Acknowledgements
I thank Peter Godfrey-Smith, Elliott Sober, Deena Skolnick and Michael Weisberg for extremely helpful discussions of these issues.

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AN INTERVIEW WITH MARTHA NUSSBAUM

Fall 2004
University of Chicago

> *Each year The Dualist includes an interview with a modern philosopher chosen by the staff. This year, Martha Nussbaum graciously agreed to answer questions posed by The Dualist and the Stanford Philosophy Department. Professor Nussbaum's wide-ranging interests have included ancient theories of ethics, the idea of fiction as a form of moral education, and the reconception of global justice in terms of basic capabilities. Her most recent book is Hiding From Humanity: Disgust, Shame, and the Law (Princeton: Princeton UP, 2004), and her new book, Frontiers of Justice: Disability, Nationality, Species Membership, will be published in fall 2005 by Harvard University Press.*

David Hills:

Your insistence on the multiplicity, incommensurability, and frequent incompatibility of the things we humans properly and urgently value, and your appeal to literary fiction as the place where the resulting moral complexities are most honestly and comprehensively faced—both these things connect you to a stream of modern and mostly British ethical thinking originating (I suppose) in Anscombe's "Modern Moral Philosophy" and including such diverse figures as Isaiah Berlin, Iris Murdoch, Stuart Hampshire, and Bernard Williams. Yet this stream of thought is noticeably more hostile than you yourself are to efforts to construct general theories of the good or the right, rooted in general accounts of the capacities and vulnerabilities that go to make up our shared human nature. It views welfare economics and general theories of justice as dangerously utopian. Indeed it often agrees with Machiavelli and Hobbes that the most we can sensibly ask of the state is that it prevent interpersonal conflict from taking certain especially disastrous forms: war, famine, economic depression, genocide, and the like. How do you view the overall shape of your debts to and departures from this modern tradition of ethical antitheory (if I can call it that)?

Martha Nussbaum:

Because I believe that it is very important to distinguish ethical from political deliberation, let me address these two separately, ethics first. In my view, there is no single tradition leading to the revival of interest in virtue ethics. There are some thinkers for whom the main motivation to return to a neo-Aristotelian type of ethical thought is fundamentally anti-Utilitarian. These thinkers insist on the heterogeneity and incommensurability of values, the need for careful consideration of complexity and context in good decision-making, and the intrinsic worth of virtuous action. They are also likely to insist that we may rationally deliberate not only about means to ends, but about the constituents of the end itself. One aspect of Aristotle to which they thus attach great importance is his account of the process by which we specify a vague end, such as "human flourishing," asking, ever more concretely, what its parts might be, and what might be an adequate specification of each of its parts (such as friendship, the search for justice, etc.). Henry Richardson's book Practical Reasoning About Final Ends is a fine example of this school of thought, but I would also put Nancy Sherman's work in this category, and much of what Rosalind Hursthouse writes, and my own work. John McDowell and David Wiggins have a close kinship with this neo-Aristotelian tradition, although their positions are complex, and although both appear more opposed to ethical theory and codification than Aristotle was. A neo-Aristotelian of my type can insist that general theories of human flourishing are not final, because life always turns up new cases, and we must preserve the flexibility to respond to them. Nonetheless, an evolving account of human flourishing may still give good guidance for choice; Aristotle's Nicomachean Ethics is an excellent example of how one might reason about the constituents of a flourishing life, in a way that preserves room for flexibility in the face of the new situation, and yet in a way that also offers real guidance. Here I like to draw on the Stoic distinction between systems of rules and general theories. They point out that rules frequently offer deficient guidance to the variety and complexity of practical situations. And yet, to see how and why we might depart from a general rule, we need something like an overall theory of conduct that gives the point and purpose of what we're trying to achieve: thus, something like Kant's "treating humanity as an end," or the Aristotelian "pursuit of a life that is complete and lacking in nothing." So theories should not be equated with systems of rules; they are structures of thought that reveal the ultimate point and purpose of ethical conduct; such theories can frequently help us see why a rule like "don't tell a lie" might have exceptions in particular cases. As you can see, this neo-Aristotelian tradition is likely to be rather friendly to Kant, as Hursthouse argues well in her book.

Another crucial role for theorizing in ethics is to criticize tradition. It seems to me quite mistaken to think that traditional ways of going on in ethics will offer us good guidance. Most traditions are racist, sexist, and in other ways bad. But often the error is in some lack of serious thought, some lack of thoroughgoingness in applying our ethical insights: thus, we believe that human dignity should be respected, we believe that women are human beings, but we don't treat them with respect. Kant and Aristotle both thought that explicit theorizing could help us recognize such self-serving errors in our ethical lives, thus conducing to a more wide-awake, critical style of ethical practice. Here is where I take issue with the other major virtue-ethics tradition, one that I'd call neo-Humean and anti-Kantian. I associate Annette Baier and to some extent Bernard Williams with that tradition. I believe that Baier and Williams (until his last book, anyway) allow too little room for the rational criticism of tradition, and that their thought in this way falls short of what a close reading of Aristotle might help us achieve. McDowell sometimes leans in this direction through his reading of Wittgenstein, but I think that his thought is open to a large role for critical thinking, and even to something that I'd call theory, though he might not (since he reserves the word for a structure that is rigid and pernicious).

Now let's turn to political thought. In my view, because I'm a political liberal in the Rawlsian sense, it is always wrong to recommend one's comprehensive ethical doctrine as a basis for political choice in a pluralistic society. Therefore, I would recommend only those elements of the Aristotelian position that can (in my view) become the object of an overlapping consensus in a pluralistic society. Whatever one's view about the content of political principles, it is obvious that they have to be explicit, public, and susceptible to codification in the form of legal and constitutional principles. So I can't see how one could sensibly maintain that political principles should not be codified or codifiable. Williams makes a strong distinction between ethics and politics in just this way.

Hills:

In Love's Knowledge and again in Tragedy and Self-Sufficiency, you urge that the clarification by means of pity and fear involved in Aristotle's account of tragic drama is best understood in educational terms: tragedy offers its audience a kind of on-the-job-training in feeling pity and fear under circumstances that genuinely call for these particular emotions. In his essay "Katharsis," Jonathan Lear proposes a competing account of Aristotle on which tragic clarification is a matter of acknowledgement: tragedy offers its audience the opportunity to admit, confront, and respond to its standing exposure to tragic outcomes, an exposure it is forced to neglect, abstract from, and set aside in the regular course of everyday life. You've defended yourself resourcefully against objections from Lear, but could you say a little more about how you view the relation between his positive account of tragedy and your own? I'd be especially interested in your thoughts about the relation between Aristotle's deployment of the concept of catharsis and Freud's – and your thoughts about the relation between Lear's deployment of the concept of acknowledgement and Cavell's.

Nussbaum:

I think there's a lot of convergence between Lear's position and my own. We do differ on some technical issues about how to interpret the text of Aristotle. But as to the choice between his "acknowledgment" and my "education," the difference is perhaps not all that great. All human beings have some familiarity with human helplessness, since all begin as infants who encounter the jolting alternation between blissful completeness and agonizing emptiness. But of course people like to deny their vulnerability and to surround themselves with structures of control through which they can conceal to themselves many elements of their bodily weakness, their mortality, and so forth. Lucretius plausibly suggests that much acquisitive activity in human life – war, empire, money-making, control over women—is motivated, ultimately, by anxiety about one's mortality and finitude. So one might well say that whenever pity reminds one of one's similarity to others who suffer disaster and loss, the emotion is *acknowledging* a truth that we have been denying. But there is also a way in which such experiences can *educate*: for one might simply not have thought about the specific form that disaster takes in a given play. For example, if one is a Greek male, one might not have thought about how a raped woman feels, and watching The Trojan Women is in this way not just an acknowledgment of the vulnerability that one shares with the suffering women, but also an education into specific sorts of vulnerability that women face in times of war.

As for the Aristotelian and Freudian concepts of catharsis, I think I'll have to pass: my own orientation to and knowledge of psychoanalysis is more through the object-relations tradition, in which experiences that defeat narcissism and contribute to the acknowledgement of reciprocal interdependence with other human beings are fundamental. I would place tragedy in connection to Winnicott's concept of the "facilitating environment": tragedies are part of a political environment that forms personalities that are not narcissistic, and are capable of mature interdependence.

Hills:

In your work with Amartya Sen you helped to pioneer an approach to the distributive side of public policy, rooted in the idea of a just distribution of effective freedoms – "basic capabilities," in Sen's jargon. Your own lists of basic capabilities are based on a background account of our rational capacities and creaturely vulnerabilities owing a great deal to the ancient Greeks, especially Aristotle. Yet you remark that thinkers approaching the question from various other intellectual traditions could arrive at strikingly similar lists. How much moral psychology of a philosophically ambitious, inherently controversial kind does it take to reach well grounded and helpfully specific conclusions on this approach to social justice? How hard would it be reach a working consensus on the amount we need? Or is this one of those special areas of political life where we can hope for agreement about conclusions while despairing of agreement about premises?

Sen originally conceived his talk of capabilities as an improvement upon and replacement for Rawls's talk of primary social goods. Yet in his later work, Rawls attempts to assign capabilities and primary social goods separate and complementary roles in a single account of distributive justice. What is your present view of these efforts on Rawls's part?

Nussbaum:

First, a terminological issue. For me, "basic capabilities" means the innate endowment of persons in virtue of which it is possible for them to attain the more developed capabilities on my list. So the focus

of political distribution is not on basic capabilities (such as sentience, the presence of emotions, and so on) but on "central human capabilities," by which I mean developed opportunities for functioning that are necessary for a life in accordance with human dignity. Examples of these would be the ability to have health care up to an adequate threshold level, the ability to get an education up to an adequate threshold level, and so forth. I firmly believe that we can achieve an "overlapping consensus" on such a list as a basis for social planning in a pluralistic society. The Universal Declaration of Human Rights, whose contents is rather closely related to my capabilities list, was such a document, framed, as Jacques Maritain (one of the framers) stressed, as a practical political account of central human goals that could be endorsed by people from all sorts of different religions and traditions. Many constitutions the world over have lists of fundamental entitlements similar to my list, and the work I've done on constitutionalism and on the Indian Constitution in particular has closely informed my work. The trick in getting such a consensus, as both Maritain and Rawls stress, is to make the political conception "freestanding," that is, not grounded in metaphysical ideas (such as the idea of the soul) that are the property of a particular tradition and not shared or sharable by all. I see no reason why this can't be done. In fact, whether in Bangladesh or South Africa or Poland, it is done all the time. I think we *should* look for agreement on conclusions without agreement on premises, and that it is not despair but respect that informs such a search. Because we respect our fellow citizens who are skeptics or Roman Catholics or Utilitarians, we don't ask them to share our fundamental metaphysical values, whatever they are, and we don't argue in a way that would require them to convert to our doctrine in order to reach our conclusion.

As for primary goods and capabilities, much of my new book Frontiers of Justice (to be published this fall) is about this issue, so it is difficult to be brief. I think that Rawls cannot accept the shift from primary goods to capabilities, sympathetic though he is to Sen's proposal, because his argument for the Difference Principle depends on a linear ranking of relative social positions. There are other issues too, connected to his insistence on postponing the question of disability to the legislative stage of political planning. But you will have to wait to see how I explore that one!

Hills:

In Patriotism and Cosmopolitanism, you call on us to put our allegiance to humanity at large, our commitment to treat all human beings whatsoever as warranting equal concern and respect, ahead of our attachments to more local human communities, including (perhaps especially) any attachments we may feel to our own countries. You conceive the cultivation of this attitude, of what you call cosmopolitanism, as primarily a matter of how we educate one another (and how we conceive the aims of education in *general). This project of yours seems all the more pressing at a time when thinkers like Samuel Huntington are urging Americans to adopt and cultivate ever more specious and ever more exclusionist conceptions of their precious national essence.*

But I'm puzzled about precisely how and why you oppose this project of yours to the cultivation of pride in and love of one's own country that Richard Rorty has been urging on the American left over the last few years. At least part of what Rorty means by patriotism is a renewed commitment to collaboration with one's fellow Americans in the pursuit of an admittedly local common good we could share in as Americans---a commitment which needn't come at the expense of cosmopolitan aims and sympathies, even if it easily could. Rorty's fear, I take it, is that in the absence of a credible national project with which we Americans can be rationally and emotionally identified as Americans, a project uniting us in a special way with the other inhabitants of our own country, ordinary Americans will be left further and further behind economically, and American institutions will gradually lose whatever limited popular accountability they may still possess. The result would be a kind of negative cosmopolitanism, a cosmopolitanism of indifference. Looking up cosmopolitanism in Rorty's index, I came upon the following passage:

> *Globalization is producing a world economy in which an attempt by any one country to prevent the immiseration of its workers may result only in depriving them of employment. This world economy will soon be owned by a cosmopolitan upper class which has no more sense of community with any workers anywhere than the great American capitalists of the year 1900 had with the immigrants who manned their enterprises. The increasing dependence of American universities on gifts from abroad, of American political parties on bribes from abroad, and of the American economy on foreign sales of Treasury bonds are examples of the tendencies which are at work.*
>
> *This frightening economic cosmopolitanism has, as a byproduct, an agreeable cultural cosmopolitanism. Platoons of vital young entrepreneurs fill the front cabins of transoceanic jets, while the back cabins are weighed down by paunchy professors like myself, zipping off to interdisciplinary conferences held in pleasant places. But this newly acquired cultural cosmopolitanism is limited to the richest twenty-five percent of Americans. The new economic cosmopolitanism presages a future in which the other 75 percent of Americans will find their standard of living steadily shrinking. We are likely to wind up with an America divided into hereditary social classes... (Achieving Our Country: Leftist Thought in Twentieth-Century America, 85-6)*

Like you, I wish Rorty hadn't used the valuable positive term cosmopolitanism to describe these inherently negative developments, and I'm not always sure I can actually muster the pride in America he urges me to cultivate. But his worries make sense to me nevertheless.

I'm tempted to put them in a way owing more to Rousseau than to Rorty's own heroes, Dewey and Walt Whitman. An effective implementation of equal concern and respect requires democratic political institutions. And however benevolent international institutions may become, they won't be democratic in any serious sense in the foreseeable future. For the time being, at any rate, effective democratic political institutions are institutions of (at most) national scope, whereby citizens of a single country pursue a common good as the object of their shared general will. But unless there continues to be some serious sense in which I have cast my lot with my fellow Americans on terms I can rationally endorse, there won't be any common good, there won't be any general will, and there won't any effective implementation of equal concern and respect, whether nationally or internationally.

What do you think?

Nussbaum:

I never said that we should not have a particular love of and attachment to our own nation. Indeed, even in that older article, I compared our relation to our country to our relationship with our own children: just as good parents love their own children more, but still, compatibly with that, may and should seek a nation in which all children have decent life-opportunities, so too we may love our own nation more while seeking a world in which all citizens have decent life-opportunities. In my post-9/11 article "Compassion and Terror," part of which forms the new introduction to the For Love of Country book, I expand on this theme, urging that we need to cultivate the roots of attachment in local loves; I reject the Stoic proposal to uproot local attachments as one that will make morality empty and lacking in urgency. So perhaps I do not disagree with every statement Richard Rorty has made on this question; I was only disagreeing with some very specific things he said at the time I wrote the original article. In particular, he had been saying that justice was simply a type of larger loyalty. I think that this is wrong. The thought that it is only fair that all world citizens should have a decent minimum of life opportunities is a different thought from the thought that we feel a loyalty to all human beings, and we won't be able to think well about how loyalty might possibly support justice unless we make this initial distinction.

As for the nation state, I give it a very large role in my picture of the just world order: this is taken up at length in Frontiers of Justice. My reasons are those advanced by Grotius, and I guess I'd rather trace my idea to him than to Rousseau: namely, a state is an expression of human choice and autonomy, the power of people to give themselves laws. No world state is likely to have that much democratic accountability, as you say. This being the case, we have to think hard how to protect the nation state, at a time when its power is being eroded by multinational corporations. But here's the interesting thing: that very protection requires global institutions, such as the ILO, and various international agreements, precisely in order to limit the way in which corporations undercut the autonomy of nations. All this I discuss, albeit in a sketchy and provisional way, in the new book.

Randall Harp:

I want to ask you two questions on either side of the relationship between philosophy and "non-philosophy" (to speak loosely).

The first question concerns philosophy's relationship to other fields. You have written extensively on the role that philosophy can and should play for other disciplines (such as economics) and for concrete public policy. As you and others have noted, however, the impact of philosophical arguments on non-philosophers is often muted, in part because of theoretical intransigence (as with economic theory) and in part because of the obscurity of philosophical arguments to the layperson. Do you think that philosophers can have a meaningful impact on other academic fields, or as public intellectuals?

Nussbaum:

I think that they *can*, and I think that they often *have*. Plato, Aristotle, Cicero, Seneca, Marcus Aurelius, Rousseau, Kant, J. S. Mill, and Henry Sidgwick are just a few examples of philosophers who have had a substantial influence on public life, not only through their non-philosophical political activity, but also through their writings. How have they been able to do this? On the one hand, most of these people lacked advantages that modern university philosophers have: in most cases they didn't have tenure, they didn't have protections for their academic freedom, and some of them had great difficulty publishing their controversial works. Mill couldn't hold an academic position because of his heterodox religious views. Even Sidgwick resigned his Cambridge fellowship when he decided that he could not swear allegiance to the Thirty-Nine Articles of the Church of England. We should remember how lucky we are to live in the conditions of freedom that we have, and we should fight to protect those conditions. But at the same time, those philosophers didn't have the luxury of writing dry-as-dust academic prose intended only for other academics. Mill had to make a living in the East India company, and his only way of reaching others was as a journalist. So he learned to write well, and one can see in the Autobiography the extent to which clarity and eloquence of writing was something he worked hard at. Modern philosophers write mostly for professional journals and learn very bad stylistic habits. They also often write so abstractly that a lay person has a very hard time seeing the issues at stake. They need to take lessons from these great predecessors if they want anyone outside the profession to care about what they write.

However, the neglect of philosophy in today's United States is not the fault of philosophers only. Our public culture is exceedingly hostile to intellectuals, particularly in the humanities. There is no nation in which I've spent time that devotes less public attention to philosophy. If I'm in India, major newspapers will right away do a story on the ideas of the capabilities approach. In Italy, philosophy books are routinely reviewed in all the major newspapers. In Germany public lectures on philosophy, even in English, are attended by a huge and passionate public. One could say much the same about the Nordic countries. In Holland, from which I recently returned, not only are very complex books routinely translated into Dutch, even though everyone reads English (Upheavals of Thought, all 770 pages of it, just came out there), but there is a diverse and extremely eager public for philosophy, a popular magazine about philosophy that has a very high level of debate, and so on. One could mention other examples. Why is the U. S. so bad on this score? We have a long tradition of anti-intellectualism, and we currently have major media that are entirely controlled by multinational corporations. The dumbing-down of the New York Times Book Review under the new leadership is just one example of the horrendous situation we are in. The book review is the only medium through which a philosopher is likely to be able to address the general public.

Harp:

The second question concerns the relation of other fields to philosophy. You have suggested that novels can serve as valuable sources of information for philosophers, because of the role novels play in moral education and because novels can give us information about the good life. Do you think novels function primarily as the first (viz. moral education) or the second (viz. moral information)? If they function as the former, and novels serve to establish our emotive and moral vocabularies, then why should the philosopher not view novels as mere propaganda, divorced from normative considerations? On the other hand, if they function to give us information about human nature, why do novels do this better than careful philosophical argumentation?

Nussbaum:

I've never said that "novels" as such have any good purpose to serve in the ethical life. Instead, I've said that a moral evaluation of the novel must first be made, and that, obviously, needs to be done from the point of view of one's working ethical (or political, see above) theory. But often a novel can help us see things that a non-literary philosophical argument can't, when used in partnership with a philosophical argument. That is so because of the novel's ability to awaken emotions that have a role to play in the assessment of an ethical view. Novels play a particularly important role, I think, in the assessment of a neo-Aristotelian ethical view, since they show us what might be plausible or interesting about Aristotle's claim that "the discernment rests with perception." But of course it's not just any novel, it is a carefully selected group of novels that will do this. As for education versus information: I think that one cannot be educated without information, and one thing some novels and dramas certainly do is to give us information about ways of life. For example, the stories of Mahasweta Devi give us lots of information about the lives of poor women in India. But we could get that information in many other ways. What the novel does is to activate our imagination and urge us to inhabit for a time the position of such a woman, and that is a type of education that is not reducible to mere information.

Lael Weis:

My question specifically addresses your 1993 article "Equity and Mercy," published in Philosophy and Public Affairs, but concerns a more general theme of your work in moral and legal philosophy. I agree with your general point in this article about the need for a perspective of equity and mercy in legal judgment, a point you have made analogously elsewhere concerning the need for attentiveness to particulars in moral judgment (e.g., your earlier article "Finely Aware, Richly Responsible: Literature and the Moral Imagination.") However, it remains unclear to me why what you call the "literary imagination" – especially in the case of fiction – is the best model for how this ought to work. It seems to me that fictional works always invite the possibility of taking an aestheticizing "it's just art" attitude, which, although perhaps appropriate for works of fiction, strikes me as dangerous in the cases of legal and moral judgment. So, to the extent to which narrative works can assist us in cultivating the moral attitudes you favor, why have you favored literary fiction, when it seems that (given the concern I've raised) non-fictional biography and autobiography (for instance) are more apt?

Nussbaum:

I have no objection to the use of non-fiction, so long as it is constructed so as to display general human possibilities. Aristotle said that poetry is more philosophical than history because history simply says that this thing happened, whereas poetry says, "These are general possibilities for a human life." Of course he was talking about Greek tragedy, and for him as for me, not all literary works perform the function of arousing compassion for others and fear for ourselves. So we are talking about the ones that do have this power. Histories, such as the History of Thucydides, might have this generalizing power, but many do not. What I feel we need is a work that promotes acknowledgment of our own vulnerability and our similarity to others who suffer, as well as a particular knowledge of specific types of suffering (see my answer about tragedy earlier). Tragedies can and do have this power. Of course one could always take up the "it's just art" attitude to them, but that would be a refusal of the invitation the play is constructed to offer. We can also say of a history, very easily, "Oh, that's just what Alcibiades did (Aristotle's example) ... it has nothing to do with me." And I think sometimes it is easier to acknowledge one's own possibilities and vulnerabilities in conversation with a work of art than in real life, because we have a non-threatening space for exploration. It is difficult to confront directly those whom one has wronged. But a work of art prompts open-ended reflection about wrongdoers and those whom one has wronged. However, I am happy to include other arts in this account, as I do for music in Upheavals of Thought, and as I would do for fine art and film if I knew enough about them.

Kristin Primus:

Please expand a bit on the relations between your earlier thoughts on the role of emotions in the philosophy of literature, and your more recent theory of the emotions. In particular, your discussions in Love's Knowledge place heavy emphasis on the importance of our perception of the emotionally and evaluative salience of complex situations in human interaction, more or less at the expense of cognitive judgments about those situations. Your more recent theory of the emotions seems to place more emphasis on the role of evaluative judgments in emotional life. How do you see the relation between these two strands in your thinking?

Nussbaum:

I actually don't agree with you about the contrast you allege. I think that Love's Knowledge contains a cognitive conception of the emotions, only in an underdeveloped form. Indeed I insist on this in "The Discernment of Perception" and several other essays. The contrast, then, is not between emotion and cognition, but between emotional cognitions and other more detached intellectual attitudes. But of course it is not good enough to use general terms such as "cognitive role of the emotions." One ought to make good on those words by developing a detailed, rigorous, and well-defended account of the relationship between emotion and cognition, one that has arguments against the objections to such proposals, and that articulates the concept of cognition in a sufficiently flexible way to accommodate the emotions of young children and nonhuman animals. All that I try to do in Upheavals of Thought, as well as I can. I don't think that I need retract anything in Love's Knowledge now that I have done that, although you certainly might be able to show me that I have spoken carelessly in this or that part of the earlier book.