

Dott. Giuseppina D'Addelfio  
Dipartimento di Filosofia, Storia e Critica dei Saperi (FIERI)  
Univesità degli Studi di Palermo

### **The Fragility of Justice: Aristotelian Roots of the Capability Approach**

In today's context, where a plurality of values, traditions, and lifestyles prevails, it is no longer possible to think the *universal* in terms of a monolithic content, one that widens to include it all.

However, precisely from the awareness of such pluralism as an unavoidable and valuable element of our reality, we gather the need to talk again about a *universal*, a global validity. A new approach to a possibile unifying criterion is therefore being now developed by philosophers in order to find a method that shall be, rather than binding, respectful of all contents.

Today's demand of ethical universalism, therefore, is not meant as the pretension to unconditionally fix goals and obligations but, rather, as a possibile ethical discourse, which recognizes the differences as a precious moral resource. The need for universal criteria corresponds to the one for saving the differences which would otherwise fall within an indiscriminate pluralism.

In such often messy pluralism, that becomes power and intolerance, as well as the unsustainable exploitation of the resources and social exclusion, we may wonder how to think a *globality* that is neither naïve nor imperative. In other words, how to identify the universal criteria of justice and equity that won't take us back again to intolerance, fanaticism, and, therefore, irrationality.

Nussbaum's version of the capability approach is a significant contribution to the reflection that philosophy is today called upon to develop before such questions. The aim of this paper is to trace the Aristotelian roots of that approach; to this purpose, I shall go through Nussbaum's work to show how her ethical universalism can be better understood in the light of many passages of *Nicomachean Ethics* and *Politics*, *De Anima* and *Metaphysics*.

Nussbaum is aware that a major risk of ethical universalism is inclusivism, often motivated by *good* intentions and advocated in the name of *justice*. To avoid this trap, which is theoretical before being tragically material, Nussbaum's list of capabilities does not provide for a specific achievement prescription: it includes those meaningful spheres of a truly human life which are present in each country and for each and every person. The capability approach seems therefore to suggest that there is no ethical content to be defended "at all costs", especially if such defence goes to the detriment of the other's *flourishing* life. Nussbaum's universal, in this way, does not impose

but opens up possibilities, by giving each person the opportunity to be oneself, in the way they deem best.

I shall argue that the core of the Aristotelian heritage in Nussbaum's capability approach consists in her awareness of today's need for a regulatory framework so as to see the particularities with a critical eye. It is, indeed, from an Aristotelian perspective that she understands today's demand of the universal.

#### THE CAPABILITIES AND THE VIRTUE

In order to trace such heritage, we can begin by asking ourselves what she finds in Aristotle's work that has a key-role in conceiving ethical universalism today? A possible answer could be his account on virtue and choice viewed as crucial to depict the *eudaimonia*, i.e. Nussbaum's *flourishing human life*, where the importance of each and every person as a source of agency emerges from.

Secondly, she highlights Aristotle's consciousness of the material foundations of freedom and of the role played by concrete circumstances in the achievement of the *eudaimonia*, thus producing the political thought according to which the lawgiver's main task is to create and to support its pre-requisites.

Actually, within the capability approach the state is not supposed to provide freedom by merely withdrawing; rather it is thought of as fulfilling an affirmative task, whereby to enable all citizens to live a full life. In other words, *eudaimonia* requires 'capabilities'.

Nussbaum's specific contribution, therefore, consists in her explicit list of "central human functional capabilities": considering the many fields that make up a truly human life, the real politician ought to identify them as part and parcel of the *eudaimonia*. Moreover, he/she should see to it that they are available to all citizens.

I shall now try to show how the key-question in the capability approach - "What are the people in question actually able to do and be?" - is asked by Nussbaum in the light of Aristotle's view of virtues as choices of the means.

In the writing *Non-Relative Virtues: An Aristotelian Approach* - contained in *The Quality of Life* - Nussbaum points out that for each virtue there is a sphere of experience, whereby a given virtuous behaviour can be understood as the appropriate choice in a given area of experience. Namely, she stresses that concerning these spheres, every human being, makes different choices, i.e. acts in some ways rather than in other ones. They may act inappropriately rather than appropriately but, since everyone experiences those choices, they act in some way with regard to it.

That is why she considers wrong to regard the Aristotelian list of virtues as only pertaining to a given society, as this would limit within which the scope of what is really important is perceived. This is her answer to those who claim that such categories are typical of the Western culture and cannot, therefore, be appropriate for a non-Western society, which they understand as a mere exercise of tyranny. Actually, Nussbaum invites us to read the Aristotelian list as one of “grounding experiences”, meaningful spheres of a truly human life. In other words, different people can disagree about what is the right way of acting with regard to a given area; however, all human beings deal with, care for, and argue about the same things which can be traced back to those areas so shaped. They include, indeed, the features of our common humanity, without which a life would not be regarded as truly human. This is how we should consider her Aristotelian essentialism: “an historical sensitive account of the most basic human needs and human functioning”.<sup>1</sup> Without such an account - she thinks - we don't have an proper basis for an account of justice. Nussbaum's reading of Aristotle's work - especially *Politics* - pinpoints the author's deep awareness of the fact that different societies envisage different answers to the question of the good: the Aristotelian search for the *best politeia*, for the best political arrangement, takes the shape of an analysis of the ways in which different groups have solved, or, better, have tried to solve common human problems. This means that human life, wherever and however it is lived, is one that allow us to recognize other beings, however distant they may be in various terms, human as we are. Just like the Aristotelian principle that is “the firmest of all”(Metaphysics V, 1005b 18), Nussbaum's list seems to be the starting point from which it is possible articulate a common discourse, insofar as the list is endorsed and used even by a possible opponent as being central in his/her own life, and in the lives of those he/she care for. For Nussbaum, indeed, even if such opponent does not explain his/her endorsement, he/she surely lives “in such a way as to endorse it, even while he denies its importance, in debate, for others whom, by discourse and interaction, he implicitly recognize as human beings”.<sup>2</sup> The background of a cross cultural dialogue - i.e., as we shall see, of global justice - precisely consists in these grounding areas as the basis of humanness.

The Aristotelian scholarship, therefore, enables Nussbaum to envisage her idea of good that she characterizes, with pairs of apparently opposite adjectives: she says, indeed, that her own conception of good is both “thick” and “vague”, or both “objective” and “non-detached”. The fact that Nussbaum's conception of good is thick and nonetheless vague, means that it is strongly evaluative but internal to human life and history. “Thick” is referred to those Aristotelian

---

<sup>1</sup> M.Nussbaum, *Human Functioning and Social Justice. In Defense of an Aristotelian Essentialism*, Political Theory, Vol.20,1992, no2p 205

<sup>2</sup> M.Nussbaum, *Aristotelian Social Democracy*, in R.B. Douglas, G.Mara, andH.Richardon, *Liberarism and the Good*, p 237

“grounding experiences”; “vague”, that is “deliberately general”, is how she sees Aristotle’s listing of the virtues: such listing traces spheres of experience that are shared and shareable by human beings in any time and place, and is not dictatorial and inflexible about ‘what is’ the appropriate choice. Consequently, Nussbaum defines her own account on justice as “partial”, rather than “complete”, insofar as she sets the capability rather than the functioning as political goal. So there is much room for a plurality of modes of action and nobody is pushed into life plans that are imposed and not really embraced. Her account on good can be regarded, therefore, as minimal, insofar as its aim is to locate something that people with many different “full” conception of good can agree on.

In this way she stresses the importance of not being dictatorial about good. Consistently, she emphasizes the need for a detailed knowledge of variety which will lead us to a non-detached good.

At the same time, however, since “pluralism and respect for the difference are themselves universal values that are not everywhere observed, they require a normative articulation and defense”,<sup>3</sup> such a ‘thick’ account of good appears as objective. Aristotle’s approach is objective and universal insofar as it embraces many times and places, bringing men and women from different cultures into a debate about the good human being and the good human life.

In this perspective, Nussbaum emphasizes that the Aristotelian political thought cannot be fully understood without Aristotle’s considerations about the good human functioning. She also claims that even today, without such considerations we cannot speak about justice insofar as we cannot recognize the obstacles that prevent full humaneness, nor, therefore, begin any social change.

At the beginning of Book VII of *Politics*, indeed, we read:

“He would duly inquire about the best *politeia* ought first to determine which is most eligible life; while this remains uncertain the best *politeia* must also be uncertain”.(1323 a 14-17)

Regarding this passage, Nussbaum speaks about the “priority of good”, whereby first, A. provides us with a conception of good human functioning – to be meant as *the most eligible*, i.e. the most choiceworthy life - and then gives us his conceptions of the best political arrangement.

I shall argue that such a consideration about the good human functioning can be understood in the light of the Aristotelian sense of acting well, i.e. of the best or most beautiful – Aristotle would say *kallista* - way of acting, and I shall do so by starting from the Aristotelian notion of *dynamis*

#### FROM CAPABILITY TO DYNAMIS

It is well known that the Aristotelian *dynamis* is behind Nussbaum’s usage of the word ‘capability’. Let us therefore start our analysis from *Metaphysics* V, where, in chapter 12, Aristotle says that we call *dynamis*

---

<sup>3</sup> M. Nussbaum, *Women and Human Development. The Capabilities Approach*, Cambridge University Press 2000p 32

“a source of movement or change, which is in another thing than the thing moved or in the same thing qua other; e.g. the art of building is a *dynamis* which is not in the thing built[...]” (1019a15-17)

Later, Aristotle adds that we call *dynamis*

“the capacity of performing (*epiteleîn*) this well (*kalôs*) or according to intention (*katà proairesis*). for sometimes we say of those who merely can walk or speak but not well or not as they intend, that they cannot (*ou dynasthai*) speak or walk.” (1019a15-17;24-25)

According to this passage, *dynamis* is first of all a moving principle, i.e. an originate source; it implies a link with the idea of full performance, of completion, as it is showed by the usage of the verb *epiteleîn* and of the adverb *kalôs* - and with the choice (*proairesis*). Such link is here not furtherly specified. Rather, A. links the above-mentioned meaning of *dynamis*, with a consistent definition of *dynatos*, capable:

“that which can begin a movement [...] in another thing or in itself *qua* other” (1019a 33)

Turning to Nussbaum’s definition of capability, as it is developed in *Nature, Function, and Capability: Aristotle on Political distribution*, we read:

“A person is I-capable of function A at time *t* if and only if the person is so organized at *t* that, should be the appropriate circumstances present themselves, the person can choose an A action”.<sup>4</sup>

Behind these words, we may see the *dynamis* as ‘what originates a change’, and, so, detect the role of the choice. To this purpose, we have to consider first of all that, by “so organized” Nussbaum means a specific organization of desires, whereby that the virtuous action can, if the agent so chooses, be implemented.

Aristotle seems to say in *Nicomachean Ethics* (NE) that human desire is ‘organized’, insofar as it obeys and so is according to the reason – which is precisely what the choice is about.

And Nussbaum herself gives her definition of capability only to stress that it is based upon the Aristotelian view on the excellence of character, as it is shaped just in *Nicomachean Ethics*.

According to it, the virtue is the “habit, disposed toward action by deliberate choice, being at the mean relative to us, and defined by reason as a prudent man would define it”. (NE 1106b35-1107a1)

The virtue, therefore, concerns pleasures and pains and makes up the human attitude to choose. The choice is depicted in terms of a desire: is a deliberative desire (*orexis bouletikè*), or a desire

---

<sup>4</sup>M. Nussbaum, *Nature, Function and Capability: Aristotle on Political Distribution*, Oxford Studien in Ancient Philosophy, Suppl. Vol.1988, p.160

The term ‘I-capable’ is referred to a distinction that is not the object of this paper. Briefly, according to Nussbaum, there are three different types of capabilities. First, the basic ones, to be meant the innate equipment of individuals necessary for actualizing more advanced capabilities. Second, there are internal capabilities, to be meant as minimal and sufficient conditions for the exercise of the given functions, as for instance the freedom of speech, the capability for voting, the religious freedom. Finally, there are combined capabilities to be meant as internal capabilities combined with requisite material and institutional condition for the exercise of the function. The internal capability seem to me to be the key-notion and when I will use the ‘capability’ I will refer to it.

involving reason (*orexis dianoetikè*), and - Aristotle immediately after adds - such a principle, such originary source (*archè*) is a man. (NE VI 2, 1139 b 4-5).

We can read Book IX of *Metaphysics* in this perspective, where it is stressed that there are non-rational and rational *dynamis* and, so, it is explained the link between *dynamis* and choice. More precisely, he says that, since some originary sources (*archai*) are present in soulless things, and others in things possessed of soul, some *dynamis* are non-rational (*alogoi*) and some are accompanied by the *logos* (*metà logou*). And, as example of rational *dynamis*, Aristotle uses the arts (*technai*), because:

“all productive forms of knowledge, are *dynamis*; they are originary sources of change in another thing or in the artist himself considered as other” (1046b3)

So, we can understand rational *dynamis* as human capabilities. Later Aristotle explains that what is '*dynatos*' is capable of something, at given time, and at a given way; in order to specify the latter, then, with regard to what can produce change according to reason, he says:

“when the agent and the patient meet in the way appropriate to the *dynamis* in question, the one must act and the other be acted on [...] For the nonrational *dynamis* are all productive of one effect each, but the rational produce contrary effects, so that if they produced their effects necessarily they would produce contrary effects at the same time; but this is impossible. There must, then, be something else that decides (*tò kúrimon*); I mean by this, *orexis* or *proairesis*” (1048 a 5 ff.)

*Orexis* is the Aristotelian term for desire, meant as a specific faculty of the human soul. It is actually a common feature of all animals; however, the human being is peculiar insofar as capable to command it. As Nussbaum stresses in *The Fragility of Goodness*, the word *orexis* – absent in the Platonic *corpus* and Aristotle's innovative notion – involves a directness toward an object, then a focusing on it: “instead of a pure passive being-affected we have a complex responsiveness”.<sup>5</sup> Nussbaum explains later that by “complex responsiveness” she means the fact that the human being does not respond to the world *simpliciter* but, rather, according to his own “vision” of it.

Behind this remark on vision, the whole teaching of Aristotle's *De Anima* (DA) seems to me to be present. Actually, in this writing we read that “intellect does not impart movement without *orexis*” (433a21);<sup>6</sup> however the *orexis* can do it – thus enabling the human being to cause a change in the world - if “organized” by reason. In other words, *orexis* needs to be directed by the *phantasia*, the imagination. To explain it better, we must consider that whereas the *aisthesis*, the sensation, is only possible when the object is present, thus depending on something that the subject does not rule but receives, the *phantasia* opens up a space governed by man and does not depend on outside

---

<sup>5</sup> M. Nussbaum, *The Fragility of Goodness. Luck and Ethics in Greek tragedy and philosophy*, Cambridge, University Press 1986, p.271

<sup>6</sup> See. NE VII, 2

factors: the *phantasmata*, mental images, indeed, “appear to us even with the eyes closed”. (DA III 3, 428 a 16). So, Aristotle can shape the human way of being an originative source as follows:

“To the thinking soul images serve as sense-perceptions. And when it asserts or denies good or bad, it avoids or pursues it [...] thinks the forms in images, and just as in those what to be pursued and avoided is determined for it, so apart from sense-perception, when it is so concerned with images, it is moved”. (DA III 3, 431 a 15-17, b2-5).

The desire imparts movement *apart from* the immediateness of *aisthesis*, insofar as it can be ‘organized’ in the space of *phantasia* by the thinking soul. So the desire obeys to reason.

In the *Nicomachean Ethics*, the same view on human desire and on man as a source of agency appears also through the notion of “voluntary” (*ekōn*)

At the beginning of Book III, Aristotle affirms that, since the virtue is concerned with actions and since the actions which are voluntary are praised or blamed - while the involuntary are pardoned or pitied -, in order to examine it, it is necessary to specify what is “voluntary” and what is “involuntary”. (1109b30-34).

He, therefore, considers that the domain of virtue is the domain of what is worthy of praise.

In *Eudemian Ethics* something similar can be found: “we are praised for the things whose cause we are (*aitioi*)” (II6, 1223a11): by indentifying what is worthy of praise, we recognize a causal link and, in this, man as a given originative source.

In *Nicomachean Ethics* III again, we learn that Aristotle defines as “involuntary” those things “which are done by force or through ignorance; [...] whose moving principle is external” (1110a1), whereas a man acts “voluntarily” when “the moving principle of setting the parts of his body in motion is also in him; and if that principle is in him it is up to him to act or not to act.” (1110a15).

In Book VI, in order to deepen this view, he uses the example of a kind of man: namely the *akratès* - lucid in reasoning but weak -, who, according to Aristotle, does not choose to do what he does and must therefore be regarded as using a language in the way actors do on the stage. There would be much to say with regard to the issue of the *weakness of will*; however, what I shall point out here is only the fact that Aristotle, in order to make clear the reason why we cannot consider his acts as chosen, introduces a particular structure, the practical syllogism.

Just like in any other syllogism, a conclusion from two premises is immediately (*ama*) derived; in this case, of the two premises, one is an affirmation fixing an end, and the other is concerned with a particular, which implies the sensation having authority over particulars.

“When from these two premises a unity is formed, then in one case, the soul must assert the conclusion, but where action is required, it must act immediately. For example if the premises are ‘everything sweet should be tasted and ‘this – (which is one of the particulars) is sweet’, then the man who has *dynamis* to act and is not prevented from acting must at the same time act (*prattein*)” (1147a 26-30).

In the *De Motu Animalium*, Aristotle specifies that, while by making syllogisms about unchanging objects the conclusion is a speculative proposition (*theoremata*), in this case the conclusion is an action (*praxis*) (701b).

Since the first premise sets the end, the practical reasoning consists in the search (*zétesis*) of the right means to reach that end; i.e. in the *bouleusis*, the deliberation. In *Nicomachean Ethics* we read:

“Positing an end, [the agent] considers *how* (*pōs*) and by what means that end can be brought about; and if it appears that the end can be brought about by a number of means, he examines further which of this is easiest and best (*kállista*) [...] until he arrives at the first cause (*proton aition*), which is the last element (*eschaton*) in order of discovery” (1112b15-20)

With regard to practical matters, a correct reasoning consists in learning a *way* of acting. In order to depict that way, Aristotle uses here the superlative (*kállista*, that is in the most beautiful way) of the same adverb that he uses in defining the *dynamis*.

We might add at this stage, that by the term *eschaton* Aristotle means the limit where the deliberation pathway ends and gives rise to a change in the world of nature: so an objective knowledge comes into play.

Let us recapitulate and draw some brief remarks. The man is really *capable*, insofar as he can organize the *desire*, being so source of agency. The deliberation can be viewed as the process leading to such ‘organized’ of desire. So, the man does not move by force or through ignorance; so he *does* choose and therefore is not to be compared to an actor on the stage.

The structure of the practical syllogism shows that the desire can be permeated, and directed by reason. That is why, according to Aristotle, the lawgiver’s task can be meant as aimed at correcting, and creating habits (NE B1, 1103 b1 ss).

This means that the desire can be socially shaped; then, as it is highlighted by Nussbaum as well as Sen – it can be deformed by unjust traditions and hierarchies, by material deprivation and a lacking knowledge of alternatives. Traditions, therefore, do not always speak for the best way of living.

Nussbaum often quotes, in this regard, a significant passage of Aristotle’s *Politics*:

“In general, people seek not the way of their ancestors (*to patrion*), but the good” (1269a3-4).

Such an affirmation allows Nussbaum to stress that the so-called “argument from culture” is null, insofar as cultures are dynamic and the cultural diversities is not necessarily good as such. In other words, traditional practices are not to be regarded as just simply because they have been there for many years or because are present in people who do not desire anything else, perhaps, due to a lack of such capability.

Nussbaum emphasizes that on the one hand, the criteria the lawgiver needs to design the best political arrangement cannot be found in subjective preferences; on the other hand, a good political

arrangement is important not only in order to respond to the citizens' actual needs, but also to make it possible for them to come up with their desires and ambitions.

Aristotle shows a similar awareness, when he stresses that all people agree on the fact that the name of the highest good for man is *eudaimonia*; they also agree that 'living well' (*eu zen*) and 'acting well' (*eu pratein*) are the same thing as *eudaimonein*. However, some of them identify 'living well' with a kind of life that inhibits their full humanness – which may lead us to say that people can be badly educated on the good.

So, in order to protect them and to make it possible for them to search the most choiceworthy life, the need for an account of good human life emerges in both authors.

This argument, however, is dangerous: the incumbent risk is a dictatorial and colonialistic attitude. Yet, when Nussbaum says, with Aristotle, that a good political account cannot be shaped without a view of the human well being, she is always attentive to preserve the role of citizens as choosers. She stresses that some desires and judgments are formed under the pressure of needs, of ignorance, of fear; therefore, she claims that each and every person should be able to choose "with full information and without intimidation".<sup>7</sup> In other words, she knows that desire can be distorted but – by contrast with the platonic account of virtue - insofar as it can be "informed" and "deliberative", a convergence between such a desire and justice is possible.<sup>8</sup>

#### A NON DESPOTIC EXCELLENCE.

Nussbaum, therefore, emphasizes the importance of a thick and objective conception, in order to build justice today.

In order to give a contribution to understand how it is possible to shape an essentialism without envisaging a good that may become tyrannical, I shall try to go more into the details of an aspect of the Aristotelian ethical account: namely, his model of a man – the wise man – does not imply a conception of good, orbiting around a "what is question".

We can first of all consider that passage where Aristotle points out that people agree that *eudaimonia* is what everyone looks for and that it consists in 'living well' (*eu zen*) and 'acting well' (*eu pratein*); however, they are in disagreement as to "what is" *eudaimonia*.

Regarding these words, Nussbaum stresses: "This situation of extreme disagreement as to very 'what it is' of the end in view seems to pose grave problems for an ethical inquiry that is going to pursue this 'what is it' question".<sup>9</sup>

---

<sup>7</sup> M. Nussbaum, *Women and Human Development* p.153

<sup>8</sup> See M. Nussbaum *Women and Human Development* p.119

<sup>9</sup> M. Nussbaum, *Aristotle on human nature and the foundation of ethics*, in J.E.J.Altham and R.Harrison, *World, Mind And Ethics*, Cambridge University Press 1995, p111

Moreover, Aristotle himself sees the difficulties involved in such approach as well as Nussbaums is aware of its actual risks. And from this similar consciousness the two authors' conception of good appears 'non-detached'.

Aristotle, indeed, by criticizing Plato, says that his ethical inquiry does not depict a good detached from human concrete life but, rather, one that human beings can bring about. He even goes far as stating that such inquiry is not aimed at contemplating what is good, but, rather, at making men become good. This can also be seen in the above-mentioned (practical) syllogism, the conclusion of which is not a *theorem*, but a *praxis*.

So, Aristotle's ethical work orbits around:

"certain thing about actions, namely, *how* they should be done, for these are the principal causes also for the formation of the kinds of habits." (NE. II 2, 1103b, 30-31).

And then:

"the true concerning practical matters is judged by what men do and *how* they live" (NE X 8, 1179a19)

Nussbaum stresses, at this stage, that, in constructing an ethical discourse starting from Aristotle, the central question is not "what is X?", that is "what is the good"<sup>10</sup> but – as we may add in the light of practical syllogism – "how we can do the good".

To this respect; I consider the following Aristotelian passage as crucial:

"Since the term 'good' has many senses as the term 'being' (for it is predicate of whatness, as in the case of God and the intellect, and of a quality, as in the case of virtues, and of a quantity, as in the case of the right amount, and of a relation, as in the case of the useful, and of time, as in the case of the right time, and of place, as in the case of the right location, and similarly with the other categories), clearly it cannot be a universal which is common and one [...] even if there is some good which is commonly predicate or which is separate in itself, clearly it cannot be the object of action or of a possession by a man; but it is such an object that we are seeking now (NE 1096a24-29,b33-35)

The fact that the good is called, as well as the being, in several ways (*pollachôs*) – that is, it is used in all the categories - makes it attainable by man. This already gives us an idea of the Aristotelian notion of universal, by contrast with the platonic one; which is why Nussbaum appreciates the Aristotelian combination of "rigour with concreteness, theoretical power with sensibility to the actual circumstances of human life and choice in all their multiplicity, variety, and mutability".<sup>11</sup>

I might also add that, from a comparison between the several ways in which the being and the good are called, an oddity emerges: the priority of the whatness, is put, in a certain way, in question. Now, the real *pros hen* – the meaning which is the reference for all other meaning – seems to be the

---

<sup>10</sup>M. Nussbaum, *Non-Relative Virtues: An Aristotelian Approach*, in Nussbaum M., Sen A., *The Quality of Life*, Clarendon Press 1990

<sup>11</sup> M. Nussbaum, *Non-Relative Virtues: An Aristotelian Approach*, p243

quality: if the good is expressed in terms of whatness, we are not talking about human life but about God. In this regard, Aristotle's teaching orbits around the fact that the abstract contemplation of the good as a whole is not what makes a life truly human. The key issue is here again "how act".

So, in an Aristotelian perspective displays, the clash between the essentialism and the value of choice is illusory; which is why choice does not mean spontaneity but, rather, desire governed by reason. Aristotle's ethical account, indeed, proposes the wise man as the model, (which embodies the right organizations of desire), and, so, opens up space for citizen's moral autonomy, thanks to the very idea of human excellence.

We can therefore consider that Aristotle shapes the virtue as a means as well as an extreme, a top (*akrotes*).<sup>12</sup>

One should hereby to consider that, within Greek culture, the term *agathós* –usually translated with 'good' in an ethical sense – has a wider meaning: it means 'good at', apt, proper, useful.

So a horse or a sword can be described as 'good' insofar as they serve their purpose; hence Greek men then called whatever was useful for human life 'good'.<sup>13</sup> However, when the adjective is referred to man, it can both indicate a capability in a specific craft – being a good lyre-player or a good doctor – and goodness in its own right: 'good man'.

From this perspective we can read the link between the *dynamis* and the full performance of something, whereby the chapter 16 of Book V of the *Metaphysics* is particularly relevant:

"What is called *teleion* is that outside which it is not possible to find any, even one, of its parts; e.g. the *teleion* time of each thing is that outside which it is not possible to find any time which is a part proper to it. That which in respect of excellence (*aretè*) and goodness (*eu*) cannot be excelled in its kind; e.g. we have a *teleion* doctor or a *teleion* flute-player, when they lack nothing in respect of the form of their proper excellence (*aretè*) [...] And excellence (*aretè*) is a completion (*teleiosis*); for each thing is *teleion* [...], when in respect of the form of its own proper excellence it lacks no part of its natural magnitude." (1021b12-16, 20-23)

The virtue of each thing is, therefore, its own excellence.

In *Nicomachean Ethics* Aristotle consistently writes

"every virtue makes that of which it is the virtue be well disposed (*eu echon apotelei*) and makes it perform its function (*ergon*) well [...] the virtue of man, too, would be the habit (*exis*) from which he becomes good and perform its function (*ergon*) well". (1106 a 15-16; 24-25)

If we then go back to the beginning of this work, we shall read that according to Aristotle, if anything has a function (*ergon*) or activity (*praxis*), its goodness consists in doing that particular thing well. The examples given come from the domain of crafts: for a statue-maker, whose function

---

<sup>12</sup> See Aristotle, NE II 6, 1107a6

<sup>13</sup> See also M. Pohlenz, *Der hellenische Mensch*, 1962; A. MacIntyre, *Whose Justice? Which Rationality*, University of Notre Dame Press, 1988.

is to make statues, accomplishing that function well makes him a good statue-maker.<sup>14</sup> So, the excellence of virtue can be understood in the light of the function (*ergon*) of a craftsman. And, since the *ergon* is the activity by virtue of which he can be considered, such approach can also be used for the ‘good man’ by searching his own *ergon*.

Obviously, we may regard the notion of ‘functioning’, whose role is crucial in capability approach, in the light of the Aristotelian ‘*ergon*’.

Let us follow the Aristotelian argument.

“So let us leave aside the life of nutrition and of growth. Next there would be the life of sensation; but this is, too, appears to be common also to a horse and an ox and all animals. There remains, then, the practical life of a being who has reason (*praktikè tis tou logou echontos*).[...]If the function of a man is an activity of the soul according to reason or not without reason, and if the function of a man is generically the same as that of a good man, like that of a lyre-player and a good lyre player, and of all others without qualification, when excellence with respect to virtue is added to that function [...], then the good for a man turns out to be an activity of the soul according to virtue”. (NE 1098a1-3; 8-16)

As the enumeration of human faculties developed in *De Anima*, also here the activities of life that we share with plants and animals are regarded as not sufficient to define what a man is and how he can become a good man. However, as Nussbaum herself stresses, the fact that we “leave aside” these activities does not mean that they can be easily neglected: what is distinctive of a man is an “organizing principle”, which enable us to live as human also the other activities.<sup>15</sup>

In Nussbaum’s approach, an important role is played by the Aristotelian consideration of “excellence with respect to virtue is added to function”. It is in such perspective, I think, that we may place Nussbaum’s statement that a life which lacks of any one of capabilities, shall not be regarded first as human, let alone as a *good* human life. Actually, Nussbaum distinguishes two stages of inquiry in the Aristotelian approach: the first stage is the initial identification of the areas of choice and action as well as the general definition of the function; the second one is the inquiry into how to achieve the virtue, meant as well functioning.

Her list of capabilities, can be located at the first stage. If, indeed, having *dynamis* of something is being able to *perform (epitelein) it well (kalôs)*, we may say that Nussbaum’s list of capabilities states - without forcing or excluding anyone - the basis for the human excellence, meant in terms of completion (*teleiosis*). So, the list can be conceived as a minimal conception of good, as the identification of what opens up the space for the excellence added by virtue. As to transforming the capability in a functioning, at a given time and in a specific context, it is something to be left to the personal choice.

---

<sup>14</sup> See also Aristotle, NE 1097 b25ff.; *Aristotle on human nature and the foundation of ethics*, in J.E.J. Altham and R. Harrison, World, Mind And Ethics, Cambridge University Press 1995

THE *POLITEIA*

The wise man, according to Aristotle, is the man who achieves most his own essence. And, as well as the highest degree of humanness is to be sought in him, the most important domain where to implement this humanness is the political space. So, the best *politeia* is the one that enables the citizens to fully achieve their nature. That is why Aristotle says that the knowledge of good belongs to the politics.

The task of the Aristotelian lawgiver is to make the *eudaimonia* possible and it is the accomplishment of this aim that makes the difference between a good city and a bad one.<sup>16</sup> Since the Aristotelian inquiry into the best *politeia* is closely linked with his consideration of human excellence, we may say that the *ergon* of the Aristotelian *polis* is making people capable to choose, in the different areas of their life. And Nussbaum repeatedly, says that the task of such city is the distribution to citizens, taken one by one, of the goods and the supports that allow them to choose and achieve a *human flourishing life*.

So, she focuses on the importance of each and every person. Within her list of capabilities the 'separateness' plays a crucial role. Surely, such focus also responds to the doubts due to the Utilitarianism. However, I am stressing here that her constant hinting at the importance, in a good political arrangement, of men and in women as choosers has its roots in Aristotelian passages: first of in the above-mentioned ones - about *dynamis*, virtue, and practical syllogism - and, then, in many passages of *Politics*.

Indeed, Aristotle's search for the human good is carried out by considering the man with parents, children, wife, friends, and fellowcitizens; and not the one leading a solitary life for "man is by nature political". (NE I 1, 1097 b 10-11); constantly, the affiliation is, according to Nussbaum a crucial capability.

However – she says - we are each "one in number", that is we are to be regarded as source of agency. Aristotle himself stresses that, if a *good* result is not accomplished by a choice but, rather, is due to an external principle, e.g. ignorance or a coercitive strategy, there is no human excellence. In this regard, I believe a passage of *Nicomachean Ethics* is particularly important:

"It is possible for one to write something which is grammatical by luck also or when someone else suggests it". (1105a23)

Surely no praise is to be done here.

---

<sup>15</sup> M. Nussbaum, *Aristotle on human nature and the foundation of ethics*, p.114

<sup>16</sup> See *Pol.* 1103b2-6

Something similar, it must be considered with regard to the political planning. It is indeed by stressing the role of choice that Aristotle defines a good political arrangement as a community of free and equal men. He writes:

“Political government (*archè politikè*) is of free and equal”. ( *Pol.* 1255b20).

Here Aristotle uses the word *archè* that we have regarded in considering Aristotelian account of man as source of agency. As it is known, *archè* means for Aristotle, according to Book V of *Metaphysics*, “part of a thing from which one would start first”, or the starting point of a change (see. 1012b34 – 1013 a 8). This meaning also appears in a later passage that gives force to the idea of capability as a significant perspective in ethical and political terms. We, indeed, call *archè*

That from which each thing would best (*kallista*) be originated [...]That at whose will (*ou katà proaireis*) that which is moved is moved and that which changes changes, e.g. the *archai* in cities, [...] and so are the arts (*technai*), and of these especially the architectonic arts.” (1013a1,10-13)

The *archai* in the *polis* are accounted for by political power. We are therefore again confronted with the link with the full performance, i.e. with the *completino*: it is used also here the adverb *kalôs*. Since, then, we have meant this link in the light of the practical syllogism and the choice, we may add at this stage that, if the political power is an *archè*, it should be read in the light of the man as source of agency. That is the reason why such power should be related human excellence.

Aristotle explicitly says that the government of free and equal “is more beautiful and implies more excellence” (*kallios and mallon met'aretè*) than *despoteia*. (*Pol.* 1333b29-30)

By contrast with *despoteia* - a despotic power -, we may therefore consider the features of the Aristotelian political arrangement.

The *despoteia* is exercised on slaves; so it is for the sake of the rulers and implies the power of only one person. The very *politeia*, instead, is exercised on people who are free by nature; so it is for the sake of the ruled, who however could tomorrow become the rulers, the *politeia* being a kind of power that must be taken over on the basis of turns. The offices are distributed by draw and one can also choose not to hold office. According to Nussbaum's view, what is crucial is that the city provides its inhabitants with such choice.

This view can also be recognized in the Aristotelian critical remarks on the platonic community of property. Aristotle, indeed, blames Plato's organic account of the *polis* and such criticism can be understood as a form of his attack on Plato's account of the universal. Aristotle says that the community of incomes, women and families inhibits the virtue of generosity; this means that such political planning forces citizens into a unity that does not leave any room for choosing.

Aristotle, instead, by presenting the distributional task of lawgiver, seems to say that such distribution must be made to citizens regarded as separate units. According to him, indeed, too a close unity cannot be considered the city's good, because will destroy it.

And, as we can understand also from our overview on the Aristotelian notion of excellence, “the good of each is what preserve it” (1261b9)

Since, in the Aristotelian perspective, “the city is by nature a plurality”(1261a18), the equality as reciprocity (*tò íson*) respects such nature and preserve it.<sup>17</sup> The political attunement can never be meant in terms of Socrates’ claim that citizens will *all* say “mine” and “not-mine” *together*.<sup>18</sup> And even this were the case, such a community would never allow its members to speak up.

In the light of such hinting at the role of men and women as choosers, we can understand why even if the capabilities are separate items, each one of them being important in a different sphere, the practical reason plays a key-role. It is indeed one capability among the other ones:

“Being able to form a conception of the good and to engage in critical reflection about the planning of one's life”.

And it is closely linked to another previous item in the list: “Senses, Imagination, and Thought”. These are the human *dynameis* presented in Aristotle’s *De Anima*, as we have seen.

In order to being able to use one’s senses, imagine, think, and reason in a truly human way, we need the disposition to “deliberative desire”. In other words, the absence of practical reason not allows to live the other functioning in a human way; such functioning may seem to be there, but only from an external point of view: without personal choice, they would not be real ‘activities’, insofar as no *praxis* would be present.

In *Politics*, Aristotle says that there are so-called “natural slaves”, beings who completely lack the faculty of *bouleusis*; for this lack, they are said to be different in nature from the rest of citizens (1254 b 21) and to lack a share in *eudaimonia*. (1280 a33)

This focus on practical reason as the core element of humanness and, then, of political arrangement, that gives rise to a political thought that is deeply different from one based on wealth as the main object of the legislator’s concerns: in the capability approach, there is the awareness that no good is done by giving money, food, medical care, without promoting “the truly use of these objects, in a life governed by personal choice of the good”.<sup>19</sup>

It is in this perspective that Nussbaum quotes those Aristotelian passages where the central tasks of the lawgiver is shaped to make it impossible for any citizen to “be lacking in sustenance” (1329b40). Actually, distributing resources is a central job of a government. However, as Nussbaum emphasizes, Aristotle points out that the target of a good political arrangement is the whole and full human life. For Nussbaum the Aristotelian awareness that incomes and possessions are not a good in their own right: according to the Greek author, they are not ends in themselves but means –

---

<sup>17</sup> See also Aristotle, NE V 8, 1132 bff.

<sup>18</sup> See Aristotle, Pol. II 3

<sup>19</sup> M. Nussbaum, *Aristotle on human nature and the foundation of ethics* p.119

which is why he blames the “crematistic”. Thus, we cannot assert that having more income and possessions is always better. Aristotle seems to consider wealth in the light of a central question: what does it do for people’s growth and life? Which ones of the important activities of humanness does it promote? And which instead does it inhibit? Only in this perspective, he wonders how the resources are to be distributed. So, Nussbaum sees in Aristotle a consciousness similar to the one which is crucial in Sen’s work: looking mainly and only to how much money there is, i.e. focusing mainly and only on the GNP per capita does not speak for a really rich life. At this stage, since arranging the best *politeia* means opening up the possibility of a *flourishing life*, we may say that the real political planning aims at making it impossible for any citizen to “be lacking” a wide sense, i.e. at helping and supporting the development of all human functionings.

#### THE ETHICAL AND POLITICAL ROLE OF CONCRETE CIRCUMSTANCES

We have said that, according to Aristotle, what makes a difference between a good city and a bad one is the actual effort to providing each and every person with the possibilities of *flourishing human life*. We also have said that, in order to reach this pursue, an account of human being is necessary: for example, at the beginning of Book VII of *Politics*, Aristotle, says that without an inquiry into the most choiceworthy life, the inquiry into the *best politeia* is bound to be uncertain and those men may be expected to lead the best form of life who are governed in the best manner.

However, the authors finally adds that it will be so, if the right circumstances arise and unless something ‘catastrophic’ happens. With ‘catastrophic’ I translate the Greek word ‘*parálogon*’, literally something that goes beyond *logos*, i.e. what does not depend on man as source of agency. According to Aristotle, our capability of action is vulnerable to factors outside our control.

As it is well known, Nussbaum’s *The Fragility of Goodness* orbits around such role of our vulnerability to change and around its value. She focuses on the fact that only a being like the man, depicted by Aristotle as neither a beast nor a god,<sup>20</sup> can have ethical terms and notions: beasts are unable to conceive them and so are gods, insofar as they lack the experience of limit and finitude. Thus, Nussbaum stresses the role of certain limits in making human being what he is. Human life can be thought of as a constant fight against limits, which are inside and outside us, but this does not imply the pretension to get totally rid of them. Indeed, transcending our finitude would mean lose ourselves.<sup>21</sup>

Reading Aristotle, she points out that we are animals living as well as the other animals in the world of *physis*,<sup>22</sup> in a complex order, that both support and limits us. And, by stressing that “we

---

<sup>20</sup> Aristotle, NE 1145 a25-27

<sup>21</sup> See also M. Nussbaum, *Transcending Humanity*, in *Love’s Knowledge*, Oxford University Press 1990

<sup>22</sup> See. *Part of Animal* I.5

are dependent upon that order in countless ways”,<sup>23</sup> she envisage human virtue as actualizing the best human way of countering our dependence and having a fruitful relationship with it.

With regard to this complex issue, I intend here emphasizes only some remarks I consider precious in order to shape global justice. Considering the pathway that we have made, we can understand the key-role of factors different from human choice, already looking to the definition of *dynamis*: “a source of movement or change, which is in another thing than the thing moved”. This means, actually, that it can be actualized on something else, i.e. who has capability to give rise to a transformation applies his objective knowledge – which we have depicted as the deliberation process – in a domain that he/she does not rule. In other words, as the practical syllogism shows us, the pathway of reasoning ends where begin the change. That is the reason why I have used for the Aristotelian term *eschaton*, the word ‘limit’: human *dynamis* is limited by nature, insofar as it is actualized in a domain different from the one of the knowledge: the world of *physis* and *aisthesis*. More precisely, Aristotle says that the object of practical knowledge is the variable *endechomenon*, ‘that which may or may not be’. So, we might say that the term *eschaton* indicates extreme and also the ‘last moved’ in power of man. Aristotle therefore says that object of action is ultimate and variable (*eschaton* and *endechomenon*).<sup>24</sup>

That is why, he, by depicting the function and the way of acting of the ‘good man’, affirms that he achieve what he has chosen to do, if nothing prevents him.<sup>25</sup>

And when, in the above-mentioned Book IX of *Metaphysics*, the author depicts the *rational dynamis* and says that there must be something that decides – *orexis* or *proairesis* – among the two contraries, he explains that the agent actualizes that contrar he desires decisively, when and if such agent meets the passive object. So, who is capable according to *logos* (*dynatos kata logos*), when it desires that for which it has a *dynamis* acts but:

“has the *dynamis* in question when the passive object is present and is in a certain state; if not it will not be able to act. To add the qualification ‘if nothing external prevents it’ is not further necessary; for it has the potency on the terms on which this is a potency of acting, and it is this not in all circumstances but on certain conditions”. (*Met IX 5*, 1048 a 16-18)

Behind this words we may see the Aristotelian consciousness that there are four modes of the originative source, i.e. of the *archè*. The man is only one of these.

Reading the *Physics*, we learn, indeed, that a change can be originate on the one hand by the *physis*, nature, or by the automaton, i.e. the case in the world of nature; on the other hand the *techne*, i.e. the human project, or by the *tyche*, the change.

---

<sup>23</sup> M. Nussbaum, *Aristotelian Social Democracy*, in R.B. Douglas, G.Mara, and H.Richardon, *Liberarism and the Good*, 1990 p.222

<sup>24</sup> Aristotle, *NE VI 11*, 1143 b 3 ff.

So, the *tyche* is the contrary of *techne* or of *proairesis*, that is of rational *dynamis*.

“cause by virtue of concurrence in connection with those among things for something which are objects of choice. Hence thought and luck have the same field, for choice involves thought”. (*Physic* II5, 197 a 6-9).

Whenever there is a movement caused by man, we must consider that such movement could have arisen thanks to the *tyche* or could have not arisen at all. This opens up the possibility itself of human excellence as well as the one of good city.

Actually, also with regard to lawgiver’s activity, Aristotle depicts it by always adding affirms that that he achieve his purpose, if nothing prevents him: something “*paralogon*” can happens, broken “the causal link between good arrangement and good functioning”.<sup>26</sup>

In *Politics*, many other remarks significant for our aims can be found. We read, for example, that the search for the *best politeia* is for what (*poia*) government must be, to be most in accordance with our desires,

“if there were no external impediment (*medenos empodizontos ton to ekstos*), and also what kind of government is adapted to particular states” (*Pol.* IV 1, 1288 a 24).

Then, we read that the good lawgiver should inquire how citizens may participate “in a good life (*zoe agathe*), and in the happiness which is attainable by them (*endechetai eudaimonia*), (*Pol* VII 2, 1325a10) i.e. in a *flourishing life* which is uncertain and fragile.

At this stage, we may remark that the basis of Nussbaum’s version of the capability approach is the Aristotelian view on human being as both capable and needy.

She stresses that the her own list includes the consideration of abilities as well as of limitities – internal and external capabilities - and she envisages the political planning as aiming at make possible the search for a *flourishing life* insofar natural and social circumstances permit. She therefore stresses that human functioning requires material conditions for its realization, in the absence of which human beings are forced to live at a merely animal level of existence So the job of political arrangement is creating the condition thanks which capabilities become full functionings.

I also believe that the Aristotelian focus on fragility and mutability produces effect in Nussbaum’s way of shaping her approach, insofar as she defines her account on good ‘vague’.

Indeed, the Aristotelian account of practical syllogism, therefore his view on virtue and choice, shows us how much the requirement of flexibility is crucial in order to understand the Aristotelian search for ‘human good’.

Such requirement can be also seen in the Aristotelian distinction between *phronesis*, practical wisdom, and *episteme*, science. By reading Book VI of *Nicomachean Ethics*, we learn that the

---

<sup>25</sup> e.g. De Motu Animalium 701 a 15

<sup>26</sup> M. Nussbaum, *Nature, Function and Capability: Aristotle on Political Distribution*, Oxford Studien in Ancient Philosophy, Suppl. Vol.1988, p.148

*phrónesis* is the disposition with true for action, which has as object the variable *endechomenon*; the *epistéme* is instead the disposition with true for demonstration, whose object exists of necessity and is, therefore, ingenerable and unchanging.

By keeping this in view, we can more deeply understand the preliminary remark made by Aristotle in the first book: the good is “that of which all things aim” (1094a 3) and the knowledge of it is of great importance in our life because, if we have clear, as like as the archers, the mark, we are more capable to achieve it; we need, therefore, “try to grasp, in outline (*typō*) at least” (1094a 25) such mark. Then, Aristotle remarks:

“It would be adequately discussed if it is presented as clearly as is proper to its subject-matter; for, [...] precision should not be sought for alike in all discussion”. (1094b 13-14).

It is adequate to the discussion about good for the human life, not ‘clearness’ and a ‘precision’ but an *outline*, because its object, in order to be threatened with true, requires flexibility. Speaking in *outline* is not therefore to be meant as a defect but as an essential character of the Aristotelian ethic, as well as Nussbaum’s capability approach.<sup>27</sup> the adjective “vague” helps indeed to think in terms of a draft, of something it is not yet altogether developed and so permits many concrete specifications, in a number of different way.

Actually, according to Aristotle, the practical matters are in by nature indeterminate (*aorista*) (1137b29), so the account on that matters cannot have the precision of the science.

Aristotle give us an example that seems to me crucial in Nussbaum’s *The Fragility of Goodness*: a person who try to deliberate by appeal to some principle held firm and inflexible is like an architect who want use a straight ruler on the curves of a fluted column. The good architect, instead, like the builders of the Lesbos insle, use as measure a flexible strip of metal that bends round to fit the shape of the stone and is not fixed. This flexible strip is called *aoriston* (1137b30ff).

Aristotle provides us with this example, by speaking about justice -- which is regarded as the “chief of the virtues”, the “perfect virtue”, therefore as the highest attitude of the appropriate choice of means.

In the Book V, devoted to justice, Aristotle distinguishes justice in general and justice in particular sense, i.e. lawfulness and equality. Lawfulness is the conformity to a positive law. There are two kinds of particular justice: distributive and corrective justice. The first one consists in distribution of wealth, honor and other divisible goods in a city. The second one is what the judge can need in settling disputes and inflicting punishments, insofar as all laws are universal and about some things it is no possible for a universal statement to be right.<sup>28</sup>

---

<sup>27</sup> In the *Fragility of Goodness*, she develops the value of “non-scientific deliberation”, (ch.3)

<sup>28</sup> See Aristotle, NE V14, 1137b 14

Such view can be also found in the Aristotelian awareness that *phronesis* is not concerned with the universal only but considers particulars. In other words, given the mutability of practical matter, in such domain, there are universal rule insofar as the means' individuation must be developed in such way that every rational agent can agree on; however this rule is to be regarded as only an outline, not as a precise final word. In this perspective, Aristotle, by contrast to Plato, considers both the weight of the so-called 'goods of fortune' (*eutychemata*),<sup>29</sup> and the role of the moment (*kairos*), which becomes attention to what suits the occasion.<sup>30</sup>

By inheriting this approach, Nussbaum envisages the universal as the better framework to see and preserve the differences.

In *The Fragility of Goodness*, she also develops the Aristotelian instance of *saving the appearances*. This phrase is referred of Book VII of *Nicomachean Ethics*: in order to remarks on the weakness of will and, therefore the practical syllogism, Aristotle says that his method consists in set down the *phainomena*, i.e. our common conceptions and beliefs. Then, he criticizes the platonic view, according to which nobody does wrong willingly, insofar as "it is obviously at variance with *phainomena*".<sup>31</sup> Thus, he want envisage an account that remains faithful of and preserves them. Indeed, even if to know the world and make it comprehensible to reason is an essential human desire, we should be attentive to the dangers of oversimplification: such our desire should not become the pretension to neglect the variety and the fragility of reality.<sup>32</sup>

Given such mutability of practical matter, today increasingly widening, in shaping the list of capability, Nussbaum envisages an appropriate universal framework as "vague", i.e. sufficiently flexible to enable us to respect and save the human variety. Nussbaum's 'vague' therefore can be meant as the translation of the Aristotelian need for a treatise drawn *tupô*, i.e. for *aorista* measures. So, her ethical universalism involved in the capability approach is therefore aimed, at preserving those *phainomena*, those particularities that are compatible with human dignity and other basic values.

At this stage, we may say that, by turning to the *Capability approach*, Nussbaum's attention moves from the fragility caused by chance to the one caused by man. Indeed, since Aristotle affirms that the human being achieve what he has chosen, if nothing prevents him, we may ask ourselves what will happen if what prevents a human project is another human will. Perhaps we can call these social fragilities "injustices". However we may wonder how to counter such fragilities without incurring to violence.

---

<sup>29</sup> Aristotle, NE, IV 3, 1124a25-26; see. Ret., B 15-17

<sup>30</sup> See. Aristotle, NE., II 2, 1104 a 9; V 10, 1137b 29

<sup>31</sup> See Aristotle NE, VII 2, 1145b29

<sup>32</sup> M. Nussbaum, *The Fragility of Goodness. Luck and Ethics in Greek tragedy and philosophy*, p. 260 ff.

So, fragility becomes a precious key to global justice; it is indeed fragility that gives rise to the demand of a universal that is not a violent one.

Nussbaum's pathway seems to suggest that, as a human goodness is impossible without fragility, no justice will ever be possible unless it is vulnerable. Fragility can never be eliminated and that becomes, in human relationships, respect for the alterity, *care*. By it, Nussbaum indicates the recognition that we are all dependent: we must therefore both consider taking care of someone and the need of doing so.

Such account is far from a consideration of the ethic of care as a mere feminine approach and it is consistent with Nussbaum's focus on the moral autonomy of each and every person.

By contrast to Rawls, who thinks of citizens as equals, benefiting from cooperation insofar as each needs things that others supply, she stresses the importance of asymmetrical forms of human relationship, such as the need for care both in infancy or in periods of illness, and in severe disability. Such cases involve problems of justice: we have to put in question the idea of a social contract for mutual advantage, because it does not satisfactorily express the dignity of those who give and receive care. From an Aristotelian perspective, she invites us to think of one another as people with different degrees of capacity and disability, in a variety of relationships of interdependency with one another and with the world.<sup>33</sup>

So, by 'care' we should mean welcoming the other, fighting against his/her handicap (physical or moral), and allowing him/her to overcome it but not considering him/her on its basis. And, starting from an ontological separation among the individuals we shall think of justice as dialogue. So the essence of human reason not as providing man with power but as building a public space of debate.

## CONCLUSIONS

In this paper I have tried to show how Nussbaum ethical universalism is an Aristotelian one, insofar as it is compatible with freedom and choice.

I believe that a key role is played by the Aristotelian attitude to searching (*zetein*). This appears in the effort to envisage a notion of the universal as facilitative rather than despotic, So the universal opens up the space for each and every person to be a source of agency, without being pushed by "force or ignorance" into an inclusive mode of functioning. This universalism therefore makes also the critical assessment possible – just as the Aristotelian account on virtue, instead of imposing a single way of life, gives the possibility of criticizing the existing local traditions. Aristotle, Nussbaum argues, considers the possibility of progress in discovering what is good and, so in

---

<sup>33</sup> See M. Nussbaum, *La vita delle persone disabili: chi se ne prende cura?*, "Il Mulino" 5-2001, p.793-805.

shaping our *outline* of justice, always in a more adequate way. So it is a universal that accepts to be put in questions. This is the reason why Nussbaum's list is open and reviewable.

The points seems to be that people must be educated to the *bouleusis*, i.e. enabled to search the good in order to work together on the better way of acting. Actually, we are called upon to leave aside the pretension to think the same about "what is questions" as well as the idea that unity means "saying all 'mine' and 'not-mine' together". We are called upon to work on a cross-cultural dialogue, thus to shape a rational scrutiny and to produce public argument for what we choose and do.

So, Nussbaum's proposal shows new perspectives for ethics: in the space of capability, there is no insuperable conflict between one's experience of *good* and *just* as worthy for everyone and the possibility of engaging a dialogue with those having different experiences of *good* and *just*.

Then, not only is ethical universalism sensitive to pluralism but, indeed, if genuine, it is its prerequisite and the framework within which we can locate our thought about difference: the need for universal criteria corresponds to the Aristotelian claim of *saving the appearances*. In the light of the Aristotelian 'grounding experiences', actually, different cultural accounts of human good are now seen not as so "untranslatable different" that it is impossible to build a form of communication among them but, rather, such difference are viewed "as competing answers to a single general question about a set of shared human experiences".<sup>34</sup>

A pathway towards a growing attunement is therefore possible. And this shows, I believe, a deep reason why the *eudaimonia* cannot be meant as a state – as its translation with happiness seems to suggest – but, rather, indicates a process,<sup>35</sup> a tiresome one.

Nussbaum's theory of good – vague – and of justice – partial – shows respect for ethical separateness, leaving space for autonomous search for good life. It seems to me her statement about such this mutual respect not involving skepticism about good, is of particular relevance, insofar as it involves:

"a certain higher- order good, a vision of the citizen as an active searcher for what has worth, whose sincere engagement in that search should be allowed to unfold in freedom, even if it should lead to what seems to be an error – unless it inflicts manifest harms on others".<sup>36</sup>

So, the efforts towards global justice can be meant as the efforts to build a sort of "community of deliberation". Global justice can be envisaged in the space of a modern new *boulè* where no interlocutor is excluded, being regarded as a "natural slave", i.e. by nature lacking the capability of

---

<sup>34</sup> M. Nussbaum, *Non relative virtues*, p. 39

<sup>35</sup> See. Aristotle NE X,1176b5.

<sup>36</sup> M. Nussbaum, *The Good As Discipline, As Freedom, Ethics of Consumption. The Good Life, Justice and Global Stewardship*, ed. by Crocker and Linden, Oxford 1998, p.336.

reasoning and searching, then excluded from flourishing life. Global justice can be envisaged in the space of a public deliberation and a 'sincere' debate.

Finally, with regard to this links among desire, fragility, justice and care, I think we ought to go beyond Aristotle in at least other two aspects. Actually, Aristotle only understands "taking care" only within the *despoteia* and the *despotes* does not preserve the autonomy of those whom he cares for – so, we might say that *despoteia* appears as a kind of "paternalism" incompatible with the key role of choice, assuming that there are men who are by nature to be regarded as tools for other men's ends. Then, in order to shape global justice, we must depart from the Aristotelian idea that each *polis* is autonomous, having no responsibility to promote *flourishing human life* in other cities.

Today's world is, instead, interdependent. If we define a state as 'good' and 'complete' only because it has no "view to war or the conquest of enemies" (*Pol.*1325 a 4), we risk to embrace again a negative task of politics. And today we cannot afford it. Many of the major problems of justice and distribution have today the form of international and cross cultural problems: "we need to think about well-being and justice internationally, and together".<sup>37</sup> Thus, we also have to work also on an account of the moral responsibilities to other nations, especially to those *lacking in sustenance*.

## References

- Nussbaum M., Sen A., *The Quality of Life*, Clarendon Press 1990  
Nussbaum M., J.Glover, *Women, Culture, And Deveolpment*, Clarendon Press 1995
- Aristotle, - *Metaphysics*, tr. D.Ross  
- *Nicomachean Ethics*, tr.H.G. Apostle  
- *De Anima*, tr.D.W.Hamlyn  
- *Politics*, tr.S.Everson  
- *De Motu Animalium*, tr.M.Nussbaum
- Nussbaum M., *Aristotle on human nature and the foundation of ethics*, in J.E.J.Altham and R.Harrison, *World, Mind And Ethics*, Cambridge University Press 1995  
- *Aristotle's De Motu Animalium*, Princeton University Press 1978  
- *Human Functioning and Social Justice. In Defense of an Aristotelian Essentialism*, *Political Theory*, Vol.20,1992, no2  
- *La vita delle persone disabili: chi se ne prende cura?*, "Il Mulino" 5-2001  
- *Love's Knowledge*, Oxford University Press 1990  
- *Nature, Function and Capability: Aristotle on Political Distribution*, *Oxford Studien in Ancient Philosophy*, Suppl. Vol.1988  
- *Still Worthy of Praise*, *Harvard Law Review*, Vol.3, 1998, no 7  
- *Women and Human Development. The Capabilities Approach*, Cambridge University Press 2000  
- *Aristotelian Social Democracy*, in R.B. Douglas, G.Mara, and H.Richardson, *Liberarism and the Good*, 1990.  
- *Political, Animals: Luck, Love, and Dignity*, *Metaphilosophy*, Vol. 29, 1998, no 4,  
- *The Fragility of Goodness. Luck and Ethics in Greek tragedy and philosophy*, Cambridge University Press 1986

---

<sup>37</sup>M. Nussbaum, *Aristotelian Social Democracy*, p.207

- The Good as Discipline, the Good as Freedom*, in D.A. Crocker and T.Lynden, *Ethics of Consumption. The Good Life, Justice, and Global Stewardship*, 1988
- Nussbaum M., A.O.Rorty, *Essay on Aristotle's De Anima*, Clarendon 1992
- Clement G., *Care, Autonomy, and Justice*, Westview Press 1996
- Nicolaci G., *Universalismo etico e differenza religiosa*, in *Filosofia e Teologia* XVI (2002),
- Nicolaci G., *Premesse aristoteliche per un universale ermeneutico*, (forthcoming)
- Vigna C., *Libertà, giustizia e bene in una società plurale*, Vita e Pensiero, Milano 2003
- Walsh J.J., H.L.Shapiro, *Aristotle's Ethics*, 1967
- Waterloo S., *Nature, Change, and Agency in Aristotle's Physics*, Oxford 1982.