."[66] Heidegger's reading opens the possibility that it is not just that we are dealing with 'appearances' (what appears to be so, and thus with opinions), but that the phenomenon is the appearing of things that are *showing themselves to us*. On this reading, *phainomena* belong not only in an epistemological category, but also in an ontological one. This, in turn, provides a grounding for the claim that the *phainomena* need to be taken absolutely seriously and never abandoned in the fog of rational speculation. To do so is to leave the world behind, and to do away with human vulnerability. Nussbaum, who seems to be pointing at exactly the same aspect, could benefit from Heidegger's analysis in elucidating the centrality of *phainomena* in this way.

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[64] Nussbaum, *Fragility* (2001).

[65] See Martin Heidegger, *Phenomenological Interpretations of Aristotle: Initiation into Phenomenological Research*, trans. by Richard Rojcewicz (Bloomington: Indiana University Press, 2008). See also Carlo DaVia, 'Philosophical Ethics: Aristotle's Method and a Gadamerian Appropriation' (New York: ETD Collection for Fordham University, 2015).

[66] Heidegger, *Being and Time* (1967), p. 51.

3.2.4 Vulnerability as a Methodological Principle

For Nussbaum, the *phainomena* play a central role in our search for the good life. In particular, they expose the fact that this search is inseparable from the question of what a human being is. Referring to her earlier criticism of Platonic forms, she underlines that the notion of good "abstracted from the nature and the conditions of a certain sort of being is an empty one."[67] In her early writings, she is fascinated by the uniqueness that Aristotle ascribes to human beings.[68] Unlike the scientific tradition around Aristotle, in his writings we find no mention of the relevance of comparisons between human and animal customs, or even between human beings and heroic or divine beings.[69] For Aristotle, human beings are the only living organisms who have experience of ethical concepts. He follows Heraclitus in his consideration that our understanding of ethical norms is founded on experiences of need and scarcity that a beast or a god would not share. This entails that in our search for the good life, we should avoid trying to assume the perspective of any of these. In a much-quoted passage, Nussbaum writes:

> a search for the good life for any being O must begin with an account of the essential ingredients of an O-ish life and O-ish activity - those features without which we will not be willing to count a life as O-ish at all. And if the essential features of lives are not the same across the species, as it looks evident to Aristotle that they are not, then the search for the good life must be a species-relative, rather than a general search. I cannot choose for *myself* the good life of an ant, a lion, a god.[70]

As Nussbaum reads Aristotle, reflecting on the essential functioning of a human being is a basis for reflection on the good life. Those considerations later become fundamental to Nussbaum's CA.[71] The following excerpt from the Introduction to *Women, Culture and Development* – a book where Nussbaum coins the first version of the Capabilities – shows the extent to which the Aristotelian approach has informed her writing:

> Here, then, is a sketch of the most important functions and capabilities of the human being, in terms of which human life is defined. The basic idea is that we ask ourselves "What are the characteristic activities of the human being? What does the human being do, characteristically, as such – and not, say, as a member of particular group, or a particular local community? To put it another way, what are the forms of activity, of

[67] Nussbaum, *Fragility* (2001), p. 341.
[68] In her later writings on capabilities, she will substantially distance herself from the claims of the uniqueness of human beings. See Martha C. Nussbaum, *The Cosmopolitan Tradition: A Noble but Flawed Ideal* (Cambridge: Harvard University Press, 2019). Nonetheless, she will draw on her earlier observations in identifying 'practical reason' and 'affiliation' as the two architectonical human capabilities.
[69] Specifically in In *Politiu* I
[70] Nussbaum, *Fragility* (2001), p. 293.
[71] See my article, Kamila Drapało, 'Martha Nussbaum's Non-Anthropocentric Philosophy,' *Etica & Politica / Ethics & Politics,* XXI/2 (2019), 135-52 (p. 144).

> doing and being, that constitute the human form of life and distinguish it from other actual or imaginable forms of life, such as the lives of animals and plants, or, on the other hand, of immortal gods as imagined in myths and legends?[72]

The similarity between the two quotations, written ten years apart, shows the permanence of Nussbaum's conviction that in order to provide an account of the good life for the human being, we need first to consider what it is. Nussbaum forms her Capabilities list based on the idea that by means of self-interpretation and an appeal to certain common-sense judgements, we can indicate some distinctive capabilities which define 'a human being.'[73] When formulating the list, we do not begin with a reflection on the objective order of reality but proceed according to the method of examining *phainomena* – we systematize our own beliefs about which aspects of the human condition are of special importance. Nussbaum asserts that such an understanding of human nature, associated with the Aristotelian conception of the good, is non-metaphysical. She associates it with Putnam's concept of 'internal realism', and defines the Aristotelian methodology as follows:[74]

> This, if we may characterize it for ourselves using language not known to Aristotle himself – is a kind of realism, neither idealism of any sort nor skepticism. It has no tendency to confine us to internal representations, nor to ask us to suspend or qualify our deeply grounded judgments. It is fully hospitable to truth, to necessity (properly understood), and to a full-blooded notion of objectivity. It is not relativism, since it insists that truth is one for all thinking, language-using beings. It is a realism, however, that articulates very carefully the limits within which any realism must live.[75]

Thus, in opposition to the Platonic proposal of the godlike standpoint, in Aristotle human vulnerability becomes a methodological principle. "Methodologically, vulnerability implies that our theorising about moral duties should start from actual human experience rather than from the vantage point of an idealised agent."[76] Nussbaum draws on this methodology in her early writings on philosophical anthropology, and later in composing her list of the ten central Human Capabilities. Philosophical anthropology which incorporates vulnerability – that is, an anthropology based on the *phainomena* – is, for Nussbaum, a necessary starting point for reflecting on the good life.

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[72] Nussbaum, *Women, Culture, and Development* (1995), p. 504.
[73] Nussbaum, *Women, Culture, and Development* (1995).
[74] Nussbaum underlines this claim against some philosophical conceptions, which she calls 'metaphysical realism,' which for her entail that "a human being is essentially and universally part of the independent furniture of the universe, something that can in principle be seen and studied independently of any experience of human life and human history."
[75] Nussbaum, *Fragility* (2001), p. 257.
[76] See Christine Straehle, 'Intruduction: Vulnerability, Autonomy, and Applied Ethics,' in *Vulnerability, Autonomy, and Applied Ethics*, ed. by Christine Straehle (New York: Routledge 2017), pp. 1-10 (p. 9).

3.3 Vulnerability and 'Internal Transcendence'

Having analysed Nussbaum's study of *phainomena*, we are in position to draw some observations on the implications of her approach. Beyond doubt, her strive to posit vulnerability as a methodological principle contributes to an acknowledgment of the human experience as central for moral theory. It stresses that the reflection on 'what it is to be a human being' should be at the centre of the search for the good life (*eudaimonia*) for both individuals and communities on personal and political levels. Moral debates should strive to identify the challenges that stem from human vulnerability and how they should be addressed within human possibilities. On the political level, accepting the ontological fact of human vulnerability entails that "one should at least moderate one's rage at and hatred of these limiting features, including death, which one would still fear and avoid."[77] The acceptance of vulnerability is a critical step towards limiting the politics of anger, fear and disgust. Moreover, the universality of human vulnerability could be considered as a basis for solidarity and compassion – an attitude that Nussbaum calls "a regime of mercy based on the understanding of human fallibility."[78] This contributes to the unsettling of the contrast, implicit in certain policy discourses, between "the vulnerable 'others' who must be protected and all other citizens who are represented as somehow invulnerable."[79] Nussbaum's merits lie in showing how vulnerability can become a basis for a new humanism. Indeed, in his review of Nussbaum's book, Charles Taylor appreciates her advocacy of the universality of vulnerability as a commitment to a kind of 'all-inclusive humanism' – a humanism whose essential trait is "the refusal to step outside the human standpoint."[80]

However, Nussbaum's attempts to think of morality and vulnerability together sometimes lead her to put too much stress on vulnerability. By doing so, at times she seems to lead her argument directly against the forms. What she overlooks in those instances is that if we deny that phenomena are appearances of something, we consequently must admit that appearances are things in themselves – that is, without the noumena, phenomena must take

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[77] Nussbaum, *Love's Knowledge* (1990), p. 379.
[78] See Martha C. Nussbaum, *"If You Could See This Heart": Mozart's Mercy* (Oxford University Press, 2016).
[79] See Mackenzie,'The Importance of Relational Autonomy and Capabilities.'
[80] Taylor writes that Nussbaum "(…) sees the aspiration to invulnerability as turning us away from some of the most valuable things in life. What is engaging, at times moving, and what gives passion and force and focus to the work, is her commitment to a kind of all-inclusive humanism, an aspiration to leave no human good in principle outside the purview of our aspirations, even though in particular circumstances we may be forced to make hard choices. In principle we seek the whole human good and won't settle for less. This, I think, is a basic principle for Aristotle, and Nussbaum partly through expounding him has given it another persuasive expression." Taylor, 'Fragility Review,' (1988), p. 811.

their place.[81] Once we adopt this perspective, 'everything would be transformed into mere appearance.'[82] This might have twofold implications.

First, paradoxically, it does not adequately address the limitedness of our knowledge, and thus vulnerability. While the Platonic forms can be objects of knowledge, Kant's noumena have a positive role as a limit for the reach of the understanding. This limiting role seems central in our thinking of vulnerability. It is central for the recognition that there is a crucial gap between those aspects of the world and other human beings that appear to us and those that remain hidden. As I shall argue in the last chapters, this problem ultimately remains unresolved in the context of Nussbaum's thinking of imagination. Second, at the same time, denying the existence of realities beyond our experience, we might close the bridge not only towards transcendence, but also self-transcendence understood as reaching beyond the givenness of our present situation. For Kant, the thought that there is a crucial difference between the noumenal world, that is, the ideal world, and the world as it is, is the basis for our political striving to make the world a better place, as well as our internal striving for self-improvement. One possible reading of Nussbaum's call to have the whole human good, instead, is "to define Platonic (or other forms of) self-transcendence as the adversary."[83] This opposition, while tempting, is not necessary: instead, a certain striving to transcend the givenness of experience can be seen to be an essentially human need, and the transcendent can be seen as "endorsing or affirming the value of ordinary human attention and concern."[84]

In much of the critical literature this point has been taken in the political direction, that is: Nussbaum's overlooking of self-transcendence, in the political sense, can be seen as a resignation to political forms of vulnerability.[85] This problem is visible, for instance, in Nussbaum's polemic against Hegel in her analysis of the *Antigone*. Nussbaum's reading diverges significantly from Hegel's to the extent that he interprets the play as a suggestion of the possibility of the "conflict-free synthesis of its opposing values."[86] On Hegel's reading, Sophocles points beyond the deficiencies of the main protagonists and seeks to show us that there *is* a possibility of resolving the tension between values if we succeed better than Creon

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[81] Indeed, Kant seems to have come up with an important insight when he asserts that although we cannot know the noumena, or things in themselves, but only their appearances, this does not exclude the existence of the noumena.
[82] Already John Rawls in *A Theory of Justice* and *Kantian Constructivism in Moral Theory* pointed out that espousing appearances as the method of ethical inquiry might lead some to contend that we must abandon the notion of truth in ethics. See Nussbaum, *Therapy of Desire* (1994), p. 23.
[83] Taylor, 'Fragility Review,' (1988), p. 812.
[84] Taylor, 'Fragility Review,' (1988), p. 812.
[85] See Marcos,'Vulnerability as a Part of Human Nature.'
[86] Nussbaum, *Fragility* (2001), p. 52.

or Antigone in planning a life where particular duties, for example, family and work, are not irreconcilable. We can and should try to improve society in such a way that we do not have to choose between, for example, being a mother and having a career. Antigone should motivate us to try to modify the world so that we do not have to face tragic conflicts of goods or values to such a degree. They will never be entirely reduced, but it is within our possibilities to reduce their extent. For Nussbaum, this reading demonstrates Hegel's excessive optimism regarding the possibility of creating a philosophical standpoint from which conflicts can be overcome, resolved, commensurate.[87] On her view: "any recognition of a plurality of genuine goods always leaves open the possibility of conflict; thus we should be more pessimistic than Hegel was about the possibilities of surmounting them."[88] In this way, she seems to argue against the philosophical optimism implicit in the idea of social improvement.

Similarly, in her analysis of *Hecuba*, Nussbaum overlooks the political implications of her juxtaposition of vulnerability and invulnerability.[89] She claims that the moral value is, in its very nature, fragile and vulnerable to circumstances beyond the agent's control.[90] Nonetheless, it may be argued that Nussbaum's stress on the fragility of goodness makes her overlook the political aspect of vulnerability, that is, the need for institutions which safeguard us against the loss of autonomy.[91] Nussbaum interprets Hecuba's crime as an effect of the betrayal of a friend to whom she had opened herself and in whom she trusted. However, Hecuba's loss of nobility could also come about due to "an overwhelming sense of

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[87] Louis A. Ruprecht, 'Nussbaum on Tragedy and the Modern Ethos,' *Soundings: An Interdisciplinary Journal,* 72 (1989), 589-605 (p. 600).

[88] Nussbaum, *Fragility* (2001), p. xxxi.

[89] For example, Dunn summarized Nussbaum's imagery of plant-like susceptibility to moral corrosion as being against the godlike vision of moral autonomy. Allen Dunn, 'Tragedy and the Ethical Sublime in *the Fragility of Goodness*,' *Soundings: An Interdisciplinary Journal,* 72 (1989), 657-73 (p. 658).

[90] This is illustrated also by the use of Turner's painting as the cover of *Fragility*. The painting *Regulus*, by Joseph Mallord William Turner (1828, reworked 1837) is exhibited at the Tate Gallery in London. As the Gallery informs, Regulus "was a Roman general who was captured by the Carthaginians. They sent him back to Rome to negotiate the release of Carthaginian prisoners. When he returned to Carthage, having failed his mission, he was punished by having his eyelids removed. Turner's blinding, light-filled canvas makes manifest Regulus's plight." Joseph Mallord William Turner, *Regulus* (London: Tate Britain, 'Turner Exhibited: Ambition and Reputation,' reworked and exhibited 1837). Nussbaum has recently again drawn on the story of Regulus in *The Cosmopolitan Tradition,* where she points to its importance to Marcus Aurelius in *De Officiis*, as well as to Horace. She writes: "Romans considered Regulus's story a salient example of honorable behaviour (…) Cicero standardly uses the story as an example of the victory of virtue over expediency. (…) Turner's paining Regulus is notorious for containing, it would appear, no representation of the central figure; the reason is that the viewer is placed in the position of Regulus, struck again and again by a hammering, implacable sun." Nussbaum, *The Cosmopolitan Tradition* (2019), pp. 258-59, fn. 11.

[91] Noticing the construction of the argument, Taylor has posed a question "What are the motives that push us towards the dichotomy?" His answer confirms that Nussbaum's concern was to sketch a view of vulnerability in opposition to the possibility of 'invulnerability': "There is the understandable desire for invulnerability, to make the good life immune from mere chance reversals. This can push us towards a narrowing in our definition of the good." Taylor, 'Fragility Review,' (1988), p. 806.

powerlessness," which stems from the inability of social institutions to secure justice for her. The story can be read as Hecuba's desperate attempt to achieve autonomy denied to her. In this sense, Hecuba could see revenge as the only possibility available in the face of the inability of political institutions to render her justice. When Agamemnon refuses to punish Polymestor, Hecuba turns to her own exercise of justice, dissociated from the community's legal system. In order to sustain the thesis about the fragility of goodness, Nussbaum overlooks another plausible reading – that it was not only Hecuba's openness or goodness, but also her position of disadvantage that drove her to bring Polymestor to justice in the only way available to her. Paying more attention to the need to safeguard individuals against injustice might have helped Nussbaum realize the need to distinguish between various types of vulnerability.

Again, in her reading of Plato and Aristotle, by focusing on the critique of Plato's strive for perfectionism, Nussbaum seems to be advocating the opposite – that is, to embrace imperfection fully. By being sensitive to the ways a good human being is like a plant, she emphasizes our vulnerability in ways that overlook the pathologies that may arise when vulnerability is not paired with some idea of transcendence. Paradoxically, she reduces the conflict that stems from the necessity to think the two together.[92]

Instead, incorporating vulnerability into the methodological standpoint does not imply that transcendental principles can be neglected in assessing the specific moral salience of vulnerability. But it implies that "we need to identify what *particularly* constitutes the challenge in human vulnerability and what should follow from the fact of vulnerability."[93] Accepting vulnerability (and thus, *phainomena*), as part of a methodological standpoint, one is still left with the task of reconciling *phainomena* with the vocation to understand and to improve the human condition. Hence, we are left with the challenge of negotiating between two extremes. The entire task of philosophy would consist in guiding reason in service to the *phainomena*, but we cannot achieve this without acknowledging the importance of some forms of transcendence. Paying more attention to the irresolvable tension between our vulnerability and our striving to transcend what presents itself to us in experience, in Plato and Aristotle, might have contributed to a more accurate reading and exposed Nussbaum to the complexity of the structure of human vulnerability.

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[92] We might agree with Ruprecht, who notices that "On the one hand, she fervently argues in favor of immersing ourselves in life's 'messy' conflicts, rather than trying to resolve or evade these tensions by recourse to oversimplified and artificial principles of behaviour. But on the other hand, she approaches philosophical texts in precisely the manner that she rejects for life itself. When she comes upon the tensions in the thought of Plato and Aristotle - tensions inevitable in philosophies that strive for some sort of completeness - she seeks to reduce this untidiness to a simple, conflict-free principle." Ruprecht, 'Nussbaum on Tragedy and the Modern Ethos,' p. 600.
[93] See Straehle,'Vulnerability, Autonomy, and Applied Ethics,' p. 9.

In her later writings, Nussbaum addresses some of the criticisms regarding political improvement of vulnerability under the notion of 'internal transcendence.' In *Love's Knowledge*, she grants that "it would be a disaster for humanity if the type of argument I am presenting were taken to imply that the desire to push our limits back further was an illegitimate desire."[94] She underlines the value of a "pursuit of human self- understanding and of a society in which humanity can realize itself more fully (…)."[95] She proposes a view of transcendence of a non-religious kind within the limits of human mortality.[96] 'Internal transcendence' entails "leaving the mark in the world," or, as she states with reference to Homer, a striving for "the creation of a deathless record of excellence" – of human deeds or works through which they change the world for the better.[97] Internal transcendence is a transcendence of a political (in the broad meaning of the term) type, which "involves pushing, in many ways, against the limits that constrain human life." [98] Thus, Nussbaum writes:

> It is perfectly reasonable, within the human point of view, to want oneself and others not to be hungry, not to be ill, not to be without shelter, not to be betrayed or bereaved, not to lose any of one's faculties – and to strive as hard as one possibly can to bring all that about in life. In fact, one of the merits of focusing on the internal sort of transcendence is that it tells us that such things really matter, that these jobs are there for human beings to do, for politics to do."[99]

Those considerations will lead her to focus on the political aspects of vulnerability. As we shall see, Nussbaum's early stress on vulnerability as a methodological standpoint, which in her early writings was an important contribution to contemporary debates on the role of vulnerability in moral theory, leads her to develop her own political theory based on the question 'what is it to be a human being?'

To conclude, in her early writings Nussbaum perceives a strong dichotomy between the notions of vulnerability and invulnerability in moral philosophy. Against the Kantian separation between the moral and the natural realms, Nussbaum discloses that the moral sphere

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[94] Nussbaum, *Love's Knowledge* (1990), p. 380.
[95] Nussbaum, *Love's Knowledge* (1990), p. 53.
[96] Indeed, Nussbaum praises writers such as Proust or James who, "not having the slightest interest in religious or otherworldly or even contemplative transcendence; both aim at transcendence nonetheless, offering their readers a glimpse of a more compassionate, subtler, more responsive, more richly human world." Nussbaum, *Love's Knowledge* (1990). She deems striving for immortality as "incoherent."
[97] It is through those deeds that human beings express their identity: "Human beings make the world, and make themselves in the world, through politics, through science, through teaching, through personal love, through virtuous speech and action. In all these ways human beings seek to live on, leaving in the world some expression of themselves, some continuation of their identity." Nussbaum, *Love's Knowledge* (1990), p. 382.
[98] Thus, transcending one's condition means "A transcending by descent, delving more deeply into one's self and one's humanity, and becoming deeper and more spacious as a result." Nussbaum, *Love's Knowledge* (1990), p. 379.
[99] Nussbaum, *Love's Knowledge* (1990), p. 380.

is not an invulnerable ideal, but that it is vulnerable to conflicts of values and to circumstances beyond agents' control. We should not seek a life that eliminates the beauty that stems from complexity but acknowledge the conflicts of values inherent in a good human life. Moreover, vulnerability understood as openness is constitutive of morality. This makes goodness essentially fragile. Finally, through her analysis of forms and appearances, Nussbaum argues that moral debates should incorporate human vulnerability as a methodological starting point. This posits a reflection on 'what it is to be a human being' at the centre of our search for the good life. At the same time, it leaves her argument open to criticism for overlooking the political and methodological problems of relying on the juxtaposition between vulnerability and invulnerability. It may be argued that Nussbaum's juxtaposition may limit the possibility of addressing the need to surpass the "empirical world as it is given here and now in order to project new possibilities of existence."[100] While her stress on appearances has contributed to acknowledging the centrality of human experience in moral philosophy, the force of her argument may also constitute a boundary for reaching beyond what is, towards what might be. Nussbaum has later addressed this problem with regards to the need for social improvement. Nonetheless, some aspects of her theory, particularly the topic of imagination, remain underdeveloped in this context. As we shall see, her view of imagination is ultimately limited in the context of freedom, understood as the capacity to transcend the givenness of the situation, and to envision alternative scenarios of existence.

[100] Kearney,'Poetics of Imagining,' p. 26.

4 Between Vulnerability and Capability. Dignity and the Human Being in the Capabilities Approach.

> We react to the spectacle of humanity so assailed in a way very different from the way we react to a storm blowing grains of sand in the wind. For we see a human being as having worth as an end, a kind of awe-inspiring something that makes it horrible to see this person beaten down by the currents of chance – and wonderful, at the same time, to witness the way in which chance has not completely eclipsed the humanity of the person. (…) Such responses provide us with strong incentives for protecting that in persons that fills us with awe. We see the person as having activity, goals, and projects – as somehow awe-inspiringly above the mechanical workings of nature, and yet in need of support for the fulfillment of many central projects.
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> Nussbaum, *Women and Human Development*

Introduction

Interest in the notion of dignity underpins a major change in Nussbaum's thinking of vulnerability with respect to her previous works. Her concern with dignity has sensitized her to some shortcomings in Aristotle's thought. She has found a compelling alternative in the writings of the Stoics, who developed a vision of universal human dignity based on the rational capacity of all human beings. Those considerations, in turn, have brought Nussbaum closer to liberal thought in the Kantian tradition. Against moral philosophy's turn in the direction of extreme vulnerability in the 1990s, Nussbaum looks for a counterbalance in the liberal ideas of morality and autonomy as the basis for dignity. Confronting those ideas with feminist thought, Nussbaum integrates her early insights on vulnerability with ideas of autonomy and liberty. The notion of dignity becomes, indeed, the grounding notion for Nussbaum's CA.

However, Nussbaum's later formulation of the notion of dignity as a political notion is questionable, especially in light of her preoccupation with animal dignity. Eventually, those unclarities lead Nussbaum to the rejection of anthropological inquiry, which is both against the spirit of the CA, and against her preoccupation with human vulnerability. The category of dignity that underpins the CA and the vision of the good upon which the approach draws actually imply a conception of the human being.

4.1 The Origins of Nussbaum's thinking of Dignity

4.1.1 Between Aristotle and the Stoics

Nussbaum builds her anthropology drawing extensively on Aristotle's ideas about human vulnerability. Nonetheless, in the second decade of her writings, she becomes more sensitive to some of the shortcomings of Aristotle's thought – above all, to his lack of a universal notion of human dignity. This lack leads him to give an unsatisfactory account of matters related to equality and cosmopolitanism. In her volume on *Creating Capabilities,* Nussbaum criticizes Aristotle for neglecting the ideal of equality, a worth that "all humans share across differences of gender, class, and ethnicity."[1] Aristotle, who so appealingly argues for an account of flourishing that leaves no human good aside, restricts access to such a life to a small, privileged group of male citizens of Athens. He appears unable to account for the inequalities that women, slaves, foreigners, or children face. This inability exposes Aristotle's defects as a collector of *phainomena*, although it does not condemn his philosophical method as faulty.[2] (Indeed, the analysis of appearances might "make use of deep beliefs about the importance of choice to criticize the actual social institutions concerning women."[3]) In later works, Nussbaum extends her criticism of Aristotle's disregard for equality to the issue of foreigners. Aristotle empathizes only with those who share his citizenship and his way of life. He fails to exhibit interest in different ways of life and concern with human beings outside of his borders. He does not think that we have moral obligations regarding people who live outside of the *polis*. For Nussbaum, this is an inadequate perspective for a philosopher to take. She also points to other shortcomings of Aristotle's account of *eudaimonia*. It begins to appear overly-essentialist, leaving no space for personal choice. At the same time, Nussbaum does not appear to have a clear stance on this matter. While sometimes she praises Aristotle for coupling "an understanding of choice and its importance with an understanding of human vulnerability," she also criticizes Aristotle's idea that a philosopher should identify the best account of *eudaimonia* and then attempt to make people capable of achieving it. She claims: "he showed no sensitivity to the thought that people have different comprehensive views of how to live and that government ought to respect them

[1] Martha C. Nussbaum, *Creating Capabilities: The Human Development Approach* (Cambridge: Belknap Press of Harvard University Press, 2011), p. 128.
[2] On the other hand, Nussbaum praises Plato for being more imaginative, open-minded, and ahead of his times with regards to the issue of women.
[3] Nussbaum, *Fragility* (2001), p. 531.

by giving them space for such choices."[4] Interestingly, Nussbaum herself is often accused of not respecting people's choice and agency in her CA.[5] However, the central problem intrinsic to Aristotle's philosophy, which generates the ones mentioned above, is his lack of the idea of universal human dignity. Nussbaum attempts to make dignity a central notion for her approach with the help of other thinkers.

Interest in the Stoics

In Stoic philosophy, Nussbaum finds a compelling alternative. The Stoics' account of universal human dignity, grounded in the rational capacity, entails a profound reconsideration of the place of women and foreigners, and the relevance of universal education. It also marks the first step in Nussbaum's reconsideration of autonomy. For the Stoics, the basis of human dignity is reason, which they understand as a part of the divine in each human being, and which is above all a faculty of moral choice. On their account, human beings have boundless worth by virtue of being rational and moral. The Stoics draw Nussbaum's attention to the idea that the capacity for moral choice can provide the anthropological basis for the universality of dignity in its concreteness.[6] This universal dignity is a basis for equality, which the Stoics practised by providing education for and including in their ranks slaves, women, and foreigners.[7]

The Stoic account of dignity and reason also gives rise to the ideals of international law and cosmopolitanism, which Nussbaum initially endorses.[8] The philosophy of *Kosmu polites,* according to which "the primary citizen allegiance is not to a single state government or temporal power, but rather to a moral community deeply committed to a fundamental respect for humanity" constitutes a basis for Nussbaum's account of humanity as world-citizenship.[9]

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[4] Nussbaum, *Creating Capabilities* (2011), pp. 127, 28-29.
[5] See the discussion later in the chapter.
[6] Nonetheless, some critics point to the fact that Nussbaum espouses a functional approach to human rationality. For instance, Paola Bernardini contrasts Nussbaum's account to the classical account of rationality, whereby instead of being a capacity, rationality is a way of being – i.e., it constitutes an essential feature of what it is to be a human being. See Paola Bernardini, 'Human Dignity and Human Capabilities in Martha C. Nussbaum,' *Iustum Aequum Salutare,* 6 (2010), 45-51.
[7] More specifically, she remains impressed by the fact that the Stoics campaigned for equal access to education for women, and included in their ranks former slaves, foreigners, women, and lower-class citizens (she gives examples of Epictetus, Seneca, Cicero).
[8] Following Marcus Aurelius: "If reason is common, so too is law; and if this is common, then we are fellow citizens. If this is so, we share in a kind of organized polity. And if that is so, the world is as it were a city-state." (Marcus, IV.4).24, quoted in Martha C. Nussbaum, 'Kant and Stoic Cosmopolitanism,' *Journal of Political Philosophy,* 5 (1997), 1-25 (p. 7).
[9] Nussbaum first presented her account of cosmopolitanism with reference to the Stoics in the essay 'Patriotism and Cosmopolitanism,' which she wrote in response to the famous article by Richard Rorty, 'The Unpatriotic Academy,' *The New York Times*, 13 February 1994. See Martha C. Nussbaum, 'Patriotism and Cosmopolitanism,' *Boston Review* 19 (1994). Nussbaum's article has provoked much discussion due to its attempt to blend

After her initial endorsement of the cosmopolitan ideal, Nussbaum later criticizes the idea of the world state in the light of the notion of autonomy.[10] The world-state can lack in resources of accountability and scrutiny. But most importantly, national sovereignty and individual autonomy are closely connected and hindering one would hinder the other. The cosmopolitan ideal is, for many of us, too abstract to inspire attitudes of self-sacrifice and real help, since it lacks material concreteness. However, what remains central to Nussbaum's scholarship is the Stoics' stress on the importance of "each person's capacity of recognizing and respecting the humanity of our fellow human beings, no matter where they are born, no matter what social class they inhabit, and no matter what their gender or ethnic origin."[11]

The Stoic account of dignity and moral choice provides Nussbaum with a significant alternative to another aspect she sees as lacking in Aristotle's philosophy: respect for individual choice in developing the idea of the good life. Stoics thought that respect for humanity gives a basis to the idea of respect for natural law, "the moral law that ought to guide us, even when we are outside the realm of positive law."[12] This will become central in the context of CA and the notion of autonomy implicit in it. Those ideas will also constitute the main point of her interest in the liberal thought in the Kantian tradition.

Aristotelian Criticism of the Stoics

Does Nussbaum's turn in the direction of the Stoic stress on reason constitute a break with Aristotle's insights? According to Nussbaum, Stoic philosophy is rooted in the "anti-Aristotelian" idea of invulnerability. This idea inevitably implies that dignity is independent of material conditions. Although the dignity of the human being is by definition independent of any material condition – all human beings share the same dignity despite their being different

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cosmopolitan and patriotic allegiances. It has sparked the problematic of the universalism versus particularism debate, and the extent to which the 'cosmopolitan view' respects local affiliations. For a more extensive argumentation, see Martha C. Nussbaum, *For Love of Country?* (Boston: Beacon Press, 2002). Ayaz M. Naseem and Henry Hyslop-Margison, 'Nussbaum's Concept of Cosmopolitanism: Practical Possibility or Academic Delusion?,' *Paideusis,* 15 (2006), 51-60 (p. 52).

[10] For instance, in *Frontiers of Justice*, she writes: "A world state would be very unlikely to have a decent level of accountability to its citizens. It is just too vast an undertaking ... (it) would also be dangerous. If a nation becomes unjust, pressure from other nations may prevent it from committing heinous crimes (…). If the world state should become unjust, there would be no corresponding recourse; the only hope would be rebellion from within (...). Moreover, even if these problems could be overcome, there is a deep moral problem with the idea of a world state, uniform in its institutions and requirements. National sovereignty (...) has moral importance, as a way people have of asserting their autonomy, their right to give themselves laws of their own making." Martha C. Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* (Cambridge: The Belknap Press of Harvard University Press, 2006), pp. 313-14.

[11] Martha C. Nussbaum, *Cultivating Humanity: A Classical Defense of Reform in Liberal Education* (Cambridge: Harvard University Press, 1997).

[12] Nussbaum, *Creating Capabilities* (2011), p. 129.

in many concrete ways – not all human beings have lives that reflect their dignity. Since we are vulnerable beings, to have dignified lives we need access to material and other resources. It is from the universal dignity of vulnerable human beings that stems the universal right to have access to the resources that allow people to live dignified lives. While the Stoics recognize and stress the universal, unconditioned dignity of the human beings, they fail to acknowledge the material implications related to it – as dignified but vulnerable beings we need and are entitled to support. The Stoics' stress that the soul can be free and nourished from within, even under the conditions of external enslavement, entails that material conditions are irrelevant from the perspective of their account of dignity. Not unlike Plato, the Stoics deem the 'external goods of life' unimportant and, thus, they fail to take action in attempting to provide people with living conditions that correspond to their inherent dignity. They do not take sufficiently into account the vulnerability of dignified beings. For Nussbaum, "These disturbing conclusions were reached not by compromising the Stoic commitment to equal worth but, instead, by denying the Aristotelian thought of human vulnerability: external conditions are not really important to a person's attempt to live well, so it isn't necessary for law and government to supply those conditions."[13] Aristotle's theory, in contrast, acknowledges the intrinsically worldly character of the human condition and is more sensitive to the connection between external conditions and the internal states (Nussbaum writes about the "connection between being well-fed and being free").[14] It does not entail that external conditions define internal states, but that we should not dismiss their importance.

Lack of recognition of the importance of vulnerability is also related to the Stoics' inability to give a proper account of human animality. The body and its functions are, for them, a source of enslavement and consequently, shame. Aristotle's philosophy, which promotes a sense of wonder at the animal and bodily aspects of the human condition is better adapted to address contemporary political problems.[15] For those reasons, despite Nussbaum's interest in the Stoics, Aristotle remains her most important Western philosophical influence. Considering

[13] Nussbaum, *Creating Capabilities* (2011), p. 131.
[14] Nussbaum compares her reading of Aristotle to that of thinkers such as Jacques Maritain, John Finnis, Alasdair McIntyre, Baker.
[15] Nussbaum has devoted two major books entirely to the themes of shame and disgust and its political consequences: *Hiding from Humanity: Disgust, Shame, and the Law* (2004), and *From Disgust to Humanity: Sexual Orientation and Constitutional Law* (2010), the topics are also present in her other publications. In both books, she discusses how the inability to accept one's vulnerability, which is often manifested as disgust at the body and bodily functions, gives rise to the stigmatization of certain groups identified as 'overly bodily' (for example, Afro-Americans, women, or homosexual men). Her thesis is that human beings have the tendency to project their shame and disgust at their own animality to other social groups in order to feel more pure or invulnerable.

the importance of the contributions of the Stoics, nonetheless, she notes that "one attractive and enduring marriage, compatible with mainstream Christian beliefs, was that between Stoic ideas of the equal worth of all human beings and Aristotelian ideas about human vulnerability."[16] Nussbaum searches for a similar marriage between liberal ideas and the ideas of contemporary feminists regarding the notions of dignity and the vulnerability of the human being.

4.1.2 Dignity and the Human Being in Political Liberalism and Feminism

Nussbaum's interest in liberal thought (Rawls, Amartya Sen) and the Enlightenment thinkers who underpin it (Kant, Adam Smith, J.S. Mill), begins during her time at Harvard, where she met John Rawls whom she credits for attracting her to some aspects of Kant.[17] Nussbaum initially finds in liberal thought a satisfactory articulation of the need to counter those vulnerabilities that impede dignified life.[18] Although she remains critical of Kant's disregard for the dependence of morality on vulnerability, she admires his stress that we should confront

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[16] Nussbaum, *Creating Capabilities* (2011), p. 132.

[17] With the publication of his *Theory of Justice* (1971), Rawls caused a major turn in political philosophy and, as Nussbaum observes, made the enterprise of theorising about justice "one of the most fertile areas of work for young philosophers." In a 2000 article Nussbaum writes that although many twentieth century Anglo-American philosophy departments believe that political philosophy has come to stop, there has been a substantive turn back to those topics, mainly thanks to the work of John Rawls and Jürgen Habermas, who "have become central points of reference." Martha C. Nussbaum, 'The Future of Feminist Liberalism,' *Proceedings and Addresses of the American Philosophical Association,* 74 (2000), 47-79 (pp. 47-48). She also claims that Rawls convinced her that given her talent for public speaking, it was her moral imperative to become a public intellectual. Martha C. Nussbaum, 'Conversing with the Tradition: John Rawls and the History of Ethics,' *Ethics,* 109 (1999), 424-30. Nussbaum praises Rawls for teaching his students (and herself) the importance of engaging with the deepest philosophical problems and the greatest thinkers in philosophy, rather than with the trendy but not as fruitful discussions in contemporary journals. Interestingly, Nussbaum's extensive engagement with philosophical tradition was criticized by Andrea Dworkin as a lack of originality. Dworkin wrote about Nussbaum in her review of *Sex and Social Justice*: "The problem with her own self-definition [as a 'philosopher'] is that her work is more literary and legal criticism than it is philosophy as such. She reads, she thinks, she writes about what other people read, think and write. She is a philosopher-lover, especially with respect to the ancient Greeks and she never hesitates to run to them for moral or intellectual cover – usually she provides an intellectual context in which they do most of her work for her. Kant and Mills also show up. (…) She never starts with a blank page in order to think about anything new – she does not have the courage of a Nietzsche or a Wittgenstein or a Plato. Instead, she piggy-backs her ideas on the by-now nearly broken backs of philosophers who did start from nothing and made something new. Like most critics she does not create, she comments, often at great length." Andrea Dworkin, 'Rape Is Not Just Another Word for Suffering,' *Times Higher Education* (4 August 2000), <https://www.timeshighereducation.com/books/rape-is-not-just-another-word-for-suffering/155954.article> [Accessed 20 April 2020].

[18] A slight change in Nussbaum's approach to Kant can be traced back to the book she published with Sen in 1993, *The Quality of Life*, although in the book she still sees an irreconcilable contrast between her Aristotelianism and Onora O'Neil's Kantian approach. However, in 1997, Nussbaum writes "Kant and Stoic Cosmopolitanism" for the occasion of the 200th anniversary of the publication of *Perpetual Peace*, where she analyses the similarities between the Stoic and Kantian philosophies.

human vulnerability with better political arrangements.[19] Contrasting Kant to Nietzsche or Heidegger, she praises him for defending "a politics based upon reason (…) a politics that was active, reformist and optimistic, rather than given to contemplating the horrors, or waiting for the call of Being."[20] Although one may be sceptical of Nussbaum's ironic tone, it points to a decisive turn from Williams's views, which she previously endorsed. Nussbaum disagrees with Williams' approach, which claims that moral philosophy gives us 'good views' about the human condition, operating on the paradigm of invulnerability, while Greek tragedies contemplate 'the horrors' of vulnerability. Could her rejection of this view testify to her slow turning away from the vulnerability/invulnerability dichotomy? It seems plausible, for she later suggests that vulnerability is not an end in itself, but often results from wrong political arrangements. This would entail that it can and should be avoided by better political planning and imagination. According to Nussbaum, Kant presents us with just such a challenge to invest our time better than to contemplate life's horrors. She changes her stance from being clearly anti-Kantian, to inscribing herself in the group of thinkers that "may desire a synthesis of the best elements of Aristotle and Kant."[21]

Nussbaum systematizes the liberalism in the Kantian tradition as characterized above all by three intuitions. Liberalism follows the Stoic tradition on themes of universal human dignity and worth but situates it more firmly in the issues of inequality, ethnic violence, and what Nussbaum calls a "widespread disregard for human dignity." Liberalism also follows the Stoics in finding the source of this dignity in the power of moral choice within human beings but relates this idea more closely to the "power that consists in the ability to plan a life in accordance with one's own evaluations of ends."[22] Unlike the Stoics, liberal thinkers point out that the equal dignity of persons gives them claims to justice. Nussbaum asserts that justice, in

[19] Nonetheless, she adds: "For both Kant and the Stoics, there is sometimes and in some ways a tendency to treat the moral imperative as displacing the political imperative, respect for dignity at times taking the place of rather than motivating changes in the external circumstances of human lives, given that for both, good will is invulnerable to disadvantages imposed by these circumstances. But one should not exaggerate the extent to which either the Stoics or Kant are indifferent to political change." Nussbaum, 'Kant and Stoic Cosmopolitanism,' p. 14.

[20] Nussbaum, 'Kant and Stoic Cosmopolitanism,' p. 3.

[21] In the Introduction to the second edition of *Fragility* she corrects her early position on Kant, as she describes the group of thinkers where she feels 'at home': "such thinkers are typically quite happy with the enterprise of theory-making in ethics, they simply want to build an ethical theory of a non-Utilitarian type, and they find Aristotle a helpful guide in the pursuit of that project. They are not inclined to social conservatism, and they are often attracted to the ancient views precisely because they show how socially formed many bad motives (such as greed and envy) are, and thus show us how we might conduct a radical critique of them. Although some members of this group are unfriendly to Kant, feeling (for example) that his view is unjustly hostile to the emotions and inattentive to the potentially conflicting goods, there is no internal logic in their view that leads them to reject some sort of alliance with Kant." Nussbaum, *Fragility* (2001), p. xxv.

[22] Martha C. Nussbaum, *Sex and Social Justice* (New York: Oxford University Press, 1999), p. 57.

the liberal sense, consists of promoting liberty of choice, not in a merely negative way (which would involve simply maximizing the number of choices), but in a way closely related to respecting and promoting the equal worth of persons as choosers. It is arguable that in the liberal tradition until Rawls, however, liberty was not as strongly related to equality as Nussbaum suggests. The ground-breaking character of Rawls's work lies precisely in his attempt at reconciling equality and liberty, and, consequently, in introducing the category of justice into the sphere of liberalism. Nussbaum understands liberalism, above all, in Rawlsian terms.

Rawls, however, distinguishes his political liberalism from traditional liberal approaches on the issue of justification of value of liberty in political life, and develops his theory of social contract. In traditional versions of liberalism, the priority of freedom is demonstrated with reference to a comprehensive philosophical, ethical, or metaphysical doctrine. The thesis about the fundamental role of freedom is thus placed in the context of broader considerations of axiology and human nature, such as in Kant's system. Rawls proposes instead that the principles of justice do not stem from any comprehensive doctrine, but from an imaginary contract. We are to envisage that those who participate in designing a common society choose jointly, in one act, the principles that are going to form a basis of rights and duties of the members of this society, as well as the basis of redistribution.[23] This hypothetical contract has to be developed under fair conditions (thus "justice as fairness"), that is: under the 'original position' of equality. Such a position is, nevertheless, imagined through the metaphor of the 'veil of ignorance' which entails that the parties choose the basic principles in absence of knowledge of their place in the future society. Thus, we are to agree on a social contract that establishes fundamental principles of justice for the society without knowing whether we will be healthy, intelligent, wealthy, talented, and so on.[24] On Rawls's view, the principles of justice which would most likely be identified under such a procedure are the principle of equality in ascribing rights and obligations to the citizens, and the principle of compensation of social injustices through redistribution.[25] Rawls's theory thus breaks with standard liberal approaches in its consideration of two principles in the 'original position.' Through those principles, as Rawls argues, his theory provides a rendering of Kantian ideas of

[23] John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 2005), p. 11.
[24] Rawls, *A Theory of Justice* (2005), p. 12.
[25] Some argue that the category of justice was not introduced into liberalism until Rawls, who can be considered a pioneer of the category of "liberal justice." In the liberal tradition, liberty was separated from equality, and given priority. On Palazzani's view, however, the Rawlsian approach is limited by the fact that he only considers the equality between independent, autonomous and rational individuals, and not all members of society. See Palazzani, *Cura E Giustizia* (2017), pp. 64 - 66.

universal human dignity and respect for persons. However, by stressing that those values are "manifest in the content [and ranking] of the principles to which we appeal," Rawls also underlines that "we cannot start out from them."[26] Thus, his account of dignity is political. Nussbaum also aspires to a political account of dignity – nonetheless, as we shall see, this aspiration leads to some fundamental inconsistencies in the CA.

Nussbaum initially endorses the idea that all human beings share a core of moral personhood, in light of feminist debates on the issue. Western feminist thought has criticized liberal essentialism (according to which all human beings share a core of rational and moral personhood) as too abstract, disregarding the reality of social hierarchy and unequal power, as well as the importance of various types of identities (national, gender, religious etc.).[27] However, in her work on feminism, Nussbaum encounters a deep paradox. On the one hand, one of the most pressing issues for Western feminists is to develop their frameworks in opposition to liberal thought – which is considered negligent towards the needs of women.[28] Many feminists highlight notions such as care or vulnerability, as opposed to liberty, autonomy, or reason. On the other hand, Nussbaum is actually drawn to liberal ideas which highlight the latter notions. Yet even more importantly, Nussbaum's fieldwork in India, where she engaged in discussions with local women, as well as her research on feminist movements in developing countries, draws her attention to the fact that the ideals of personhood, autonomy, dignity, and self-respect are important for women living in places where they are traditionally subordinated to men.[29] Therefore, while feminists in developing countries seek to vindicate liberal ideals for themselves, some Western feminists criticize these same ideals as 'male' and 'Western.'[30]

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[26] Rawls, *A Theory of Justice* (2005), p. 513.

[27] With regards to identity, Nussbaum argues that liberalism respects these inasmuch as they are chosen: "This, of course, does not mean that people may not choose to identify themselves with their religion or ethnicity or gender and to make that identification absolutely central in their lives. But for the liberal, choice is the essential issue; politics can take these features into account only in ways that respect it. This does not mean treating these features of people's lives as unimportant; indeed, in the case of religion it is because they are regarded as so important that any imposition on a person's conscience on these matters is seen as inappropriate in the public political conception." Nussbaum, *Sex and Social Justice* (1999), p. 70.

[28] See, for instance, Alison M. Jaggar, *Feminist Politics and Human Nature* (Lanham: Rowman & Littlefield Publishers, 1988).

[29] In *Women and Human Development*, Nussbaum stresses the importance of her discussions with people in India. She claims those discussions convinced her of the need to put greater emphasis the features of human "self-sufficiency" and the dignity of the person. This, in the CA, will lead her to focus more decisively on bodily integrity and control over one's environment (including property rights and employment opportunities), and a new emphasis on dignity and non-humiliation. See Martha C. Nussbaum, *Women and Human Development: The Capabilities Approach* (New York: Cambridge University Press, 2000), p. 78.

[30] Nussbaum underlines this in *Sex and Social Justice* as well as *Women and Human Development*.

Based on those observations, Nussbaum initially defends the liberal ideal as politically beneficial and adequate for feminist, humanist goals.[31] She claims that:

> The idea that all human beings have a core of moral personhood that exerts claims on government no matter what the world has done to it is an idea that the women of the world badly need to vindicate their equality and to argue for change. It is the disparity between humanity and its social deformation that gives rise to claims of justice.[32]

The idea that human dignity is grounded in moral personhood is something feminists may find deeply beneficial. According to Nussbaum, it constitutes a vital part of the most powerful feminist arguments.

However, Nussbaum later notices the flaws of the Rawlsian approach, insofar as he only considers equality between independent, autonomous and rational individuals, and not all members of society. This criticism has been most prominently exposed by care ethicist Eva Kittay. Kittay famously criticises contractarian theories, above all Rawls', which draw on the idea of dignity and personhood as grounded in rationality. Contractarian theories fail to acknowledge that real people are needy and vulnerable: when we are infants, when we are elderly, but also in difficult periods of adulthood. Some have special needs and require special care during their entire lifetimes – whether that be with regard to the lack of mental, physical, emotional or relational capacities. Rawls suggests that the needs of such persons can be addressed later, at the legislative stage, once the basic political institutions have been designed by the competent parties. Kittay, in contrast, argues that Rawls explicitly excludes human beings in the state of more evident forms of dependency from the situation of basic political choice.[33] For her, an adequate theory of justice should take into consideration the issue of care from the beginning, particularly in the theory of primary goods and the design of the institution.[34]

Kittay thus proposes an ethics which posits care, and not rationality, at the centre of morality. Relationships of care are, for her, morally fundamental forms of relationship and value. The moral agent, on this view, is above all a caring self, rather than a rational self, and as such he/she is constituted above all by affective relationships with other people. This allows

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[31] Nussbaum sees feminism as a type of humanism, that is, as a program that addresses all injustice, not putting the interests of women above those of other marginalized groups. A similar claim has been put forward by Julia Kristeva during her address "Some principles for the humanism of the twenty-first century" on 27 October 2011 in Assisi.

[32] Nussbaum, *Sex and Social Justice* (1999), p. 71.

[33] See the excellent discussion in Eva Feder Kittay, *Love's Labor: Essays on Women, Equality and Dependency* (New York: Taylor & Francis, 2013).

[34] This entails that the list should be more a list of capabilities than things and should be extended to include people at various stages of dependency.

Kittay to include people with cognitive disabilities or other forms of dependency in her account of moral agents.

Nussbaum agrees that contractarian theories have not yet given satisfactory answers to the problems of vulnerability and care.[35] For Rawls, the citizens of a Well-Ordered Society are "fully cooperating members of society over a complete life." His two 'moral powers' are to formulate and act from a sense of justice, and to formulate, raise and pursue a conception of the good. He thus adopts a "fictional hypothesis that appears innocent, but that ultimately has problematic consequences. This is the fiction of competent adulthood."[36] In order to improve liberal theory, it is not sufficient to include people with disabilities in basic political choice, for it would still be an account of what moral and reasonable citizens need. Care would remain subservient to moral personality. This, for Nussbaum, is a subtle yet definite way of dividing humanity further from animality, which still leaves problems related to the ways we think of illness, infancy, and elderly disability, and most importantly, it still does not recognize sufficiently the dignity, value, and full humanity of those with lifelong mental disabilities.

In order to address the problem fully, Nussbaum sees that it is crucial to challenge the Kantian notion of the person, on which the Rawlsian theory is based. She thus goes back to her early criticism of the Kantian 'split' in the context of dignity.[37] The Kantian split between rationality/morality and animality entails that dignity stems from the first, and not the second part of human nature. Such an understanding of dignity is flawed – we possess dignity *as* vulnerable beings and *because of* our vulnerability, not in spite of it. "That very sort of dignity could not be possessed by a being who was not mortal and vulnerable."[38] Indeed, an invulnerable being (a god) would be characterized by magnificence rather than dignity. Moreover, the Kantian model excludes the dignity of animals, the dependence of morality and rationality on fortune, as well as the theme of temporality and the dependence related to it: "We forget that the usual human lifecycle brings with it periods of extreme dependency, in which our functioning is very similar to that enjoyed by the mentally or physically handicapped throughout their lives."[39]

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[35] In the article she claims that there are two such areas: need for care in times of extreme dependency and the political role of the family. We shall concentrate above all on the first claim. Nussbaum, 'The Future of Feminist Liberalism,' p. 48.
[36] Nussbaum, 'The Future of Feminist Liberalism,' p. 49. John Rawls, *Justice as Fairness: A Restatement*, ed. by Erin Kelly (Cambridge: The Belknap Press of Harvard University Press, 2001), p. 200.
[37] It is worth noting that Rawls himself noticed those problems and wanted to modify his conception of the person based on the Kantian account – a fact that Nussbaum acknowledges in Martha C. Nussbaum, 'Political Soul-Making and the Imminent Demise of Liberal Education,' *Journal of Social Philosophy,* 37 (2006), 301-13.
[38] Nussbaum, 'The Future of Feminist Liberalism,' p. 50.
[39] Nussbaum, 'The Future of Feminist Liberalism,' p. 50.

Given the problem with Kant's account of dignity, Nussbaum wants to redesign the notion of a person in a "more Aristotelian than Kantian" spirit, as "both capable and needy," in order to include the problem of disability, animal rights, and cosmopolitanism into the spectrum of justice.[40] In her writings on the CA, Nussbaum thus situates her conception of dignity within the Aristotelian (or, in earlier versions, Aristotelian/Marxist) tradition, which, in her view, brings the animal and the rational components of the human condition into more intimate relation with each other.[41] At the same time, if we are dignified beings as vulnerable beings, everyone should be supported in need, notwithstanding their link to the 'fully cooperating' adulthood, that is, no matter if a person has ever proven useful or productive for society. However, in stressing that we are capable, Nussbaum disagrees with Kittay that we should construct a care-based theory in opposition to the liberal goals of independence and liberty. As Nussbaum reads Kittay, this would mean creating a type of politics in which liberty would be sacrificed in the name of security and well-being, and in which the state is viewed as "a universal mother."[42] This is not a convincing solution, for while there is no doubt that we need care, as citizens in a just society, we also need "liberty and opportunity, the chance to form a plan of life, the chance to learn and imagine on one's own."[43] In other words, we need a chance to attain a degree of autonomy. These goals are more difficult to achieve for some than others, and Nussbaum stresses that "some people, even very privileged people, don't have it [autonomy]."[44] Nonetheless, the ideal is equally important for all. The dependencies of people with mental or physical illnesses must be understood and supported, but so too must be their need to be distinct and unique individuals. Justice for the disabled and the elderly entails that the state should provide them with support to be freely choosing adults.[45]

Nussbaum's stress on addressing liberty and care, or capability and incapability, is an important contribution to the contemporary debates. In light of her praise for the humanist vision implicit in particular liberal ideas and noting their importance for feminist arguments, Nussbaum defends the importance of liberty in the political context. However, she notes that the liberal vision of the person, even in its best forms, does not take sufficiently into account

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[40] Nussbaum, 'The Future of Feminist Liberalism,' p. 56.
[41] In *Women and Human Development*, Nussbaum explicitly refers her conception to Marx, a reference which she later gives up. See, for example, Nussbaum, *Women and Human Development* (2000), p. 72.
[42] Nussbaum, 'The Future of Feminist Liberalism,' p. 57.
[43] Nussbaum, 'The Future of Feminist Liberalism,' p. 58.
[44] Nussbaum, *Women and Human Development* (2000), p. 165.
[45] In this sense, in *Aging Thoughtfully*, Nussbaum argues that "a good set of policies must support and protect agency, seeing aging people as choosers and makers of their lives (at times in a network of care with others), not as passive recipients of benefits." Martha C. Nussbaum and Saul Levmore, *Aging Thoughtfully: Conversations About Retirement, Romance, Wrinkles, and Regret* (New York: Oxford University Press, 2017), p. 197.

notions of vulnerability, neediness, and dependence. Combining this insight with her rethinking of the Enlightenment goals, she proposes to adopt a new vision of the person, one which would accommodate the liberal stress on moral autonomy with feminists' insights about vulnerability. Thus, Nussbaum envisions the notion of a person as both capable and vulnerable. In her approach (somewhat similarly to that of Ricœur), a human being is at the same time *homo capax* and *homo incapax*, and his or her needs should be addressed in this key.[46] Nussbaum's call to rethink the Kantian notion of the person does not entail a radical turn in the direction of dependency but a challenge to consider the notion of person as both needy and capable. Treating human beings as capable and vulnerable entails that individuals have claims to justice and dignified existence but need external support in order to achieve them. The notion of capability, which now implies both activity and vulnerability, is designed to reconcile the competing requirements of the ethics of care and liberalism. As I shall argue in the last chapter of the thesis, the notion of imagination is central in this context.

However, the Kantian and liberal traditions remain in constant tension with the Aristotelian and feminist insights, and each of the two sides dominates at different times in Nussbaum's writings. She is not always successful in reconciling them. While Nussbaum's sensitivity to the need to accommodate the notions of vulnerability and autonomy in the vision of the human being are illuminating and constitute a basis for the success of her CA, her inconsistency with regards to the notion of dignity and her recent rejection of the category of the human being can undermine the validity of the approach. This ultimately comes down to the tension, described at length in the literature on the subject, between her endorsement of political liberalism and the elements of her theory that suggest a commitment to a more comprehensive view of liberalism.[47] We shall turn to examine how this need to reconcile capability and vulnerability is addressed within the CA.

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[46] See Annalisa Caputo, 'Paul Ricoeur, Martha Nussbaum and the 'Incapability Aproach',' in *Paul Ricoeur in the Age of Hermeneutical Reason: Poetics, Praxis, and Critique*, ed. by Roger W. H. Savage (Lanham: Lexington Books, 2015).

[47] For criticisms of Nussbaum's political liberalism, see, for example, Broker, or Mackenzie and Formosa's highly relevant suggestion that Nussbaum should endorse comprehensive liberalism: Paul Formosa and Catriona Mackenzie, 'Nussbaum, Kant, and the Capabilities Approach to Dignity,' *Ethical Theory Moral Practice,* 17 (2014), 875-92.See also: Francesco Biondo, 'Is Martha Nussbaum Really Political Liberal?,' *Archiv für Rechts- und Sozialphilosophie,* 94 (2008), 311-24. As well as: Luara Ferracioli and Rosa Terlazzo, 'Educating for Autonomy: Liberalism and Autonomy in the Capabilities Approach,' *Ethical Theory and Moral Practice,* 17 (2014), 443-55.

4.2 The Capabilities Approach. Human being as Capable and Vulnerable?

The CA is a highly influential paradigm in the development and policy world that deals with the assessment of the quality of life.[48] Nussbaum claims that her capabilities, together with the idea of a threshold level of capabilities, provide "an account of basic constitutional principles that should be respected and implemented by the governments of all nations, as a bare minimum of what respect for human dignity requires."[49] Therefore, she presents her approach as a partial theory of just distribution, as well as a foundation for a reflection on justice and basic political principles, grounded in the notion of human dignity.[50] Nussbaum's CA widely draws on the Capability Approach (notice the singular form) created by a Nobel Prize laureate in economics, Amartya Sen, who inspired important changes in the developmental economy and in the reflection on Rawls' theory of justice.[51] Nussbaum met Sen at WIDER (World Institute for Development Economics) in 1986, the year of the publication of *Fragility*. She became greatly inspired by Sen's work, which reflected her own views on human flourishing in the context of Aristotle scholarship.[52] Although Nussbaum claims that her vision of the approach "began independently of Sen's work through thinking about Aristotle's ideas of human functioning and Marx's use of them," Sen gave Nussbaum's work a definite direction.[53] Both approaches begin the question "What are people actually able to do and to be?" which points to the assessment of the real opportunities available to people. In Sen's theory, this question indicates a space within which comparisons of quality of life, as well as questions about social equality and inequality, are best raised. Nussbaum also stresses the comparative

[48] Nussbaum underlines the capability paradigm's growing influence on international welfare agencies, such as the World Bank or the United Nations Development Programme, as well as on the Sarkozy Commission Report on the measurement of economic performance and social progress. See Nussbaum, *Creating Capabilities* (2011), pp. x-xi.
[49] Nussbaum, *Women and Human Development* (2000), p. 5.
[50] Indeed, Nussbaum goes much further than Sen, who, contrary to Nussbaum, never developed a list of capabilities. See Ingrid Robeyns, *Wellbeing, Freedom and Social Justice: The Capability Approach Re-Examined* (Cambridge: Open Book Publishers, 2017). For this reason, Ingrid Robeyns distinguishes between Sen's narrow use of capability (as measurement) and Nussbaum's broad, normative use of this category. Nussbaum claims her theory is partial –in the sense of incomplete – because it focuses on the notion of threshold rather than full capability equality. Nonetheless, given the centrality of the issue of justice in the CA, it is not clear whether it is actually "partial." See Pepi Patrón, 'On Ingrid Robeyns' *Wellbeing, Freedom and Social Justice*—Framework Vs Theories: A dialogue with Martha Nussbaum,' *Journal of Human Development and Capabilities,* 20 (2019), 351-56.
[51] Since Sen has never developed a list of capabilities, his approach is expressed in the singular as the Capability Approach. The singular form is also used in the name of an association founded by Nussbaum and Sen, which promotes the capability approach as a method of problematizing development. The Human Development and Capability Association holds annual conferences and publishes a peer-reviewed journal. Nussbaum's approach, however, is referred to in the plural as the "Capabilities Approach," since she proposes a list of capabilities.
[52] Nussbaum, *Women and Human Development* (2000), p. 11.
[53] Nussbaum, *Women and Human Development* (2000), p. 70.

use of the theory. However, the two approaches differ in some important respects, the most crucial one being the normative character of Nussbaum's theory.[54] Contrary to Sen, Nussbaum designs a list of the ten capabilities that she identifies as central. The list is based on the idea of the human being (and the good life). However, similarly to Rawls, Nussbaum endorses a commitment to political liberalism. The vision of the human being implicit in the approach is, as she argues, not metaphysical but is a form of internal realism – a concept which, as we have seen in the previous chapter, is based on the Aristotelian methodology of the analysis of *phainomena*. Nussbaum claims that this mode of analysis allows her to accommodate common aspects of different religious, cultural or biological viewpoints. The purpose of such an internal conception of humanity is to become "as universal as possible."[55] However, can the claim of universality and the claim to political liberalism be accommodated, given the Aristotelian bases of the theory? It is helpful to have the latest version of capabilities listed as a reference to inform our discussion (see Table 1).

[54] For in-depth description of the similarities and differences between Nussbaum's and Sen's approach, see Nussbaum, *Women and Human Development* (2000), pp. 11-15.
[55] Martha C. Nussbaum, 'Human Functioning and Social Justice: In Defense of Aristotelian Essentialism,' *Political Theory,* 20 (1992), 202-46 (p. 215).

Table 1: Nussbaum's Ten Central Capabilities:

1	*Life*	Being able to live to the end of a human life of normal length; not dying prematurely, or before one's life is so reduced as to be not worth living.
2	*Bodily health*	Being able to have good health, including reproductive health; to be adequately nourished; to have adequate shelter.
3	*Bodily integrity*	Being able to move freely from place to place; to be secure against violent assault, including sexual assault and domestic violence; having opportunities for sexual satisfaction and for choice in matters of reproduction.
4	*Senses, imagination, and thought*	Being able to use the senses, to imagine, think, and reason— and to do these things in a "truly human" way, a way informed and cultivated by an adequate education, including, but by no means limited to, literacy and basic mathematical and scientific training. Being able to use imagination and thought in connection with experiencing and producing works and events of one's own choice, religious, literary, musical, and so forth. Being able to use one's mind in ways protected by guarantees of freedom of expression with respect to both political and artistic speech, and freedom of religious exercise. Being able to have pleasurable experiences and to avoid nonbeneficial pain.
5	*Emotions*	Being able to have attachments to things and people outside ourselves; to love those who love and care for us, to grieve at their absence; in general, to love, to grieve, to experience longing, gratitude, and justified anger. Not having one's emotional development blighted by fear and anxiety. (Supporting this capability means supporting forms of human association that can be shown to be crucial in their development.)
6	*Practical reason*	Being able to form a conception of the good and to engage in critical reflection about the planning of one's life. (This entails protection for the liberty of conscience and religious observance.)
7	*Affiliation*	(A) Being able to live with and toward 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. (Protecting this capability means protecting institutions that constitute and nourish such forms of affiliation, and also protecting the freedom of assembly and political speech.)
		(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. This entails provisions of nondiscrimination on the basis of race, sex, sexual orientation, ethnicity, caste, religion, national origin.
8	*Other species*	Being able to live with concern for and in relation to animals, plants, and the world of nature.
9	*Play*	Being able to laugh, to play, to enjoy recreational activities.
10	*Control over one's environment*	(A) Political. Being able to participate effectively in political choices that govern one's life, having the right of political participation, protections of free speech and association.
		(B) Material. Being able to hold property (both land and movable goods) and having property rights on an equal basis with others; having the right to seek employment on an equal basis with others; having the freedom from unwarranted search and seizure. In work, being able to work as a human being, exercising practical reason and entering into meaningful relationships of mutual recognition with other workers.[56]

[56] Nussbaum, *Creating Capabilities* (2011), pp. 33-34. As of 2021, this is the latest version of Nussbaum's list.

Many critics note that Nussbaum, by providing a definite conception of the good expressed in the list of capabilities that should be implemented globally, is trying to impose universally a Western set of values, leaving no space for culturally distinct sets. In order to respect people's agency, it is suggested that Nussbaum should not develop the list herself, but allow citizens in their respective regions to debate those capabilities that they deem essential. So Ingrid Robeyns: "[for] reasons of agency and legitimacy, it will remain important to involve the affected people in the selection of capabilities and not to impose on them a list they simply have to accept, especially when the capability approach is used in political and policy contexts."[57] Without such involvement, Nussbaum's theory assumes an authoritarian tone and presumably excludes the possibility of respect for pluralism.[58] A related, albeit different criticism regards the epistemological limits of the list. Nussbaum, from her own limited perspective, cannot know by herself what is good for people. On this view, Nussbaum may be being disrespectful of people's capacity to develop and follow their own conception of the good. Is Nussbaum's account paternalistic, and does it operate irrespective of people's autonomy?

Nussbaum's main answer to the charge of paternalism is that her list can be drawn from a Rawlsian overlapping consensus and is, therefore, coined in the spirit of political liberalism. She stresses on many occasions that the list is "open-ended," that is: it is not definite, and is open to revision or addition. This entails, first of all, that the theory does not exclude the transformation of the essential characteristics and capabilities of the human being over the course of history. The theory can develop and be enriched by exchanges with other societies. This seems to be confirmed by Nussbaum's own gradual modifications of the list. For example, after talking with feminists in India, she adds a capability with regard to holding property, which previously she had taught as unimportant.[59] Similarly, she adds the environmental

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[57] Ingrid Robeyns, 'Sen's Capability Approach and Gender Ineqality: Selecting Relevant Capabilities,' in *Amartya Sen's Work and Ideas: A Gender Perspective*, ed. by Bina Agarwal, Jane Humphries and Ingrid Robeyns (Milton Park: Taylor & Francis, 2013), pp. 61-92 (p. 78).

[58] For example, Jaggar is openly dismissive of Nussbaum's proposal when she writes: "I have found no place in her extensive writings on capabilities where she questions her own authority to decide what should be included on the list and what excluded from it. She expresses no misgivings about the fact that, in taking control of the list, she assumes the prerogative not only of determining the philosophical import of others' contributions but also of assessing their moral worth, thus deciding whose opinions should be respected and whose should be rejected as mistaken or corrupt." Alison M. Jaggar, 'Reasoning About Well-Being: Nussbaum's Methods of Justifying the Capabilities,' *Journal of Political Philosophy,* 14 (2006), 301-22 (p. 314). Moreover, Alkire accuses Nussbaum of a lack of definitive methodological grounding which leads to problem with the theory's inclusiveness. See Sabina Alkire, 'Dimensions of Human Development,' *World Development,* 30 (2002), 181-205. Sen grants the lists' utility in addressing certain inequalities.

[59] She writes: "Property rights were little stressed in earlier versions of the list. I held that property was merely an instrument of human functioning, and I included it under a general capability to lead one's own life, without giving it a very prominent role. To some extent my judgment was influenced by the fact that when one teaches in

capability, which was not present in the first specification of the list. The approach, thus, attempts to accommodate the contributions of various systems of value. Nussbaum stresses that the capabilities have an infinite number of manifestations. Each capability corresponds to an infinite number of concrete specifications depending on various factors, circumstances, and identities. Thus, the manifestation of each 'good life' according to the theory of capabilities will be different and unique. Related to the uniqueness of the manifestation of capabilities is the issue of cultural specification. The list is intentionally abstract and general, leaving space for it to be specified at a local level, taking into account cultural and local differences before informing the implementation of new policies. This means that the general and abstract principles must be specified each time – the list itself must be adapted. Moreover, the application of the same principles will not necessarily require the same concrete political measures. Promoting environmental capability will require different measures in various places in the world.

Regarding legitimization and agency and deliberative democracy, Nussbaum underlines that her list is only a proposal and that it is a basis for persuasion. She claims that she is far from attempting to impose it on others. This can be seen as an expression of her engagement with political issues as a philosopher-citizen taking part in the democratic process, rather than as an attitude of a philosopher-authoritarian:

> I insist on a rather strong separation between issues of justification and issues of implementation. I believe that we can justify this list as a good basis for political principles all around the world. But this does not mean that we thereby license intervention with the affairs of a state that does not recognize them. It is a basis for persuasion, but I hold that military and economic sanctions are justified only in certain very grave circumstances, involving traditionally recognized crimes against humanity. So, it seems less objectionable to recommend something to everyone, once we point out that it is part of the view that state sovereignty, grounded in the consent of the people, is a very important part of the whole package.[60]

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a modern American law school one hears constant reference to the central importance of property rights in connection with a libertarian attack on the redistribution of wealth and income. So I came to associate the appeal to property rights with that position, one that is indifferent to the interest of poor people in having some property in their own names. (Land reforms have been a major source of social amelioration in India in the post-independence period.) But my experience in India showed me that women attach intense importance to the right to hold property – demanding, at the very least, equal inheritance and property rights with men, but also attaching considerable importance to the possibility that they will be able to acquire some land in their own names. Listening to these voices (…), I came to the conclusion that my own thinking had simply been muddled in this area; the evidence of desire led me to see something that I had refused to see before. Property rights play an important role in self-definition, in bargaining, and in developing a sense of self." Nussbaum, *Women and Human Development* (2000), p. 156.

[60] Nussbaum, *Frontiers of Justice* (2006), p. 80.

Therefore, Nussbaum strongly defends the issue of deliberation in accepting and or defining capabilities. She respects people's agency and the question of legitimacy in proposing her capabilities. But taking part in the democratic process, Nussbaum is far from neutral and intends to persuade the citizens of her proposal. Paradoxically, this is in effect more democratic than the content-less democratic proposals based on the idea of consensus.[61] By giving a quasi-definite list, based on the idea of human nature, Nussbaum precisely gives a topic for democratic deliberation – a deliberation which would be difficult to imagine without any content.

In this regard, it is important to consider whether a theory of justice can be devoid of any vision of the good. Nussbaum clearly denies it in writing:

> If capabilities are to be used in advancing a conception of social justice, they will obviously have to be specified, if only in the open-ended and humble way I have outlined. Either a society has a conception of basic justice or it does not. If it has one, we have to know what its content is, and what opportunities and liberties it takes to be fundamental entitlements of all citizens. One cannot have a conception of social justice that says, simply, 'All citizens are entitled to freedom understood as capability. (...) such a blanket endorsement of freedom/capability as goal would be hopelessly vague. It would be impossible to say whether the society in question was just or unjust.[62]

Of course, this does not entail that the philosopher is free from epistemological limits and can, by him or herself coin a complete account of the good. Nussbaum acknowledges those limits by stressing the provisionary and open-ended character of the list. But such limits should not stop us from philosophical reflection on the content of the capabilities, for otherwise, a theory of justice would be incomplete and impractical.[63] Without content, a theory of justice lacks a standpoint from which to criticize unjust societies and practices. For this reason, the content of the theory of justice appears to be indispensable. Thus, Nussbaum's claim about the usefulness of the definition of capabilities appears highly relevant. We could ask ourselves whether it is possible to establish what is just without debating what is good? And should it not be an important part of democratic deliberation? The search for the good, far from indicating authoritarian worldviews, could constitute a fruitful contribution to the debates on justice. Nussbaum's CA could be, in this sense, seen as a much-needed contribution to the debate on the good in the contemporary world, while still respecting the autonomy of the citizens in

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[61] See Rutger Claassen, 'Making Capability Lists: Philosophy Versus Democracy,' *Political Studies,* 59 (2011), 491-508.

[62] Martha C. Nussbaum, 'Capabilities as Fundamental Entitlements: Sen and Social Justice,' *Feminist Economics,* 9 (2003), 33-59 (pp. 46-47).

[63] Claassen, in his brilliant article, shows that epistemological and political limits should not discourage us from attempts to define a theory of justice.

accepting and debating her list.[64] Similarly, the idea of basing the theory on an account of human nature seems an important continuation of philosophical reflection on ethics in the context of justice, and "it is tempting to hope that we can defuse ethical skepticism by showing that ethical theory can meet the demands of a reasonable and moderate account of objectivity."[65] However, this would cause a (perhaps irresolvable) tension with her claims to political liberalism. Given the number of problems that this claim causes for various aspects of her theory, perhaps it would be beneficial to re-think this claim.

4.2.1 Notions of Dignity and The Human Being Within the CA

While the list of capabilities is useful in addressing issues related to justice, what is problematic is Nussbaum's lack of clarity on the notion of dignity, namely: she is not coherent about whether dignity stems from the capabilities or precedes it.[66] On occasions she claims that Kant's treatment of 'each person as an end' is central for her account. In this light, dignity is prior to the capabilities. She claims: "We should bear in mind that any child born into a species has the dignity relevant to that species, whether or not it seems to have the basic capabilities relevant to that species."[67] On this account, dignity would be species-related, and based on the notion of the human being.[68] It would thus precede the capabilities.[69]

However, in newer versions of the CA, Nussbaum characterizes her conception of human dignity as political.[70] This stems from her preoccupation with meeting the demand of overlapping moral consensus. In this respect Nussbaum writes: "It is also argued that dignity is not a value independent of the capabilities, but that the articulation of the political principles

[64] For criticisms of Nussbaum's political liberalism, see, for example, Broker, or Formosa and Mackenzie's highly relevant suggestion that Nussbaum should endorse comprehensive liberalism.
[65] Christopher Bobonich, 'Internal Realism, Human Nature, and Distributive Justice: A Response to Martha Nussbaum,' *Modern Philology,* 90 (1993), S74-S92 (p. S92).
[66] For a further discussion of this argument, see my article, Drapało, 'Nussbaum's Non-Anthropocentric Philosophy?.'
[67] Nussbaum, *Frontiers of Justice* (2006), p. 347.
[68] Leukam provides an interesting insight when she points that Nussbaum could overcome this difficulty by pointing more clearly to the distinction between having human dignity and living the life worthy of such dignity. Mary Leukam, 'Dignified Animals: How 'Non-Kantian' Is Nussbaum's Conception of Dignity?' (Georgia: Georgia State University, 2011), p. 34.
[69] This would tie Nussbaum's conception more firmly to the Kantian tradition than she is willing to admit. Indeed, "both conceptions more or less overlap with respect to their views about the status dignity of (almost all) human beings." Formosa and Mackenzie, 'The Capabilities Approach to Dignity,' p. 887.
[70] In order for the conception to be subject of overlapping consensus it cannot stem from metaphysical assumptions.

involving capability are (partial) articulations of the notion of a life with human dignity."[71] In this light, dignity is dependent on, and posterior to, the capabilities.[72]

The two conceptions of dignity are not necessarily incompatible with each other. When Nussbaum argues that dignity precedes the capabilities, she uses the term 'dignity' in the ontological sense. When she maintains that dignity stems from the capabilities, she operates at the ethical and political level. The two levels can be mutually supportive. But when she claims that her conception is solely 'political,' she separates the two levels and posits dignity in the latter. This, considered in light of the idea of a threshold of capabilities, could have troublesome implications for some people, including people with disabilities.[73]

Moreover, Nussbaum's recent rejection of anthropological inquiry makes her account of dignity even more questionable. Many anti-anthropocentric critics of the notion of dignity based on the idea of human being underline the supremacism implicit in it. This supremacism has been identified by Will Kymlicka as a basis of the Universal Declaration of Human Rights. Kymlicka argues that the notion of dignity itself is problematic and constitutes a source of species hierarchy:

> Early defenders of the Universal Declaration of Human Rights invoked species hierarchy: human beings are owed rights because of our discontinuity with and superiority to animals. (…) In the past decade, however, supremacism has returned in work of the new 'dignitarians' who argue that human rights are grounded in dignity, and that human dignity requires according humans a higher status than animals.[74]

In her recent work, Nussbaum's preoccupation with anthropocentrism has not only led her further away from anthropological inquiry but has also made her explicitly critical of it. She rejects the question 'what does it mean to be human?' and indicates the dangers implied in such questioning. Nussbaum writes:

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[71] Nussbaum, *Frontiers of Justice* (2006), p. 7.
[72] Nussbaum, *Frontiers of Justice* (2006), p. 162.
[73] For instance, Formosa and Mackenzie argue that locating dignity in the potentiality to function at the threshold level of the capabilities "would make the scope of her conception of status dignity far too restrictive. Indeed it would make her conception even more restrictive than the Kantian conception she criticises, since in order to have status dignity it would not only require (as Kant also does) the potential to function to a threshold level in practical reason (the sixth item on her list), but also in the nine other items on her list of central capabilities." Formosa and Mackenzie, 'The Capabilities Approach to Dignity,' p. 879.Indeed, in the second sense it is not clear whether the severely disabled would possess the same dignity as a healthy adult human being, or even, in some cases, as an adult animal. Nussbaum sometimes makes some unfortunate claims such as: "Capacities crisscross and overlap; a chimpanzee may have more capacity for empathy and perspectival thinking than a very young child, or an older autistic child." Nussbaum, *Frontiers of Justice* (2006), p. 363. See also Bernardini, 'Human Dignity and Human Capabilities in Martha C. Nussbaum.'
[74] Will Kymlicka, 'Human Rights without Human Supremacism,' *Canadian Journal of Philosophy,* 48 (2018), 763-92 (p. 763).

> Over time, the idea of 'being human' has surely meant — and will continue to mean — many things. There is and has never been just one answer. But surely one thing it ought to involve today is the ability to recognize that the question itself is a problem. (…) The question, 'What is it to be human?' is not just narcissistic, it involves a culpable obtuseness. It is rather like asking, 'What is it to be white?' It connotes unearned privileges that have been used to dominate and exploit. But we usually don't recognize this because our narcissism is so complete... [75]

In order to overcome this narcissism, Nussbaum, unlike Kymlicka, does not want to do away with the notion of dignity.[76] Already, in *Frontiers of Justice*, Nussbaum devotes extensive attention to the issue of animal dignity. She argues that all sentient and complex creatures possess the status dignity of their species-specific form of life. Based on this, she develops a provisionary list of animal capabilities and points to our duty to provide animals with their basic entitlements.[77] She, thus, tries to overcome the problem of anthropocentrism, not by eliminating the notion of dignity, but by modifying and extending it.

However, it seems that anti-anthropocentric claims, and the claims and that dignity is a political conception not based on the notion of the human being are difficult to counter. Nussbaum argues that dignity is not a specifically human trait, but that other animals also possess it. If this is so, then dignity ceases to be a political conception which defines relations between citizens. In order to use it as a basis for justice for citizens, that is, as a basis for human capabilities, it would need to be based on an account of the kind of beings human beings are.[78] Only such a theory could say what we can assume as capabilities from the point of view of the dignified life of citizens.

Nussbaum herself is sensitive to this problem when she argues that "without such an account [of human nature], we do not have an adequate basis for an account of social justice and the ends of social distribution. With it, on the other hand, we have –what we urgently need at this time – the basis for a global ethic and a fully international account of distributive justice."[79] This claim appears even more evident considering that her theory now faces the task of developing various accounts of animal capabilities and distinguishing them from human capabilities. In this sense, the rethinking of anthropocentrism and the defence of human dignity not only do not stand in opposition to each other, but instead mutually support each other.

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[75] Martha C. Nussbaum, 'What Does It Mean to Be Human? Don't Ask,' *The New York Times*, 20 August 2018.
[76] I have developed a more extensive analysis of the problematic of human narcissism in Drapało, 'Nussbaum's Non-Anthropocentric Philosophy?.'
[77] Already in the NYT article Nussbaum announces that in her further writings she will develop the topic of animal issues, and work towards framing a distinct list of capabilities for different species. As she recently confirmed (as of November 2020), her forthcoming book will deal specifically with animal capabilities.
[78] See Lisowska, *Wyobraźnia, Sztuka, Sprawiedliwość* (2017), pp. 132-33.
[79] Nussbaum, 'Human Functioning and Social Justice,' p. 205.

Finally, and perhaps most importantly, without an anthropological basis, the claim to support human vulnerabilities loses its full force. As Nussbaum wrote in the earlier versions of the CA: "We do not grasp the significance of suffering or lack or impediment unless and until we set it in the context of a view of what it is for a human being to flourish."[80] Indeed, it appears that the notion of what it is to be a human being is particularly important in the case of protecting the dignity of the most vulnerable. Without the anthropological basis, the validity of the CA would be undermined.

To conclude, against her early juxtaposition between vulnerability and invulnerability, and through her engagement with the notions of dignity and care, in her later writings Nussbaum develops a vision of the human being as both capable and vulnerable. Treating human beings as capable and vulnerable entails that individuals have claims to justice and dignified existence but need external support in order to achieve them. This vision becomes the basis of the CA. In recent writings, Nussbaum questions the anthropological basis of the CA and of the notion of dignity that underpins it. This in turn stems from her aspiration to political liberalism and from her preoccupation with criticizing the humanist anthropocentrism implicit in some of the anthropological models. However, negating anthropocentrism does not need to entail a complete rejection of anthropology. Indeed, there are anthropological models that seek a middle ground between humanist essentialism and the postmodern annihilation of the human subject, such as the model of selfhood based on imagination. I shall return to this topic in the last chapter. At this point, we can note that if the CA is to remain devoted to the protection of the vulnerable as well as to the promotion of their rights, then its grounding in philosophical anthropology that entails the vision of the human being as vulnerable and capable needs to be sustained. In the last part of the thesis, I shall turn to a more extensive analysis of the implications of this vision for Nussbaum's account of rationality, relationality, and imagination.

[80] Nussbaum, 'Human Functioning and Social Justice,' p. 239.

Part III - Nussbaum's Rationality and Relationality. A Relational Autonomy?

In this part of the thesis, drawing on Nussbaum's account of the human being in the CA, I argue that her understanding of autonomy is in line with the concept of relational autonomy – the notion that stresses the essentially relational and vulnerable structure of human autonomy. Among Nussbaum's capabilities, two appear particularly important: *practical reason* and *affiliation* – the 'architectonic capabilities.' They are 'architectonic' because they shape other capabilities and give their pursuit a truly human dimension. Stress on practical reason, which is further expressed through notions of choice and agency, points to the importance of autonomy.[81] In chapter 5, I look at the underpinnings and the development of Nussbaum's notion of practical reason to inquire whether it is, as some have proposed, too rationalist or highly intellectualised. I argue that Nussbaum attempts to develop the notion of practical reason as both passive and active. However, does her stress on the centrality of choice and agency as essential human faculties entails that she moves in the direction of unbounded autonomy, understood as self-authorship – authorship of one's life? In chapter 6, I argue that Nussbaum's identification of 'affiliation' as the second architectonic capability allows her to include relatedness as constitutive of autonomy. Stress on 'affiliation' underlines that both choice and agency are intersubjectively shaped and sustained, that is: they require relations and appropriate circumstances for their development and exercise. It is through her stress on affiliation that the relational and vulnerable character of Nussbaum's autonomy is disclosed. This essential vulnerability is further expressed through Nussbaum's tripartite distinction between capabilities (basic, internal, and combined). However, in order to understand further the relationship between vulnerability and autonomy, it appears crucial to distinguish between those forms of vulnerability which are antithetical to autonomy and those which are constitutive of it. On the one hand, minimalizing situational and pathogenic vulnerabilities, as well as vulnerability to 'arbitrary and unjustified misrecognition' appears a crucial part of providing individuals a space for the development of autonomy understood in relational terms. On the other hand, vulnerabilities inherent to our condition constitute a source of human

[81] Stress on choice and agency is in line the majority of autonomy theorists, who "generally concur that to be autonomous is to be able to make choices and act in line with one's reflectively endorsed beliefs, values, goals, wants, and self-identity." Mackenzie,'The Importance of Relational Autonomy and Capabilities,' p. 43. Pierre Goldstein also points to separateness as indicative of autonomy. The topic of separateness was indicated in this thesis in the context of feminism. See section Individual/Community. Goldstein's volume is illuminating in many aspects of vulnerability and autonomy in Nussbaum's thought. See Pierre Goldstein, *Vulnérabilité Et Autonomie Dans La Pensée De Martha C. Nussbaum* (Paris: Presses Universitaires de France, 2011).

flourishing, and their acceptance and cultivation appear constitutive of the development of relational autonomy. In this second sense, the task of becoming an autonomous agent and that of becoming a vulnerable agent appear to be two sides of the same coin. The notion of capabilities that Nussbaum develops in her recent writings can be seen as an attempt to accommodate both. This entwinement of vulnerability and autonomy poses, nonetheless, many challenges. In chapter 7, I argue for the centrality of imagination for Nussbaum's Capabilities Approach. Nussbaum's account of imagination could profoundly benefit from exploring imagination's relation to freedom. Without compromising her pertinent observations about imagination's relation to vulnerability, introducing the topic of freedom of imagination could contribute to disclosing imagination's relevance in addressing the challenges that stem from the intertwining of vulnerability and autonomy.

5 'Practical Reason.' The Importance of Autonomy in the CA

In her work on the CA and against her earlier stress on the role of luck, Nussbaum claims that "a life that is really human" is not the life of an agent who is "passively shaped or pushed around the world," but of one that is both active and reflective.[1] The capability that Nussbaum identifies as central to living a fully human life is that of 'practical reason,' which on the list figures as "being able to form a conception of the good and to engage in critical reflection about the planning of one's life." Nussbaum stresses the "very great importance the approach attaches to practical reason, as a good that both suffuses all the other functions, making them human rather than animal, and figures itself as a central function on the list."[2]

This may suggest that in the CA, Nussbaum stresses the active – as opposed to passive – function of reason. Such a move would entail that in her account of rationality, Nussbaum downplays the role of vulnerability in human rationality and moves in the direction of the 'capability', rather than 'incapability' of reason. Some critics have, indeed, expressed a worry that Nussbaum's theory is too rationalistic – stress on practical reason as an essential human capability entails a "highly intellectualized conception of a fully human life," and privileges intellectual reflection as a means to a flourishing life.[3] However, is this actually the case? In order to examine this and other related criticisms, in the first part of this chapter, we shall look into the development of notion of practical reason in Nussbaum's earlier, philosophical works. This analysis should reveal that Nussbaum seeks to develop a conception of rationality as both passive and active, reflective but including passional responsiveness and receptivity. In the second part, we shall analyse the consequences of Nussbaum's stress on 'practical reason' within her Capabilities. As I shall argue, the 'architectonic' function of 'practical reason' points to the centrality of autonomy in the CA.

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[1] Nussbaum, *Women and Human Development* (2000), p. 72.
[2] Nussbaum, *Sex and Social Justice* (1999), p. 44.
[3] Susan Moller Okin, 'Poverty, Well-Being, and Gender: What Counts, Who's Heard?,' *Philosophy & Public Affairs,* 31 (2003), 280-316 (p. 296).

5.1 Nussbaum's Early Notion of "Practical Reason." Emotions as moral guides?

Nussbaum's early thinking of rationality has its origins in the critique of theories of rational self-control in the 1980s and 1990s. At the time when Nussbaum develops her position, philosophy and political theory still operate on an overly rationalistic model of reasoning. The starting point of Nussbaum's analyses of rationality is her criticism of the dismissal of emotions and passions in contemporary philosophy.[4] On her reading, our tradition on passions is rooted in the juxtaposition of the activity of reason and the passivity of emotions. *Pathos* etymologically entails the passivity of intellect.[5] This passivity in Greek philosophy is understood above all in terms of pain and pleasure. In suffering and desire, a human being is anchored in his or her own finitude.[6] Stoics went as far as to understand passivity as a form of slavery. For them, wisdom consists of distancing oneself from passions and following reason. Intellect and reason allow detachment from passions and the capacity to rise above them. Taking passions as guides would be understood as madness. Upon this reading, passions are unintelligent, inactive elements of the intellect, opposed to the intelligent reason, purely active and invulnerable to exterior occurrences. Intellect is the only cause of its own movement, an active and self-sufficient generator of valuable acts. In contrast, passions are entirely unselective, "simply pushed into existence by the world and pushing, in turn, the passive agent."[7]

This opposition between emotion and intellect is emblematic of modern views on the matter, and has important consequences for our thinking of morality. "The specifically Kantian tradition on the sentiments and passions finds moral problems in pity as well as love, in friendly feeling as well as erotic passion, in anger, fear, even sympathy all these are morally problematic insofar as they are not will-governed."[8] On this account, passions are unequivocally selfish and

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[4] Nussbaum affirms that the prejudice regarding the non-intelligent nature of emotions has come to characterize all moral philosophy. Nussbaum, *Fragility* (2001), p. 44. According to Rámon Máiz, this prejudice is still cultivated in modern views on the matter. See Rámon Máiz, 'La Hazaña De La Razón: La Exclusión Fundacional De Las Emociones En La Teoría Política Moderna.,' *Revista de Estudios Políticos,* 149 (2010), 11-45. Maiz writes that the whole of modern political theory is hyper-rational – based on the exclusion of emotions as bases for arguments. He praises Nussbaum's contributions in modifying the model of deliberative democracy by including the pre-political, passional elements.

[5] Fermani points out that the word passion stems from pathos and has two meanings: a metaphysical one, contrary to action, and a psychological one – to suffer. See Anna Fermani, 'Aristotele E Gli Affetti,' *Appunti di cultura e politica,* 5 (2018), 14-25 (p. 15).

[6] Sara Bignotti, 'La Categoria Della «Passività» in Tre Modelli: Teoretico, Etico E «Politico»,' *Appunti di cultura e politica,* 5 (2018), 6-13 (p. 7).

[7] Nussbaum, *Fragility* (2001), p. 264.

[8] Nussbaum, *Love's Knowledge* (1990), p. 337. Although she does not develop an in-depth analysis of the Kantian account of rationality and passions, she expands on Kant's 'remarkable distinction' between *pathological love* (amoral, or indeed, immoral) and *practical love* (moral love based on a sense of duty and thus not vulnerable to

aimed at one's own states of satisfaction. As such, they cannot be basis for moral action – for action has genuine moral worth only if it is chosen for its own sake.[9] They also cannot be a basis for judgement.

For Nussbaum, reasoning devoid of passional responsiveness can be assimilated to *epistêmê or technê,* – the models of reasoning similar to scientific deliberation, counting or measuring, whereby we can "grasp, comprehend, or control" given aspects of a situation.[10] Applying them into the realm of action entails that we can judge and choose according to specific rules, reducing the possibility of confusion, doubt, and mistakes. The characteristics of *technê* – universality, teachability, precision, concern with explanation – minimise the unpredictability implicit in the sphere of action. The universality of *technê* entails that singular experiences can be ordered into a systematic unity. Those judgments can be, then, taught in advance so that others do not need to have the same experience but can follow the already created account. The precision of the account implies that vagueness and confusion are done away with. *Technê's* concern with explanation entails inquiring about reasons and procedures; once phenomena can be explained, they can be predicted and controlled. Taken together, those elements serve to master contingency.[11] Armed with *technê,* we do not confront new experiences without forethought or preparation. We possess "some sort of systematic grasp, some way of ordering the subject matter (…) removed from blind dependence on what

'departures' or, more generally, 'circumstances'), in the *Doctrine of Virtue*. Kant uses the term 'pathological' to describe the romantic, 'non-will-governed' and thus non-voluntary love. *Practical love,* in contrast, is "an attitude of concern that one can will oneself to have toward another human being, and which is, for that reason, a part of morality." Since Kant believes that the realm of morality is of utmost importance, he cannot but ascribe far greater worth to practical rather than pathological (romantic) love. Nussbaum argues that this view, rooted in the distinction between activity and passivity, has "certainly been influential in explaining the absence of love from our moral philosophy." Nonetheless, what is crucial is that such account is not restricted to the interpretation of love but implies a general account of passions and emotions. Nussbaum, *Love's Knowledge* (1990), p. 337. Nussbaum refers to Immanuel Kant, 'The Doctrine of Virtue (Part III),' in *The Metaphysics of Morals*, trans. by Mary Gregor (Cambridge: Cambridge University Press, 1996), pp. Akad. 500–1,447ff. Original publication: 1797, as well as Immanuel Kant, *Critique of Practical Reason*, trans. by Lewis White Beck (Indianapolis: Bobbs-Merrill, 1956) Original publication: 1788. Thus, she indirectly opposes 'practical love' to the Aristotelian account of *Philia*, which may be disrupted by spatial or temporal absence. Nussbaum, *Fragility* (2001), p. 361.

[9] Nussbaum is stunned that Kant suggests that we should avoid acting under the influence of passions even in the context of love and friendship. This strange advice is only the natural effect of Kant's treatment of passions – since he sees them as always selfish, he "cannot allow that action chosen only or primarily because of passion could be chosen for its own sake." Ibid.

[10] Nussbaum, *Fragility* (2001), pp. 100-10. Nussbaum convinces her readers that in the context of the discussed texts the two can be treated as synonyms. "In fact, to judge from my own work and in the consensus of philologists, there is, at least through Plato's time, no systematic or general distinction between *epistêmê* and *technê.* Even in some of Aristotle's most important writings on this topic, the two terms are used interchangeably*."* Nussbaum, *Fragility* (2001), p. 94. There are certain similarities between Nussbaum's criticism of *epistêmê* and Heidegger's calculative thinking (*berechnendes Denken).* See Martin Heidegger, *Discourse on Thinking*, trans. by Joel Anderson (New York: Harper & Row, 1966).

[11] Nussbaum, *Fragility* (2001), p. 97.

happens."[12] *Technê* thus implies that we judge and act in accordance with universal rules, reducing passional responsiveness to and flexible judgment of particular of situations.[13]

5.1.1 The Nature of the Sphere of Action

However, the very nature of the sphere of action entails that we should approach it with responsive flexibility rather than a general set of rules. The account of rationality, which dismisses the moral worth of passions and separates them from the domain of moral action, blinds us to the possibility that correctly formed passions can be guides for virtuous action and dismisses their centrality in judgment and choice. Nussbaum thus sets out to prove, with the help of Aristotle, that passions are central for choice and action because they are adequately suited to address the mutability, indeterminacy, and particularity of the sphere of action.

For Aristotle, action (*praxis*), is one of the three basic human activities, along with theory (*theoria*), and manufacturing (*poiesis*). Mutability, indeterminacy, and particularity of *praxis* disclose why practical choices should not be governed according to *technê*, but according to *phronesis*. *Mutability* refers to the temporality of action; it stresses change over historical and personal time, as well as the importance of surprise. The mutability of the world entails that agents are confronted with ever new configurations, which can surprise them by "going beyond what they have seen."[14] This mutability also applies to the sphere of natural justice, which is historically rooted, backed only by ongoing human social practice. Fixed norms of acting proposed by *technê* are inadequate because the temporal character of action means that we will be confronted with ever-new configurations. Mutability of action thus entails that actions cannot be predicted or prescribed but are indeterminate and particular. The Aristotelian idea of *indeterminacy* (*aoriston)* of action refers to the complexity and variety of the sphere of action. The variety of practical contexts implies that the appropriate choice is situation relative. Ethical action, therefore, is a response to the requirements of a concrete situation in its complexity, taking into account its specific context and circumstances. On this reading, an action that is generally considered good may not be an appropriate choice in certain situations. *Particularity* connotes the importance of the uniqueness of the elements of certain concrete ethical cases. The uniqueness of elements entails that "in their very nature they are not, or not simply,

[12] Nussbaum, *Fragility* (2001), p. 95.
[13] Nussbaum borrows Aristotle's convincing anecdote to demonstrate this point: "Aristotle tells us that a person who attempts to make every decision by appeal to some antecedent general principle held firm and inflexible for the occasion is like an architect who tries to use a straight ruler on the intricate curves of a fluted column." Nussbaum, *Fragility* (2001), p. 372.
[14] Nussbaum, *Fragility* (2001), p. 302.

repeatable."[15] Thus, in the same circumstance, we might choose different action if it regards different people in their particular needs. Moreover, we might choose specific actions for the sake of particular persons, not for the sake of the action itself.

Interestingly, Nussbaum does not devote much attention to the complexity of Aristotle's *praxis*. Other theorists, however, point to the apparent contradictions in the Aristotelian definition of *praxis*, the most important one being the question of ends and means. On the one hand, Aristotle claims that we perform actions for the sake of some end. On the other, our actions only count as 'virtuous' if we perform them for themselves, or as ends in themselves, and not as means to something else.[16] To help harmonize Aristotle's apparently incompatible statements about action, Christine Korsgaard distinguishes between action and act, whereby action includes both the act and the end for the sake of which it has been made. Thus, "for example, giving donation is an act, and giving donation in order to help a friend in need is an action."[17] In contrast, Arendt clearly sees action only as that which has a meaning in itself, and distinguishes it from motivation (*aim*), and the achievement (*end*).[18] The *meaning* of an activity, is, for her, inscribed and lasts as long as the activity itself: "The specific meaning of each deed, can lay only in the performance itself and neither in its motivation nor its achievement."[19] From Arendt's political perspective, only those deeds that have that are autotelic (are ends in themselves) are qualified as actions. Arendt's understanding of action is thus opposed to consequentialist accounts.

Moreover, for Arendt, mutability is not the feature of the sphere of action itself – it is human beings who have the ability to create new configurations by diverting chains of action. The nature of the sphere of action in itself has a processual character – every action causes consequences, which cause further actions and further consequences. Chains of causality are infinite. In this sense, the causality of action belongs to the Kantian realm of nature – the notion of a *chain* of causality implies that the outcome of each action is not only eternal but also certain and determined. Indeed, actions that constitute processes are more accurately called *re-actions*. In this sense, for Arendt, if the sphere of action were left to itself, human affairs would be predictable and describable by means of *technê* – there would be no freedom of action.

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[15] Nussbaum, *Fragility* (2001), p. 304.
[16] See John L. Ackrill, 'Aristotle on Action,' *Mind,* LXXXVII (1978), 595-601.
[17] See Christine M. Korsgaard, *The Constitution of Agency: Essays on Practical Reason and Moral Psychology* (Oxford: Oxford University Press, 2008), p. 147.
[18] Arendt never completed the book. It has been edited and published posthumously as a set of fragments by Ursula Lodz as *Was ist Politik? Fragmente aus dem Nachlass* (Piper: Munich, 1993).
[19] Arendt, *The Human Condition* (1998), p. 206. In Arendt's account of action, action is characterised by unpredictability and irreversibility, which can be remedied by the power of promise and forgiveness.

Twentieth-century ideologies operated precisely by explaining the world by means of the deterministic *technê,* stripping agents of the freedom to act. However, faith and hope in human affairs stem from the fact that human beings, whose main characteristic is their capacity to begin, are capable of diverting chains of action, and thus, are capable of freedom. Human beings actualize their potential to freedom by acting and diverting chains of natural causality. As Arendt hearteningly puts it, this faculty inherent in action is a reminder that "men, though they must die, are not born in order to die but in order to begin."[20] Drawing on Saint Augustine, Arendt points that because we are beginners, we can begin something new and unprecedented: "Because they are *initium,* newcomers and beginners by virtue of birth, men take initiative, are prompted into action."[21] Action as an actualisation of a person's ability to act as a beginner resonates in Arendt's reference to the Greek *archein* - to take an initiative, to begin. Arendt's considerations could extend Nussbaum's idea of surprise; incorporating Arendt's account would put stress on the fact that it is not only the configuration of action itself that can surprise us but, since we are capable of beginning something new and unprecedented, we are capable of surprising.

Why does Nussbaum refrain from characterizing *praxis*?[22] Perhaps the reason is that, as John Ackrill argues, Aristotle "does not direct his gaze steadily upon the question 'What is an action?'"[23] While Nussbaum devotes much attention and specific analyses to the theme of agency in her later works, in her early writings she seems to be more interested in analysing the relationship between activity and fragility, and their consequences for the ethical life, than in outlining the nature of action itself. What is central, for Nussbaum, is that general rules are inadequate to address the complexity of real-life dilemmas. We need to address it with a flexible, practical rationality which includes passional responsiveness.

5.1.2 Phronesis

Nussbaum introduces the concept of practical rationality (*phronesis*) as an alternative to *epistêmê* and the commensuration of values. *Phronesis* is "distinguished by Aristotle from theoretical knowledge and mere means-end reasoning, or craft, and [is] itself a necessary and

[20] Arendt, *The Human Condition* (1998), p. 246.
[21] Arendt, *The Human Condition* (1998), p. 177.
[22] See, for example, the discussion regarding the relationship between virtue and skill in Matt Stichter, 'Ethical Expertise: The Skill Model of Virtue,' *Ethical Theory Moral Practice,* 10 (2007), 183-94.
[23] Ackrill, 'Aristotle on Action,' p. 61.

sufficient condition of virtue."[24] It entails a model of rationality that is "flexible, ready for surprise, prepared to see, resourceful at improvisation." It is "like perceiving in the sense that it is non-inferential, non-deductive." But most importantly, it is able to "recognise, acknowledge, respond to, pick out certain salient features of a complex situation."[25] Although *phronesis* does not dismiss rules, it uses them only as summaries and guides. In her analysis of *phronesis*, Nussbaum individuates two features as necessary for gaining practical wisdom: experience and perceptive responsiveness.

5.1.2.1 Experience

Practical wisdom, understood as the ability to discern the central features of complex situations, is gained through a long experience of life.[26] It is only through experiences that we learn to understand and grasp the meaning of events. We need sufficient past experience in order to finalize deliberative inquiry: "we encounter a phenomenal world that is already prejudged (to various degrees), and it is to that world that we must attend in order to grasp ethical scenarios, objects, and narratives. Repeated exposure to and practical acquaintance (*aisthesis*) with appearances in this construed world gives us a foundation of experience (*emperia*) that may sharpen our capacity to discern what is fitting in matters of practical choice."[27] Experience is a crucial prerequisite of *phronesis*. Taylor has compared Nussbaum's discussion of *phronesis* with that of Hans-Georg Gadamer, who also saw experience as a prerequisite for practical wisdom. For Gadamer, "being experienced" means acknowledging the unpredictability of life and the doubtfulness of any definite or dogmatic concepts. An experienced person knows that nothing is certain and is ready to face the new and the unknown. For this reason, "The dialectic of experience has its proper fulfilment not in definitive knowledge but in the openness to experience that is made possible by experience itself."[28] Thus, the main feature of a practically wise person for Gadamer is "openness to experience," and he points to the importance of

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[24] 'Phronēsis' in *The Oxford Dictionary of Philosophy* [online] <https://www.oxfordreference.com/view/10.1093/acref/9780199541430.001.0001/acref-9780199541430-e-2397> [Accessed November 2019].

[25] See Nussbaum, *Fragility* (2001), p. 305.

[26] Fitter points out that "studies of insight occurrence have shown a correlation between richness of memory, experience, imaginative ability and success in gaining insight." See Robert J. Fitterer, *Love and Objectivity in Virtue Ethics: Aristotle, Lonergan, and Nussbaum on Emotions and Moral Insight* (Toronto: University of Toronto Press, 2008), p. 35.

[27] Fitterer, *Love and Objectivity in Virtue Ethics* (2008), p. 26.

[28] Hans-Georg Gadamer, *Truth and Method*, trans. by Joel Weinscheimer and Donald Marshall (New York: Continuum Press, 2004), p. 350.

learning not only *from* experiences but also *through* them.[29] Nussbaum also stresses the importance of the ability to adapt our judgments flexibly to the requirements of a particular situation. She also acknowledges the centrality of openness, as in her elaboration on Hecuba. However, she is careful not to dismiss the necessity of some general and universal rules of conduct.

Against the claims of some critics who read her as an anti-universalist, Nussbaum stresses the need for a firm conception of value and a certain need for general rules as roots of practical wisdom. A *phronimos* is a person who has an internalised conception of value and draws on it as a guideline for action. Also crucial is a stable sense of identity that can guide a person's practical choices, in order to prevent them from becoming arbitrary: "If there were no such guidelines, and no such sense of being bound to a character, if the 'eye of the soul' saw each new situation as simply new and non-repeatable, the perceptions of practical wisdom would begin to look arbitrary and empty."[30] Gathering practical experience requires time, and is gained through a lifetime of choosing that "develops the agent's resourcefulness and responsiveness."[31] For this reason, young people will often need to rely on general rules, since they have not had the time necessary to learn from experience. Nussbaum does not reject the necessity of a degree of universality of conduct altogether. Nonetheless, the experience of particulars is the requisite of wisdom.

5.1.2.2 Emotions as Forms of Intentional Awareness

Proper conduct in ethical matters, due to the mutability, indeterminacy, and particularity of the sphere of action, requires a kind of wisdom that incorporates emotions and passions. Nussbaum follows Aristotle for whom to discern or choose *(prohairesis)* is "an ability that is on the borderline between the intellectual and passional, partaking of both natures: it can be described as either desiderative deliberation or deliberative desire."[32] On that reading, there is no clear distinction between deliberation and desire. Practical wisdom requires both; it is a fusion of intellect and passion combined with experience.[33]

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[29] Gadamer writes: "The truth of experience always implies an orientation toward new experience. That is why a person who is called experienced had become so not only *through* experiences but is also open *to* new experiences." Gadamer, *Truth and Method* (2004), p. 350.
[30] Nussbaum, *Fragility* (2001), p. 306.
[31] Nussbaum, *Fragility* (2001), pp. 305-06.
[32] Nussbaum, *Fragility* (2001), p. 308.
[33] Nussbaum, *Fragility* (2001), p. 308.

Emotions are crucial for practical wisdom because they contain such fusion within themselves. For Nussbaum, emotions have a cognitive function.[34] That is due to the two characteristics of emotions: they are forms of intentional awareness and judgement. To say that they are forms of intentional awareness entails that they are always directed toward an object, and contain a view of that object, from a creature's perspective.[35] For example, we cannot give an account of anger without mentioning the object to which it is directed, and why.[36] The fact that emotions tend to have an irreplaceable object, and constitute the acknowledgment of its value and importance, entails that they are suited to address the particularity and concreteness of the sphere of action. Contrarily to Aristotle, Nussbaum claims that this distinguishes emotions from appetites, feelings, or moods.[37] But to interpret emotions as forms of intentional awareness implies more – they are ways of *seeing* the object in question. Relating emotions to the word 'to see,' Nussbaum underlines their relation to perception. Emotions are "intentional perceptions," that is, forms of perception with cognitive structure.[38]

Emotions are also founded on beliefs, that is, "beliefs of various types are their necessary conditions."[39] Emotion is a composite of a feeling and a particular type of belief about the world. The belief is, indeed, the ground of the feeling. In her later works, Nussbaum argues that emotions are inseparable from practical rationality not because they are founded in belief or judgment, but that they *are* kinds of beliefs and judgements.[40] "If the beliefs are an essential part of the definition of the emotion, then we have to say that their role is not merely

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[34] On a methodological note, it should be stressed that the following analysis will concern Nussbaum's early account of emotions, which has since evolved in her later writings. It will, therefore, by no means be an extensive analysis of Nussbaum's complex account. I shall also omit here her discussion of desire as the cause of all action as well as on the motivational role of passions. Nussbaum devotes many pages to show that for Aristotle appetites and passions are the cause of all action, all animal movement. They also have an essential motivational role in human excellence.

[35] Nussbaum uses the word 'creature' because she is convinced that it is not only adult humans that experience emotions but all animals.

[36] Nussbaum, *Therapy of Desire* (1994), p. 80.

[37] While for Aristotle, even the bodily appetites (such as hunger, thirst, sexual desire), are forms of intentional awareness, for Nussbaum the intentionality they entail is of a different kind. Appetites have an internal origin, while the origin of the emotions is external – they are "pulled into being by their object, and the seeming importance of their object." As such, emotions cannot be satisfied but by this object – here Nussbaum gives an example of grief and loneliness due to her mother's death, which cannot be satisfied by the visit of a stranger. Appetites such as hunger can be, in contrast, satisfied by many different foods. Similarly, drawing on the example of different kinds of depression, Nussbaum distinguishes between emotions and moods which, for her, have no object. See p. VII "Appetites, Moods, Desires for Action" in Martha C. Nussbaum, *Upheavals of Thought: The Intelligence of Emotions* (New York: Cambridge University Press, 2001).

[38] Nussbaum, *Upheavals of Thought* (2001), p. 30.

[39] Nussbaum, *Therapy of Desire* (1994), p. 88.

[40] Nussbaum's treatment of emotions as judgements has been criticized by, for instance, Diana Fritz Cates, 'Conceiving Emotions: Martha Nussbaum's *Upheavals of Thought*,' *Journal of Religious Ethics,* 31 (2003), 325-41. Lester Hunt, who highly appreciates Nussbaum's contributions to the understanding of emotions, claims that the problem with Nussbaum's theory is that it is missing a good account of what judgment is. See Lester Hunt, 'Martha Nussbaum on the Emotions,' *Ethics,* 116 (2006), 552-77.

that of necessary external condition. They must be seen as constituent parts of the emotion itself."[41] For this reason, a well-formed emotion is related to a belief about the world: if a belief were found to be false, the feeling would not persist. This is a controversial idea since we are all familiar with situations where our judgment and emotions do not coincide.[42] But, for Nussbaum, the intimate connection between emotion and judgment entails that in a wise person they do coincide: emotions guide wise persons' intuitive perceptions in situations of choice. As such, they can become guides for action. Correct emotional responsiveness is, thus, an inseparable element of action: it allows a wise person to act well, even if she or he is not able to analyse all of the ingredients of the situation intellectually. A person of good character will have his or her desire trained in such a way that it would respond in a similar way to the intellect if it could see all the complex elements of a particular situation.

5.1.2.3 The Intrinsic Value of Emotions

Apart from the instrumental value that passions play in practical rationality – their cognitive function and their guidance in how to choose and act well – Nussbaum points to their intrinsic value in virtuous action. Aristotle famously claimed that emotions are neither good nor bad – they just are. We are, therefore, not responsible for experiencing certain emotions, but for the ways we respond to them. Nussbaum goes further than Aristotle. For her, adequately trained emotions are intrinsic elements of virtue. In order to become a virtue, proper choice requires the correct passional response – without it, the very same choice and action would cease to be virtuous. In order to exemplify this, Nussbaum describes a person who performs generous acts but with constant reluctance and strain. Such a person is not really acting generously; he or she "is not worthy of the same commendation as the person who enjoys his generosity."[43] This approach overlooks the potentially difficult political implications of focusing on the authenticity of emotions that accompany action.[44] Nonetheless, for Nussbaum,

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[41] Nussbaum, *Therapy of Desire* (1994), p. 88.
[42] As in the case of being attracted to something or someone that we know is not good for us.
[43] Nussbaum, *Fragility* (2001), p. 308.
[44] Degerman argues that Nussbaum's explicit ambition is to base political justice on an emotional foundation. For this reason, "[Nussbaum's] project might face a similar problem of unmasking inauthentic feelings as did the French Revolution. If love were considered an essential political virtue, failure to exhibit it would carry consequences, perhaps in the form of compulsory education or the stigma of abnormality. People would, thus, have an incentive to appear loving, much like the French revolutionaries learned to appear to have pity. Meanwhile, individuals who fail to appear loving could be model citizens. A person's love for her family could provide sufficient reason for her to respect other people, democracy, and freedom, but her myopic love would still be unvirtuous. The French Revolution too saw people committed to liberty, fraternity, and equality in practice, whose inadequate exhibitions of pity led them to the guillotine. The question of authenticity is, hence, at the centre of Nussbaum's politics of love and Robespierre's politics of pity. The greatest danger of this question is its boundlessness. The only distinction it recognises is that between truth and falsehood. We see this most clearly exemplified in cults, where people are ready to sacrifice their public, private, and inner lives to prove their

"To have the correct perception of the death of a loved one (cf. §VI) is not simply to take note of this fact with intellect or judgment. If someone noted the fact but were devoid of passional response, we would be inclined to say that he did not really *see, take in, recognise,* what had happened; that he did not acknowledge the situation for what it was."[45] In this sense, emotions are not only features of practical rationality, but its most valuable manifestations.

Nussbaum sets out to prove this point with the help of Aeschylus. In *Agamemnon,* the king of Mycenae is compelled to make a tragic choice between saving his army at sea and defeating Troy or saving his beloved daughter and having dozens of men killed at war. Agamemnon's options are descriptive of the interaction between external constraints and personal choice that is found in ordinary situations of moral dilemmas where we must choose between two bad solutions. On Nussbaum's reading, it is not the choice itself that is central in this tragedy, but the moral significance of passional responsiveness. A morally good agent cannot but be stricken by the tragedy of this dilemma. The natural expression of the goodness of the King's character would be to "have his suffering (…) and not to stifle these responses out of misguided optimism."[46] And yet, in the tragedy, quite the opposite happens – once Agamemnon makes his choice, he proceeds with its execution cold-bloodedly. The passages devoted to the killing of Iphigenia are strikingly similar to what could be a description of slaughter of a sacrificial animal. Aeschylus has chosen this imagery to show that during his action, Agamemnon has dissociated himself emotionally from the situation, and has ceased to see Iphigenia as his daughter. For Nussbaum, a Kantian would applaud Agamemnon for his ability to detach himself emotionally from the situation under moral deliberation. It points to the integrity of his will that he is not disturbed by the contingent events: "The internal harmony and self-respect of the morally good person, the autonomous maker of his own law, cannot be affected by mere happenings in the world."[47] Nussbaum, in turn, aligns with the Chorus, who, observing the happenings, calls Agamemnon 'mad.'

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authenticity and, with it, their right to belong. Where individual authenticity is of collective concern, the postmodern dictum 'everything is political' has become doctrine. It might be a sign of our times – an age of emotion perhaps – that this phrase is the mantra of many political activists. By reasserting Arendt's distinctions between the heart, the private, and the public in political discourse, we can protect the depth of the individual from collective colonisation – as we continue to search for the political relevance of the emotions." Dan Degerman, 'Within the Heart's Darkness: The Role of Emotions in Arendt's Political Thought,' *European Journal of Political Theory,* 18 (2019), 153-73 (pp. 169-70).

[45] Nussbaum, *Fragility* (2001), p. 309.

[46] Nussbaum, *Fragility* (2001), p. 50.

[47] Nussbaum, *Fragility* (2001), p. 49.

However, Agamemnon goes through a period of excoriating suffering after losing his child, which leads him to acknowledge the enormity of his loss – what has come to be known as *pathei mathos (πάθει μάθος)*, learning self-understanding through suffering.[48] It is only when Agamemnon is reconnected with his passionate responses and arrives at an understanding of his own tragedy that he gains the sympathy of the Chorus and the readers. Nussbaum thus praises Aeschylus for showing, through the Chorus' reactions, the importance of the response of the agent to the problem.[49] What is essential to the Aeschylean argument is that passion itself is a form of understanding: "The passional reaction, the suffering, as itself a piece of practical recognition or perception, is at least a partial constituent of the character's correct understanding of his situation as a human being."[50]

In suffering, what the agent comes to see is not only the tragedy of his or her situation but an understanding of his or her "situation as a human being," his or her vulnerability. Suffering becomes an "appropriate acknowledgment" thereof.[51] This resonates with the way Gadamer thinks about the link between learning through suffering and the notion of vulnerability: "What a man has to learn through suffering is not this or that particular thing, but insight into the limitations of humanity, into the absoluteness of the barrier that separates man from the divine […] Real experience is that whereby man becomes aware of his finiteness."[52] *Agamemnon* is a source of valuable knowledge about human vulnerability.[53] Once the king acknowledges this vulnerability, the Chorus not only expresses respect to "the gravity of his

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[48] For an extensive analysis of *pathei mathos* see, for example, Gaetano Chiurazzi, 'Pathei Mathos: The Political-Cognitive Value of Suffering,' in *Perspectives on Human Suffering*, ed. by Jeff Malpas and Norelle Lickiss (Dordrecht: Springer Netherlands, 2012), pp. 23-32. Investigation of the role that intense emotions play in the development of our self-knowledge is central in *Love's Knowledge*, where Nussbaum elaborates on the problematic interplay between reason and heart and the ways each of them informs our self-understanding. In her later works, she expands those considerations in the treatises on the intelligence of the emotions.

[49] Nussbaum, *Fragility* (2001), p. 49.

[50] Nussbaum, *Fragility* (2001), p. 45. On his part, Heidegger has stressed the importance of mood (*Befindlichkeit* as the existential, *Stimmung* as the existentielle) as vehicles of experience. For him, moods are "fundamental modes of existence that are both constitutive and disclosive of the way one exists or finds oneself (*sich befinden*) attuned to the world and of how one is faring in the world with others." Moods are therefore not effects of our interactions with the world, but "are something which in advance determine our being with one another." Moods are, indeed, "basic affective states that make circumspective engagement with the world possible: they open up the world to us and reveal it to us as a world that is suffused with values and entities that matter to us." Therefore, they make passions and emotions possible, for, in order to experience emotions, we must first see the world as meaningful. Moods are "necessary for experiencing worldly entities as mattering to us." See Andreas Elpidorou and Lauren Freeman, 'Affectivity in Heidegger I: Moods and Emotions in Being and Time,' *Philosophy Compass,* 10 (2015), 661-71.; Heidegger, *Being and Time* (1967).

[51] At this point, Nussbaum concentrates on psychological or emotional suffering and does not dwell on the question of the bodily dimension of suffering, such as pain.

[52] Gadamer, *Truth and Method* (2004), p. 351.

[53] Nonetheless, it is not universally accepted that there is a cognitive value to suffering. As Chiurazzi points out, ""(…) according to the Stoics, for instance, the perfect knowledge requires rather apatheia, that is the absence of suffering, which is seen as something that impedes or makes knowledge confused." Chiurazzi,'Pathei Mathos: The Political-Cognitive Value of Suffering,' p. 25.

predicament," and to "responses that express his goodness," but also recognizes his case as "showing a possibility for human life in general."[54] Passionate responses to crises are not only a reflection of our morality but are also moments of recognition of the vulnerability inscribed in the human condition.

The very nature of the sphere of action entails that we should approach it with a rationality that is at one and the same time passive and active. Thus, Nussbaum opposes the idea of introducing *technê* and *epistêmê* into the realm of human affairs and argues for the importance of *phronesis*, practical rationality which is flexible, comes with experience, and includes properly trained emotion-perceptions. With regards to her anthropology, acknowledging emotions as part of practical rationality is, for Nussbaum, one of the central elements of the recognition of human vulnerability. This is so not only because emotions mark our lives as uncertain – by ascribing great importance to objects and persons outside of one's control, passions constitute acknowledgments of neediness and lack of self-sufficiency – but also because they entail a view of practical rationality itself as intrinsically vulnerable.[55] Notwithstanding the risk it entails, a person ready to respond to a situation in emotionally appropriate ways is more practically rational than the one who relies on intellect alone. In her early writings, Nussbaum's significant contribution lies in stressing the importance of passions as elements of practical rationality.

5.2 Emotions and Reason?

Now, there are particular problems implicit in Nussbaum's early account of rationality, some of which she has addressed in her later writings. Nussbaum does not pay enough attention to situations where emotions obscure the truth from us, distort correct judgment, and serve as poor guides to choice and action. In her early writings, she feels free "[to] dedicate her argument to an attack on the presumption of reason and, more specifically, on the presumption of the

[54] Nussbaum, *Fragility* (2001), p. 50. In one of Nussbaum's later articles she refers to a story from her own life, arguing against a distorted reaction to the tragedy in the context of grief using a similar argument as in her analysis of *Agamemnon*: "Today, Americans are often embarrassed by deep grief (…) A colleague in my university lost his son: a young man, troubled, who died either of a drug overdose or by suicide. I wrote him saying that I thought this was the worst thing that could happen to someone and he had my sympathy. This man, whom I don't know very well, wrote back immediately, thanking me and saying, 'I really dislike this American stuff about healing.' (He is an American.) I inferred from that response that many other messages he had received had talked about healing, and he had gotten fed up with them. I'm with him: It seems a deeply inappropriate way to think of the tragic death of a child." Martha C. Nussbaum, 'Who Is the Happy Warrior? Philosophy, Happiness Research, and Public Policy,' *International Review of Economics,* 59 (2012), 335-61 (p. 346).

[55] Nussbaum is thus in accord with Maria Zambrano, who could have had a similar thing in mind when she claimed that in passivity, we discover that we are essentially a relation. For this reason, Zambrano called passivity the transparency of the soul. See Maria Zambrano, *El Sueño Creador* (Veracruz: Universidad Veracruzana, 2010).

rationalized moral autonomy."[56] She criticizes Plato and Kant for treating reason as a purely active, almost scientific device and follows Aristotle in stressing the importance of particularity and passions as constitutive features of practical rationality, even as judgments themselves. However, her treatment of passions is based on an overly optimistic account of their moral relevance. Passions are never wrong or dangerous for Nussbaum – they are, instead, "revelatory and constitutive of our moral health."[57] In this sense, Nussbaum can be called a sentimentalist. She seems to propose a radical view of passions where we either embrace them fully as moral judgments or reject their relevance altogether. However, it is by no means clear why we should adopt this radical view. We could argue that while reason, by itself, is not sufficient for moral conduct, this does not entail that we should react to critical situations *simply* with emotion, but also by reasoning about what will bring the most good.

In this sense, Nussbaum's opposition between reason and emotion in Plato and Kant seems somewhat artificial. Many would argue that her reading does not do justice to their accounts.[58] Plato could be read as advocate of controlling the fragility 'within.' But this does not need to entail that he wants us to become alienated from our feelings, but instead challenges us to be "more reflective, more self-aware about our passions and our excesses, less vulnerable to the mania."[59] Similarly, Kant is drawn to the importance of passions as moral motivation but is reluctant to accept them fully as such. While reason is not a sufficient source of moral motivation, the observations of the "corruption and variability of human feelings" lead him to conclude that moral sentiments alone will not lead us toward a better, more moral world.[60] In her early account, Nussbaum seems to overlook the topic of corruption and variability of passions and put too much trust in their ability to guide us in moral choices. Moreover, in her

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[56] Dunn, 'Tragedy and the Ethical Sublime,' p. 670.
[57] Ruprecht, 'Nussbaum on Tragedy and the Modern Ethos,' p. 596.
[58] Nussbaum also overlooks the fact that Plato uses scientific reasoning as a dialectical device, rather than as a serious philosophical proposal. The accuracy of a system of practical rules for individual conduct and for political matters is, according to critics, just what the *Republic* denies. See Roochnik, 'The Tragic Philosopher,' p. 293., as well as Ruprecht, 'Nussbaum on Tragedy and the Modern Ethos,' p. 602. It has also been observed that Nussbaum assimilates Plato's and Kant's dualism. However, White points out that the two dualisms are very different: "In Plato's view, the reason is closely bound up causally with the body. (…) Plato is thus what might be called a reason-body interactionist. (…) Kant's view—whatever exactly it amounts to— is clearly different. On it, even practical reason can apparently be thought of as unaffected by the physical or phenomenal world, so that the influences of that world somehow bypass it; and its goodness can be thought of as a function of its own intrinsic condition and not also of factors working on it from outside. This, of course, is why Kant has to insist that when we think of things in this way, we have to deny that determinism holds. Plato, on the other hand, notoriously pays no attention in these contexts to issues of determinism and is unconcerned with questions about whether the person, apart from surrounding factors, is responsible ('morally' responsible, in our sense) for good or bad actions." Nicholas P. White, 'Rational Self-Sufficiency and Greek Ethics,' *Ethics,* 99 (1988), 136-46 (p. 141).
[59] Ruprecht, 'Nussbaum on Tragedy and the Modern Ethos,' p. 595.
[60] Jerome B. Schneewind, *The Invention of Autonomy*, *A History of Modern Moral Philosophy* (Cambridge: Cambridge University Press, 1998), p. 507.

account of emotions, Nussbaum puts too much stress on the authenticity of the emotion that accompanies action. Judging an action by the feeling that accompanies it discredits the value of actions that we perform even if we do not feel the desire to do so.[61] Yet, what of the person who cannot summon the right emotion but acts virtuously in *spite* of that lack? It can be argued that in many cases those actions have the same, if not greater worth. Nussbaum also does not pay sufficient attention to the cultural significance and formation of emotions.

Finally, while focusing on the role of emotions in her conception of choice and action, Nussbaum overlooks the centrality of another faculty – that of *phantasia*. Nussbaum frequently refers to the relation between emotions and perception. She grants that in ethical matters, "discrimination lies in perception *(aisthēsis)*."[62] Correct judgment is impossible without correct perception. *Phronesis* is, in fact, *a kind of* perception. But what kind? Nussbaum herself distinguishes between the perception related to judgment, and an ordinary sense-perception. Ordinary sense-perception is simply the passive reception of sense-impressions. The perception that Nussbaum refers to is the ability to interpret such impressions, to recognise and grasp salient features of a complex situation. Drawing on her analysis in *De motu*, we may argue that the kind of perception that Nussbaum sees as central in *phronesis* is *phantasia.* In her doctoral thesis, Nussbaum describes *phantasia* as "the interpretative, selective element in perception, in virtue of which things in the world 'appear' *(phainesthai)* to the creature *as* a certain sort of thing," against the translations that involve mental imagery.[63] Her later account of narrative imagination is firmly rooted in those early analyses.[64] Thus, *phantasia* can be treated as the power to interpret appearances in a certain way, as the interpretative aspect of perception.[65] What is then, for Nussbaum, the distinction between emotions, *phantasia* and perception? We

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[61] Kant has a very different view on the matter. For him, "one may have kindness of the heart without virtue, for the latter is good conduct from principles, not instinct." See Schneewind, *The Invention of Autonomy* (1998), p. 527.

[62] Nussbaum, *Fragility* (2001), p. 300.

[63] Nussbaum, *Fragility* (2001), pp. 277-78.

[64] For this reason, his account of *phantasia* has frequently been interpreted in terms of forming mental images. In her thesis, Nussbaum examines Aristotle's account of *phantasia* in animal movement; crucial to this study, for Nussbaum, is the examination of the very meaning of the word *phantasia*. Aristotle famously defines *phantasia* in *De Anima* as "that in virtue of which an image (*phantasma*) occurs to us." See Aristotle, *De Anima, Books II and III (with Certain Passages from Book I)*, trans. by D.W.Hamlyn (Oxford: Oxford University Press, 1993). 3.3, 428a1

[65] The best account of *phantasia*, for Nussbaum, requires linking it closely with the verb '*phainesthai*', 'appear.' Thus she strongly rejects the understanding of *phantasia* as mental images. Nussbaum, *Fragility* (2001), p. 178. Such interpretation reminds us of Wittgenstein, who, in his *Philosophical Investigations*, develops the notion of 'seeing as' as 'seeing an aspect,' stressing the interpretive function of such seeing. For a further analysis of this topic, see Anne Sheppard, *Aristotle's Phantasia and the Ancient Concept of Imagination*, 1 edn, *The Poetics of Phantasia: Imagination in Ancient Aesthetics* (London: Bloomsbury Academic, 2014), pp. 1-18. Aristotle and Martha C. Nussbaum, *Aristotle's De Motu Animalium: Text with Translation, Commentary, and Interpretive Essays* (Princeton: Princeton University Press, 1978), pp. 85-87, 232-69.

could speculate that perception is the ability to receive impressions, *phantasia* is the ability to interpret such impressions, and emotions are forms of evaluation and judgment of our interpretation of impressions. Nussbaum does not elaborate on this distinction, and the role of *phantasia* is only implicit in her account. While her stress on *phantasia*'s relation to appearances seems highly relevant, it seems so unequivocal that we may ask whether it is possible for this faculty to reach beyond the given situation. By closely following Aristotle on the matter, Nussbaum limits her account of the creative role of *phantasia* in the workings of the human mind.[66] Although Aristotle has a more positive account of *phantasia* than Plato, he agrees that the function of *phantasia* remains to represent reality to reason in as accurate a way as possible. On this point, Aristotle shares Plato's view that imagination "must ultimately remain subservient to reason. For both these founding fathers of Greek philosophy, imagination remains largely a reproductive rather than a productive activity, a servant rather than a master of meaning, imitation rather than origin."[67] Nussbaum's view of *phantasia* as an aspect of perception will have important consequences for her account of its role in choice and action, as well as her account of intersubjective imagination. As I will try to show in the last chapter, it ultimately limits her account of the role of imagination in the context of the dialectic between vulnerability and autonomy. However, what is crucial to note for now, is that the central role of emotions Nussbaum's early account of rationality is later modified in significant ways.

Reason Between Liberalism and Feminism

Nussbaum reconsiders her views on rationality in the light of her engagement with liberalism and feminism. Liberalism, drawing on the Stoic accounts, traditionally considers reason as the crucial characteristic of human beings, as well as the source of their dignity and equality. In this context, reason is understood primarily as a practical faculty, as "the capacity for understanding moral distinctions, evaluating options, selecting means to ends, and planning a life."[68] In the history of thought, rational capacity has been sometimes used as a basis for claims to equality.[69] However, this approach has been challenged by second and third wave feminist thought. Feminists of the second wave argue that selecting reason as a hallmark for humanity

[66] Malcolm Schofield, 'Aristotle on the Imagination,' in *Essays on Aristotle's De Anima*, ed. by Martha C. Nussbaum and Amélie Oksenberg Rorty (Oxford: Oxford University Press, 1995), pp. 249-77.
[67] Kearney,'Myths of Imagination,' p. 84.
[68] Nussbaum, *Sex and Social Justice* (1999), p. 71.
[69] Examples include the Stoics (their treatise "That Women Too Should do Philosophy" argues that since women have the same number of senses and body parts, and can think and reason, they too should have the right to education), and early feminists such as Mary Wollstonecraft.

emphasizes traits that men traditionally prize. Such an approach overlooks the importance of emotions, which women traditionally value as a result of their experiences of mothering and family love. This not only leads to the marginalization of women due to their alleged emotional character but also provides an inadequate account of what reason and emotions are.

Despite her acknowledgement of the importance of emotions, Nussbaum defends the views based on rationality and the preoccupations of the first wave feminists. Drawing on her own cognitive theory of emotions as forms of evaluative appraisals, she claims that the feminist criticism of rationality is based on a dualist approach to reason and emotion. The cognitive view of emotions, widespread in the Western philosophical tradition, entails that "one can no longer assume that a thinker who focuses on reason is by that move excluding emotion."[70] For example, for Jean-Jacques Rousseau, the capacity for an imaginative response to the suffering of others is what makes us human and enables us to think politically. For Adam Smith, good public judgment is based on the correct balance between passions, which is far from passionlessness. Overall, Nussbaum, in her writings on feminist liberalism, maintains that the stress on reason does not dismiss emotions altogether.

In light of her turn towards the liberal tradition, Nussbaum stresses that emotions by themselves should not be trusted as guides in moral and political life. Since emotions are cognitive elements, they should be subjected to critical scrutiny in the same way as judgments are, for they can be based on false evaluations or social norms. With regards to political life, not all emotions prove to be appropriate, and some (such as disgust) should be rejected altogether.[71] But even appropriate emotions should be scrutinized: "even love will prove an equivocal, albeit an indispensable, guide when we want to think well about the family and what it contributes to a just society: for our love of our existing ties may often illuminate, but may also blind us to, the need for radical change."[72] In the moral life of an individual, Nussbaum claims that emotions should be valued as elements of rationality, but should not be naturalized

[70] While David Hume and Kant indeed sharply distinguish between emotion and reason, Rousseau and Smith, influenced by Aristotle, have a more satisfactory view of emotions as elements of rationality. But even Kant notices the necessary relevance of emotion in moral life. The Stoics and Spinoza have a cognitive view of emotions but their normative views about self-sufficiency unable them to see emotions as positive.

[71] According to Nussbaum, there are many emotions that can be fully illuminating ("forms of love, and compassion, and anger, and fear"); she points to envy, hatred, jealousy, disgust, as inadequate for a process of political reflection since they are "are based on reasons that could not be publicly defended." Martha C. Nussbaum, 'Rawls and Feminism,' in *The Cambridge Companion to Rawls*, ed. by Samuel Richard Freeman (Cambridge: Cambridge University Press, 2003), pp. 488-520 (p. 490). Particularly in her later politically-oriented books on anger and fear, she analyses those emotions that she deems unbeneficial for political life. See, for instance, Martha C. Nussbaum, *Anger and Forgiveness: Resentment, Generosity, Justice* (New York: Oxford University Press, 2016)., as well as Martha C. Nussbaum, *The Monarchy of Fear: A Philosopher Looks at Our Political Crisis* (New York: Simon & Schuster, 2018).

[72] Nussbaum,'Rawls and Feminism,' p. 490.

(that is, embraced unconditionally as guides for actions). Overlooking this can have grave consequences. In this regard, Nussbaum criticizes Nel Noddings, who holds that critical scrutiny should not enter into an individual's spontaneous movement towards another, or a woman's emotional experience of mothering. According to Nussbaum, this does not seem an appropriate approach to motherly care, considering the complexity of the reality which we face every day. Lack of reflection can lead to inadequate emotional responses (for instance, lack of recognition that our loved ones are in danger), as well as impeding a child's emotional education. In this way it can be harmful to the very ones we love most:

> [A] child (…) lives in a world full of both delight and danger. Therefore, the mother had better think, and she had better teach her child how to think. And she had better think critically, asking whether the norms and traditions embodied in the emotions of fear and shame and honor in her society—and in her own emotions as well—are reasonable or unreasonable norms. What shall she teach her child to fear, and what not to fear? (…) Unless society is perfect, as it probably is not, critical thought needs to inform emotional development and response. This liberal idea seems a better recipe for maternal care than Noddings's emphasis on thoughtless giving.[73]

Nussbaum notes that she has previously not addressed enough that the guidance provided by emotions is sometimes good and sometimes bad. She later claims that "Plato can be right that they can cement the mind to culturally entrenched error."[74] Some control of emotions is not only possible but also necessary. Drawing on the Stoic account of emotions as evaluative judgments, Nussbaum claims that they respond to deliberation. For this reason, she wishes to be counted as belonging to the group of thinkers who wish "to expand, not to reduce, the role of reason in our ethical lives by showing, for example, that it is possible to deliberate holistically about ultimate ends, and by showing that the passions themselves respond to deliberation."[75] In the same spirit, she argues that we also need reason in approaching art. In underlying that her revised view is not a form of sentimentalism, she writes: "certainly the Greek philosophers would not have liked the idea of a life lived by the guidance of sentiments or habits, or even that of refined works of literature. I am with them. Like Socrates, I believe democracies need philosophy."[76] This does not exclude that theories should incorporate respect for judgments based on emotions and cultivated perception. Art is as important for philosophy as philosophy is for art.

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[73] Nussbaum, *Sex and Social Justice* (1999), p. 76.
[74] Nussbaum, *Fragility* (2001), p. xvii.
[75] Nussbaum, *Fragility* (2001), p. XXV. She also draws extensively on the Stoic account of emotions in *On Anger* and *The Monarchy of Fear*.
[76] Nussbaum, *Fragility* (2001), p. 28.

The need to scrutinize social norms seems particularly urgent for women, who live in the midst of a tradition created predominantly by men. As John Stuart Mill stressed, much of this tradition promotes a view that women by nature lack the capacities for rationality and autonomy: "All women are brought up from the very earliest years in the belief that their ideal of character is the very opposite to that of men; not self-will, and government by self-control, but submission, and yielding to the control of others."[77] Similarly, Nussbaum follows Mary Wollstonecraft in claiming that women, due to their dependence on men, all too often "exhibit servility, emotional lack of control, and lack of due regard for their own rationality and autonomy."[78] Although both Mill and Wollstonecraft wrote in circumstances very different from those of the current context, it would be too optimistic to assume that the problems which they identified have been overcome. And if they are not, this would suggest that the scrutiny of imposed norms and habits that we live by is an important part of the flourishing life. This should not entail refraining from emotions and cultivating a devotion to cold-hearted rationality. In her later writings, Nussbaum defends the importance of reason, insofar as the notion of reason is inclusive and accommodates emotions and imagination and indicates the "conditions under which love is a healthy part of a flourishing life."[79]

So, at the basis of the capability of practical reason lies Nussbaum's preoccupation with coining a vision of reason as both passive and active, rational and emotional. While there is a noticeable change of accent in her later writings, whereby she puts more stress on the active, scrutinizing role of practical rationality, 'practical reason' cannot be conceived only as the activity of a will independent of other faculties of the soul but, on the contrary, as the outcome of a rational deliberation that is inseparable from desire and affectivity. Nussbaum follows Aristotle's understanding of choice as ''desiderative deliberation or deliberative desire."[80] She argues that choice is not only a feature of logical deliberation – emotions, desires and appetites all inform practical rationality in situations of choice. In this sense, the capability of 'practical reason' entails both capability and vulnerability. Nussbaum's conception of rationality does not appear as 'highly intellectualised' as it was suggested. However, practical reason is, for Nussbaum, of vital importance. How is the architectonic function of practical reason expressed within the CA and what does it mean for the approach itself?

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[77] John Stuart Mill, *The Subjection of Women*, quoted in Nussbaum, *Women and Human Development* (2000), p. 141.
[78] Martha C. Nussbaum, 'Victim Anger and Its Costs,' *Boston Review: A Political and Literary Forum*, Forum XIII (19 February 2020), <http://bostonreview.net/philosophy-religion/martha-c-nussbaum-weakness-furies> [Accessed 15 May 2020].
[79] Nussbaum, *Sex and Social Justice* (1999), p. 77.
[80] Nussbaum, *Fragility* (2001), p. 308.

5.2.1 'Practical Reason' in the CA – The Importance of Autonomy?

The 'architectonic' role of practical reason points to the centrality of autonomy within the CA. Nussbaum herself never explicitly stated that her capabilities approach assumes the value of autonomy, although she admits that the political liberalism she endorses assumes a commitment to a 'political' autonomy.[81] As I will try to show, Nussbaum is in fact committed to the value of autonomy insofar as she thinks the capability of practical reason plays an architectonic role in organizing the other capabilities.

In the CA, the 'architectonic' function of the capability of practical reason entails that it organizes all the others, in the sense that "the opportunity to plan one's own life is an opportunity to choose and order the functionings corresponding to the various other capabilities."[82] The capability of practical reason is further specified through the notions of choice and agency. The two are intrinsically interrelated: indeed, choice becomes a prerequisite for agency. In the context of agency, Nussbaum draws a sharp distinction between activity and passivity. Agency understood as action, and striving to *eudaimonia* through action, is sharply distinguished from passive states of satisfaction. Satisfaction is the state that follows activity but is not itself a form of activity – it can actually be achieved separately from activity. In this sense, satisfaction is an appropriate goal for infants (although even in their case parents tend to encourage activity at an early stage), but certainly not for adults. On this ground, Nussbaum criticizes Utilitarian theories, whose goal is simply to maximize the state of wellbeing or satisfaction. Robert Nozick's thought experiment of the 'experience machine' discloses that most people, instead of being connected to the machine, would "prefer a life of choice and activity, even knowing in advance that many of the activities would end in frustration."[83] The

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[81] Martha C. Nussbaum, 'Perfectionist Liberalism and Political Liberalism,' *Philosophy & Public Affairs,* 39 (2011), 3-45 (p. 36).
[82] Nussbaum, *Creating Capabilities* (2011), p. 39.
[83] Nozick famously proposed to imagine a machine which would produce an illusion of loving, working, or eating, as well as experiences of satisfaction associated with those activities, and evaluate whether we would wish to use such a machine. In this context, Nussbaum also follows J. S. Mill who insists that it is better to be Socrates dissatisfied than a pig satisfied, as well as Nietzsche 's opinion from Zarathustra that having feelings of satisfaction as a goal is a rather base thing. See Nussbaum, 'Who Is the Happy Warrior? Philosophy, Happiness Research, and Public Policy,' p. 340.

satisfaction that stems from agency may contain no 'wellbeing' or 'pleasure' at all, but there is something so valuable in the striving itself that we should prioritize agency over pleasure or satisfaction.[84] Even if we do seek pleasure, it cannot be separated from the activity: "it would be totally mistaken to pry the pleasure apart from the activity and seek it on its own."[85]

The nature of virtuous action and respect for persons demands that the agents are free to act in accordance with their reflectively chosen conception of virtue. This entails that if people perform actions because they are required to, these actions may no longer have the same worth as when they are unforced. In some cases, precluding people from choice in the sphere of action perverts the action and changes its nature: "Play is not play if it is enforced, love is not love if it is commanded."[86] Imposing on people to act in accordance with someone else's choices is, in many cases, futile, but above all, it disrespects them as autonomous beings. In this sense, Nussbaum implicitly criticises political theories based on care.[87] But this does not entail that people should be forced to act – the freedom to act entails also a freedom not to act.

The relationship between choice and agency further points to the centrality of autonomy in Nussbaum's approach. In Sen's theory there are two aspects of agency: autonomy and ability.[88] Autonomy is the capacity to act on behalf of what one values (whether or not the respondent has reason to value it), and ability is the capacity to act on behalf of what one has reason to value (whether or not one respondent actually values it). Thus, autonomy refers to the "person's own self-understanding of their situation; it reflects their own assessment (…) of goals and activities." Ability, in turn, refers to "the objective powers that a person enjoys and/or uses."[89] Nussbaum lacks this distinction between ability and autonomy. This suggests that for her, agency, considering its intimate relation to choice, is understood in autonomous terms.

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[84] This is also the reason why Nussbaum does not accept Sen's distinction between well-being-freedom and agency-freedom.

[85] This view is more intrinsic in some cultures than others. One prominent example of a culture that attaches great value to the satisfaction that stems from striving and working for a difficult goal is German Romanticism. A question remains whether it can be attributed to all cultures, and therefore whether Nussbaum's understanding of agency meets her claim for universality. Nussbaum, 'Who Is the Happy Warrior? Philosophy, Happiness Research, and Public Policy,' p. 341.

[86] Nussbaum, *Women and Human Development* (2000), p. 88.

[87] Nussbaum, *Creating Capabilities* (2011), p. 56.

[88] Sabina Alkire provides a helpful description of agency as used by Sen. Drawing on Sen's definition of capabilities as "things that people have reason to value," she argues that "agency is a person's ability to act on behalf of things they *value and have reason to value*." See Amartya Sen, *Development as Freedom* (Oxford: Oxford University Press, 1999), p. 291, as well as Sabina Alkire, 'Concepts and Measures of Agency,' OPHI Working Paper 9, University of Oxford (2008).

[89] Nussbaum also draws on the importance that Sen gives to agency. However, Nussbaum has rejected Sen's thinking about agency insofar as she rejects his distinction between agency and well-being. For example, with reference to health, she claims that no clarity is added by using a well-being versus agency distinction: "healthy functioning is itself a way of being active, not just a passive state of satisfaction." Nussbaum, *Women and Human Development* (2000), p. 14.

In the CA, the relationship between choice and agency entails that governments should respect and promote people's opportunities and freedoms. This is expressed in Nussbaum's distinction between capability and functioning, one of the crucial elements that differentiate her approach from Sen's. A capability is an opportunity to function in a certain way. It is a state of potentiality. Functioning is the state of acting or being. While governments should provide citizens with capabilities, they should not force citizens into the functioning themselves. The distinction between capability and functioning is further clarified in the example that Nussbaum frequently uses: the difference between those who are starving and those who are fasting. To an outside observer, both conditions manifest themselves in a similar way: both persons lack food for an extended period of time. But while the starving person has not chosen to be starving, and lacks the capability to be well-nourished, a fasting person has this capability but is choosing not to function in accordance with it. This distinction between capability and functioning, according to Nussbaum, is crucial for maintaining the liberal and pluralist character of the CA. Governments should provide all citizens with the capability to be well-nourished. But functioning itself should not be the goal of public policy. Pushing citizens into a determinate functioning would not respect choice – the various conceptions of the good that people might have – and would indeed violate people's rights.[90] By stressing this, the CA actually "commits itself to respect for people's powers of self-definition."[91] A human being, as a being capable of practical reason, should be able to exercise this capability in choice and action.

But in order to exercise this capability, it must first be developed. Under closer scrutiny Nussbaum's distinction between function and capability is not stable with regard to all capabilities. It is clear and plausible with regard to capabilities that require material resources. In this sense, we can choose to function according to the capability to be well-nourished, or have sexual satisfaction, or not. Nevertheless, this is not clear with regard to cognitive or emotional capabilities:

[90] Nussbaum makes it very clear that it is not her aim to impose on people functioning according to one conception of the good: "A deeply religious person may prefer not to be well nourished, but to engage in strenuous fasting. Whether for religious or for other reasons, a person may prefer a celibate life to one containing sexual expression. A person may prefer to work with an intense dedication that precludes recreation and play. Am I declaring, by my very use of the list, that such lives are not worthy of the dignity of the human being? And am I instructing government to nudge or push people into functioning of the requisite sort, no matter what they prefer? It is important that the answer to this question is no. Where adult citizens are concerned, *capability, not functioning, is the appropriate political goal*. (…) For political purposes it is appropriate that we shoot for capabilities, and those alone. Citizens must be left free to determine their own course after that." Nussbaum, *Women and Human Development* (2000), p. 89.

[91] Nussbaum, *Creating Capabilities* (2011), p. 18.

> Having a threshold level of the capabilities for practical reason, senses, imagination and thought, and the emotions is not like having access to a resource which one can choose not to use. Rather, having these capabilities up to at least a certain threshold requires that you actually exercise a certain level of functioning. It requires actually doing and being various things, not just being capable of being or doing them.[92]

Indeed, it seems that developing the capability of practical reason requires exercising it at least on a basic level. While one can later choose not to act in accordance with this capability, having access to it requires developing it, for example, through education. This further suggests that enabling access to the capability of practical reason requires fostering the development of at least a threshold of the ability of autonomous choice. In this regard, Nussbaum's account of autonomy fluctuates in the direction of a more comprehensive, rather than political, account.[93] Criticising the comprehensive liberalism of Isaiah Berlin and Joseph Raz, Nussbaum argues that liberal states cannot justifiably endorse comprehensive accounts of autonomy such as the one advocated by Raz, and may endorse only a more limited, political form of autonomy.[94] However, she does not develop the distinction between a comprehensive account of autonomy and a perfectionist one. As Ferracioli and Terlazzo show, "a political principle is comprehensive if it extends beyond the realm of the political. But it is only perfectionist if, in addition, it makes claims about the ultimate nature of human good." Autonomy is thus comprehensive, but not perfectionist, if "it is treated as a general good in the lives of individuals *qua* persons rather than only *qua* citizens. But here it need neither be the case that the value of autonomy will be treated by the state as a matter of moral truth, nor that it will be taken to be a good despite the consequences that it brings."[95] It seems that the 'architectonic' role of practical reason in the CA points suggests that the approach is indeed based on a comprehensive account of autonomy. This becomes even more visible in the context of adaptive preferences, which we shall look into in the next chapter.

For some critics this stress on practical reason entails that Nussbaum forces people into more choices that they wish or can make:

> One of the lessons I have drawn (rightly or wrongly) from Foucault is that processes previously conceived of as liberation – working to get clearer about who and what you are, working to ensure that choices made really are your own choices and not just subservience to external pressures – might themselves operate as regimes of power. (…)

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[92] See Formosa and Mackenzie, 'The Capabilities Approach to Dignity,' p. 888.
[93] Nussbaum, 'Perfectionist Liberalism and Political Liberalism,' p. 37.
[94] See Ferracioli and Terlazzo, 'Educating for Autonomy,' p. 444.
[95] Ferracioli and Terlazzo, 'Educating for Autonomy.' In their paper, Ferracioli and Terlazzo also argue that the "endorsement of political liberalism and the simultaneous rejection of a comprehensive account of autonomy (as advocated by Nussbaum) renders the capabilities approach ill equipped to ground the kind of education that can deliver the approach's greatest pledge: to meaningfully extend the set of things that persons can actually do and be."

> when we set autonomy at the center of our moral or political lives, we are forced to assume more responsibility than many of us can cope with for the forces that structure our lives, and we come to regard anything that is *not* a result of autonomous choice as thereby a failure.[96]

This comment stresses perhaps the most important issue with regards to Nussbaum's conception of choice and agency (and, consequentially, autonomy), that is: their relationship to constraint.[97] Are Nussbaum's autonomous choice and agency limitless? Do they entail having sole authorship of one's life? Is her account perfectionist? Philips relates autonomy to "working to ensure that choices made really are your own choices and not just subservience to external pressures."[98] She understands autonomy as independence, as the faculty of making choices and acting without the influence of the external circumstances. But is it the idea of autonomy that stems from the CA? In the next chapter, I will look into those questions in light of Nussbaum's second 'architectonic' capability – affiliation.

In conclusion, despite Nussbaum's reluctance to recognize the importance of autonomy within the CA, it seems that her stress on the 'architectonic' function of 'practical reason,' as well as the further specifications of this capability, in fact point to the centrality of autonomy in her account of the capabilities. Nussbaum's apparently conflicting views about the value of autonomy point to fundamental tensions within her version of the CA between political and comprehensive liberalism. At the same time, the complexity of her account of practical reason entails that this capability is not limitlessly active but includes passivity as a central aspect of choice and agency. Through her analysis of the vulnerability of the realm of human action, Nussbaum builds her early view of intellect as based on Aristotle's *phronesis* – the virtue of practical thought, practical wisdom anchored in experience, whereby intellect is both active and passive/receptive, and concerned with particulars. This allows her to incorporate in her view of rationality those elements that are related to lack of control and vulnerability, that is, emotions, perceptions, and bodily appetites. Nussbaum's well-known analysis of passions as cognitive elements of the intellect is best understood in the context of her early interest in Aristotelian *phronesis* in the context of action. However, in her later analyses, Nussbaum reconsiders her view of emotions and develops a more complex account of rationality, whereby emotions

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[96] Anne Phillips, 'Feminism and Liberalism Revisited: Has Martha Nussbaum Got It Right?,' *Constellations,* 8 (2001), 249-66 (p. 257).

[97] Philips's point is an important one also from the point of view of the relationship between autonomy and responsibility. One may have reservations about the claim that we should restrict choices in order to diminish the burden of responsibility. Paradoxically, to refrain from choosing is, in many cases, also a choice. Nonetheless, within Nussbaum's theory, it appears perfectly possible for citizens to refrain from choices, but it is government's task to give them the *opportunity* to choose.

[98] Phillips, 'Feminism and Liberalism Revisited,' p. 257.

should be subjected to intellectual scrutiny. In this sense, she seeks to incorporate the notions of capability and vulnerability in her account of reason. I have also suggested that Nussbaum's notion of *phantasia* remains somewhat underdeveloped in this context. Nonetheless, Nussbaum's account of practical reason, as well as its further specifications under the notions of choice and agency, suggest that the idea of autonomy that we can find in the CA is intrinsically related to vulnerability. But even if we consider autonomy in such terms, we must still consider what is its relation to circumstances and intersubjectivity. I shall turn to this analysis in the next chapter.

6 Vulnerability as Constitutive of Autonomy?

In the previous chapter, we have analysed the notion of practical reason in the CA. However, the approach pays equal attention to the second 'architectonic' capability – affiliation. Stressing the importance of affiliation, in *Women and Human Development,* Nussbaum writes: "The core idea is that of the human being as a dignified free being who shapes his or her own life in cooperation and reciprocity with others."[1] This chapter analyses what this stress on 'affiliation' entails for the notion of autonomy that stems from the CA. First, I examine the underpinnings of Nussbaum's thinking of affiliation – that is, her early account of relationality. As I shall argue, in her earlier writings, Nussbaum posits relationality at the centre of the good human life. This also allows her to incorporate vulnerability at the core of her analysis of what it is to be a human being. Her later reconsideration of separateness allows her to create a complex view of relationality whereby it is intrinsically related to individuality. Stress on affiliation as the second architectonic capability entails that relationality is central in the CA. Autonomy is not an unbounded faculty of an agent unrestricted by his or her circumstances and disembodied from social relations. It is an essentially relational ideal; an ideal that entails that "neither our choices nor (other autonomous) aspects of the self are sui generis; rather, they are shaped and constrained by the social relationships and environments in which we are embedded."[2] The importance of relationality, coupled with the importance of circumstances, points to autonomy as essentially vulnerable.

[1] Nussbaum, *Women and Human Development* (2000), p. 72.
[2] Mackenzie,'The Importance of Relational Autonomy and Capabilities,' p. 43.

6.1 Nussbaum's Early Thinking of Relationality

Nussbaum's thinking of relationality has its origins in her analysis of vulnerability in Plato and Aristotle. For her, relationality is linked to vulnerability in fundamental ways: deep attachments to relations of a personal or political type both require vulnerability understood as openness and increase vulnerability to suffering and loss.[3] In this sense, "relationality contains within itself vulnerability, or the threat of nonbeing. If being is ultimately relational, then the fulfillment of being in a finite and interdependent world depends upon the fragile and contingent structure of relationships."[4] Deep personal relationships are central to our (well)being. They are fundamental, because "ontic, spiritual, and moral self-affirmation is fundamentally dependent on relationality," and "the fulfillment of human life, of flourishing and happiness, is inherently relational and thus dependent on the quality of one's relationships and the well-being of one's *philia*."[5] Vulnerability and existential anxiety that such relationships bring about is still often a cause of reluctance to recognise their fundamental status. Denials of relationality are connected to denials of vulnerability. Indeed "the ignorance of relationality, of relations with others as being constitutive of the self, is at the core of ignorance of vulnerability."[6] It is precisely this

[3] This topic was beautifully developed by Simone Weil: for her, vulnerability understood as an existential choice of openness is the condition of meaningful and transformative relations and the basis for the community between all individuals. Vulnerability enables the 'negative effort' of attention, which she understands as openness to the other and to love. This entails "taking the risk of embracing one's lack of control, which in turn holds the promise of being transformed by new encounters." See Simone Weil, *Waiting for God*, trans. by Emma Craufurd (New York: HarperCollins, 2009). On negative effort, see p.61., as well as Honkasalo Marja-Liisa, 'Guest Editor's Introduction: Vulnerability and Inquiring into Relationality,' *Suomen Antropologi,* 43 (2019), 1-21 (pp. 3-4). Hannah Arendt, drawing on the ontological condition of relatedness sees it as a source of our vulnerability in the context of action and thinking (rationality): "Because the actor always moves among and in relation to other acting beings, he is never merely a doer, but always and at the same time a sufferer. To do and to suffer are like opposite sides of the same coin. The story that an act starts is composed of its consequent deeds and sufferings." See Arendt, *The Human Condition* (1998), p. 190.

[4] Elizabeth O'Donnell Gandolfo, *The Power and Vulnerability of Love: A Theological Anthropology* (Augsburg Fortress, Publishers, 2015), pp. 117-18. This is an apparent reference to Sartre, who relates fragility to the possibility of non-being. In *Being and Nothingness*, he writes: "And what is fragility if not a certain possibility of non-being for a given being underdetermined circumstances? A being is fragile if it carries in its being a definite possibility of non-being. But once again it is through man that fragility comes into being, for the individualizing limitation which we mentioned earlier is the condition of fragility; one being is fragile and not all being, for the latter is beyond all possible destruction." Jean Paul Sartre, *Being and Nothingness*, trans. by Hazel Barnes (New York: The Philosophical Library, 1956), p. 8.

[5] Ibid.

[6] Erinn Gilson, *The Ethics of Vulnerability: A Feminist Analysis of Social Life and Practice* (Taylor & Francis, 2013). Gilson goes as far as to ascribe to it the denial of responsibility for the influence of one's actions on others. She writes: "to deny vulnerability and its inherent relationality, is thus also to deny the power of one's own actions to affect others, to stand as an example to others, to contribute to a culture in which the norms of the invulnerable self are those upon which so many of us model ourselves. This ignorance means that we do not conceive of ourselves as 'culture makers as well as culture consumers', that we abdicate responsibility for the selves that we make, and thusly perpetuate oppressive ideals by denying our complicity in doing so." Gilson, *The Ethics of Vulnerability: A Feminist Analysis of Social Life and Practice* (2013).

denial that Nussbaum identifies in Plato's middle dialogues.[7] For her, Plato's dismissal of relationality's centrality in *eudaimonia* stems from his fear to make *eudaimonia* dependent on contingencies. In a heroic attempt to bring about stability and security, he sets out to develop for human beings a model of life that would minimise the risk and terror that stem from making one's happiness dependent on such vulnerable structures. Aristotle, on the other hand, recognizes the value of relationality. By juxtaposing Plato's and Aristotles' views on relationality and self-sufficiency in the context of *eudaimonia*, Nussbaum makes a strong case for the instrumental and intrinsic value of Aristotelian *philia* in the good (albeit vulnerable) human life.

6.1.1 Plato's Self-Sufficiency

Plato's dismissal of relational goods is most visible in his stress on contemplation as the highest activity, and the contemplative life of a philosopher as the best human life. Contemplation is, for Nussbaum, at the opposite spectrum of vulnerability, since "contemplative activity is, among the activities available to us, the most stable and individually self-sufficient," as well as "maximally stable, unvarying, and context-independent," although many would argue against those claims.[8] For Nussbaum, *The Republic*, as well as *Symposium*, by positing contemplation at the centre of the good life, encourage us to live a self-sufficient life. The ascent to contemplation in order to avoid vulnerability that stems from relatedness has since become a common strategy among philosophers: Nussbaum traces a similar tendency in Spinoza and Proust. For them, it is only in contemplation that "one finds oneself able to deal with (…) worldly objects – or so it is claimed – without agonising dependency, without ambivalence and the desire for revenge, without the self-centered partiality."[9] One is, therefore, "least dependent

[6] See also Sarah Lucia Hoagland, 'Denying Relationality,' in *Race and Epistemologies of Ignorance*, ed. by Shannon Sullivan Nancy Tuana (New York: Sunny Press, 2007).

[7] Nussbaum emphasizes that in *Phaedrus* Plato has profoundly reconsidered his views. According to her, the source of his later acknowledgment of vulnerability is his falling in love with Dion of Syracuse. This speculation has been criticized by, for example, Jasper Griffin. See Jasper Griffin, 'Mastering the Irrational,' *Times Literary Supplement*, 4 July 1986, p. 730.

[8] Nussbaum, *Fragility* (2001), pp. 343, 149. Critics often point to Nussbaum's lack of sensitivity towards the fragility of philosophy. For instance, according to Nicholas P. White, Nussbaum "seems not to heed, that philosophical contemplation is often a very fragile activity indeed." White, 'Rational Self-Sufficiency and Greek Ethics,' p. 141.In addition, Nussbaum is not aware of the riches of the Christian tradition as developed by Augustine and the early Church fathers when discussing contemplation.

[9] Nussbaum, *Upheavals of Thought* (2001), p. 482. The discussion of active and contemplative life is anchored in a very long philosophical tradition. Hannah Arendt, who has used the term '*Vita Activa*' as the title of one of her most important works, has called the distinction between *vita activa* and *vita contemplativa* a distinction "loaded and overloaded with tradition." Hannah Arendt, *The Life of the Mind* (New York Mariner Books, 1981), p. 12.

on external conditions."[10] On such an account, active – that is, political life should be reduced to the necessary minimum. Plato's non-participatory model of the Republic accommodates this need. Nussbaum speaks of the Platonic efforts to eliminate conflict and unpredictability "through minimising the legislative engagement of separate wills," as well as through making the city "a unity in the way that a single organic body is a unity: with a single good."[11] For Nussbaum, Plato's account of contemplative life and his attempts to eliminate political conflicts both stem from his denial of relationality.

Plato has been widely criticised for his disregard of the citizen's need and right of political participation. But one might be surprised that Nussbaum criticises Plato as an opponent of human relationality, given the central importance that he ascribes to love – *eros*.[12] For Nussbaum, *eros* is not a relation bound up with mutuality, but rather a further expression of Plato's "vision of self-sufficiency."[13] On Aristophanes' analysis of the famous tale of *eros*, each person wanders through the world incomplete, looking for his or her 'other half.' Once the two halves meet, their utmost desire is to be merged in one, combined into the same being instead of two, and to live and die in this form. For Nussbaum, this entails that at the heart of the idea of *eros* is the need to find a cure for our incompleteness, and to restore us to the state of totality. On this account, the special importance of the lover stems uniquely from his or her potential to bring about this godlike state. Once we achieve this state, the exterior world becomes irrelevant:

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[10] Nussbaum, *Upheavals of Thought* (2001), p. 482.
[11] Nussbaum, *Fragility* (2001), pp. 352, 53.
[12] It is worth mentioning, with regards to the widely discussed homosexual aspect of *eros*, that in 1993 Nussbaum offered expert testimony on *Evans v. Romer*, called the *Colorado Amendment 2 Case*, whereby she claimed that moral objections to homosexual conduct were absent in Roman and Greek traditions, and that they are entirely an effect of Western Christian theology. This statement was decisively criticized by John Finnis in his article *Shameless Acts* and Robert P. George in his revised version of the article. George summarized Finnis' claims as follows: "Professor Nussbaum's testimony under oath in the Amendment 2 case amounted to a series of misrepresentations, distortions, and deceptions. He (Finnis) accused her of falsifying the positions not only of Plato and Aristotle but also of such modern commentators on Greek philosophy and public morality as Sir Kenneth Dover, A.W. Price, and Gregory Vlastos. Indeed, he accused her of misrepresenting her own published work. He alleged, moreover, that she had engaged in an act of gross deception of the court by attempting to pass off as "the authoritative dictionary relied on by all scholars in this area," viz. classics, a definitively superseded nineteenth-century edition of Liddell and Scott's *A Greek-English Lexicon*. Finally, he accused her of dissembling about the scholarly credentials of Professor David Cohen, whose work Professor Finnis had introduced to show that the public morality of classical Athens in fact condemned homosexual conduct." According to Finnis, Plato's account of such conduct as *tolmema* should be translated as "shameless." Dover responded that it is not an implausible choice, he would translate it as "audacious." After considering Nussbaum's response to this criticism, published in *Virginia Law Review*, George suggests that Nussbaum is guilty of scholarly dishonesty and "reckless irresponsibility" in the means she employed to defend the assertions regarding the attitudes towards homosexual conduct in Ancient Greece and Rome. See John Finnis, '"Shameless Acts" in Colorado: Abuse of Scholarship in Constitutional Cases,' *Academic Questions,* 7 (1994), 10-41.; Martha C. Nussbaum, 'Platonic Love and Colorado Law: The Relevance of Ancient Greek Norms to Modern Sexual Controversies,' *Virginia Law Review,* 80 (1994), 1515-651.; Robert P. George, '"Shameless Acts" Revisited: Some Questions for Martha Nussbaum,' *Academic Questions,* 9 (1996), 24-42.
[13] Nussbaum, *Fragility* (2001), p. 197.

we marvel at the completeness of the being we have become. Love understood in such terms is yet another expression of the need to minimalize vulnerability intrinsic in relatedness: "This profound portrait of the roots of erotic love says in effect that love of this sort is the acting out of a primitive fantasy of restored omnipotence."[14] In the analysis of Plato's account of *eros*, Nussbaum identifies three elements that confirm that it is non-relational: the desire to control, the desire for perfection, and the desire for the ideal.

The desire to control overlooks the necessary reciprocity of relation. In Plato's love, although the lover longs for an external person, his or her goal is to take control of that person, not to cultivate a reciprocal relation in which the loved one can exercise his or her own agency.[15] The object of love constitutes 'a good,' which a lover seeks to make his or her own in order to become a complete, flourishing person (*eudaimon*). Nussbaum thus claims that "the lovers described by Aristophanes are, then, really not seeking another half, except incidentally."[16] They are not interested in reciprocally providing the good for the object in question. For Gregory Vlastos, this, together with the overlooking of individuality, was the primary defect in Plato's philosophy. In neglecting reciprocity, the Platonic lover neglects in the process the other person's very agency and choice. By doing so, he or she limits the unpredictability that stems from making one's flourishing dependent on a free centre of agency.[17] Nussbaum sees this as a unilateral, and, therefore, not a relational account of love.

Moreover, Plato's account of love, which is one of perfection, imposes ideals that are impossible for a human being to fulfill.[18] The object's imperfections, his or her vulnerabilities, even his or her embodiment, are left out of the account. The Platonic lover loves only those elements that are universally lovable and refuses to embrace the other elements. This account includes neither mercy nor compassion and is not suited to embrace the lover unconditionally. As such, it is not appropriate for a life of imperfection and vulnerability.[19]

Marvelling at the ideals hazards the appreciation of another's individuality. Plato's love understood as a pursuit of perfection entails that we fall in love not with the person, but with the ideas that they embody. The Platonic lover, according to Nussbaum, is the concrete representation of the abstract ideals of beauty and wisdom in the form of a human. By admiring

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[14] Nussbaum, *Upheavals of Thought* (2001), p. 485.
[15] On a similar note, Biancu argues that a relation which does not contribute to the fulfillment of each partner is not love. Stefano Biancu, *Il Massimo Necessario. L'etica Alla Prova Dell'amore* (Milano: Mimesis Edizioni, 2020), p. 60.
[16] Nussbaum, *Upheavals of Thought* (2001), p. 486.
[17] Nussbaum, *Upheavals of Thought* (2001), p. 498.
[18] Lydia Amir, 'Plato's Theory of Love: Rationality as Passion,' *Practical Philosophy,* 3 (2001), 6-14 (p. 13).
[19] Nussbaum, *Upheavals of Thought* (2001), p. 499.

this representation of beauty in the world, the lover contemplates Beauty itself, that is, the idea of Beauty, which later draws the soul towards thoughts of other concepts, such as Goodness and Justice. Thus, he or she begins his ascent of the '*scala amoris*' – 'the ladder of love'.[20] On this account, however, individual characteristics of the beloved, his or her unique personality and qualitative differences are not taken into consideration. The neglect of the individual that this entails is also a part of Vlastos' criticism of Plato's theory.[21] Nussbaum fully embraces Vlastos' view on the matter, claiming that to love someone as a representation of the ideal does not entail loving him or her as an individual. It excludes separateness of another, treating him or her instead as a 'bare container,' overlooking the distinctiveness of that particular life. Thus, the individual characteristics of the person, the common history that the lovers share, simply do not count. It cannot go unnoticed that on this account, the beloved could potentially be substituted by another who embodies the same ideals.

According to Nussbaum, Plato's account of love is not an account of relation, due to its lack of reciprocity, compassion, and individuation of the other. It is, instead, a dream of restored omnipotence. Of course, this dream can never be fulfilled, since we are mortal beings. "In addition to its power of distraction, love of this infantile sort, focused on possession and control, seems to prevent people from attaining the sort of relationship with one another within which real support and mutual aid are possible."[22] Such a model of love presents us with yet another, albeit more sophisticated, vision of self-sufficiency and avoidance of vulnerability inherent in relatedness. "If this is what *eros* is," Nussbaum writes, "it urgently demands reform."[23]

Nussbaum's Plato is an exponent of the denial of relationality – which is expressed by his stress on the contemplative life, and his non-relational vision of love. His proposal is a radical, unconvincing, narrow, and even controversial account of the goods that make up human *eudaimonia*.[24] Nussbaum traces a similar tendency in Kant: Kantian anthropology presents us with the model of a subject who is entirely independent, in no need of the external goods of life. 'External goods' refer to those good and values that come from without – "wealth, honour, money, food, shelter, health, bodily integrity, friends, children, loved ones, citizenship and

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[20] See Nickolas Pappas, 'Plato's Aesthetics,' in *The Stanford Encyclopedia of Philosophy*, ed. by Edward N. Zalta (2020), <https://plato.stanford.edu/archives/fall2017/entries/plato-aesthetics/> [Accessed November 2020].
[21] Gregory Vlastos, 'The Individual as an Object of Love in Plato,' in *Platonic Studies* (Princeton: Princeton University Press, 1973), pp. 3-220.
[22] Nussbaum, *Upheavals of Thought* (2001), p. 48.
[23] Nussbaum, *Upheavals of Thought* (2001), p. 486. Nussbaum stresses that Plato changed his views on the matter after he fell in love with Dion of Syracuse, and thus started to appreciate the uniqueness of his character. The theme of uniqueness was also central for Hannah Arendt, who saw it as a basis for human dignity.
[24] Nussbaum, *Fragility* (2001), p. xiv.

political activity."[25] As Nussbaum reads Kant, these goods for him "have no genuine worth." Since moral value is incomparably superior in significance to everything else, the Kantian subject can do without human relationships, emotions, and politics, as long as he or she remains morally firm.[26] Thus, for her, Kant is a heir of Plato's ideal self-sufficiency, whereby relations and other intersubjective and contingent goods have no intrinsic value. The Platonic ideal is indeed ingrained in our entire philosophical tradition.[27]

6.1.2 Aristotle's Relatedness

In opposition to Plato's stress on the contemplative life, Nussbaum argues that in order to be virtuous, we need to be active, for many virtues are in themselves relations. Each excellence, for Aristotle, is *pros hauton* and *pros heteron* – a thing in relation to oneself and others. In order to be generous, just or loving, we need those towards whom we can act generously, justly, and lovingly. Being part of a political community is thus instrumental for the development and sustainment of good character. It also has intrinsic value, which Nussbaum shows by appealing to human nature. Considering the famous passage from *Politics* where Aristotle claims that we are political animals ("It is evident that ... the human being is by nature a political animal, and that the person who is citiless through nature [*apolis dia phusin*] and not through luck is either an inferior creature or greater than a human being"), Nussbaum agrees that to be political or social is an intrinsic value without which human lives would be incomplete.[28] Life without politics would be devoid of something so important that we could hardly count it as human life at all. For this reason, against the Platonic idea of autocracy, Aristotle stresses the importance of plurality and sees the city as an association of free and equal citizens, where each can participate in making decisions. In her work on CA, Nussbaum espouses Aristotle's defence of the centrality of political relationships in the good human life.

Nussbaum overlooks the tension between activity and contemplation as she unequivocally discredits Aristotle's interest in the contemplative life. While, for her, passages where Aristotle praises contemplation are non-indicative of his thinking and serve only as proof that even Aristotle was at times attracted to Plato's godlike proposals, many claim that this does not do justice to the central role of contemplation in Aristotle's philosophy.[29] It has been pointed

[25] Nussbaum, *Fragility* (2001), p. Preface xii.
[26] Nussbaum, *Fragility* (2001), p. 329.
[27] Nussbaum, *Fragility* (2001), p. 344.
[28] Aristotle, Politics I, 1253a1-7, quoted in Nussbaum, *Fragility* (2001), p. 351.
[29] In *Nichomachean Ethics*, 10.6-8, Aristotle claims that the life of philosophical contemplation is the best life for a human being. Michael Woods claims that considering different possible meanings of *anthropos*, we should read

out that in order to sustain her thesis Nussbaum omits the conclusion of the *Nichomachean Ethics*, which unequivocally states that

> we must not follow those who advise us to have human thoughts since we are only human, and mortal thoughts, mortals should; on the contrary, we should try to become immortal as far as that is possible and do our utmost to live in accordance with what is highest in us. For though this is a small portion of our nature, it far surpasses everything else in power and value. One might even regard it as each person's true self, since it is the controlling and better part.[30]

It seems that Nussbaum has omitted this aspect of Aristotle's thought in order to underline his stress on active, political life. The dichotomy thus created does not do full justice to Aristotle's actual stance on the matter. Nonetheless, it paves the way, for Nussbaum, to stress with even greater force the centrality of *philia* in Aristotle's account of the good life.

6.1.2.1 Philia

Unlike many translators, Nussbaum translates Aristotle's *philia* not as friendship, but as love.[31] But the nature of this love is different than the love of wisdom or the love of wine: *philia* is a love between human beings for one another's sake. The connoisseur of wine, like the Platonic lover, "loves the wine as his own possession, as a part of his good. *Philoi,* by contrast, are separate and independent; they ought to be, and to see one another as, separate centres of choice and action."[32] Relationship with something external is always a relationship with something

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Aristotle as indicating "that the life of contemplation and the life in accordance with the other virtues are at the top of two different scales." Michael Woods, 'Aristotle's Anthropocentrism,' *Philosophical Investigations,* 16 (1993), 18-35 (p. 35).

[30] Nicomachean Ethics X,7, quoted and translated in Ruprecht, 'Nussbaum on Tragedy and the Modern Ethos,' p. 596.

[31] She writes that *philia* "includes the very strongest affective relationships that human beings form," and should not be simply translated as friendship, but with a more wide-ranging word – 'love.' She thus differs from the accounts that interpret *eros* as passionate love, and *philia* as friendship – such as the brilliant C.S. Lewis's essay *The Four Loves*, which draws on a classical distinction between love as *eros, philia, storge*, and *agape* - erotic or romantic love, friendship, affection, and divine love. C.S. Lewis, *The Four Loves* (New York: HarperCollins Publishers, 2010). Biancu, on his part, distinguishes between universal and particular love, whereby the former, unlike the latter, does not require reciprocity. "La prima forma è quella che si potrebbe chiamare amore universale, in quanto è rivolto indistintamente a chiunque, senza preferenze: si tratta di un'attitudine fondamentale della persona – conseguente a una decisione – sotto forma di un amore gratuito e disinteressato. Non è altruismo, se questo è inteso come un accordare all'altro una priorità rispetto a sé stessi: è piuttosto una rimozione dell'alterità dell'altro in quanto questa alterità è qualcosa che non mi riguarda. L'essenza di questo amore è la cura, nel senso del verbo inglese *to care*: l'altro – la sua vita, i suoi destini – mi riguarda. Non si tratta di un'assimilazione dell'altro a sé stessi, ma di un farsi pros- simo: dell'esercizio di una responsabilità a partire dall'appello che dall'altro giunge in maniera più o meno consapevole e più o meno esplicita. Questa seconda forma, a differenza della prima, esige reciprocità. Non si tratta della reciprocità propria della giustizia commutativa e dello scambio commerciale e mercantile, ma di quella che è propria dello scambio simbolico: nel dono reciproco di tempo, cose, gesti, parole avviene il dono reciproco di sé. Si tratta di uno scambio di beni che veicola uno scambio di vite e di esistenze: uno scambio non disinteressato, ma interessato a creare relazione e legame." Biancu, *Il Massimo Necessario* (2020), pp. 56-57.

[32] Nussbaum, *Fragility* (2001), p. 355.

beyond our control. It constitutes both the source of value and the vulnerability of Aristotelian love. Moreover, for a relationship to count as *philia,* it has to be mutual, that is, reciprocal. Aristotle does not consider cases of unrequited love or rejected friendship as *philia*, for "*philia* is a relation, not a one-way street."[33] Furthermore, *philia* is a relationship which is directed at the essential features of someone's identity – at his or her goals, values, and character. It is concerned with the particularity and individuality of the person. While the Aristotelian lover, similarly to the Platonic, loves the repeatable traits of character as parts of the identity of the beloved, unlike the Platonic lover, he or she also cares about singular traits of character as well as a shared history. In order to create that shared history, *philos* must share in common activities: the higher, intellectual interests but also the lower enjoyments such as sharing jokes, and should regularly spend time together.[34] Nussbaum very beautifully refers to *philia* as the desire of the freedom of movement of another *philos*, and, indeed, to the love of the world:

> It is the love of someone who is content to live in a world in which other beings move themselves – who desires to continue to be a part of such a complex world, not controlling the whole, but acting towards and being acted on by its separately moving pieces. In the existence of such moving external pieces, it discovers much of the value and richness of life. It does not aspire to be the only motion there is. His desire is to remain moving and desiring in the world, and to continue to receive the desiring activity of the other. It is a relationship that expresses, in the structure of its desires, a love for the world of change and motion, for *orexis* itself, and therefore for the needy and non-self-sufficient elements of our condition.[35]

Such love is, therefore, possible only for someone who does not aspire to dominate reality and to be "the only motion there is." According to Nussbaum, Aristotle's *philia* lies in strong opposition to Platonic *eros*. It is a love that embraces vulnerability and is conditioned by it.[36]

Indeed, luck is needed for *philia* both to be created and to be sustained, and, since it is such a central part of life, should it be lost, it can cause *philos* damage comparable to no other. Aristotle even enumerates certain sources of *philia's* vulnerability: it is difficult to find a *philos* and to open ourselves trustingly to that person; the fact of the changeability of character; problems related to spending sufficient time together and being located in the same place; loving more than one *philos*, and finally, the death of a *philos*.[37] Inability to cope with grief for

[33] Nussbaum, *Fragility* (2001), p. 355.
[34] Naturally, in Aristotle's times, such an account necessarily excluded women.
[35] Nussbaum, *Fragility* (2001), p. 357.
[36] Nussbaum, *Fragility* (2001), p. 357.
[37] Elsewhere Nussbaum notices that this conception might still not be vulnerable enough. She has developed this idea in her later writings, but already in *Fragility* she is sensitive to the opinions that the "relationship described

the death of a *philos* is, for Aristotle, something very natural, and as Nussbaum points out, it is contrary to the modern Kantian interpretation according to which this inability is an unfortunate psychological fact about some of us. And yet, he points out that *philia* possesses instrumental value: it helps us to develop good character as well as playing a robust motivational role in continuing good activities. On a more critical level, *philia* brings about an increase in self-knowledge and self-perception that stems from being with and intuitively responding to the beloved person. However, in all those cases, friends are still described as instrumental to achieving the good life. The most vital point of Aristotle's and Nussbaum's argument is the intrinsic role of *philia* in *eudaimonia*:

> There is a debate as to whether the *eudaimon* person needs *philoi* or not. For they say that *malearioi* and self-sufficient people have no need of *philoi,* since they have all good things already. If then they are self-sufficient, they need nothing further; but the *philos,* being another oneself, provides what he cannot provide by himself. (…)But it seems peculiar to give all good things to the *eudaimon* and to leave out *philoi,* which seem to be the greatest of the external goods . . . And surely it is peculiar to make the *makarios* person a solitary; for nobody would choose to have all the good things in the world all by himself. For the human being is a political creature and naturally disposed to living-with.[38]

Aristotle's argument on the central role of *philia* in the notion of the good life rests above all on the *phainomena* (Nussbaum lists the 'it seems,' 'they say,' and so on.) According to Aristotle, by closely observing human beings we discover that we are creatures "naturally disposed to living-with."[39] Our nature simply *is* social, and deep relationships simply are "the greatest of the external goods." He calls the state of solitude *aphilia*, which is to be feared as much as death itself.[40] Nussbaum, thus, goes on to stress that *philoi* are intrinsic elements in the good human life and that a being who does not wish to live-with ceases to be a being identical to us. To wish a life without *philia* is a wish for a transformation to a different life. If human beings are social beings, a creature who finds happiness without *philoi* would not be human. Therefore, Nussbaum stresses the inherently relational nature of the human being. Vulnerability, which is a condition of relationality, becomes the central aspect of what it means to be human.

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is cozy and insular: that by concentrating on the lave of people similar in character it removes the element of risk and surprise that can be a high value in an encounter with another soul. (…) Aristotle's emphasis on the superior stability of character-love over other relationships renders his account of love bizarre in its determination to reconcile the need for friendship with the aim of self-sufficiency'." Nussbaum, *Fragility* (2001), p. 368.

[38] Aristotle*, Nichomachean Ethics,* 1169b3ff, quoted in Nussbaum, *Fragility* (2001), pp. 365-66.

[39] Ibid.

[40] Fermani, 'Aristotele E Gli Affetti ' p. 24.

6.1.3 Relationality and Individuality?

However, in her later writings Nussbaum pays attention to the fact that an individual, and not a community or a relation should be a basis of political theory. Nussbaum reconsiders the importance of the liberal stress on the individual in light of the feminist stress on the importance of community ties. For some feminists, stress on relatedness excludes the promotion individual self-sufficiency.[41] In their account of individualism, an individual is seen as prior to society and capable of existing outside of social ties.[42] However, many thinkers who argue for the priority of the individual do not equate this with self-sufficiency. They have non-egoistic accounts of human psychology, high moral demands of altruism and duties to others, and stress affiliation and sociability as the basis of human motivation and satisfaction. Kant's idea of membership in the community of the kingdom of ends as the primary identity of free rational beings who promote each other's well-being out of awe and respect that they feel for each other, and Rawls' 'original position' as inspiring mutual cooperation, are examples of non-egoistic approaches to individualism.

In her later writings, Nussbaum seems to be drawn to a non-egoistic understanding of the individual and defends it against the feminist critique. She notices that a tension always exists between individual and community, and individual and a relation. These tensions should be recognized and addressed reflectively. This entails that individuals should choose freely – and not out of convention, fear or dependency – the extent to which they wish to make a relationship central to their lives. However, stressing the importance of the individual entails neither that we should be egoists who put their own gratification before that of others, nor that we should be dedicated to self-sufficiency, to minimizing our reliance on others. A certain degree of autonomy is not antithetical to relatedness, but necessary in order to enter close, intimate relationships.[43]

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[41] First of all, self-sufficiency may, in some cases, be an appropriate political goal. For instance, feminist organizations in developing countries argue that women can be more engaged in their communities and care for others when "they are economically situated so that they can survive on their own." Nussbaum agrees that the focus on survival in the face of dependency diminishes one's possibility of focusing on others. Nussbaum, *Sex and Social Justice* (1999), p. 61.

[42] This is a criticism put forward very strongly by Jaggar, whom Nussbaum quotes at length.

[43] In this respect, Biancu notes that the condition of a 'just' love is self-love. In this sense, self-love can be conceived of as a virtue. Nonetheless, it can be easily transformed into a vice – egoism. Thus, there is a fine albeit crucial line between self-love and egoism. Biancu, *Il Massimo Necessario* (2020), p. 59.

Prioritizing the individual also has a crucial political role. According to Nussbaum, it is essential to stress that "the demands of a collectivity or a relation should not as such be made the basic goal of politics."[44] Instead, politics should address human embodiment and separateness, denied in the forms of "revisionary metaphysics."[45] Separateness stresses the unique course of life of each person, while embodiment draws attention to individual sensations and needs: "each feels pain in his or her own body, the food given to A does not arrive in the stomach of B."[46] Thus, each individual should be treated as an end on his/her own, never fused with another individual. This constitutes a basis for Nussbaum's considerations of the issue of justice in the family, namely, that justice requires the distribution of resources and opportunities, which, in turn, demands that we ask how each and every individual in the household is doing. This is especially important for women, who in many parts of the world are not treated as individuals but as elements of family units, as "means to the ends of others," primarily as reproducers or caregivers. As a result, many women suffer domestic violence, economic and educational inequalities, sexual abuse, and, in some countries, genital mutilation, lack of rights to divorce or to consent to marriage. It is above all in these cases that stress on the individual appears urgent. From a political perspective, it is important to consider the wellbeing of each individual, instead of a family or other collectivity. For Nussbaum, if anything, liberal thought has not been individualist enough on this point, and thus deserves criticism for lack of radicality and legislation within the family units. Some liberals fail to acknowledge the individuality of women "perhaps, because they are focused on the autonomy and freedom of males."[47] In the CA, the rights of an individual should be protected as those of a separate human being. When vulnerability stems from the social context and becomes pathological, action should be taken in order to restore to individuals their autonomy.

6.2 Relationality in the CA. A Relational Autonomy?

However, this does not change Nussbaum's stance that an individual is, by nature, a relational creature. Her early considerations on relationality are translated, within the CA, as the second 'architectonic' capability of 'affiliation.' Affiliation is defined as follows:

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[44] Nussbaum, *Sex and Social Justice* (1999), p. 62.
[45] Nussbaum, *Sex and Social Justice* (1999), p. 62. By this Nussbaum refers to some forms of Buddhism and Platonism.
[46] Nussbaum, *Sex and Social Justice* (1999), p. 62.
[47] She points to the fact that Rawls, who has initially proposed that the parties in his original position be representatives of household, has accepted feminist proposals to make them individuals whose sex is irrelevant.

> (A) Being able to live with and toward 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. This entails provisions of nondiscrimination on the basis of race, sex, sexual orientation, ethnicity, caste, religion, national origin.

In definition A, we can recognize Nussbaum's early considerations on relationality as an intrinsic part of what it is to be a human being. Her early conclusions that the good human life cannot be extracted from living with and towards others, and that a self-sufficient life would be impoverished to such an extent that we cease to live the best human life, are clearly reflected in part A of her definition. This entails that the supposedly self-sufficient and autonomous being in the Platonic sense of the term would lack an intrinsic human capability.[48] It also entails that imagining what it is to be another, to put one's self in the position of another, is a crucial aspect of flourishing. It thus stresses the centrality of openness and imaginative 'seeing as', which enable intersubjective understanding and establishing genuine human relations. Those topics will be developed in the last chapter.

Affiliation also has an instrumental and structuring role. While, as we have seen in the previous chapter, the capability of practical reason entails that choice and agency are central aspects of structuring one's conception of life, stress on affiliation means that these choices and actions are essentially relational. Nussbaum further defines it as a capability which organizes others in the sense that in each of them, "relationships of many kinds (familial, friendly, group-based, political) all play a structuring role."[49] If autonomy is understood as a capability to lead a self-determined life and make choices (deliberative, interpretive, critical to choose how to live one's life), then affiliation underlines that these competencies are social and intersubjective. Affiliation's structuring role underlines that the conception of life (the degree to which we are autonomous) is formed intersubjectively and within a web of relationships. In this way, affiliation has an instrumental value because the development of an individual depends on the social and political conditions in which one finds oneself. It requires education and other resources and skills that are dependent on well-functioning institutions, social, and intimate relations. Autonomy skills are learned with and from others. Social institutions and interpersonal relations provide contexts in which to acquire and exercise them.

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[48] On this topic, see also: Goldstein, *Vulnérabilité Et Autonomie Dans La Pensée De Martha C. Nussbaum* (2011), p. 77.
[49] Nussbaum, *Creating Capabilities* (2011), p. 40.

In definition B of affiliation, Nussbaum draws attention to the issues of non-humiliation, social bases of self-respect, and being treated as a dignified being. This entails that autonomy is not only a capacity to live a self-determined life developed and exercised in intersubjective relations but is also a status of being recognized as an autonomous agent by others. The theme of secured agency through recognition resonates in Nussbaum's stress that the capabilities must be exercised "with and toward others in a way that involves mutual recognition of humanity."[50] This topic, present but not developed in Nussbaum's work, is better understood in the context of Axel Honneth's theory of recognition. Honneth relates relations of love, respect, and solidarity to those of self-respect, self-esteem, and self-trust.[51] Similarly to Nussbaum, he extensively refers to the psychological research of Donald Winnicott, which assumes that the very possibility of identity formation depends on intersubjective human relations.[52] According to Honneth, one's identity stems from practical relations to oneself: self-confidence, self-respect, and self-esteem. These relations can only be acquired and maintained through relationships of recognition: love, rights, and solidarity. Self-confidence is defined as trust in oneself and one's body acquired dialogically through a relation of love. In enables an individual to recognise and pronounce his or her needs and desires. Self-respect is strictly related to the attribution of legal rights. Formally, human dignity is guaranteed and protected by human and citizen rights. A person recognised on a legal level gains personal self-respect by virtue of belonging to society. Self-esteem denotes a positive rapport to one's unique self, to one's particularity as an individual. It emerges from the feeling of solidarity with those who share our values and concerns. If our deeds and words are recognised by other agents, we develop self-esteem. "These psychological structures are vitally important, in turn, for autonomy."[53] Others' attitudes towards us can deeply influence our autonomous agency by supporting or undermining our sense of ourselves as autonomous agents. This also points to the theme of misrecognition.[54] A person (or a group) who is not recognized as an autonomous agent is prone to experience impaired agency.[55] Such a person or group may not feel empowered to execute their plans. The sociocultural context within which the actions and choices of an individual are recognized as those of an autonomous agent, is central for autonomy.

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[50] Nussbaum, *Women and Human Development* (2000), p. 82.
[51] See Axel Honneth, *The I in We: Studies in the Theory of Recognition* (Oxford: Polity Press, 2012).
[52] The foundation of Honneth's theory is Hegelian philosophy.
[53] Anderson,'Autonomy and Vulnerability Entwined,' p. 142.
[54] For a thorough discussion of the topic of misrecognition, see Frank Haldemann, 'Another Kind of Justice: Transitional Justice as Recognition,' *Cornell International Law Journal,* 41 (2008), 675-737.
[55] Anderson claims that this is often translated as translated into passive-aggressiveness, depression, alienation from own feelings and bodies. See Anderson,'Autonomy and Vulnerability Entwined.'

What stems from those considerations is that vulnerability is not antithetical to, but constitutive of autonomy and makes its attainment and exercise possible. In this sense, Nussbaum's account of autonomy is in line with the recent 'relational' accounts of autonomy. As we have seen in chapter 2, many philosophical accounts of autonomy draw attention to its relational and vulnerable character. Within the feminist framework, such reconceptualization of autonomy has been known under the term 'relational autonomy.' There are many specifications of the theory, but it generally concurs that: first of all, a substantial degree of autonomy is central for leading a flourishing life. The freedom to exercise capacities of choice and agency is important for the human beings, both from the point of view of flourishing as well as respect for human dignity. Theories which stress vulnerability against the value of autonomy overlook this essential need, and by doing so they reduce the possibility of addressing the inequalities that stem from its uneven distribution. Second, the notion of autonomy that those theories defend is coined against libertarian views, which equate autonomy to self-sufficiency, unbounded choice, and self-determination extracted from relationships and constraints. Relational theorists stress that "we form, sustain, and revise our self-identities in relational connections to specific others, and we negotiate our sense of individual selfhood in a specific geographical, historical, and political context and in relation to intersecting social determinants, such as gender, race, ethnicity, ability, and class. These factors provide the context for our choices, which are both enabled and constrained by the opportunities made available within the social environment."[56] In this sense, autonomy is a constant negotiation between 'oneself and another,' between freedom and constraint.

However, vulnerability can also hinder autonomy. Some 'others' and some circumstances are oppressive and can impede the development of capacities crucial for autonomy. Examples include relationships characterized by social, political, economic, or educational disadvantage, or even abuse or violence. Those relationships, instead of enabling autonomy, may seriously hinder the development of skills necessary for self-determination and their exercise. Relational theorists, by drawing attention to the social constitution of the self and the social contexts of choice, are "particularly concerned with highlighting the effects of social relations of domination, oppression, and exclusion on individuals' self-conceptions, opportunities, capacities, and choices."[57] They also stress that the state has the obligation to address those problems and promote the autonomy of its citizens. How to account for the fact that while vulnerability is constitutive of autonomy, it can also seriously undermine it?

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[56] Mackenzie,'The Importance of Relational Autonomy and Capabilities,' p. 43.
[57] Mackenzie,'The Importance of Relational Autonomy and Capabilities,' p. 43.

Nussbaum captures the vulnerability of autonomy through her tripartite distinction between capabilities (as basic, internal, or combined), to demonstrate that the capabilities are vulnerable, since they do not depend solely on the agent, but on appropriate circumstances at each stage of life for development and actualization.

Basic capabilities are "the innate equipment of individuals that is the necessary basis for developing the more advanced capabilities and a ground of moral concern."[58] These capabilities normally cannot be converted directly into functioning (with the exception of, for instance, seeing and hearing). For example, to have a basic capability of speech means to be born with the potential to learn how to speak. A healthy baby has the potential to develop this capability, but at this stage, it is by no means clear that he or she will do so. For, in order to develop the basic capability of speech, it is necessary that the child is nurtured, cared for, and educated. Nussbaum stresses the essential vulnerability of basic capabilities, emphasising the role of luck in the very fact of birth. We do not have any influence over whether we are born healthy, with any particular talents, or in a developing country, for example. And yet, those factors define us and the courses of our lives before we even enter the world. The choices available to us are limited at this very first stage. The vulnerability of autonomy thus manifests itself at the very moment of our creation.

Internal capabilities are "developed states of the person herself that are, so far as the person herself is concerned, sufficient conditions for the exercise of requisite functions. (…) These are mature conditions of readiness."[59] The category of internal capability entails that even if we have basic capabilities for flourishing, their development into an internal state of readiness is dependent on factors such as training and time. Although some capabilities – in order to develop from basic to internal –require only bodily maturity (for example, the capability of sexual functioning), the majority require support from the surrounding environment and the material and social world, such as the availability of sufficient food, the means to ensure one's health, and sufficient leisure. A person who has the basic capability of play, love, or political choice, needs to have been cared for and educated, as well as have access to basic material resources, in order to achieve the internal capability. Moreover, this entails that the way in which we have been educated, loved, nourished, and so on, greatly influences our internal constitution, further limiting and conditioning the notion of choice. Internal capabilities, thus, further underline the essential vulnerability of capabilities.

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[58] Nussbaum, *Women and Human Development* (2000), p. 84.
[59] Nussbaum, *Women and Human Development* (2000), p. 84.

Finally, "even when people have developed a power (…) they may be prevented from functioning in accordance with it." This is the final stage of the vulnerability of capabilities, which is expressed through the notion of *combined capabilities* – "internal capabilities combined with suitable external conditions for the exercise of the function."[60] This notion entails that even if our basic capabilities have been developed into internal ones, we still need appropriate circumstances to be able to function in accordance with the given capability. This entails, for example, that if we have the basic and internal capability of practical reason, we still need an appropriate political context to have a combined capability. Combined capabilities are, therefore, the developed powers of the person, which the person has the freedom and opportunity to exercise in his or her personal, social, and economic environment. The notion of combined capabilities entails that the autonomy of an agent depends on the development of internal powers, as well as on the external environment. In this sense, the circumstances in which we find ourselves may either enable us to exercise autonomy or limit this ability. Autonomy can thus be seen as a capability that is vulnerable at all three stages: basic constitution, internal development, and external exercise. Its development and exercise are enabled by a broad spectrum of factors that lie outside one's power of self-determination.[61]

Nevertheless, Nussbaum's account does not provide a clear distinction between those vulnerabilities that are inherent and constitutive of autonomy and those that are opposed to it. It seems crucial to note that while certain vulnerabilities impede human flourishing and prevent an individual from living a life worthy of human dignity, others are ontologically rooted in the human condition and constitute what makes us human. Nussbaum does not explicitly develop the topic of variety of vulnerabilities.[62] In this context, her approach could be enhanced by the contributions from relational autonomy theorists who draw attention to the need to elaborate a taxonomy of vulnerability, such as the distinction between the *inherent, situational, and pathogenic* vulnerabilities proposed by Mackenzie:

> *Inherent vulnerability* refers to sources of vulnerability that are intrinsic to the human condition. These vulnerabilities arise from our corporeality, our neediness, our dependence on others, and our affective and social natures. We are all inherently vulnerable to hunger, thirst, sleep deprivation, physical harm, emotional hostility, social isolation, and so forth. (…) A second source of vulnerability is *situational*, (…) that is context specific. (…) Situational vulnerability may be short term, intermittent, or enduring. For example, natural disasters such as floods or hurricanes leading to destruction of homes can cause widespread vulnerability as those affected seek shelter

[60] Nussbaum, *Women and Human Development* (2000), pp. 84-85.
[61] It can be argued that Nussbaum reproposes, within her CA, the distinction between negative and positive freedom (for the development of this topic, see chapter 7).
[62] For an overview of contemporary accounts of vulnerability, see Morny Joy, 'Violence, Vulnerability, Precariousness, and Their Contemporary Modifications,' *Sophia,* 59 (2020), 19-30.

> and come to terms with their losses. (…) [*Pathogenic vulnerabilities*] may be generated by a variety of sources, including morally dysfunctional or abusive interpersonal and social relationships and socio-political oppression or injustice.[63]

Drawing on this distinction can help us to elaborate on a few corresponding observations. On the one hand, vulnerabilities inherent to our condition constitute a source of human flourishing, and their acceptance and cultivation appear constitutive of the development of autonomy understood in relational terms. Our embodied, relational, and affective nature makes us vulnerable to circumstances and to other human beings, but to limit this inherent vulnerability would mean to limit one's autonomy. Someone not vulnerable to rejection, loss, critique or misrecognition would also be deprived of the possibility of living a truly human life, as well as the opportunity to develop and define his or her identity (in this sense, Anderson claims that such a person would "lie outside the interpersonal space within which these relations-to-self are acquired and maintained"). Vouching for oneself and so risking critique, trusting in a friendship, and so risking betrayal, proclaiming love and, so risking rejection – these are the inherent experiences of a being who governs him- or herself with and towards others, a being who is both autonomous and vulnerable. In this second sense, the task of becoming an autonomous agent and that of becoming a vulnerable agent are actually two sides of the same coin. The notion of capabilities that Nussbaum develops in her recent writings can be seen as an attempt to accommodate both.

On the other hand, some forms of vulnerability are antithetical to autonomy and are certainly not desirable. These should be minimalized by the appropriate political arrangements. Minimizing pathological and situational vulnerabilities, as well as vulnerability to "arbitrary and unjustified misrecognition," appears to be a crucial part of providing individuals a space for the development of autonomy understood in relational terms. In this sense, without a substantial degree of autonomy, it may become difficult to create genuine human relations which require each person to expose his or her subjectivity in its vulnerability. It is the task of justice to provide individuals with conditions of freedom and autonomy:

> The entry of law into the domain of intimacy is not the end of romance, but its necessary condition. Unless and until women can earn money without depending on men; unless and until they can protect their bodies against assault, even in an intimate relationship; (… and more) unless all these conditions of freedom and autonomy are in place, the pursuit of adult romance may be jeopardized for many women.[64]

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[63] Mackenzie,'What Is Vulnerability?,' p. 7.

[64] Martha C. Nussbaum, 'The Passion Fashion: Review of Cristina Nehring, *a Vindication of Love: Reclaiming Romance for the Twenty-First Century*,' in *Philosophical Interventions: Reviews 1986-2011*, (New York: Oxford University Press, 2012), pp. 378-85 (p. 383).

6.2.1 The Vulnerability of Choice – Adaptive Preferences

In this context, Nussbaum's notion of combined capabilities allows us to identify and address the political and economic conditions that limit a person's possibilities to exercise his or her internal capabilities. But how can we account for those cases in which people granted with those conditions of autonomy do not exercise it on a personal level? For example, a woman who has the capability to protect her body against assault may still choose an abusive relationship. It is important to further consider the consequences of the entwinement of vulnerability and autonomy for the notion of choice. This entwinement poses great challenges not only for the theory of justice, but also for human lives in general. Choices, as we have seen, are never entirely autonomous, and they are conditioned and limited at all three stages of capabilities (*basic, internal, combined*). But certain social conditions may limit how people see themselves in relation to their choices to such an extent that autonomous agents may hold a preference for their own oppression.[65] In such cases, it is difficult to strike a balance between respecting the autonomy and eradicating injustice. This paradox is highlighted through the notion of Adaptive Preferences (APs).

The phenomenon of APs constitutes one of the most striking cases of the intertwinement of vulnerability and autonomy. The concept itself, however, is difficult to theorise. Indeed, due to the complexity of the issue, the phenomenon of APs is the subject of many disputes in the literature. In particular, there are ongoing discussions regarding the legitimacy and potential paternalism implicit in calling someone's preferences 'adaptive.' One of the important voices in those discussions is that of Nussbaum, who relates the phenomenon of the APs to her Capabilities Approach. Some theorists stress that Nussbaum does not develop this topic as extensively as other authors working in this area and that her thinking about APs remains undertheorized.

In the original account developed by Jon Elster, APs are described in opposition to autonomous preferences. They are the aspirations that do not result from an autonomous

[65]For instance, Rosa Terlazzo writes that Nussbaum's account is "neither the only nor the best available in the literature," and she points to Serene Khader's "rigorous and expansive" account of the concept as a better alternative to Nussbaum's underdeveloped theory. Rosa Terlazzo, 'The Perfectionism of Nussbaum's Adaptive Preferences,' *Journal of Global Ethics,* 10 (2014), 183-98 (p. 184). Khader argues that Nussbaum's and Sen's theory relies on unprincipled examples – they move from specific cases to criticisms of welfarism. As she writes: "They begin with cases of preferences that seem shaped by deprivation and then suggest that these preferences have some special, questionable status." Serene J. Khader, 'Adaptive Preferences and Procedural Autonomy,' *Journal of Human Development and Capabilities,* 10 (2009), 169-87 (p. 170).

preference formation, but from an adaptation to less attractive, but available options.[66] For Elster, autonomous preferences are those which are the result of critical scrutiny, through which "one examines the origins of one's desires in order to make certain that they are not merely the result of habit."[67] They don't result from precommitment, wishful thinking, or manipulation, but are based on deliberate character shaping.[68] APs, in turn, are largely unconscious – they are formed without one's control or awareness, in a nonautonomous way: they are procedurally non-autonomous.[69] Nussbaum argues against seeing the APs as simply irrational and non-autonomous. Adapting one's preferences to reality may, indeed, be highly beneficial to one's life. Nussbaum's own dream of becoming an opera singer was later adapted to what she could truly achieve. Such adjustment was made "in response to a perception of one's circumstances," rather than in a fully autonomous and unrestricted way. However, adapting one's preferences to reality when one lacks freedom to do otherwise is "often a good thing, and we probably shouldn't encourage people to persist in unrealistic aspirations."[70] By simply thinking of APs as non-autonomous, we overlook the complexity of the interplay of autonomy and vulnerability present in all human choices. Indeed, our choices need to be adjusted to reality.[71] Moreover, we always choose in a state of imperfect knowledge of all the possible options and life-scenarios, which makes all our choices, to an extent, adapted. This opens a fruitful possibility with which to interpret APs not as exhibiting a lack of autonomy but an extreme instance of the general

[66] Drawing on La Fontaine's fable of the fox, Elster argues that just like the fox who cannot reach for the sweet grapes, and convinces himself that they actually look sour and thus that he does not want them, we tend to downgrade the value of those options whose realization we deem unlikely or inaccessible, thus adapting our preferences. Jon Elster, *Sour Grapes: Studies in the Subversion of Rationality* (Cambridge: Cambridge University Press, 1983), p. 109.

[67] Nussbaum, *Women and Human Development* (2000), p. 136.

[68] See Elster, *Sour Grapes* (1983). Elster's account may raise problems of legitimacy and potential paternalism in implying that people who have "adapted" their preferences to their circumstances have done so in unreflective ways or without autonomy. Indeed, it would appear that many choices falling under the category of "adapted" may be the result of a careful assessment of available alternatives: "Even if we believe that persons in situations of deprivation lack acceptable options, it does not follow that their rational capacities are impaired. The preference for one alternative over another may reflect a highly rational decision on the part of a deprived person — even when both alternatives are rotten." Khader, 'Adaptive Preferences and Procedural Autonomy,' p. 175. Moreover, APs are also observable among people with formal education in critical thinking, which further suggests that it is mistaken to see them as a result of the inability to think critically – a classic example is that of successful women who remain in abusive relationships. Further, assuming that persons with APs are not autonomous may be an oversimplification, which may obstruct attempts to understand another's situation in its complexity and the reasons behind his or her choices. This not only may have consequences for developmental practice, but it may also create a false dichotomy between autonomous and nonautonomous choices.

[69] See Khader, 'Adaptive Preferences and Procedural Autonomy,' p. 169. Nussbaum reads Gerald Dworkin's account of autonomy in a similar way. See Gerald Dworkin, *The Theory and Practice of Autonomy* (Cambridge: Cambridge University Press, 1988).

[70] Nussbaum, *Women and Human Development* (2000), p. 137.

[71] Elster, according to Nussbaum, overlooks the distinction between the two precisely because he does not supplement his account of AP with a theory of justice. Nussbaum, *Women and Human Development* (2000).

vulnerability of autonomy – a vulnerability which manifests itself in certain lives more strongly than others, but which is a universal characteristic of all autonomous agents.[72]

At the same time, however, it would be an equally unjust omission to claim that all kinds of adaptive preferences are similar in nature. Clearly, there is a difference between Nussbaum's adaptation to the fact that she will not become an opera singer, and, for instance, a woman who adapts her preferences to a life without freedom of speech. How are we to distinguish between the two kinds of adaptive preferences?

For Nussbaum, the basic criterion of the distinction between the two kinds of preferences should be the theory of justice. We need to be able to distinguish between those adaptive preferences that do not renounce some basic human rights (it is not a basic human right to become an opera singer), and those that make us adapt to a fundamentally unjust situation (it is a basic human right to have the freedom of speech. Therefore, accepting its lack is seen as a negative adaptive preference). On this account, APs would be seen as negative if someone develops a preference for options which violate his or her basic human rights. APs are best theorized as basic rights (good) deprivations. We could argue that they are the preferences made in the context of situational or pathogenic vulnerabilities.

In the light of her theory of CA, APs are understood as preferences for a life without access to any of the ten Central Capabilities (which refer to the combined capabilities), developed in the absence of those capabilities. A preference not to function in accordance with a capability, by itself, is not sufficient to call the preference adaptive (as in the distinction between function and capability – the CA leaves space for citizens whether or not to exercise a capability). But it is considered adaptive to renounce a capability in the absence of it. For example, if I have never had access to adequate nutrition and deem access to it unnecessary, on Nussbaum's account, I have developed an adaptive preference. In this sense, adaptive preferences do not reflect 'real choices.' As Serene Khader shows, drawing on the theory of the good, it is possible to say that the choices made in the absence of a capability are not real (and thus, are not autonomous), because they likely would not have been made had the agent had the knowledge of and or access to other options.[73]

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72 In this sense, Khader notes that "practitioners who think that their beneficiaries are unreflective will think that they can adequately reconstruct the psychologies of beneficiaries without any genuine encounter with them." Khader, 'Adaptive Preferences and Procedural Autonomy,' p. 175.

73 While Nussbaum argues that this account operates on a political conception of autonomy, Khader notes that her account of AP not only refers to the theory of the good, but that the account of choice itself has a theory of the good built into it. She argues that when we say that APs are those preferences that a person would not choose to have, we connote the theory of the good: "We think that choices inconsistent with flourishing *cannot have been* or are *likely not to have been* chosen. This is probably because we believe that persons need access to certain types of options — options that allow persons to lead good lives — in order for their choices to be 'real.' When we

Those considerations bring us to the question of whether and how the problem of APs can be addressed. Is it not paternalistic to try to influence someone's preferences? First of all, from the point of view of the theory of justice, according to Nussbaum, we may plausibly claim that adaptive preferences are instances of deprivation. Considering the case of a woman deprived of freedom of speech, Nussbaum claims that her adjustment is indeed deplorable, and we can "view it as progress" when such a woman comes to realize that she has a right to better treatment.[74] From the perspective of the CA, while respect of people's freedom of choice and the possibility of choosing the nonautonomous life that it entails is vital, it is also important to promote ways that help in overcoming APs. This is most apparent in the case of children. Nussbaum stresses that the "nonautonomous life should not be thrust upon someone by the luck of birth."[75] This leads her to require that children's education gives them access to liberties and opportunities as well as to knowledge of one's rights.[76] Inevitably, she advocates a kind of education that promotes liberal goals (at this point, she again moves from the political to a comprehensive account of autonomy).[77] This move becomes even more visible in the case of mature adults. Political accounts of autonomy would require that all choices be equally respected, whether or not they entail choosing a nonautonomous life.[78] Nussbaum seems to suggest that while a degree of nonautonomy should be available, the CA should promote the ability to value and choose lives with access to all the Central Capabilities.[79]

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suggest that preferences shaped by deprivation do not reflect real choices, it seems that we mean that choices made against flourishing absent options for flourishing are not real. We cannot deny that this conception of choice has a conception of the good built into it." Khader, 'Adaptive Preferences and Procedural Autonomy,' p. 185.

[74] Nussbaum, *Women and Human Development* (2000), p. 138.

[75] Martha C. Nussbaum, 'A Plea for Difficulty' in *Is Multiculturalism Bad for Women?*, ed. by Matthew Howard, Joshua Cohen, Martha C. Nussbaum. Book author: Susan Moller Okin with respondents (Princeton: Princeton University Press, 1999), p. 110.

[76] Susan Moller Okin, Joshua Cohen, Matthew Howard and others, *Is Multiculturalism Bad for Women?* (Princeton: Princeton University Press, 1999), p. 129.

[77] Ferracioli and Terlazzo develop a comprehensive account of the role of children's education in the context of autonomy. They argue that in order to show respect for adults, the CA needs to be firmly grounded in a political (and solely political) conception of autonomy. However, in order to provide children with opportunities, while taking the burden of fostering of liberal values away from parents, they propose that the state should foster a liberal education. They thus propose a comprehensive account of autonomy in the case of children. They call such account of autonomy – political for adults and comprehensive for children – a 'hybrid' account of autonomy. They then argue, "But in order to justify the use of public education in transformative ways, it must go further than being a merely political account of autonomy as defended by Nussbaum and follow our comprehensive, and yet non-perfectionist account of autonomy." Ferracioli and Terlazzo, 'Educating for Autonomy,' p. 455.

[78] For Okin, in their case, "the degree of nonautonomy should be available" provided that they have "extensive knowledge of other options." Okin, Cohen, Howard and others *Is Multiculturalism Bad for Women?* (1999), pp. 129-30.

[79] Nussbaum frequently stresses that to respect an adult human being is to respect his or her right to choose a life, even if he or she chooses a nonautonomous one. The role of political institutions, in this case, is to make it always possible for people to leave the oppressive system if they choose so.

While such promotion should be limited to increasing people's ability to recognize their rights, it is clear that Nussbaum again draws attention to the centrality of practical reason within the CA. Drawing on the relation between the APs and the CA, Nussbaum argues that in order to overcome the APs, one needs to go through a two-stage process of awareness.[80] First, one needs to come to see oneself as in a bad situation, and second, to come to see oneself as a citizen who has a right to a better situation. The first step towards overcoming the APs is, therefore, to recognize that one has become used to conditions lacking the basic capabilities, that is, to recognize the adaptive nature of one's preferences. The second step is to recognize one's right to have access to those capabilities. For Nussbaum, the problem of overcoming the APs is, above all, a matter of gaining knowledge and self-awareness.

However, various types of subordination or deprivation can be deeply internalized on many levels.[81] At the most profound level, deprivation may make it impossible for people to have critical regard on the practices in which they have been raised. In this sense, APs are best understood as a deprivation of internal capabilities (and not, as Nussbaum suggests, combined capabilities).[82] Understanding the APs as an internal capability deprivation further underlines that the problem of APs often lies at a deeper level than basic political rights deprivation. It also points to the fact that the internal capability of practical reason, related to the recognition of one's rights, is not the only capability necessary to overcome the APs. Even when one has the capacity to scrutinize those practices, acting against them may require more capacities than that of critical thinking.

At this point we may note that Nussbaum separates the capability of 'practical reason' from those of imagination, senses, and thought, and only stresses the centrality of 'practical reason' in the context of life-planning and the APs. However, it seems important to note that the capability of imagination can be equally important in addressing the problem. Considering the examples of women adapted to domestic violence, or those who accept the fact that education is only owed to men, Rosa Terlazzo writes:

> In each of these cases, there may or may not be a complete failure to value the capability in question – the woman might, for instance, simply be unable to imagine a life without abuse, rather than thinking that there is nothing wrong with the status quo. But even if her failure is only one of imagination, it still seems to prevent her from appropriately

[80] Nussbaum, *Women and Human Development* (2000), p. 140.
[81] See Cass R. Sunstein, 'Should Sex Equality Law Apply to Religious Institutions?,' in *Is Multiculturalism Bad for Women?*, ed. by Matthew Howard Joshua Cohen, Martha C. Nussbaum. Book author: Susan Moller Okin with respondents (Princeton: Princeton University Press, 1999), pp. 85-95.
[82] Terlazzo, 'The Perfectionism of Nussbaum's Adaptive Preferences,' pp. 191-93. It is interesting to note that in the article "Educating for Autonomy," Terlazzo criticized Nussbaum's political conception of autonomy.

> valuing the corresponding capability to be free from assault: given its immense value, it should be seen to have fundamental importance, not to be something whose absence can be tolerated if it is not convenient.[83]

If Terlazzo is right, then critical recognition alone may not be sufficient to address the issue of APs. Terlazzo treats this observation as a foundation for her argument to create a comprehensive account of autonomy in the context of education. Drawing from her comment, I propose instead that central for the issue of adaptive preferences (and, since they are related to intrinsic human possibility – of all our preferences) is the theme of imagination. Although critical recognition is an integral part of the process of overcoming adaptive preferences, in the context of action, it is crucial to be able to imagine one's life differently than it presently is. Even if one recognizes the injustice and has access to other choices, one still needs imagination to be able to exercise preferences in a non-adaptive way. The theme of imagination may be one of the constitutive elements of transformation of the situation to which one is 'adapted.'

To conclude, Nussbaum's identification of 'affiliation' as the second architectonical capability allows her to include relatedness as constitutive of autonomy. Stress on 'affiliation' underlines that both choice and agency are intersubjectively shaped and sustained, that is: they require relations and appropriate circumstances for their development and exercise. Nussbaum's understanding of autonomy is in line with the concept of relational autonomy – the notion that stresses the essentially relational and vulnerable structure of human autonomy. In this context it is crucial to note that there are various forms of vulnerability and various forms of autonomy.

On the one hand, 'pathogenic' and 'situational' vulnerabilities designate instances of injustice or strikes of fortune that limit the development and exercise of capabilities. They should, where possible, be addressed by appropriate political arrangements. On the other hand, our ontological or 'inherent' vulnerability constitutes what makes us human and what enables openness, relationality, and receptivity. It has an instrumental value in the development of autonomy, and intrinsic value as the central aspect of human *eudaimonia*.

In turn, on some accounts, autonomy may be understood as 'unconditioned'. Such understanding stems from fantasies of omnipotence or fear of vulnerability and is related to theories of self-sufficiency and unbounded independence. But on Nussbaum's account, autonomy is an intrinsically vulnerable capability. Such an understanding of autonomy stresses relationality and 'luck' as constitutive of autonomy.

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[83] Terlazzo, 'The Perfectionism of Nussbaum's Adaptive Preferences,' p. 193.

At its best, vulnerability and autonomy are intertwined in a positive sense – the value of autonomy limits the pathogenic forms of vulnerability, while the value of 'inherent' vulnerability limits the possibility of understanding of autonomy as self-sufficiency, self-determination, or egoism. From this perspective, autonomy is not opposed to, but complimentary to the notion of vulnerability. Autonomy is not mere freedom of choice; rather, it should be thought of as a sophisticated capacity of self-government within the web of relationships and within the realm of vulnerability, which stems from the genuine, substantive, and not merely formal, equality of opportunity. Only when we are recognized by others as autonomous agents can we participate in social practices where we can exercise autonomy. Autonomy is also crucial for addressing the sense of loss of agency, powerlessness and paternalism. In this way, the notion of autonomy draws attention to the need to be able to choose and follow our own notion of the good (which includes beliefs, values, goals, and identity) and lead self-determined moral lives, to be able to imagine and strive for self-improvement, to the need to be able to think for ourselves while being a part of society, and to the need of social institutions to safeguard various threats to autonomy. In this sense, the entwinement between vulnerability and autonomy is a constant negotiation between determination and self-determination, between constraint and freedom, between intersubjectivity and subjectivity.

We have also seen that for Nussbaum, the capability of imagination is central from the point of view of the value of vulnerability – imagining what it is to be another, to put one's self in the position of another, is central for intersubjective understanding and for establishing genuine human relations. I have also suggested that imagination may be crucial from the point of view of the value of autonomy – insofar as it plays an important role in our internal capability of preference formation. In the next chapter, I shall develop the argument that the capability of imagination is crucial for negotiating between vulnerability and autonomy.

7 Imagination Between Vulnerability and Autonomy

In this chapter, I argue for the centrality of creative imagination for an ethics that navigates between autonomy and vulnerability. In her writings, Nussbaum discloses the centrality of imagination from the perspective of vulnerability. In the Ten Central Capabilities, imagination is evoked twice: in the fourth capability of "senses, imagination and thought," and, as we have seen in the previous chapter, in part A of the definition of the affiliation, where affiliation is defined as: "Being able to live with and toward 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*."[1] The ability to imagine the situation of another is intrinsically related to the interpretation of appearances and defined as the capacity of 'seeing as.' As Nussbaum's definition of affiliation suggests, from the perspective of relationality, the capacity of 'seeing as' is central, and indeed conditions intersubjectivity. The intersubjective function of imagination is developed in Nussbaum's writings on literature, education, and political theory, where it becomes vital for the capacities of empathy, compassion and solidarity. This allows Nussbaum to show the importance of literature and the arts for the development and maintenance of contemporary democracies. Nonetheless, Nussbaum pays less attention to the centrality of imagination from the perspective of the value of autonomy. Her account of imagination could benefit from a more thorough consideration of the creative aspect of imagination, which ties it intimately to freedom (in both the positive and the negative sense). Extending Nussbaum's account of imagination by considering its creative aspect, while retaining her pertinent considerations on the centrality of imagination from the perspective of vulnerability, could ultimately disclose the relevance of imagination for an ethics between autonomy and vulnerability.

[1] Nussbaum, *Creating Capabilities* (2011), p. 34., emphasis mine.

7.1 Imagination and Vulnerability

7.1.1 'Seeing As' and the Narrative Imagination

In order to understand Nussbaum's argument for the centrality of imagination from the perspective of relationality, it might be fruitful to remember the discussion regarding the denials of relationality in philosophy. In her analysis of Plato's *Eros*, Nussbaum has argued along with Vlastos that Plato's account is not one of a relation – indeed, *eros* overlooks the fundamental independence of other human beings and reduces their unique singularity to a personification of an idea. The Platonic lover 'objectifies' the beloved and sees him or her as means to remedy the incompleteness of the self. The beloved is loved as a fulfillment of this 'phantasy of omnipotence,' and not as a unique and independent person. A similar example of this denial of relationality in its modern version can be found in Proust's Marcel. Marcel cannot support the lack of certainty that the independent inner life of another brings about. His inability to cope with the lack of control of another leads him to convince himself, by means of rationalisation, that "the other's inner life is nothing more than constructive workings of his own mind."[2] Marcel thus adopts an essentially Cartesian view of the division between his mind and all that is external to it, when he claims: "the human being is the being who cannot depart from himself, and if he says the contrary, lies."[3] Nussbaum suggests that the Cartesian view is as tempting as it is common.[4] The tendency to see another as a mere extension of one's mind is engrained in the human condition – often, incapable of accepting our fundamental powerlessness to control the other, we project onto him or her our phantasies of omnipotence, and refuse to see that person as a free center of agency.[5] "We do not automatically see another human being as spacious and deep, having thoughts, spiritual longings, and emotions. It is all too easy to see another person as just a body—which we might then think we can use for our ends, bad or

[2] Nussbaum, *Love's Knowledge* (1990), pp. 271-72.
[3] Nussbaum, *Love's Knowledge* (1990).
[4] It is worth noting that at this point Nussbaum develops an interesting idea of the interplay between heart and reason in providing us with the knowledge of ourselves. The protagonist of the story, Marcel, has convinced himself by means of the intellect that he does not love his fiancée, Albertine. It is only after her tragic death, and the unbearable sorrow this causes him, that he realises he did in fact love her. It is only an extremely intense emotion, in this case 'pain,' that has brought about the truth concerning his condition. This resonates with Nussbaum's earlier analysis of Aeschylus and the concept *pathei mathos (πάθει μάθος),* learning through suffering. See Nussbaum, *Love's Knowledge* (1990).
[5] Similarly to Nussbaum, Kearney points to the incapability of accepting our vulnerability as a source of those phantasies..

good."[6] It is in this context that the capacity to 'see as' becomes central for Nussbaum's account of relationality. To imagine, to 'see as,' entails the capacity to overcome subjective self-centeredness to envisage the perspective of the other. Through this imaginative extension I can see another as an independent center of action – and thus acknowledge his or her "abysmal independence."[7] To 'see as' is therefore to "see a soul in that body" – that is, to see another not as a mere object, but as an agent.

Crucial for the development of the capacity to 'see as' is narrative. In the second half of the last century, philosophy has experienced the so-called 'narrative turn,' in philosophers such as Arendt, Ricœur, Taylor, McIntyre, Jacques Ranciére, Kearney, to name but a few. Nussbaum inscribes herself in the narrative strain of philosophy insofar as she stresses the narrative's capacity to enable one to go beyond oneself and to envisage others' perspectives. Aristotle referred to this capacity of literature as *Catharsis*. *Catharsis* is the purifying experience of pity and fear through imaginative extension, through entering the story or drama.[8] Today, those who write about the cathartic power of stories often refer by it to their ability to disclose to us experiences of others, otherwise not available to us. Narratives, by providing us with extensive accounts of the inner life of others, encourage us to "think what it might be like to be in the shoes of someone different from oneself, to be an intelligent reader of that person's story, and to understand the emotions and wishes and desires that someone so placed might have."[9] In this sense, narratives guard us against the error of Marcel, allowing us to explore the complexity of others' internal lives and to 'see as' them. From this perspective, narrative imagination becomes essentially intersubjective.

The cathartic power of narrative imagination discloses its crucial ethical and political significance. By allowing us to experience the world through other perspectives, and to suffer and love with others as if we were them, narrative imagination inspires more profound and extensive modes of sympathy and empathy. It does so not only because it allows us to imagine what it is to be another human being, but also because it amplifies the range of those with whom we might empathize. It thus extends beyond our gender, national, or political affiliations and discloses the plurality of perspectives that would be difficult to experience in ordinary life. Through narrative, we can grasp "from our frequently obtuse and blunted imaginations an

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[6] Martha C. Nussbaum, *Not for Profit: Why Democracy Needs the Humanities*, Updated edn (Princeton: Princeton University Press, 2016), p. 102.
[7] Christopher Insole, *The Realist Hope: A Critique of Anti-Realist Approaches in Contemporary Philosophical Theology* (Farnham: Ashgate Publishing Limited, 2013), p. 201.
[8] See Aristotle, *Poetics*, trans. by Malcolm Heath (London: Penguin, 1996).
[9] Nussbaum, *Cultivating Humanity* (1997), pp. 10-11. In this context, Nussbaum refers to the cataleptic value of literature – from the Greek *katalēptikē*, derived from *katalambanein*, meaning "to apprehend," "to grasp firmly."

acknowledgment of those who are other than ourselves."[10] For this reason, Nussbaum ascribes moral and political roles to literature and narrative imagination, pointing to the potential of narratives to promote attitudes of empathy and respect for pluralism. She argues for including in school curricula works of literature that show the world through the perspective of members of various national, social or gender roles.[11] Other narrative theorists stress in this regard that we might go so far as to say that violence presupposes a radical failure of the capability to put oneself in the position of another, which is a radical failure of narrative imagination. "If we possess narrative sympathy—enabling us to see the world from the other's point of view—we cannot kill. If we do not, we cannot love."[12] Narrative imagination also extends compassion – a more universal feeling than particularistic empathy.[13] For Nussbaum, the formation of compassionate public psychology is key to the development of a virtuous civic society. Such a society is able to approach problems with a constructive, future-directed attitude, rather than an attitude of resentment and revenge. As Fabrizia Abbate reads her, in terms of compassion, Nussbaum draws attention to the literary imagination's relation to political responsibility.[14] Indeed, Nussbaum goes on to argue that the cultivation of political emotions and imagination is crucial for the sustainment of principles of justice.[15] Thus, imagination is central for Nussbaum both from the perspective of an ethics of vulnerability, which entails the overcoming of the self-centeredness of the subject, as well as from the perspective of political theory, insofar as the overcoming of such self-centredness is crucial for contemporary democracies.

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[10] Nussbaum, *Cultivating Humanity* (1997), pp. 111-12.

[11] See also Fabrizia Abbate, 'Raccontare I "Posti" in Società. Estetica Delle Configurazioni Sociali,' *Aisthesis (Florence, Italy),* 5 (2012), 267-82.

[12] Kearney,'Narrative Matters,' p. 61. See also *Poetic Justice*, where, drawing on Charles Dickens's novels, Nussbaum argues that imagination is a capacity to go beyond given appearances, and to interpret the actions of others as expressions of their inner lives, otherwise inaccessible. Martha C. Nussbaum, *Poetic Justice: The Literary Imagination and Public Life* (Boston: Beacon Press, 1995), pp. 35-39.

[13] Nussbaum distinguishes between compassion and mercy – for her, compassion, unlike mercy, does not presuppose that the offender has done a wrong. Nussbaum, *Upheavals of Thought* (2001), p. 397. For more on this topic, see also Biancu, *Il Massimo Necessario* (2020), pp. 109-18.

[14] Abbate has provided an extensive account of Nussbaum's imaginative aesthetics in: Fabrizia Abbate, *L'occhio Della Compassione: Immaginazione Narrativa E Democrazia Globalizzata in Martha Nussbaum* (Roma: Studium, 2005).

[15] While an understanding and rational endorsement of those principles is fundamental (and Nussbaum frequently underlines that her proposal does not entail replacing political theory with works of literature), by themselves they are not sufficient to sustain a democratic society – indeed, they are too abstract to evoke real attitudes of self-sacrifice and help. Citizens' rational understanding of principles of justice need to be coupled with an imaginative and emotional attachment to those principles.

7.1.2 The Limits of Narrative Imagination?

However, can narrative imagination actually constitute the basis of an ethics of vulnerability? Many narrative theorists stress the crucial differences between life and narrative, and admit that while stories are told, lives are lived.[16] Nussbaum's early account of narrative imagination, due to its representational presuppositions (which are not unrelated to her early account of *phantasia*), has been criticised for overlooking this crucial difference.[17] It has been assimilated to the idea of an 'ethics lab'– that is, where literature becomes a space in which we consider human possibilities and life situations from a safe distance.[18] From this perspective, Nussbaum's account of imagination would entail that the inner experience of a reading subject can substitute for the activity of an embodied subject immersed in the world. This would have obvious limitations from the perspective of vulnerability, as well as intersubjectivity. A literary relation is, to some extent, unilateral – I imagine a literary character whom I observe and to whom I relate. In contrast, in most instances a worldly relation is reciprocal – I observe and relate to a person who also observes me and relates to me. "With respect to the relations involved in the encounter, in meeting an unknown person there is a reciprocity absent from engaging with a character," since the narratives are happening in ourselves (Proust).[19]

Nussbaum herself endorses elements of this criticism in her later writings, where she stresses that literary narratives do not fully reflect life's true vulnerability and its "actual messiness." The crucial aspect of narratives is that they can connect us with an experience of another subject on a basis of our common vulnerability. However, they are also paradoxically limited in disclosing this vulnerability – in the narrative, the author takes out the 'superfluous,' 'repetitious,' 'trivial,' elements of life, in order to create a reasonably clear narrative arc.[20] But

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[16] For instance, Hannah Arendt writes: "The distinction between a real and a fictional story is precisely that the latter was 'made up' and the former not made at all. The real story in which we are engaged as long as we live has no visible or invisible maker because it is not made." Arendt, *The Human Condition* (1998), p. 186.

[17] For instance, According to Robert Eaglestone, Nussbaum treats literary text as a representation of real life: "Nussbaum continually passes over the textual nature of a literary work and it is this which forms her crucial blindness. She understands a text as a surface behind which there are real situations and real events.'' She does not devote sufficient attention to the differences between the real and the literary world. Robert Eaglestone, *Ethical Criticism: Reading after Levinas* (Edinburgh: Edinburgh University Press, 1997), p. 42.

[18] See Veronica Vasterling, 'Cognitive Theory and Phenomenology in Arendt's and Nussbaum's Work on Narrative,' *Hum Stud,* 30 (2007), 79-95 (p. 81). Vasterling points to Nussbaum's cognitivist approach (that also defines Nussbaum's theory of emotions) as a source of her representational presuppositions. Similarly, Masa Mrovlje notes that in the end, Nussbaum commits the same Enlightenment error of treating inner subjectivity as complete in itself, not influenced by exteriority. See Maša Mrovlje, 'Beyond Nussbaum's Ethics of Reading: Camus, Arendt, and the Political Significance of Narrative Imagination,' *The European Legacy,* 24 (2019), 162-80 (p. 164).

[19] Graham Ward, 'Narrative and Ethics: The Structures of Believing and the Practices of Hope,' *Literature and Theology,* 20 (2006), 438-61 (p. 447).

[20] See Nussbaum and Levmore, *Aging Thoughtfully* (2017), p. 141.

in life, naturally, we cannot remove these elements. Life without them would not be a human life. Furthermore, most narratives omit ordinary bodily functions, which further limits their relation to vulnerability (Nussbaum goes as far as to suggest that by omitting these functions, narratives exhibit "a type of shame and self-shame" that she deeply criticizes in her other publications). Human lives are also more complex than narratives: "Lives are not like literary plots, they are typically much more multifaceted and multidirectional than that. Nor are real people like literary characters. They do not fit tidily into a plot."[21] It could be added (a topic fascinatingly developed by Arendt), that narratives ascribe lives and identities a type of fixity that does not correspond to the openness and fluidity of real events and people. For all those reasons, it could be argued that the vulnerability of human life, which is a basis for relatedness, manifests itself in everyday embodied experience to a much greater extent than it can be ever rendered in the narrative. A literary narrative, to the extent that it is limited in its ability to disclose this vulnerability, is also limited in disclosing to us dimensions of otherness. In the end, this means that narrative imagination is insufficient as a basis of an ethics of vulnerability.[22]

At the same time, this does not entail that narrative imagination is insignificant. Not only are narratives imitations of human actions (in the Aristotelian sense of *Mimesis*), but also, the act of reading cannot simply be dismissed as a mode of falsehood.[23] It "bears ontological weight, a being, a truth, a reality."[24] Indeed, many philosophers working in aesthetics seek to dismantle the assumptions according to which the act of reading is exhausted in an intellectual relation between subject and object, and stress the bodily aspects of literary experience.[25] They stress that "the mediations between the physio-sociality of the body and the operations of the mind are complex and manifold, governed by various neural and affective operations," and point to the need to develop a more comprehensive account of the act of reading and of narrative imagination.[26] Moreover, narrative accounts of identity point to the possibility of including basic fluidity and mutability as inherent aspects of our life-narratives. Indeed, they stress that the success of one's identity depends on mediating between consistency and fluidity, and on reading and re-reading our lives in the context of other stories in which we are embedded (this

[21] Nussbaum and Levmore, *Aging Thoughtfully* (2017), p. 142.
[22] Drawing on this observation, Lisowska points out the importance of this discrepancy from the point of view of pluralism. For her, while in the novel one can learn about the multitude of worldviews and perspectives, it is only in the non-literary world that the consequences of such diversity are actually experienced and the challenge of respecting it comes to face. See Lisowska, *Wyobraźnia, Sztuka, Sprawiedliwość* (2017), p. 374.
[23] See Aristotle, *Poetics* (1996), pp. 1450a15-18. Aristotle's analysis of tragedies is based on his conviction that art is an imitation of life.
[24] Ward, 'Narrative and Ethics,' p. 447.
[25] See Richard Shusterman, *Pragmatist Aesthetics: Living Beauty, Rethinking Art* (Lanham: Rowman & Littlefield, 2000).
[26] Ward, 'Narrative and Ethics,' p. 440.

point shall be developed later). This is certainly a fruitful direction of analysis. However, for Nussbaum, acknowledging the limits of narrative imagination entails the need to supplement narrative imagination with an imagination more adapted to capture the vulnerable aspects of life. We may call the latter an 'embodied imagination.' It is this merging of imaginations that, in the end, makes Nussbaum's account exciting and rich from the perspective of vulnerability.

7.1.3 Embodied Imagination

Nussbaum's considerations in *Not For Profit: Why Democracy Needs the Humanities*, may be read as a suggestion that from the perspective of intersubjectivity, embodied experiences of otherness are central. She considers such practices from the perspective of performative arts, which allow for experiences of common vulnerability in the safe space of 'play.'[27] Vulnerability experienced through this 'play' can become a source of wonder rather than anxiety, and as such be embraced rather than rejected. This points to the crucial importance of embodied imagination, explored through arts such as music or dance, for the cultivation of receptive and non-controlling personalities. Such personalities do not resort to phantasies of omnipotence and are willing to live "with others without control."[28] This already suggests why performative arts may be politically relevant.

With regards to music, Nussbaum argues that it is an art form which represents striving, that is: desire, joy, effort, pain, and more.[29] Unlike the arts based on images, which represent striving indirectly, music does so directly, through rhythm, accent, and dynamics.[30] Those forms of temporality and bodily movement have, in turn, a direct effect on the body of a listener, allowing him or her to explore the passions and the interplay between striving and constraint in the space of play. This incarnate aesthetic of music is explored as a basis for solidarity across differences. Nussbaum draws on the example of the Chicago Children's Choir – a choir which gathers together children from various economic, social, and cultural backgrounds – to describe how singing with others, which includes great vulnerability to the extent that it requires

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[27] Nussbaum follows Winnicott in claiming that art is a form of adult play. By engaging with art, adults sustain and develop their capacity for play after they have "left behind the world of children's games." With reference to Winnicott, Nussbaum notes, "In the sophisticated response to a complex work of art, he saw a continuation of the baby's delight in games and role-playing." For this reason, "he saw the role of the arts in human life as, above all, that of nourishing and extending the capacity for empathy." Nussbaum, *Not for Profit* (2016), p. 99.

[28] Nussbaum, *Not for Profit* (2016), p. 101.

[29] Nussbaum addressed this topic in her keynote lecture "Reconciliation After Conflict: Britten's War Requiem and the Body" at the 2019 HDCA Conference in London, during which she analysed an extract of an opera. The lecture is available at: https://vimeo.com/361810604.

[30] See Martha C. Nussbaum, 'Music and Emotion,' in *Upheavals of Thought: The Intelligence of Emotions*, (Cambridge: Cambridge University Press, 2001), pp. 249-94.

blending one's breath (and, in this way, one's body) with someone else's, connects the singers.[31] Moreover, this common experience of embodiment through music has potential to disclose to the participants their common humanity, allowing them to see others as centres of agency similar to themselves. It influences one's ability to see others as equals, as well as promoting the capacity of empathy and feelings of solidarity.[32] Similarly, dance constitutes an experience of common vulnerability which, through embodied exposure to another, as well as through the need to react to his or her movements and to synchronize with him or her, invites the participants to transcend their individuality and unite with other dancers.[33] Further still, performative arts require "the willingness to put aside bodily stiffness and shame in order to inhabit a role."[34] To participate in them is to overcome one's shame at potentially looking foolish, and to embrace the vulnerability that stems from exploring unknown gestures and sounds. For these reasons, performative arts cultivate personalities that are "receptive, playful, and uninterested in dominating others."[35] They have the potential, through subverting the traditional norms of manliness, especially, to repudiate expansive or aggressive political attitudes and to promote social change.[36]

From the perspective of an ethics of vulnerability, embodied imagination explored, for example, through music and dance, has obvious implications for promoting the capacity of empathy. Performative arts seem to be socially and politically relevant due to their potential to promote recognition and respect across differences, as well as an attitude of solidarity and trust, on the basis of the common vulnerability experienced in the space of play.[37] Considering that they are not always taught in school curricula, and their importance is frequently overlooked, Nussbaum's recognition of their political potential is exciting. Performative arts could

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[31] Nussbaum quotes the Choir's director. Nussbaum, *Not for Profit* (2016), p. 115.

[32] The potential of music to create social bonds has been widely studied by both social and neuroscientists. For instance, Isabelle Peretz, drawing on experiments conducted in her laboratory, shows that music has the potential to create connection and bonding between people involved in the musical activity. In her study, she concludes that rhythmic synchronization with another often leads to an increase in trust, sympathy, and cooperation. See Isabelle Peretz, *How Music Sculpts Our Brain* (Paris: Odile Jacob Publishing, 2019). See also Jan Stupacher, Guilherme Wood, and Matthias Witte, 'Synchrony and Sympathy: Social Entrainment with Music Compared to a Metronome,' *Psychomusicology: Music, Mind, and Brain,* 27 (2017), 158-66. It is worth noting that music can also be used in a manipulative way and has frequently served as an important part of political or ideological propaganda. For example, this was how it was used in the cultural revolution in China.

[33] At this point Nussbaum also mentions drama.

[34] Nussbaum, *Not for Profit* (2016), p. 104.

[35] Nussbaum, *Not for Profit* (2016), p. 111.

[36] Gandhi linked this to sexual relations. As Nussbaum writes: "Gandhi, later, firmly linked his nonviolent approach to social change to a repudiation of the goal of domination in sexual relations." Nussbaum, *Not for Profit* (2016), p. 111. It is worth noting that forms domination and control in sexual relations are observable among both men and women, albeit they take different physical and emotional forms.

[37] Nussbaum provides further arguments of how the study of literature and the arts allows us to develop the capacities of wonder, compassion, and the refusal of retributive anger, in her volumes on anger and fear.

contribute to the development of a more heuristic view of educational, social and political initiatives, which would entail expanding access to artistic activities, as well encouraging participation in them. This is not to say that embodied imagination can substitute for narrative imagination. Narratives provide us with descriptions of the inner lives of people, to which we often do not have access in everyday experiences. From the perspective of Nussbaum's ethics of vulnerability, the narrative and the embodied imaginations should work in tandem.

However, naturally, this does not entail that only the arts are capable of disclosing our inherent relatedness based in common vulnerability. It appears clear that Nussbaum would not propose such a reductionist view, but in this context her project could be developed further. For example, it could be enriched by recent phenomenological developments of the ethical importance of touch, particularly through Kearney's collaboration with Brian Treanor to develop a 'Carnal Hermeneutics' (a project which can be seen as a continuation of Maurice Merleau-Ponty's).[38] Kearney draws on Aristotle's *De Anima* to show that our fundamental vulnerability and relatedness is first and foremost disclosed through touch. For Kearney, touch is the most universal, yet complex of the senses, which constitutes our basic openness to the world. It also constitutes our fundamental exposure, since to touch is to be touched simultaneously (unlike in the case of other senses, were I am not necessarily heard by what I hear or seen by what I see, I seem to be immediately touched by what I touch). This basic openness and exposure of flesh through touch also discloses that flesh is where we most experience our vulnerability, insecurity and fear. But it is precisely this insecurity that means that through flesh we pay a special attention to the world. The experience of my own flesh is the greatest guarantor of my experience – flesh is the "place where we exist in the world."[39] For this reason, touch gives us the greatest certainty that something exists as unquestionably as myself. It thus most directly discloses the otherness of another to me. But flesh also discloses my own otherness to me. Husserl and others note that when we touch our left hand with the right one, we touch and are touched simultaneously. Thus, apart from seeing others as oneself, flesh allows us to see oneself as a subject that is being touched – that is, to see oneself as another. This allows us not only to imagine what it is to be another, but to imagine that in the eyes of another I am the other, since my body "appears in just this way to the eyes of others."[40]

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[38] See Richard Kearney and Brian Treanor, eds., *Carnal Hermeneutics* (New York: Fordham University Press, 2015).
[39] Kearney,'Carnal Hermeneutics,' p. 114.
[40] Kearney,'Carnal Hermeneutics,' p. 116. On Ricœur's views on Otherness see Morny Joy, 'Explorations in Otherness: Paul Ricœur and Luce Irigaray,' *Études Ricœuriennes,* 4 (2013), 71-91. See also Morny Joy, 'Ricœur's Affirmation of Life in This World and His Journey to Ethics,' *Études Ricœuriennes,* 9 (2019), 104-23.

In other words, flesh allows us to note not only that others are like myself, but that they face the similar task of acknowledging me as a unique individual such as they. And only this level of interconnectedness discloses that just as I am another, so another is like me. In this sense, as Kearney follows Ricœur, "it is through body that I realize that when I say 'she thinks' I mean 'she says in her heart: I think.'"[41] From this perspective, touch can become the most important guarantor of intersubjectivity. Kearney's carnal hermeneutics, although it belongs to a different philosophical tradition than Nussbaum's considerations, could potentially enrich and extend Nussbaum's project of embodied imagination.

7.2 Imagination and Autonomy

Kearney's considerations on touch also allow to appreciate that apart from intersubjective imagination what is crucial for an ethics of vulnerability is subjective imagination. What is brought to the forefront in considerations on both embodied imagination (touch), as well as narrative imagination, is that they do not prompt the fusion of subjects. In both, there is a crucial gap that 'makes all the difference,' insofar as the gap prevents the synthesis between consciousnesses and bodies, and thus preserves the basic individuality and uniqueness of subjects. "In touch, we are both touching and touched at the same time, but we do not for all that collapse into sameness. Difference is preserved."[42] Flesh is, in this Aristotelian sense, a medium, which allows for transfer but prevents fusion. It keeps open the task of interpretation between self and other.[43] This discloses that the connection between subjects that happens through the embodied experience of vulnerability, or through the narrative extension of consciousnesses, is never final or complete. The crucial separateness that Nussbaum stresses with regards to political theory, in the context of imagination entails that I can never truly 'see as' another, but rather 'as *if*'. The 'if' is central here – additionally to acknowledging that another, in a similar way to myself, says 'I think', the 'gap' involved in imagination also discloses that "she thinks and feels in a way that I can never think or feel."[44] And this is where the task of autonomy in the face of alterity begins.[45]

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[41] Kearney,'Carnal Hermeneutics,' p. 117. For a more in-depth analysis of Ricœur's treatment of the topic of corporeality, see Fabrizia Abbate, *Paul Ricoeur E Il Terzo Discorso: Soggetto, Corporeità, Estetica* (Roma: Editori Riuniti University Press, 2012).
[42] Kearney,'Carnal Hermeneutics,' p. 102.
[43] See also Fabrizia Abbate, *Est-Etiche Del Grigio* (Roma Editori Riuniti University Press, 2012).
[44] Kearney,'Carnal Hermeneutics,' p. 117.
[45] See Fabrizia Abbate, 'L'immaginazione Al Potere Secondo Nussbaum: Terapia Delle Passioni E Autogoverno,' in *La Pedagogia Di Martha Nussbaum*, ed. by G. Alessandrini (Milano: Franco Angeli 2014), pp. 196-213.

It is precisely this acknowledgment of the problematic of autonomy in the face of vulnerability that seems to be lacking in Nussbaum's account of imagination. For her, as we have seen, imagination extends empathy because through imagination, we can grasp the plurality of perspectives which we should ultimately recognize. Such an account of imagination is "underpinned by the concern with achieving proper, just recognition, mutual intelligibility and security."[46] The underlying conception is that of a complete, mutual understanding between consciousnesses, a unity of perspectives.[47] But a true unity of perspectives is, naturally, impossible. We can never fully 'grasp' another's point of view. Nor should we – it would require a fusion of subjects into one whole, which would erase the subjective individuality of subjects, and thus actually exclude the possibility of pluralism. As Kearney points out, it is crucial to bear in mind the *persona* – the eschatological aura of possibility, openness, and unpredictability that each person embodies, that "eludes but informs a person's actual presence here and now."[48] This entails that the other always transcends my attempts of understanding. "The persona also resists, at an everyday level, my countless attempts—often benevolent—to turn it into an alter ego."[49] I can only grasp his/her trace (Lévinas' '*la trace d'autrui*').

Likewise, the confrontation with the alterity of the other constitutes a challenge in my own relation to myself. Kant observed that autonomy means to "dare to think for yourself," and not somebody else.[50] The paradox of autonomy and vulnerability ultimately entails that while intersubjectivity is a condition of autonomy, it is also, in a fundamental way, a challenge to autonomy and can even hinder it in many ways, as we explored in the last chapter. In this sense, Ricœur writes:

> I want to emphasize and, if I may, plead for this paradox, over against those forms of discourses in favor of alterity that have taken on a disheartening banality. Alterity is in fact a problem inasmuch as it leads to a fracture in a reflexive relation of the self to itself, which has its moral and psychological legitimacy on the plane that institutes and structures the human person. There must be a subject capable of saying 'I am capable of taking the test of confrontation with the other'.[51]

Nussbaum's account of the imagination is far from such banality, but it also seems to overlook the important tension implicit in the dialectics between daring to think for oneself and seeing as ('as *if*') another. Her account discloses the need to 'see as if' we were others, and the

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[46] Mrovlje, 'Beyond Nussbaum's Ethics of Reading,' p. 170.
[47] Mrovlje points to the fact that in her narrative theory, Nussbaum seems to overlook the necessity of vulnerability to misrecognition for the possibility of recognition. See Mrovlje, 'Beyond Nussbaum's Ethics of Reading.'
[48] Kearney,'Toward a Phenomenology of the *Persona*,' p. 171.
[49] Kearney,'Phenomenology of the Persona,' p. 175.
[50] Immanuel Kant, *What Is Enlightenment?,* quoted in Ricœur,'Autonomy and Vulnerability,' p. 73.
[51] Ricœur,'Autonomy and Vulnerability,' p. 80.

necessity to enter other people's stories and see the world through their perspectives. But equally important is the need to 'resist the imposition of an identity,' especially in the face of powers which subordinate.[52] Each story is told from a certain point of view, which is never neutral. Our readiness to recognize and affirm others' viewpoints needs to be accompanied by a readiness to assess them critically and to discern between those perspectives which we are willing to adopt, those which we are not, and everything in-between. In this way, far from overlooking the ethical call of the other, we make sure that "the other is neither too near nor too far to escape my attention."[53] At the same time, we must make sure that the other does not impose his or her narrative on me, and that I am capable of thinking and acting for myself within the web of relationships.

This second aspect of imagination seems underdeveloped in Nussbaum's writings. In order to be able to address the tension between vulnerability and autonomy, we also need to say why imagination would be important for autonomy. We thus need an account of imagination that preserves the autonomy of the subject while encompassing alterity and vulnerability. As I shall argue, central from this perspective is the creative model of imagination. The creative aspect of imagination ultimately discloses its relationship to freedom, in the double sense of the freedom of imagination, and the imagination of freedom. This double aspect of imagination points to its centrality from the perspective of autonomy insofar as it plays crucial role in human agency. Drawing the relation between imagination and freedom, I hope to show that ultimately, extending Nussbaum's view of imagination could contribute to disclosing that imagination is at the centre of an ethics that navigates between vulnerability and autonomy.

7.2.1 The Freedom of (Creative) Imagination and the Imagination of Freedom

A creative model of imagination has been developed in modern philosophy against the long tradition which sees imagination as a merely representational faculty (as we have seen, the representational aspect of imagination is captured in Aristotle's *phantasia*, for example).[54] A

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[52] Anderson, 'Autonomy, Vulnerability and Gender,' p. 159.
[53] Kearney,'Aliens and Others,' p. 266.
[54] Imagination can be understood in various ways and designate various activities of the mind. To use Strawson's well-known metaphor, the uses and applications of the term "make up a very diverse and scattered family," whose members and their relations are more than difficult to identify."[54] Nonetheless, many attempts at providing a definition or a taxonomy of imagination have been made. And so, according to the *Stanford Encyclopedia of Philosophy: "*To imagine is to represent without aiming at things as they actually, presently, and subjectively are. One can use imagination to represent possibilities other than the actual, to represent times other than the present, and to represent perspectives other than one's own. Unlike perceiving and believing, imagining something does not require one to consider that something to be the case. Unlike desiring or anticipating, imagining something does not require one to wish or expect that something to be the case." This understanding focuses on the representational function of imagination. The *Routledge Encyclopedia of Philosophy* provides a somewhat more

prominent figure here is Kant, who, identifying the creative aspect of productive imagination (for him there are four types of imagination), states that the creative imagination is "the faculty of representing in intuition an object that is *not itself* present."[55] By doing so, he initiates the thinking of imagination as "as presence-in-absence—the act of making what is present absent and what is absent present."[56] From this perspective, imagination ceases to be bounded to reason and gains its freedom – for Kant, imagination is a faculty which allows thought to reach beyond the limits of our knowledge. Aesthetic imagination is a 'free play' between sensibility and understanding, which culminates in judgments about the beautiful.[57] The freedom of imagination is fundamental to aesthetic experience and constitutes an inherent element of what makes it morally beneficial.[58] Today, many theorists agree that in the act of imaginative transcendence of reality we 'make present' that which is absent. Although we do not create anything physically, imagination is, to a certain degree, an act of creation. When we imagine, we 'make present' images, sounds, or emotions, that were not present before the act of imagining, and yet "they gain a certain degree of presence."[59] In imagining, we make another world internally present, which "expands our own being in the world, externally."[60] This transcendence is perhaps most easily observable in the act of reading, where, through signifiers, we enter the imaginative world of the narrative. But surely such imagination is not limited to

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nuanced understanding as it raises a series of questions regarding imagination's relation to perception, cognition and creativity. According to the OED, imagination is understood as a capacity or power, which consists in forming images not present to the senses and extending our mind beyond that which is immediately available to experience. It is the capacity through which we integrate the data of perception, that is: through which we "make sense" and "make a whole" of what we perceive. It is related to the consideration of future actions as well as to the possibility to form ideas that do not correspond to reality. From the phenomenological perspective, Richard Kearney draws attention to the creative, apart from the representational, function of imagination. Kearney identifies: "1. The ability to evoke absent objects that exist elsewhere, without confusing these absent objects with things present here and now. 2. The construction and/or use of material forms and figures such as paintings, statues, photographs, etc. to represent real things in some 'unreal' way. 3.The fictional projection of non-existent things as in dreams or literary narratives. 4. The capacity of human consciousness to become fascinated by illusions, confusing what is real with what is unreal See Peter F. Strawson, *Freedom and Resentment, and Other Essays* (London: Methuen, 1974);J. O'Leary-Hawthorne, 'Imagination,' in *Routledge encyclopedia of philosophy online*, (London: Routledge);Shen-yi Liao and Tamar Gendler, 'Imagination,' in *The Stanford Encyclopedia of Philosophy*, ed. by Edward N. Zalta (Summer 2020 Edition), <https://plato.stanford.edu/archives/sum2020/entries/imagination/> [Accessed June 2020]. Kearney,'Poetics of Imagining,' p. 8.

[55] Kant, *Critique of Pure Reason* (1998), p. B152.

[56] Kearney,'Poetics of Imagining,' p. 24.

[57] This also introduces the important topic of discernment. In order to avoid the possibility of pre-determining this free play, Kant breaks with German Enlightenment tradition and goes as far as to claim that aesthetic imagination is morally irrelevant. It appears that the reason why Kant considers it important to divide imagination and morality is that, for him, the freedom of imagination could be lost if the aesthetic becomes too directly defined or constrained by the moral. See Jane Kneller, *Kant and the Power of Imagination* (New York: Cambridge University Press, 2007). See also Paul Guyer, *Kant and the Experience of Freedom: Essays on Aesthetics and Morality* (Cambridge: Cambridge University Press, 1996).

[58] See Guyer, *Kant and the Experience of Freedom* (1996), p. 15.

[59] Ward, 'Narrative and Ethics,' p. 440.

[60] Ward, 'Narrative and Ethics,' p. 440.

the narrative art? For Paul Valéry, this transcendental aspect of imagination is present also in dance, which he calls the "general poetry of the action of living beings."[61] Imagination that is at work in dance allows the dancer to search, through his or her transgressive and transformative movements, for the limits of instantaneous powers of being. The body of the dancer has thus a similar power to that of the mind of the poet. This power distances the dancer (sometimes excessively) from the ground, from reason, from known concepts, and from the logic of common sense. Dance can thus be seen as a transcendental act. In a similar way, music, which allows us to reach beyond our own rhythm, has the capacity to "take one outside of oneself."[62] Ultimately, any activity or thing can inspire imagination and take one outside of oneself. This ties imagination intimately to freedom – when we imagine, we are limited neither by our temporality (and thus we may reach towards the past or the future) nor by spatial or physical boundaries, which we can freely transcend.[63] Drawing on Isaiah Berlin' well-known (albeit disputable) distinction between negative and positive liberty, we may add that such imagination can be understood in terms of negative liberty, insofar as it allows us to free ourselves from the outside constraints.[64] For Berlin, negative liberty can be understood as absence of constraints or interference in the agent's actions, lack of impediment – as 'freedom from.' Positive liberty, in turn, can be understood as 'freedom to' – as self-government and autonomy. In the political realm, Berlin unequivocally gives preference to the negative liberty. We can go as far as to suggest that in the political context, creative imagination is free even in the absence of negative liberty (for example, imagination can 'transport' a prisoner wherever he/she imagines to be).

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[61] Paul Valéry, 'Philosophe De La Danse,' in *Oeuvres, Tome I, Vairété, "Théorie Poétique Et Esthétique"*, ed. by Jean Hytier (Paris: Gallimard, 1957), pp. 1390-403. (my translation). In a similar vein, Chiara Bertoglio writes that dance transcends the limits and contrapositions of the 'civilised world.' For her, it de-polarises the antithesis between emotions and control, between individualism and sociality, between play and religion, war and drama. See Chiara Bertoglio, *Il Signore Della Danza. Passi Tra Culto E Cultura* (Assisi: Cittadella, 2019).

[62] Férdia J. Stone-Davis, ed., *Music and Transcendence* (Surrey: Ashgate Publishing Limited, 2015). p.6. Davis argues that music is able to elucidate and overcome the dualism between the with notions of immanent and absolute transcendence, whereby absolute transcendence is understood as immaterial (vertical), and immanent, as material (horizontal).

[63] See Ward, 'Narrative and Ethics.' Nussbaum also seems implicitly to recognize this aspect, when she writes of choirs that they "transcend barriers that expectation and local culture have thrown in their way." Nussbaum, *Not for Profit* (2016), p. 115.

[64] See Isaiah Berlin, 'Two Concepts of Liberty,' in *Liberty*, ed. by Henry Hardy (Oxford: Oxford University Press, 2002) <https://oxford.universitypressscholarship.com/10.1093/019924989X.001.0001/acprof-9780199249893-chapter-4> [Accessed March 2021]. The distinction between the two types of liberty has been criticized by, for instance, G. Mac Callum. Berlin gives preference to the negative freedom because, historically, positive freedom has been often misused to justify tyrannical ideologies: "For it is this, the 'positive' conception of liberty, not freedom from, but freedom to – to lead one prescribed form of life – which the adherents of the 'negative' notion represent as being, at times, no better than a specious disguise for brutal tyranny."

7.2.2 Imagination and Agency

However, negative liberty alone does not guarantee the actual freedom. As Biancu writes, actual liberty requires the ability to unify one's identity, will and actions. Only such liberty allows one to realize his/her potential for flourishing.[65] He thus points to the importance of 'liberty to' (autonomy) for the self-realization of the individual. Imagination, apart from its relation to negative liberty, seems to be intimately related to freedom also in this positive sense. The transcendental aspect of creative imagination is, according to the narrative identity theorists, central for developing a level of self-coherence that is a prerequisite for autonomy.[66] Such identity presupposes the ability to gather one's life into a coherent whole, which encompasses past, present, and future, and the ability interpret these temporal dimensions as a part of one's life arc. Creative imagination is the very condition of composing and sustaining such identity, because it creates figures of time—that is, it enables one to make a temporal whole out of a beginning, middle and end, and to see one's life as a unique phenomenon endowed with meaning. Imagination, due to its ability to disclose to us various temporal and spatial dimensions, seems to be central from the perspective of the ability to create and sustain a coherent sense of the self. The self-consistency of an autonomous subject fundamentally involves a constant self-interpretation and re-interpretation. It thus revives the virtue of self-knowledge, which is in turn crucial for autonomy. But the subject of such knowledge is not an autonomous being in the egoistic way that was analyzed in the previous chapter. "Self-constancy becomes a property of a subject instructed by the figures of a culture it has critically and creatively applied to itself."[67] Indeed, at the anthropological level, autonomy constitutes a gift, owed to a third party. It is thanks to the encounter and exchange with the other that the subject actually acquires that autonomy of which it is capable in potential.[68] From this perspective, narrative identity involves a crucial recognition of intersubjectivity both as self-constituting and as world-constituting. But apart from disclosing dimensions of otherness to us, is also crucial in disclosing dimensions of our 'ownness' to us. And since it would condition the capability to gather the dispersed elements of one's identity into a coherent whole one we

[65] See Stefano Biancu, 'Libertà,' in *Dizionarietto di politica. Le nuove parole* (Brescia: Morcelliana, 2021).
[66] See, for instance, Ricœur, *Time and Narrative* (1984). See also Morny Joy, *Paul Ricœur and Narrative: Context and Contestation* (Calgary: University of Calgary Press, 1997).
[67] Kearney,'Poetics of Imagining,' p. 29.
[68] Stefano Biancu, 'Autorità,' in *Enciclopedia Italiana di Scenze, Lettere ed Arti*, (Roma: Istituto dell'Enciclopedia Italiana, 2020), p. 131.

can then identify as 'oneself,' it conditions agency, insofar as human action can be seen as "a dynamic synthesis of residual sedimentation and future-oriented goals."[69] This, as I shall argue, has crucial importance from the perspective of the phenomenon of the APs.

From the perspective of narrative identity, agency entails the capacity "to project oneself imaginatively into a future that is grasped as possible."[70] It entails that such future is seen as possibly incorporated into one's life story, perhaps as a goal. Imagination is crucial in the process of envisioning and choosing an appropriate way forward, because anticipatory imagination allows us to test and evaluate different possible courses of action.[71] In this sense, it is "involved in the very process of motivation," that is: it has the power to motivate action.[72]

Yet the freedom of imagination also discloses that we can extend our dimensions of agency. The free and spontaneous act of imagination can open up to us unknown horizons. It enables us to reach towards alternative or future freedoms, becoming an experience of a freedom "both realized and projected."[73] In this sense, freedom of imagination can lead to the imagination of freedom. Some go so far as to state that the creative imagination is the very precondition of human freedom, insofar as to be free can be assimilated to the ability to transcend the empirical world in order to envision new alternatives of existence. From this perspective, "it is because we can imagine that we are at liberty to anticipate how things might be, to envision the world as if it were otherwise, to make absent alternatives present to the mind's eye."[74] This points to the centrality of imagination in the critique and transformation of the social status quo. Imagination, which allows us to transcend freely our present and physical horizons, also allows us to project and 'make present' alternative social scenarios and alternative possibilities. Such potential stems not only from creative imagination's ability to disclose to us infinite possibilities, but also from the narrative imagination's ability to relate such future possibilities to our present being in the world. When the imagined future is grasped as possible, it becomes intimately related to the present, or "in some shadowy sense already present."[75] This would mean that through creative imagination, which allows for a reach towards the future scenarios of our life story, the imagined future becomes already present in

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[69] Kearney,'Narrative Matters,' p. 57.
[70] Terry Eagleton, *Hope without Optimism* (Charlottesville: University of Virginia Press, 2015), p. 52.
[71] Paul Ricœur, 'Imagination in Discourse and in Action,' in *The Human Being in Action. Analecta Husserliana (the Yearbook of Phenomenological Research), Vol 7.*, ed. by AT. Tymieniecka (Dordrecht: Springer, 1978), pp. 3-22.
[72] Ricœur,'Imagination in Discourse and in Action,' p. 177.
[73] Ward, 'Narrative and Ethics,' p. 452.
[74] Kearney,'Poetics of Imagining,' p. 26.
[75] Eagleton, *Hope without Optimism* (2015), p. 52.

hopeful anticipation, constituting a source of agency.[76] When people grasp for their imagined future as possible, they frequently feel empowered to act towards achieving that future, exercising their autonomy.[77] It follows that the freedom of imagination enables the extension of our dimensions of autonomy and agency.

7.2.3 Imagination and the Capabilities

Within the Capabilities literature, the relation of anticipatory imagination to agency and autonomy has been indirectly explored under the theme of aspirations.[78] Aspirations are defined there as "future-oriented, driven by conscious and unconscious motivations, and they are indicative of an individual or group's commitments towards a particular trajectory or end point."[79] They resonate with the autonomy-related capacities that enable one to determine one's life. Using empirical studies, Ina Conradie and Ingrid Robeyns show that aspirations, like anticipatory imagination, are 'agency-unlocking,' that is: they have the power to motivate agency.[80] They thus seem to constitute preferences, commitments and plans that extend towards the desired future, and which motivate the agent to act towards this desired future. Aspirations and imagination, therefore, seem to have the power to inspire agency and promote autonomy.

As such, aspirations and imagination are at the opposite end of the spectrum of preferences to the APs. APs are the preferences which reflect the agent's option for less attractive but more available alternatives. Those preferences can limit our horizons of self-projection, thus limiting autonomy. In light of our reflections, the extent to which people develop APs can be related to the capability of creative imagination. While APs constitute an adaptation to limited expectations, creative imagination allows for a reach beyond such limits, which can open the possibility of reaching towards alternative futures. In this sense, creative imagination would be important from the perspective of addressing the problem of APs.

At the same time, creative imagination seems to be a capacity that requires nourishing. It appears to be dependent on many factors, which include education, the internal psychological constitution of persons, as well as the social and political circumstances in which they find

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[76] However, this can also have negative consequences – for example, anxiety.
[77] In this sense, Pamela Sue Anderson writes that "autonomy presupposes the capacities for creating a narrative identity." Anderson, 'Autonomy, Vulnerability and Gender,' p. 159.
[78] See Ina Conradie and Ingrid Robeyns, 'Aspirations and Human Development Interventions,' *Journal of Human Development and Capabilities,* 14 (2013), 559-80.; Caroline Sarojini Hart, *Aspirations, Education, and Social Justice: Applying Sen and Bourdieu*, ed. by Dawsonera (London: Continuum, 2013).
[79] Caroline Sarojini Hart, 'How Do Aspirations Matter?,' *Journal of Human Development and Capabilities,* 17 (2016), 324-41 (p. 326).
[80] See Conradie and Robeyns, 'Aspirations and Human Development Interventions,' p. 565.

themselves. Omitting the issue of unequal access to creative imagination leaves undertheorized the question of how people develop their aspirations, particularly in terms of the "power dynamics at play."[81] We need to recognize the significance of social conditions, as well as other factors, in order to grasp fully how aspirations come into being. This entails that it is crucial to recognize that specific forms of inequality result in the fact that some people are "much less likely than others to risk imagining or voicing their aspirations.'"[82] Lack of access to creative imagination may limit people's capacity to exercise their autonomy. For this reason, it emerges that the politics that takes the value of autonomy seriously should promote the capability of creative imagination in the context of aspirations. Fostering aspirations appears to be directly relevant in addressing the problem of APs. Since APs are understood as capabilities deprivations, promoting aspirations seems to be of crucial importance for the Capabilities Approach. Moreover, extending the capability of creative imagination and aspirations may positively influence the expanding of other capabilities. Supporting the capacity to aspire should be an integral part of CA initiatives.

The capacity to aspire is directly dependent on the faculty of imagination in its twofold relation to freedom and possibility. The freedom of imagination which allows for the imagination of freedom seems to be a crucial element in developing aspirations and addressing the phenomenon of APs. It is only when we imagine an alternative future that we can aspire to it and, consequentially, act towards achieving it. This opens the possibility that imagination is central for justice not only from the point of view of the value of vulnerability (as Nussbaum suggests), but also from the point of view of the value of autonomy. Extending Nussbaum's account of imagination by considering its relation to freedom reveals that arts – literature, dance, music, and others – which develop imagination, are central (albeit not exclusive) for addressing the problem of the APs. By engaging the imagination and allowing it to transcend the actualities of a given situation, performative arts powerfully seem to extend the capability to imagine and aspire. This further develops Nussbaum's observations on the political relevance of imagination and the arts.

[81] Hart, 'Ho Do Aspirations Matter?,' p. 334.
[82] Hart, 'Ho Do Aspirations Matter?,' p. 332.

7.2.4 Imagination Within Limits: The Vulnerability of Imagination

However, in light of thinking the freedom of imagination, it is also crucial to consider the vulnerability of the imagination. The freedom of imagination is not unbounded. Human beings are inherently vulnerable beings, limited by luck, nature, and finitude. Due to this inherent vulnerability, we cannot accomplish all that we can imagine – our capabilities do not extend as far as our imaginations.[83] If the imagination that is at work in the context of action does not take into consideration the importance of our limits, it can lead to what Elster, in the framework of APs, calls 'wishful thinking' – that is, a thinking that is grounded in an irrational kind of belief formation.[84] The OED points to the possibility of such a derivation of imagination dissociated from the idea of the limit when it defines imagination as "the tendency to form ideas which do not correspond to reality; the operation of fanciful, erroneous, or deluded thought."[85] Such an imagination could induce passivity and arrogance, and, instead of promoting transformative action, hinder progress in life-plans, reducing the autonomy of agents.[86] Nussbaum recognizes this possibility.[87] Drawing on the example of academics who imagine themselves publishing articles in the most prestigious journals, but do not actually work towards writing valuable texts, she argues that in those cases imagination becomes a self-indulgent fantasy or even a substitute for "getting down to work."[88] Apart from passivity, such imagination can induce arrogance or lead to injustice. Imagination can serve as means to intersubjective understanding, but it can also nourish the demonization of the other. It can be a source of creative reach toward a better future, or a transgressive trust in one's abilities as more than human abilities. It can motivate transformative action, but also hinder such action, by embodying unrealistic metaphysical arrogance. While imagination can produce aspirations and inspire transformative action, it can also block such action, prompting wishful thinking and utopic ideas.

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[83] Kevin Vanhoozer writes that "Human capacity is no match for human desires." Kevin J. Vanhoozer, *Biblical Narrative in the Philosophy of Paul Ricoeur: A Study in Hermeneutics and Theology* (Cambridge: Cambridge University Press, 1990), p. 39.
[84] See Elster, *Sour Grapes* (1983), p. 149.
[85] See also Christina M. Gschwandtner, 'A Wesleyan Model for Reconciliation and Evangelism? Conversation with Hegel and Lévinas,' *Wesleyan Theological Journal,* 37 (2002), 70-85.
[86] In this sense, Nussbaum warns that not all hoping is ambiguously good. It is important to bear in mind that hope can stimulate good actions, but it can also stimulate bad ones. As Nussbaum writes, "Hope itself is neutral: criminals have hope, dictators, tax evaders, fanatics of all sorts have hope. Indeed, we wish these people didn't have so much high hope, since they might be less energetic in pursuing their goal." Nussbaum, *The Monarchy of Fear* (2018), p. 210.
[87] Nussbaum, *The Monarchy of Fear* (2018), p. 206.
[88] Nussbaum, *The Monarchy of Fear* (2018), p. 206.

The latter aspect of the imagination was observed by Plato, for whom the inherent danger was that its creative potential could delude human beings into thinking of themselves as gods.[89] Imagination, indeed, seems to allow human beings to think of themselves as original creators in their own right. But human beings are, of course, not gods, and so the imagination that is at work in human lives, if it is not to degenerate into transgressive and utopic form, needs to be rooted in and bounded by vulnerability. Insofar as imagination enters the realm of action (the 'boundedness' of artistic imagination would require a separate analysis), imagination needs to recognize its own limits. In the context of action, the anticipatory, creative imagination, apart from its relation to possibility, should be grounded in the ethics of vulnerability. Creative imagination should thus be "anchored in an awareness not only of uncertainty but also of the possibilities of failure, suffering and abjection," as well as recognition and acceptance of own and others' limitedness.[90]

The creative imagination dissociated from vulnerability is sometimes referred to as naïve optimism. Such optimism reaches towards the desired future as a certainty and overlooks uncomfortable difficulties. For this reason, it "often serves reactionary political interests, complacent with regards to inequality and injustice."[91] In the context of APs, it is clear that creative imagination understood as optimism, rather than inspiring transformative action, can encourage people to persist in unrealistic or excessive aspirations, which, instead of extending autonomy, can actually diminish it. However, this is not the case with imagination which recognizes vulnerability. Imagination that makes space for vulnerability, unlike optimism, is bounded to limits. Those limits help us safeguard and navigate reality and prevent us from developing aspirations that might be unreasonable or extreme, and from undertaking irresponsible actions. But such imagination is also oriented beyond limits. While it "claims no assurance concerning what is to come," it constitutes a decision to trust in the desired, imagined future.[92] When people have imagination that is grounded in vulnerability, they recognize their limits but are creatively and constructively oriented beyond them. Thus, in the context of creative imagination, recognition of our limits does not provoke powerlessness but calls for a radically courageous decision not to see such limits as definite and ultimate. Only such an imagination can be truly transformative and relevant in the context of the APs.

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[89] Plato also compares the products of the arts to dreaming. See Plato, *The Republic* (Cambridge: Cambridge University Press, 2000). 5, 476C.
[90] Jonathan Gross, 'Practices of Hope: Care, Narrative and Cultural Democracy,' *International Journal of Cultural Policy*, 25 (2019), (p. 6) <https://doi.org/10.1080/10286632.2019.1702032> [Accessed 10 may 2020].
[91] Gross, 'Practices of Hope' p. 6.
[92] David Newheiser, *Hope in a Secular Age: Deconstruction, Negative Theology and the Future of Faith* (Cambridge: Cambridge University Press, 2019), p. 13.

From this perspective, the capacity of imagination is understood in a twofold way: through its relation to freedom, it allows us to reach beyond our limits. Through its relation to vulnerability, it allows us to address those limits constructively. The success of the search for autonomy in the face of vulnerability would depend upon such imagination. Anderson points in a similar direction when she suggests that imagination makes possible autonomy "in the face of the forms of power which subordinate." This creative ability, for her, goes "beyond the power of (only) resisting the imposition of social structures" and includes the ability to recognize the dialectics between autonomy and vulnerability.[93] Such imagination would, apart from receptivity, have a crucial creative and transcendent aspect. It would consist of the capability of intersubjective 'seeing as if' one were another, as well as of the capability to see for oneself, beyond immediate social conditioning. It could thus be seen as the capability of creatively governing one's life beyond the givenness of the situation, yet in the context of basic ethical responsiveness to others and to our circumstances. Nussbaum's account of imagination, which focuses on its relation to vulnerability, allows us to appreciate the relevance of imagination in addressing one extreme of this tension. It is my argument that enriched (but not substituted) by an account of its relation to freedom, imagination becomes extremely important for an ethics between vulnerability and autonomy.

To conclude, Nussbaum's conception of imagination is relevant in addressing the fact of human vulnerability. For her, imagination allows us to recognize and accept our vulnerability and to connect with other human beings. Developing imagination, we learn how to give up control of other human beings and recognize their full humanity. Imagination also promotes empathy and solidarity across differences. Nussbaum creatively shows how those capacities are fostered not only through narrative but also through performing arts. However, she sometimes seems to overlook the importance of imagination in the context of autonomy. Her account of imagination is expanded by developing the relationship of imagination to freedom. Without compromising Nussbaum's pertinent observations on vulnerability, introducing the topic of the freedom of imagination discloses the relevance of imagination in addressing some of the challenges that stem from the intertwining of vulnerability and autonomy, such as the phenomenon of APs. For an ethics that takes those challenges seriously, arts, due to their capacity to extend imagination, are of particular (albeit not exclusive) importance. Reading, dancing, listening to or playing music, and so on, are not only aesthetic experiences, but also experiences that are central for such an ethics.

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[93] Anderson, 'Autonomy, Vulnerability and Gender,' p. 159. See also Morny Joy, 'Pamela Sue Anderson's Journeying with Paul Ricœur,' *ANGELAKI,* 25 (2020), 84-96.

Conclusion

The notion of vulnerability is profoundly important from theoretical, anthropological, and political perspectives. However, the theoretical account of the notion of vulnerability is still developing. The multidimensionality of the notion means that serious engagement with it requires that we understand it clearly. In this thesis, I asked the question: should vulnerability assume more importance in philosophical anthropology than autonomy, or are they equally important? The writings of Martha Nussbaum offered a particularly rich perspective from which to reflect upon this question. To the end of answering it, I set the following aims: 1) to systematise and critically evaluate the notion of vulnerability in the works of Nussbaum; 2) to examine its relation to the notion of autonomy; 3) to identify and evaluate the advantages and challenges that stem from thinking of the two together. As the analysis in this thesis has shown, a profound understanding of vulnerability requires that we distinguish between various forms of vulnerability, and consider it in tandem with—and not in opposition to—the notion of autonomy. In this context, Nussbaum's understanding of imagination, extended by a reflection on the relationship of imagination to autonomy, appears particularly fruitful in addressing the challenges that stem from the intertwining of autonomy and vulnerability.

In Nussbaum's writings, ontological vulnerability is a starting point for her anthropological reflections. Nussbaum discloses that we cannot rely on theories of subjectivity that imply that the autonomous subject is unconditioned. Against accounts that treat the ethical subject as abstract, extracted from its body and social relations, in full control of itself, its environment, and its moral judgements, Nussbaum posits vulnerability at the centre of our moral and political lives. Our ontological vulnerability requires an existential attitude: as vulnerable, we must embrace vulnerability. Only though acknowledging and embracing it can we live our lives in accord with our nature, in accord with who we actually are. In this sense, vulnerability is both at the core of who we are, as well as a condition of becoming who we are. A model of subjectivity that encompasses vulnerability is clearly distinct from the model that we find in theories of self-sufficiency.

Vulnerability is, above all, a condition of openness. Only as vulnerable can we be open to other human beings and to the world, and construe genuine relationships based on trust and receptivity. Acknowledging human vulnerability, in this context, requires a radical re-thinking of the centrality of human relationality in theoretical debates. In relating vulnerability to openness, Nussbaum demonstrates that vulnerability is a fundamental virtue of the moral agent.

Openness to the world and to others is crucial for thinking and acting morally, but it also makes goodness essentially fragile. In this sense, vulnerability becomes moral, and morality becomes vulnerable.

On a methodological level, vulnerability contributes to an acknowledgment that the starting point for moral philosophy should be the actual human experience, rather than the vantage point of an idealized agent. Theorizing about moral duties should thus follow from a profound reflection on the empirical and material aspects or our existence, as well as on the specific challenges, needs, and opportunities that stem from them. The universality of vulnerability can be also considered as a basis for solidarity and compassion.

Vulnerability additionally brings to the forefront the need to modify the way we think of rationality. It is not the detached faculty of a purely active and logical agent, but it is both active and passive, engaged in the world and reacting to the world in passionate ways that inform understanding and guide practical reason.

Nussbaum's early effort to build anthropology based on the notion of vulnerability has dramatically contributed to a much-needed change in contemporary philosophy. However, in her attempt to challenge Kantian moral philosophy – based on the notion of autonomy – Nussbaum initially thinks of the two ideas as opposed. By doing so, she inscribes herself in the group of thinkers who draw their argumentation from competition between paradigms of vulnerability and invulnerability. This, as I have argued, is not a fruitful perspective, insofar as it leads Nussbaum to narrow the notion of vulnerability to dependence and woundedness and reduces the notion of autonomy to an inhuman aspiration to invulnerability. This early approach does not seem adequate to address the fragile balance between the need to acknowledge our vulnerability, and the need to avoid succumbing to a passive and fatalistic endorsement thereof, both at the political and individual level.

Paul Ricœur refers to the relation between autonomy and vulnerability as a 'paradox.' The two terms belong in the same universe of thought – that is, they describe different aspects and possibilities of the human condition. In this sense, "not simply opposed to each other, our two terms go together: the autonomy in question is that of a fragile, vulnerable being. And this fragility would be something pathological if we were not called on to become autonomous."[1] Autonomy is, indeed, important for vulnerability, just as vulnerability is important for autonomy. If we think of vulnerability as a fact without any antonym, then we can easily see how and why it can become pathological. The exaltation of vulnerability can then become

[1] Ricœur,'Autonomy and Vulnerability,' p. 73.

synonymous with a sort of passivity that paralyses action. This can induce deterministic thinking that seems to negate the possibility of human freedom, and, by the same token, moral responsibility. Moreover, care for the vulnerable, if not thought of in relation to autonomy, bears within itself a risk of paternalism: overlooking a person's vocation of autonomy may lead to promoting further forms of dependence. Care for the vulnerable requires that we support them in achieving a level of autonomy. By the same token, it seems that autonomy can also become pathological, if we think of it as dissociated from vulnerability (as it has been in some philosophies). In that context, autonomy connotes the human being's search to emancipate him or herself from his or her own condition. Attempts to posit such autonomy as a goal for human beings encourage us to become more than we could or should become, insofar as the model of the subject that stems from it is self-constituting, self-sufficient, self-knowing, self-controlling, and thus abstract and disembodied. Phantasies of such autonomy are impossible illusions, and dangerous delusions. By denying the reality of vulnerability, such phantasies can become a source of contempt towards other human beings, hindering the possibilities of relationality, empathy and compassion. Both autonomy and vulnerability, if taken in opposition to each other, can be considered in terms of pathology.

However, if we think of vulnerability and autonomy as entwined, both notions gain a complex and profound significance. A fruitful perspective from which to consider this entwinement can be found in Nussbaum's later writings, particularly in her Capabilities Approach. Over the course of her scholarship, Nussbaum moves her considerations on vulnerability from the field of philosophical anthropology into that of political philosophy. On the one hand, she reconsiders her idea of vulnerability in light of her considerations of autonomy. But by doing so, on the other, she arrives at a more profound understanding of vulnerability itself in her works on capabilities, where she strives to provide an anthropology that neither succumbs to the resignation to extreme vulnerability, nor attempts to overcome vulnerability by providing an account of autonomy that extends beyond the human condition.

Paradoxically, Nussbaum's endorsement of political liberalism leads her to deny the value of autonomy within the CA. However, as I have argued, a closer analysis of Nussbaum's 'architectonic' capabilities of practical reason and affiliation unveils that the approach is actually devoted to the value of autonomy, although this value is understood in essentially relational and vulnerable terms. I have suggested that the CA can be seen as in line with relational concepts of autonomy. From this perspective, we can appreciate that the CA captures many subtleties inherent in the intertwining of the two notions. I also showed some aspects of Nussbaum's work that could be extended, such as a further exploration of various types of

vulnerability. In this context, researchers who work in the area of relational autonomy seek to disclose, through taxonomies of vulnerability, the multidimensionality of the idea. This puts to the forefront the fact that while certain aspects of our ontological vulnerability should be acknowledged and cultivated, and, indeed, actually constitute sources of human flourishing, others are contrary to autonomy and should be minimalized. Situating Nussbaum's work in the context of relational autonomy theories allows to observe that:

On the one hand, our ontological vulnerability constitutes what makes us human. Its acceptance and cultivation on an existential level is an inherent aspect of human flourishing, to the extent that it enables openness, relationality, and receptivity. It also has an instrumental value in the development of autonomy. In this sense, vulnerability can be seen as a condition of self-development and self-government. It is only in intersubjective contexts and relations that (relational) autonomy can be developed. Such an understanding of vulnerability, far from considering it as weakness or dependency, stresses that it is a capacity. But by embracing vulnerability as a capacity, we inevitably expose ourselves to the incapacity that goes along with it. Thus, in order to live in accord with our human identity, and to develop and exercise our autonomy, we must inevitably accept the risk of being hurt, rejected, and wounded in many ways. To this extent, autonomy requires the acceptance of vulnerability, and is indeed constituted by vulnerability.

On the other hand, the attainment of a level of autonomy in the face of vulnerability is a fundamental human task. Far from unconditionally accepting our vulnerability, its juxtaposition with autonomy entails that we are constantly called to exceed our immediate facticity and reach towards freedom. The ability to exceed one's limits and reach beyond what determines one's fate is a crucial element of the condition of vulnerable human beings. This is also what makes responsibility, and ethics, possible. As Paulo Freire writes: "This capacity to go beyond the factors of conditioning is one of the obvious advantages of the human person (…) If I am a pure product of genetic, cultural, or class determination, I have no responsibility for my action in the world and, therefore, it is not possible for me to speak of ethics. Of course, this assumption of responsibility does not mean that we are not conditioned genetically, culturally, and socially. It means that we know ourselves to be conditioned but not determined."[2] Vulnerability thus constitutes a kind of conditioning that nonetheless allows us to create our life-stories and take responsibility for them, within the conditions in which we find ourselves.

[2] Paul Freire, *Pedagogy of Freedom: Ethics, Democracy, and Civic Courage* (Rowman & Littlefield Publishers, 1998), p. 28.

Thus, at its best, vulnerability and autonomy are intertwined in a positive sense – the value of autonomy limits pathogenic forms of vulnerability, while ontological vulnerability limits the possibility of understanding of autonomy as self-sufficiency, self-determination, or egoism. In this sense, the entwinement of vulnerability and autonomy is a constant negotiation between determinism and self-determination, between constraint and freedom, between intersubjectivity and subjectivity.

Nonetheless, some forms of vulnerability do not stem solely from our condition as human beings, but from conditions of abuse, injustice, coercion, violence, and so on. Those vulnerabilities can undermine the development and exercise of autonomy. By the same token, they constitute a threat to human capabilities. It is the task of a theory of justice to address and minimize those vulnerabilities. The CA, by recognizing the need to promote autonomy in face of such vulnerabilities, offers a promising framework for addressing those problems. Nussbaum's CA seeks to capture both aspects of human life, recognizing that the dignity of the human being is that of a vulnerable being, and that it is from this dignity of vulnerability that we can derive our rights, which include the support and cultivation of autonomy. What then becomes essential for Nussbaum is that political theory has the difficult task of both recognizing human vulnerability, and mitigating it. Vulnerability thus remains an essential feature of human life, but Nussbaum stresses that the role of governments is to promote citizens' autonomy and provide them with conditions to realize their potential for liberty. As I have tried to demonstrate in this work, Nussbaum's concept of Capabilities is a particularly promising framework for thinking about vulnerability and autonomy not only in theoretical, but also practical ways.

At the same time, Nussbaum is not always successful in managing the tensions that stem from the intertwining between vulnerability and autonomy. How do we navigate this difficult dialectics? An analysis of the phenomenon of Adaptive Preferences has shown that the basic vulnerability of autonomy, as well the fundamental autonomy implicit in vulnerability, pose great challenges for the theory of justice as well as for human lives in general.

My original contribution to the state of knowledge lies in disclosing the importance of imagination in navigating between autonomy and vulnerability. I have argued that, in this context, it is beneficial to reach beyond the boundaries of philosophical schools and to consider Nussbaum's thinking in light of the contribution of the phenomenological tradition on imagination.

Nussbaum's notion of imagination, although not central for the CA, is a key concept for her thinking of vulnerability. For her, imagination is the faculty which allows us to acknowledge our vulnerability. By the same token, it becomes the basis for understanding of

vulnerability of others. This intersubjective imagination is defined as the capability to 'see as' other human beings. Nussbaum discloses how imagination, understood as seeing the world from someone else's perspective, grounded in our basic vulnerability, allows us to connect with other, vulnerable beings. As such, imagination conditions empathy, compassion, respect for pluralism, and democracy. Imagination, in the context of vulnerability, becomes fundamental from the ethical and political perspective.

In the last part of this work, I sought to extend Nussbaum's reflections on imagination and reveal that it is central not only from the perspective of vulnerability, but also from the perspective of autonomy. In other words, imagination not only allows us to understand our own and others' vulnerability, but it also opens us to horizons of transcendence. Imagination gives us the freedom to reach beyond our vulnerability, while remaining in the context of vulnerability. I have thus suggested that imagination is crucial from the point of view of the value of autonomy – insofar as it plays an important role in our internal capabilities of identity and preference formation. It is my argument that the capability of creative imagination is vital for an ethics that navigates between vulnerability and autonomy.

First, imagination is crucial for autonomy, because it conditions the capacity to constitute oneself as a responsible moral agent. Only when I can construe a coherent identity can I take responsibility for my actions. Second, imagination allows us to transcend freely our present and physical horizons, to project and 'make present' alternative social scenarios and alternative possibilities, thus becoming central in the critique and transformation of the social status quo. From this perspective, imagination seems central in developing aspirations. It is only when we imagine a better future that we can aspire to it, and consequently, act towards achieving it.

Imagination is thus central for an understanding of oneself as a moral agent who can act in the world and who, despite one's limitations, has agency. It conditions the capacity to strive for freedom within the context of our fundamental vulnerability, to reach beyond our immediate conditioning but within the context of such conditioning. The imagination allows us to reach beyond ourselves, to imagine alternative ways of being, ways of living, and to formulate aspirations. For this reason, imagination conditions hope and agency, and by the same token, it conditions the possibility of the transformation of the world into a more just, more humane, and better place.

This opens the possibility that imagination is central for justice not only from the point of view of the value of vulnerability (as Nussbaum suggests), but also from the point of view of the value of autonomy. This twofold relation is crucial: without the value of vulnerability,

imagination bears within itself a risk of transgression and self-deception. Without the value of autonomy, it risks eclipsing the potential for emancipatory action and can deteriorate into immobile pessimism. But by maintaining its relation to both, imagination becomes vital for an ethics between vulnerability and autonomy. Extending Nussbaum's account of imagination by considering its relation to freedom unveils that various forms of art which develop imagination –including literature, but also the embodied arts such as dance and music, and so on – are vital (albeit not exclusively), for addressing the tensions that stem from human vulnerability and the vocation to autonomy. Since the importance and the political relevance of the performing arts is often overlooked, and arts such as music and dance do not always form part of school curricula, and political and social initiatives, this line of inquiry seems exciting and fruitful. It could potentially contribute to the development of a more comprehensive view of education. By engaging the imagination and allowing it to transcend the actualities of a given situation, the arts can be seen to be ethically, socially, and politically powerful – always to the extent to which we maintain their intrinsic relation to freedom. This further develops Nussbaum's observations on the political relevance of imagination and the arts. Yet in this context is it also worth mentioning that not only the arts, but our basic sense of touch itself, constitute a crucial means of navigating between vulnerability and autonomy. It is worth reflecting on how those capabilities will be affected by our recent alienation from touch in the midst of the COVID-19 Pandemic.

The achievement of my thesis has been to disclose the centrality of creative imagination for navigating between two crucial aspects of the human condition: vulnerability and autonomy. But the capability of creative imagination, understood in its full potential, is by no means an innate human capacity. It is a sophisticated ability which requires an adequate nourishing of both the mind and the body. From the perspective of the ethics that takes seriously the challenges of vulnerability and autonomy, we need to protect and promote the capability of creative imagination. The phenomenon of APs, as well as recent challenges that emerge worldwide, allow us to appreciate that supporting the capacity to imagine and aspire should be an integral part of CA initiatives.

However, it seems that today the capacity of creative imagination is at risk: the crisis of the humanities and the growing scepticism towards 'impractical' disciplines can seriously undermine the initiatives that aim at extending the capacity of creative imagination. Various media present us with a more and more polarized vision of the world, where we are far from encouraged to imagine a given problem, let alone to envisage another point of view on a given subject. The freedom of the creative imagination seems also undermined by big tech – where

sophisticated algorithms seem to make many choices for us (such as what to watch, when to watch it, or whose opinions to confront). Moreover, the isolation that the COVID-19 pandemic has brought about, while necessary, is also diminishing our embodied experience of otherness. On more and more occasions, we observe, we judge, but we are neither observed nor judged ourselves. Our relations with the world become more and more unilateral, rather than reciprocal.

Amidst all these confusing changes, we still have a choice. While the conditioning that we are confronted with nowadays seems particularly intense: it is no longer simply cultural, political, or gender conditioning, but also technological conditioning, that we face – we nonetheless still have the choice in our lives. No matter how strongly conditioned we are, we cannot say that our lives are predetermined unconditionally. And if they are not, then it is each person's task to find new ways to navigate the increasingly technological, isolated, and polarized world. And since the world today is unlike the world that we have ever known before, we need great amounts of creative imagination to help us to find ways of navigating within it, and making sense of it, without succumbing to a nostalgic desire for the past.

This will also include a profound rethinking of education. Will we need to adapt to a new, Zoom reality, where the disembodiment of the teaching experience comes to its full force? Will we need to accept a final disembodiment and the fact that, apart from family relations, all our professional relations will be happening in our minds, and only through the sense of sight? Will we need to accept the unilateral relations that alienate teachers from students, employers from employees, conference presenters from conference attendees, and so on? Or can we imagine ways to transform those potential dangers into benefits? Since a de-technologization of humanity seems impossible and undesirable, can we imagine a humanization of the technology? Can we promote, within such technology, an ethics of vulnerability and autonomy?

This thesis is not without its limitations. First of all, in the context of vulnerability, it lacks an in-depth analysis of the pathologies of vulnerability that stem from Nussbaum's work. From this perspective, it would have been useful to provide an analysis of the notions of anger, fear, shame, and disgust, that form an important part of Nussbaum's scholarship. However, those pathologies, in Nussbaum's view, stem from the inability to accept one's vulnerability. In this sense, they ascribe themselves in the general analysis of pathologies of (in)vulnerability presented herein. The difficult choice not to include those analyses has been made for the sake of clarity of the argument, and in order not to lose its dialectics in the body of the exegesis. In the context of autonomy, it would have been beneficial to look at Nussbaum's works regarding religious tolerance, especially: *Liberty of Conscience: In Defense of America's Tradition of*

Religious Equality (2008), as well as *The New Religious Intolerance: Overcoming the Politics of Fear in an Anxious Age*. (2012). I realize that an in-depth analysis of those topics could have contributed to a better understanding of the subtleties of Nussbaum's understanding of autonomy. However, a project that encompasses all these publications and their commentaries would necessarily extend beyond the PhD thesis.

Furthermore, the new and stimulating theme of embodied imagination has not been developed to its full potential, and I would like to lay it out as an exciting line of inquiry for further research. We rarely think of imagination as something that is embodied. We rarely think of embodied arts (music, dance) as important from an ethical, political, or moral point of view. And yet, myself a former dancer, I have witnessed the incredibly transformative potential of those experiences both in the context of extending intersubjective empathy, as well as in the context of subjective trust in oneself and one's autonomous agency. I truly believe that pondering the potential of embodied arts and other embodied experiences in fostering the development of individuals and societies could disclose to us fascinating and imaginative ways to live better and more sensitively in our turbulent times. A further theoretical study of embodied imagination could perhaps encompass an empirical study.

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