

## How Aristotelian is Martha Nussbaum's «Aristotelian Social Democracy»?

The twentieth century has witnessed an impressive renaissance of Aristotle's practical philosophy. This is not only true for his virtue ethics but for his political philosophy. In the last two decades the latter has been successfully revived by Martha C. Nussbaum. Advocating an «Aristotelian Social Democracy», Nussbaum bases her version of the capabilities approach on Aristotle's political philosophy<sup>1</sup>. The capabilities approach was originally developed in the 1980s by the economist Amartya Sen to measure and compare the quality of life in developing countries<sup>2</sup>. The approach had a considerable political impact as it influenced the yearly *Human Development Reports* of the United Nations<sup>3</sup>.

As a consequence of her cooperation with Sen, Nussbaum worked on an Aristotelian grounding of the capabilities approach starting in the late 1980s. Sen appreciated her work<sup>4</sup>.

<sup>1</sup> M. Nussbaum, *Aristotelian Social Democracy*, in *Liberalism and the Good*, ed. by R.B. Douglass, G.M. Mara and H.S. Richardson, New York-London, Routledge, 1990, pp. 203-52.

<sup>2</sup> A. Sen, *Equality of What?*, in *The Tanner Lectures on Human Values*, Vol. I, ed. by St.M. McMurrin, Salt Lake City-Cambridge, Cambridge University Press, 1980, (again in A. Sen, *Choice, Welfare and Measurement*, Cambridge (MA), Blackwell, 1982, pp. 353-69). Throughout the 80s and 90s Sen further developed his approach. Cf. A. Sen, *Commodities and Capabilities*, Amsterdam, Elsevier, 1985; A. Sen, *Inequality reexamined*, New York-Oxford, Clarendon Press, 1992.

<sup>3</sup> C.N. Murphy, *The United Nations Development Programme. A better Way?*, Cambridge, Cambridge University Press, 2006, pp. 1 f., 12, 243 ff.; *Health and Development. Toward a Matrix Approach*, ed. by A. Boggio and A. Gatti, Houndmills-NewYork, Palgrave Macmillan, 2009, pp. 128 ff.

<sup>4</sup> A. Sen, *Capability and Well-Being*, in *The Quality of Life*, ed. by M.C. Nussbaum and A. Sen, Oxford, Clarendon Press, 1993, pp. 30-53; p. 30. Cf. J.M. Alexander, *Capabilities and Social Justice. The Political Philoso-*

However, since the early 1990s, Nussbaum's appropriation and interpretation of Aristotle have been criticized several times<sup>5</sup>. Nevertheless, still in 2011 Nussbaum holds «the political and ethical thought of Aristotle» to be the «earliest and most important Western historical source for the Capabilities Approach»<sup>6</sup>. In her interpretations of Aristotle's texts, Nussbaum doesn't connect to the Thomistic or Catholic history of the reception of his philosophy, but to the tradition of «the British representatives of socialist perfectionism such as Green and Barker and later David Ross»<sup>7</sup>.

Nussbaum's capabilities approach begins with a basic question: «What are people actually able to do and to be?» This question refers to people's capabilities or to their opportunities to choose and to act<sup>8</sup>. Nussbaum distinguishes between human «capabilities» like being able to live a full life without pain, or to have good health, and human «functionings». The development of a capability is the precondition for performing the corresponding functions: «A functioning is an active realization of one or more capabilities»<sup>9</sup>. In her texts, Nussbaum presents several open-ended lists of human

*phy of Amartya Sen and Martha Nussbaum*, Aldershot-Burlington, Ashgate, 2008, pp. 61, 125.

<sup>5</sup> J.R. Wallach, *Contemporary Aristotelianism*, «Political Theory», XX, 1992, pp. 613-41; R. Mulgan, *Was Aristotele an «Aristotelian Social Democrat»?*, «Ethics», CXI, 2000, pp. 79-101. Apart from Mulgan's paper, this issue of *Ethics* contains texts of Louise M. Antony, Richard J. Arneson and Hilary Charlesworth, who examine different aspects of Nussbaum's capabilities approach, and a reply from Nussbaum to all four texts. All texts originated in a symposium (M. Nussbaum, *Aristotle, Politics, and Human Capabilities: A Response to Antony, Arneson, Charlesworth, and Mulgan*, «Ethics», CXI, 2000, pp. 102-40). J.-S. Gordon, *Aristoteles über Gerechtigkeit. Das V. Buch der Nikomachischen Ethik*, Freiburg-München, Alber, 2007, pp. 285-339; M. Knoll, *Aristokratische oder demokratische Gerechtigkeit? Die politische Philosophie des Aristoteles und Martha Nussbaums egalitaristische Rezeption*, München-Paderborn, Fink, 2009.

<sup>6</sup> M. Nussbaum, *Creating Capabilities. The Human Development Approach*, Cambridge (MA)-London, Belknap Press of Harvard University Press, 2011, p. 125.

<sup>7</sup> Nussbaum states this in her interview with Josef Früchtel and Herlinde Pauer-Studer *Tragische Konflikte und wohlgeordnete Gesellschaft*, «Deutsche Zeitschrift für Philosophie», XCIV, 1996, pp. 135-47, 140-41 (transl. by M. Knoll).

<sup>8</sup> M. Nussbaum, *Creating Capabilities*, cit., pp. X, 20, 123.

<sup>9</sup> M. Nussbaum, *Creating Capabilities*, cit., pp. 24-25.

capabilities, which she has modified and extended over the years. For her, the development of the listed capabilities is necessary for living a good life in the objective sense. The capabilities approach attempts to morally oblige the state or the government to supply the necessary means to enable citizens to develop their capabilities and to perform the corresponding human functions. If the state or the government is able to do this «up to a suitable threshold level», it is (partially, or minimally) just, and promotes «the good of human beings»<sup>10</sup>.

This paper assesses Nussbaum's claim that her capabilities approach is a genuinely Aristotelian contemporary political philosophy. It substantiates the thesis that Aristotle's ancient political philosophy is incompatible with Nussbaum's Social Democracy. The first section analyzes how she bases her approach on human nature and questions her claim that Aristotle's account of human nature and her approach are not metaphysical. The second section examines the normative dimension of Nussbaum's capabilities approach and shows how she adopts and modifies Aristotle's doctrine of distributive justice in an egalitarian way. The section argues that Nussbaum's egalitarian interpretation is inappropriate. This argument will be further substantiated in the last section. The final section lays out the five primary reasons supporting the thesis that Nussbaum's capabilities approach is incompatible with Aristotle's political philosophy.

The thesis of this paper faces a severe methodical problem. In order to convincingly criticize Nussbaum's interpretation of Aristotle's political philosophy, this paper has to claim a more adequate interpretation as a reference point. Therefore, in order to support the arguments that will be given, the paper will also reference some contemporary literature on Aristotle's *Politics*, which contains more adequate interpretations than the ones Nussbaum offers.

<sup>10</sup> M. Nussbaum, *Frontiers of Justice. Disability, Nationality, Species Membership*, Cambridge-London, Harvard University Press, 2006, p. 281, cf. p. 74; M. Nussbaum, *Aristotelian Social Democracy*, cit., p. 225. Richard Arneson gives the criticism that such a suitable «threshold level» can only be fixed in an arbitrary way (R.J. Arneson, *Perfectionism and Politics*, «Ethics», CXI, 2000, pp. 37-63: p. 56).

Since Werner Jaeger's famous book on Aristotle from 1923, which claims a development of his thought over his lifetime, Classicists have been debating whether Aristotle's *Politics* can be understood as a unified work, or as a composition of an earlier and a later treatise, or as a collection of political essays that were written in different periods of his life<sup>11</sup>. This debate is not only of interest for Classicists, but for philosophers as well. If the *Politics* were actually a collection of essays from different stages, it would be problematic to combine Aristotle's statements from different books in order to talk about *the* political philosophy of Aristotle. The same conclusion follows from the distinction of four different tasks of constitutional theory, which Aristotle makes at the beginning of book IV of the *Politics*<sup>12</sup>. Unfortunately, Nussbaum doesn't give these difficult and important problems the attention that they deserve, for in her interpretations she carelessly combines statements from all eight books of the *Politics*.

### 1. *Human nature as the basis of Nussbaum's capabilities approach*

Like Aristotle, Nussbaum is convinced that an answer to the question of a good life can be achieved by reflecting on human nature. Similarly, she bases her theory of the good on specific human characteristics<sup>13</sup>. But opposed to interpreters such as Alasdair MacIntyre and Bernard Williams, Nuss-

<sup>11</sup> W. Jaeger, *Aristoteles. Grundlegung einer Geschichte seiner Entwicklung*, 2. revised ed., Berlin, Weidmann, 1955. For an overview of the controversy between a genetic-analytic and a Unitarian view of the *Politics* see E. Schütrumpf, *Die Analyse der Polis durch Aristoteles*, Amsterdam, Grüner, 1980, pp. 287-326, and Ch. Rowe, *Aims and Methods in Aristotle's «Politics»*, in *A Companion to Aristotle's «Politics»*, ed. by D. Keyt and F.D. Miller Jr., Oxford-Cambridge, Blackwell, 1991, pp. 57-74. For the current debate see M. Knoll, *Die «Politik» des Aristoteles – eine unitarische Interpretation*, «Zeitschrift für Politik», LVIII, 2011, pp. 123-47; M. Knoll, *Die «Politik» des Aristoteles – Aufsatzsammlung oder einheitliches Werk? Replik auf Eckart Schütrumps Erwiderung*, «Zeitschrift für Politik», LVIII, 2011, pp. 410-23.

<sup>12</sup> Cf. M. Knoll, *Die Verfassungslehre des Aristoteles*, in *Die «Politik» des Aristoteles*, ed. by B. Zehnpfennig, Baden-Baden, Nomos, 2012, pp. 124-42; pp. 133-35.

<sup>13</sup> For a critique of Nussbaum's normative endeavor to derive an outline of the good life from the common human nature see L.M. Antony, *Natures and Norms*, «Ethics», CXI, 2000, pp. 8-36.

baum claims that Aristotle's conception of human nature is not metaphysical<sup>14</sup>. Though she defends an objective theory of the good and an Aristotelian essentialism, she makes it clear that her capabilities approach should not be understood as metaphysical. Rather, she views it as an internal essentialism closely related to the position Hilary Putnam advocates. About her essentialist conception of the human being, Nussbaum states: «This conception is emphatically *not* metaphysical; that is, it does not claim to derive from any source external to the actual self-interpretations and self-evaluations of human beings in history»<sup>15</sup>.

According to Alasdair MacIntyre's interpretation, Aristotle's Ethics «presupposes his metaphysical biology»<sup>16</sup>. In line with this, Bernard Williams maintains that Aristotle understands questions «about essential human nature» as «matters of natural scientific fact, not of ethical value»<sup>17</sup>. He criticizes Aristotle for deriving ethical norms from a scientific account of human nature. For Williams, such an account is not available, and if it were, it would not allow ethical conclusions. Against these interpretations, Nussbaum tries to show that Aristotle does not give a scientific account of human nature or an account that is external to human self-interpretations and self-evaluations. She claims that Aristotle's concept of the human being is, like her own, an internal and «evaluative concept» that evaluates the elements and activities of life which are most important for human existence<sup>18</sup>.

<sup>14</sup> M. Nussbaum, *Aristotle on Human Nature and the Foundations of Ethics*, in *World, Mind, and Ethics. Essays on the ethical philosophy of Bernard Williams*, ed. by J.E.J. Altham and R. Harrison, Cambridge-New York-Melbourne, Cambridge University Press, 1995, pp. 86-131. Cf. a critique of this claim: M. Knoll, *Aristokratische oder demokratische Gerechtigkeit?*, cit., ch. X.

<sup>15</sup> M. Nussbaum, *Human Functioning and Social Justice: In Defense of Aristotelian Essentialism*, «Political Theory», XX, 1992, pp. 202-46: p. 215.

<sup>16</sup> A. MacIntyre, *After Virtue*, Notre Dame (IN), Notre Dame University Press, 1984, p. 148.

<sup>17</sup> This paraphrase of William's position is given by M. Nussbaum, *Aristotle on Human Nature and the Foundations of Ethics*, cit., p. 88. Cf. B. Williams, *Ethics and the Limits of Philosophy*, Cambridge (MA), Harvard University Press, 1985.

<sup>18</sup> M. Nussbaum, *Aristotle, Politics, and Human Capabilities*, cit., pp. 118-19; M. Nussbaum, *Aristotle on Human Nature and the Foundations of Ethics*, cit., p. 94.

Nussbaum's interpretation is original but not convincing. In her essays she merely lays out her own interpretation and neglects any refutation of the reasons that substantiate the traditional interpretation of Aristotle. To give an important example, she is completely silent about the fact that Aristotle's definition of the human being as «by nature a political animal (*physei politikon zôon*)» in the *Politics* refers to the biological definition of the concept of the political that he gives in his *History of Animals*<sup>19</sup>. Contrary to Nussbaum, the contemporary literature diagnoses in Aristotle a «biologically based understanding of "political animal"»<sup>20</sup>. Aristotle understands the human being from a zoological and political as well as from a teleological perspective<sup>21</sup>. Hence, MacIntyre's term «metaphysical biology» is adequate to characterize Aristotle's concept of the human being<sup>22</sup>.

In her early work on the capabilities approach, Nussbaum drew up a list consisting of «certain features of our common humanity»<sup>23</sup>. But contrary to her methodological self-understanding, this list is based neither «on the commonness of myths and stories from many times and places» nor on «the outcome of a process of self-interpretation and self-clarification» of human beings explaining to themselves who they are<sup>24</sup>. On the contrary, Nussbaum gains her list through an original interpretation of how Aristotle introduces his catalogue of virtues. According to this interpretation, Aristotle identifies universal human experiences and correlates these with specific virtues. As a first step, Aristotle defines a virtue as the right behaviour in one area of experience. For example, everyone experiences the fear of death and significant harm;

<sup>19</sup> Aristotle, *Politics*, I, 2, 1253 a 1-18; Aristotle, *History of Animals*, I, 1, 488 a 7-10.

<sup>20</sup> F.D. Miller Jr., *Nature, Justice, and Rights in Aristotle's «Politics»*, Oxford, Oxford University Press, 1995, pp. 31-32.

<sup>21</sup> Cf. the teleological perspective in Aristotle, *Politics*, I, 2, 1252 b 31-1253 a 1, 1253 a 9, and in Aristotle's «human function argument» in Aristotle, *Nicomachean Ethics*, I, 6/7, 1097 b 22-1098 a 20.

<sup>22</sup> For more arguments against Nussbaum's interpretation of Aristotle's concept of the human being see M. Knoll, *Aristokratische oder demokratische Gerechtigkeit?*, cit., ch. X.

<sup>23</sup> M. Nussbaum, *Non-Relative Virtues: An Aristotelian Approach* (1988), in *The Quality of Life*, cit., pp. 242-69: p. 263.

<sup>24</sup> M. Nussbaum, *Aristotelian Social Democracy*, cit., pp. 217-18.

the «virtue bravery» is subsequently introduced as the name that characterizes the right behaviour if one is confronted with these fears. In a second step, which is irrelevant to the methodical procedure Nussbaum uses to build her list, Aristotle gives a more precise definition of the particular virtue.

Nussbaum's first list of common human characteristics is, as she declares, «closely related to Aristotle's list of common experiences»; and in fact, her list is based on the universal human experiences singled out by Aristotle<sup>25</sup>. Based on her list of specific human features, Nussbaum proceeds to propose an open-ended list of basic human functional capabilities that «provides a minimal theory of the good»<sup>26</sup>. In order to realize this objective conception of the good and to develop all capabilities on the list, ample resources and a strong welfare state would be needed<sup>27</sup>. However, governments should limit their efforts to the development of capabilities only, as citizens should be free to decide which of the corresponding functions they would like to realize and which not<sup>28</sup>.

## 2. *Nussbaum's egalitarian interpretation of Aristotle's doctrine of distributive justice*

Nussbaum distinguishes between three levels of capabilities that are based on each other. The lowest and most fundamental level, which is a necessary presupposition for the development of the higher levels, is the level of *basic capabilities*. A basic capability is a capability given by nature or a natural disposition to reach the next capability level and to perform the corresponding functions. A person has a basic capability if her individual constitution allows her, after an appropriate education and time, and other necessary conditions, to perform the corresponding functions. While basic capabilities are given by nature, *internal capabilities* are only developed by young women and men through education. A

<sup>25</sup> M. Nussbaum, *Non-Relative Virtues: An Aristotelian Approach*, cit., p. 265 (cf. p. 263).

<sup>26</sup> M. Nussbaum, *Aristotelian Social Democracy*, cit., p. 225.

<sup>27</sup> M. Nussbaum, *Aristotelian Social Democracy*, cit., p. 228.

<sup>28</sup> M. Nussbaum, *Aristotelian Social Democracy*, cit., p. 214.

person has an internal capability if her intellect, character or body is developed in such a way that she is able to decide under the appropriate circumstances to perform the corresponding functions. The third level is the level of *external*, or better, *combined capabilities*. Combined capabilities are internal capabilities plus external material and social conditions that are necessary in order to be able to decide to perform a function in the first place<sup>29</sup>.

In the context of her distinction of three levels of capabilities, Nussbaum explains the normative dimension of her capabilities approach. A central part of her «capability ethic»<sup>30</sup> is a conception of justice that links up with Aristotle's doctrine of distributive justice. According to the central thought of Nussbaum's conception of justice, a just political distribution has to allot the material conditions to perform a function to those citizens who possess the capabilities to perform this function. Nussbaum illustrates her conception of justice with Aristotle's example of a just distribution of flutes<sup>31</sup>. In such a distribution neither noble descent nor beauty are relevant criteria for claims to a flute. Rather, it is the capability to play the flute that gives one a claim. Analogously, in the distribution of political offices, Aristotle regards neither noble descent nor wealth as justified reasons for claims, but only the capability to perform the functions that are connected to the office. According to Nussbaum, Aristotle uses the example of a just distribution of flutes «to make a more general point: that capability is the morally relevant criterion for distribution of the conditions for a function, since capability, unlike other features, has relevance to the performance of the function»<sup>32</sup>.

<sup>29</sup> M. Nussbaum, *Nature, Function, and Capability*, cit., ch. 5; M. Nussbaum, *Creating Capabilities*, cit., pp. 21-22.

<sup>30</sup> The term «capability ethic» was used by David Crocker to characterize the related works of Amartya Sen and Martha Nussbaum (D.A. Crocker, *Functioning and Capabilities: The Foundations of Sen's and Nussbaum's Development Ethics*, «Political Theory», XX, 1992, pp. 584-612: p. 585).

<sup>31</sup> Cf. Aristotle, *Politics*, III. 12, 1282 b 14-1283 a 26.

<sup>32</sup> M. Nussbaum, *Nature, Function, and Capability: Aristotle on Political Distribution*, cit., p. 171.



The justified reasons for claims in a distribution of flutes or political offices, which Aristotle has in mind, are internal capabilities, that is, already developed basic capabilities. Nussbaum is aware of that. However, contrary to Aristotle, she anchors the normative dimension of her capabilities approach at the level of the basic capabilities, which are the natural basis for developing the internal capabilities and for performing the corresponding functions. According to her central normative thought, the basic capabilities

are *needs* for functioning: they give rise to a claim because they are there and in a state of incomplete realization. They are conditions that reach towards, demand fulfilment in, a certain mode of activity. If the activity never arrives, they are cut off, fruitless, incomplete. As Aristotle insists, their very being makes reference to functioning; so without the possibility of functioning, they are only in a shadow way even themselves<sup>33</sup>.

This paragraph shows that Nussbaum achieves the ethical or normative centre of her capabilities approach not only by linking up with Aristotle's doctrine of distributive justice, but by appropriating his claim that natural objects that exist in the mode of *dunamis* strive toward their *energeia*, to the actualization or realization of their potentiality. In the end, Nussbaum's capabilities approach derives from the existence of potentialities the moral and ultimately political claim that these potentialities should be realized. This derivation evokes the critique that Nussbaum commits a naturalistic fallacy. In all likelihood, Nussbaum would reject this critique by claiming that her statements about human potentials and basic capabilities are not external statements about natural facts but evaluative statements and internal interpretations<sup>34</sup>. However, Nussbaum's appropriation of Aristotle's thought that human potentials strive towards their actualization is not unproblematic. This thought is connected with Aristotle's teleological conception of nature and with his «metaphysical biology», which calls Nussbaum's claim, that her ethical and political conception is not metaphysical, into question.

<sup>33</sup> M. Nussbaum, *Nature, Function, and Capability: Aristotle on Political Distribution*, cit., p. 172.

<sup>34</sup> Cf. M. Nussbaum, *Aristotle on Human Nature and the Foundations of Ethics*, cit.; M. Nussbaum, *Creating Capabilities*, cit., p. 28.

Nussbaum's «capability ethic» adopts Aristotle's doctrine of distributive justice and modifies it in two respects. First, she rephrases his doctrine in terms of capabilities and functionings. Second, she extends his doctrine by relating it to the level of basic capabilities. On this level, distributive justice becomes especially relevant through its connection with the Aristotelian thought that human potentials strive towards their actualization and should be realized. The legislator has to promote the development of human potentials by distributing to people, who have a basic capability, as many relevant goods as are needed to bring them along to a combined capability – «just as we set the flute-player up with the conditions of flute playing»<sup>35</sup>. For Aristotle, it is unjust if the legislator does not allot the flutes or the political offices to players or citizens, whose realized capabilities give them a justified claim. Analogously, according to Nussbaum, all citizens with basic capabilities have a justified claim that the legislator distributes the resources of the political community in a way that they can develop their capabilities. For her, «it is unjust of the legislator not to give these essential goods to all those who are by nature capable of using them»<sup>36</sup>. Modifying Aristotle's doctrine, Nussbaum declares that when it comes to the political distribution of resources neither birth, wealth, or good looks constitute a justified claim, but the presence of a basic capability «to perform the function in question» does constitute a claim<sup>37</sup>.

Nussbaum interprets Aristotle's doctrine of distributive justice in an egalitarian way. In order to see that such an egalitarian interpretation is inappropriate, it is sufficient to point out the fact that Aristotle maintains that people are fundamentally unequal and have unequal worth. For him, only a few people have the capability to play the flute well or to exercise an important political office. The former activity requires musical talent, the latter special moral and intellectual qualities and thus a degree of political virtue that only a few people can achieve. The capabilities, in proportion to which

<sup>35</sup> M. Nussbaum, *Nature, Function, and Capability: Aristotle on Political Distribution*, cit., p. 171.

<sup>36</sup> *Ibidem*.

<sup>37</sup> *Ibidem*.

the political goods should be distributed for Aristotle, differ from those of Nussbaum's capabilities list in the respect that only a few people have them. On the contrary, a look at Nussbaum's lists elucidates that most people have the capability of being able to live a full life without pain, or to have good health.

### 3. *The incompatibility of Nussbaum's and Aristotle's political philosophies*

There are five primary reasons why Nussbaum's capabilities approach is incompatible with Aristotle's political philosophy. First, contrary to Nussbaum, for Aristotle there is no «common humanity»<sup>38</sup>, because for him human beings are fundamentally unequal<sup>39</sup>. According to Aristotle, natural slaves, barbarians and women have different capabilities than those free men who have the potential to fully develop the virtues of their character and intellect. In addition, he claims that the majority of the people like farmers, craftsmen and traders cannot develop the virtues needed for a good life as they have to work<sup>40</sup>. Aristotle's and Nussbaum's very different views of the equality or inequality of human beings are the anthropological basis and reason for the serious differences of their conceptions of political justice and their political philosophy in general. For Nussbaum, as for all egalitarian political thinkers, «at some very basic level all human beings have equal worth and importance, and are therefore equally worthy of concern and respect»<sup>41</sup>. Contrary to this, for Aristotle, as for Plato, human beings have unequal worth in proportion

<sup>38</sup> M. Nussbaum, *Non-Relative Virtues*, cit., p. 263; M. Nussbaum, *Human Functioning and Social Justice*, cit., pp. 237, 239.

<sup>39</sup> Cf. M. Knoll, *Aristokratische oder demokratische Gerechtigkeit?*, cit., ch. VI.1.

<sup>40</sup> Aristotle, *Politics*, III. 5, VII. 9; 1277 b 33-1278 b 5, 1328 b 39-1329 b 39. Nussbaum is aware of Aristotle's views of women and slaves by nature (M. Nussbaum, *Aristotle on Human Nature and the Foundations of Ethics*, cit.; Id., *Aristotle, Politics, and Human Capabilities*, cit., p. 114; Id., *Nature, Function, and Capability*, cit., pp. 174-75).

<sup>41</sup> J. Baker – S. Cantillon – K. Lynch – J. Walsh, *Equality. From Theory to Action*, Houndmills, Palgrave, 2004, p. 23.

to the development of the virtues of their character and their intellect.

Second, Nussbaum's conception of justice is egalitarian as it aims at the political bringing about of *equal* capabilities for a good life in the numeric sense. Her conception is concerned not only with the citizen's claim to «good functioning but the *equal* distribution of good functioning»<sup>42</sup>. This is her answer in the contemporary debate on the «equality of what?» that revolves around the question which kind of equality – equality of resources, of welfare etc. – should be politically established<sup>43</sup>. Nussbaum's egalitarian and democratic conception of distributive justice is incompatible with Aristotle's aristocratic conception which advocates geometric equality in proportion to virtue and thus unequal shares for fundamentally unequal human beings<sup>44</sup>. The objective of Nussbaum's egalitarian conception of justice to establish numerical or arithmetic equality among the people is alien to Aristotle's non-egalitarian conception, which calls for a distribution that corresponds to the existing inequalities. Aristotle and Nussbaum adhere to two irreconcilable conceptions of social and political justice, which coexist from the ancient world till today. The existence of such a pluralism of the just has convincingly been demonstrated by Dagmar Herwig in her systematic analysis of the concept of justice<sup>45</sup>.

Aristotle's and Nussbaum's opposing views of the equality or inequality of human beings are the basis of a third reason why Nussbaum's capabilities approach is incompatible with Aristotle's ethical and political conception. Nussbaum claims that the «Aristotelian conception» is «broad» as «it is concerned with the good living not of an elite few, but of each

<sup>42</sup> M. Nussbaum, *Aristotelian Social Democracy*, cit., p. 231 (M. Knoll's italics).

<sup>43</sup> A. Sen, *Inequality Reexamined*, cit., p. 4. Cf. G.A. Cohen, *On the Currency of Egalitarian Justice*, «Ethics», IC, 1989, pp. 906-44.

<sup>44</sup> Cf. an analysis of Aristotle's aristocratic conception of distributive justice M. Knoll, *Aristokratische oder demokratische Gerechtigkeit?*, cit., ch. VI.2.

<sup>45</sup> D. Herwig, *Gleichbehandlung und Egalisierung als konkurrierende Modelle von Gerechtigkeit. Eine systematische Analyse*, München, Fink, 1984. Cf. attempts to build on Herwig's results and to apply them to the debates in contemporary political philosophy M. Knoll, *Aristokratische oder demokratische Gerechtigkeit?*, cit., ch. XV.

and every member of the polity. It aims to bring every member across a threshold into conditions and circumstances in which a good human life may be chosen and lived»<sup>46</sup>. With regard to Nussbaum's lists of human capabilities and thus to her theory of the good this claim is plausible. Everyone is more or less «able to live to the end of a complete human life, as far as it is possible», «to have good health», to «have pleasurable experiences» or «to use the five senses»<sup>47</sup>. But this conception of a good life is not the one outlined by Aristotle. According to his practical philosophy, only the few free men who are able to fully develop the virtues of their character and intellect and to exercise them in a political or theoretical life can achieve true happiness<sup>48</sup>. Aristotle's conception of happiness is by far more demanding and elitist than the one Nussbaum advocates, because for the life of contemplation one needs wisdom, and for the political life prudence and ethical virtues like temperance, bravery and justice. This also entails that Nussbaum's conception of the good life cannot claim to be Aristotelian.

Connected to Nussbaum's and Aristotle's different conception of a good life is a very different evaluation of work, that leads to the fourth point. According to Nussbaum, the Aristotelian conception calls especially «for the construction of fully human and sociable forms of labor for all citizens»<sup>49</sup>. Nussbaum is right with her observation that for Aristotle «some forms of labor are incompatible with good human functioning»<sup>50</sup>. But this doesn't only concern, as Nussbaum holds, the activities of the farmers and the craftsmen who are excluded from citizenship in the best city that Aristotle drafts in books VII and VIII of the *Politics*. It also concerns all business activities and in the end all forms of useful and necessary labor. Contrary to Nussbaum, Aristotle has a very low esteem of all kinds of work and of the people who have to do it. For him a good life and the full development of all

<sup>46</sup> M. Nussbaum, *Aristotelian Social Democracy*, cit., p. 209.

<sup>47</sup> M. Nussbaum, *Aristotelian Social Democracy*, cit., p. 225.

<sup>48</sup> Cf. J. L. Ackrill, *Aristotle on Eudaimonia*, London, Oxford University Press, 1975.

<sup>49</sup> M. Nussbaum, *Aristotelian Social Democracy*, cit., p. 231.

<sup>50</sup> *Ibidem*.

the different virtues require leisure and free time as its precondition<sup>51</sup>.

And finally, the fifth point, Nussbaum claims that Aristotle advocates a Social Democracy and thus favors a kind of democratic constitution he calls polity (*politeia*)<sup>52</sup>. Contrary to her interpretation, the best city Aristotle drafts in books VII and VIII of the *Politics* must be understood as a true aristocracy in which only the elite of the few free men who are able to fully develop their virtues are citizens<sup>53</sup>. This exclusive criterion for citizenship is the consequence of Aristotle defining the best city as the city in which the citizens are able to lead the best and happiest life which requires the full development of the human virtues. The polity cannot be understood as Aristotle's best city. He declares more than once that the citizens of the polity, average Greek men, are far from being fully virtuous. As a consequence, they do not possess the qualities which are required for citizenship in the best city<sup>54</sup>. The anthropological basis of Aristotle's best city is the fundamental inequality of human beings and their capabilities to live a truly good and happy life. This is another argument demonstrating that Nussbaum's capabilities approach is incompatible with Aristotle's conception of political justice and with his political philosophy in general. Combined, these five related reasons demonstrate that Nussbaum's «Aristotelian Social Democracy» and her capabilities approach can hardly be called Aristotelian. Despite these criticisms, it is undeniably an interesting and important approach to contemporary political philosophy.

<sup>51</sup> Cf. M. Knoll, *Aristokratische oder demokratische Gerechtigkeit?*, cit., pp. 256-58. Cf. Nussbaum's critique of Aristotle's concept of leisure (M. Nussbaum, *Aristotle, Politics, and Human Capabilities*, cit., pp. 112-13).

<sup>52</sup> Aristotle, *Politics*, III. 7, 1279 a 39; M. Nussbaum, *Aristotelian Social Democracy*, cit., pp. 232-33; M. Nussbaum, *Love, Literature, and Human Universals: Comments on the Papers*, in Martha C. Nussbaum, *Ethics and Political Philosophy, Lecture and Colloquium in Münster 2000*, ed. by A. Kallhoff, Münster, Lit. Verlag, 2001, pp. 129-52: p. 147.

<sup>53</sup> The interpretation that Aristotle's best city has to be understood as an aristocracy is prevailing in the English speaking literature (cf. *A Companion to Aristotle's Politics*, cit.).

<sup>54</sup> Aristotle, *Politics*, III. 7, IV. 11, 1279 a 39-1279 b 4, 1295 a 25-31. Cf. E. Schütrumpf, *Die Analyse der Polis durch Aristoteles*, cit., p. 159.

*Summary. How Aristotelian is Martha Nussbaum's «Aristotelian Social Democracy»?*

The paper examines Martha Nussbaum's «Aristotelian Social Democracy», and in particular her appropriation of Aristotle's political philosophy. The paper questions Nussbaum's claim that Aristotle's account of human nature and her capabilities approach are not metaphysical. It critically analyses Nussbaum's egalitarian interpretation of Aristotle's doctrine of distributive justice, laying out the primary reasons supporting the thesis that Nussbaum's «Aristotelian Social Democracy» is incompatible with Aristotle's non-egalitarian political philosophy.

*Keywords:* Capabilities Approach, Human Nature, Good Life, Distributive Justice, Equality.

*Riassunto. Quanto è aristotelica la «democrazia sociale aristotelica» di Martha Nussbaum?*

L'articolo esamina la «democrazia sociale aristotelica» di Martha Nussbaum, in particolare l'uso che in essa si fa della filosofia politica di Aristotele. L'articolo discute la tesi di Nussbaum secondo cui Aristotele non aveva una concezione metafisica della natura umana e del suo approccio delle capacità. Affronta inoltre in maniera critica l'interpretazione egalitaria della dottrina della giustizia distributiva di Aristotele avanzata da Nussbaum, esponendo le ragioni principali a sostegno della tesi che la «democrazia sociale aristotelica» di Martha Nussbaum è incompatibile con la filosofia politica non-egalitaria di Aristotele.

