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**NUSSBAUM'S CAPABILITIES APPROACH IN PERSPECTIVE:
PURPOSES, METHODS AND SOURCES
FOR AN ETHICS OF HUMAN DEVELOPMENT**

Des Gasper

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ABSTRACT

Martha Nussbaum has built an approach to human development which looks not only at the evaluation of situations and actions, but contributes to description, understanding, and inspiration. The paper introduces this variety of purposes and a corresponding range of appropriate methods.¹ Secondly, it characterizes the elements of Nussbaum's capabilities approach, as part of an overall approach to ethics. It does this as a comparison with Sen's capability approach, in terms of (a) general orientation, (b) intellectual style (including theory of personhood), (c) the components of their capability approaches, (d) the roles undertaken by the approaches, and (e) the methods used (including the types of evidence, case material and presentation). Thirdly, it elucidates and assesses Nussbaum's methods in detail, including her employment of imaginative literature and the use and analysis of emotions, and shows their importance for contributing in the broad and necessary range of roles which she has identified.

¹ Revised version of a paper presented to the conference on Martha Nussbaum's Capabilities Approach, held at St. Edmund's College, Cambridge, England, 9-10 September 2002.

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1 MULTIPLE TASKS AND MULTIPLE METHODS

1.1 Requirements of a research and policy programme for human development

A theory of human development needs to be more than only a theory in welfare economics or even ethics. Amartya Sen's capability approach arose in response to the question of what is the appropriate space for evaluating people's advantage and the distribution of advantages ('equality of what?'). But a human development theory or approach has purposes additional to evaluation and requires additional types of information. Sen has extended his capability approach considerably, notably in *Development as Freedom*, but it retains a welfare economics imprint. A human development theory should preferably be helpful—at least not misleading—in other roles too: including for understanding behaviour and explaining agency and satisfactions; for mobilization of attention, concern and commitment; and for guidance in the processes of formulating and making choices. Martha Nussbaum's capabilities approach deals with these various vital purposes, not only the evaluation of advantages and their distribution. Her recent work strengthens her contributions in these areas, while retaining some problematic features.

We can highlight a range of areas for constructive work on human development. Three are much discussed: what are the ethical values which should define and guide human development; what are causes and barriers for human development; and how can we operationalize a theoretical approach (a package of values, concepts and predictive theories), in terms of measurement, institutions, instruments, procedures and policy priorities.

As suggested in the table below, there are also three less discussed but major counterpart areas of work. Institutionalization, and thus operationalization, must cover not only the requirements of service delivery but further the requirements of establishing and sustaining a programme of research and action, including by attracting and keeping the support of a body of researchers and potential users. Further, an ongoing research and policy programme of human development, and action on its findings, requires a basis of widespread public commitment and concern. Lastly, without rich observation and evidence, each of the required commitment, concern, ethical theory and positive theory, are likely to be weak and insufficient. Nussbaum's special quality is to give an overall vision of human development which attends to nearly all of these connected areas. In the area of attracting and keeping the support of potential collaborators

and potential users, however, her rhetorical methods have had weaknesses as well as strengths. Here there is much to be learnt from Sen’s methods of research leadership.

FIGURE 1
Essential areas for work on human development

MUCH DISCUSSED AREAS	VITAL SUPPLEMENTARY AREAS
Positive Knowledge on: <ul style="list-style-type: none"> • Causes • Requisites • Constraints • Effects Ethical Theory	<i>Rich observation & evidence</i>
‘Operationalization’: <ul style="list-style-type: none"> • Measurement • Prioritization • Implementation • Institutionalization 	<i>Mobilization and sustaining of public & private concern and commitment</i>
	<i>Stimulating and maintaining a research & policy programme</i> <ul style="list-style-type: none"> • <i>Cooperative network of researchers and users, with resources and morale, sustained by:</i> <ul style="list-style-type: none"> • <i>Judicious strategy and tactics</i>

The paper has the following main parts. This first part addresses the relationship between purposes and methods in ethics, a central theme in Nussbaum’s work. It distinguishes various foci or arenas in ethical and ethics-related discourse, and examines the possible corresponding methods. This sets the stage.

The second part identifies and reviews major debates around Nussbaum’s capabilities approach, and how the revised and deepened version published since 1998 responds to earlier comments. Nussbaum’s work in ethical theory, including her priority capabilities list, is presented as part of an overall approach to development ethics, including ethics-related observation and practice. We will look at each of the six major areas highlighted in figure 1, not only at abstracted theoretical ethics. We make a detailed comparison with Sen’s capability approach, and see its somewhat different purposes and correspondingly different methods.

The paper’s third part then looks directly at Nussbaum’s recommended methods:

- the engagement with a broad range of evidence, including personalized accounts;
- the use especially of imaginative and other idiographic literature, including in building concern and sympathy;
- the analysis and use of emotion, with special reference to compassion; and

- a stated priority to ‘internal criticism’ (as part of rhetorical strategy and tactics), i.e. conversation with a cultural tradition by drawing on its own internal resources.

We will consider these methods’ rationales, how far Nussbaum has respected the principles, and how far she should open up to further types of evidence, collaboration, and interaction.

1.2 Diverse stages in ethical/practical discourse require diverse methods

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

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

The immediacy and force of the story, the real case, outdoes any general statement. It contextualizes, adds personal flavour and credibility. Anecdotes too, not only thick rich narratives, may do part of this and with great economy. Suddenly, for example, in the middle of a set of worthy but dry reports on field research on women-in-development, the impersonal social science comes to life:

[A comment from a female focus group on HIV/AIDS in Kabarole District, Western Uganda:] ...Some men refuse to use condoms, especially those who are HIV positive. Some say “I can’t die alone.” [And from a male focus group:] ‘...She [wife] would refuse using a condom. She would send you away while you are still far... She would say, “What about all the years we have spent together?’, or some will say, “For all the years we will stay together—how many sacks of condoms would we use? (Kabonesa 1998: 2).

Direct reporting of speech brings an aliveness and poignancy that capture a reader. Brief anecdotes give no answers, at least no reliable ones, and are often used to dismiss

other groups. But they can instead establish a felt connection and open hearts and minds. The *Voices of the Poor* study (Narayan et al. 2000) lacks holistic narratives—people’s comments have been processed and pigeonholed—but some of its quotations pierce like a knife.

Theorizing, whether theory-building or the ‘modelling’ of a particular case, typically calls for more abstracted thought, with exclusions and simplifications to allow systematic analysis of or with the remaining factors. Often excluded will be details about people which could distract the analyser and distort her analysis. Sometimes the cases considered are wholly imaginary. A danger exists that theorists will discuss only cases which fit well with their categories, and yet take their theories as confirmed.

The cases which are looked at to support decision-making and action should again be typically real and often detailed, to convey the complexity of contexts and to show, in ‘learning narratives’ (Benner 1991), the skills needed to act on values. Such stories typically bring emotions which are remembered too, and which help in later recall and action. We change our moral views especially by experiences which strongly involve our emotions, says Nussbaum (e.g. 2001b: 133). Ideally such emotions and stories, sometimes of inspiring personal exemplars, help to build commitment as well as skills.

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

- A *wide but focussed vision*, looking at the content and potentials in key aspects of people’s lives, all people’s lives. Nussbaum’s list of priority capabilities is a part of this.
- A way of looking, with *openness and sympathy*.
- Use of a wider *range of evidence*, including richer sources—fiction, poetry, autobiographies, and now also interviews and open-ended observation—than those used in economics and much other work on living standards.
- A deeper *way of understanding*: using rich pictures of mind, personhood, emotions and language; and a richer *style of presentation*, that seeks to explore the human content of that evidence, including its emotional content, to build concern both for persons and for particular aspects of life.

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

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

Nussbaum's approach attends to issues not covered in Sen's, though his in turn contains purposes and aspects, such as measurement, not covered in hers. Sen has a stronger planning orientation or relevance; Nussbaum has a stronger orientation to devising basic constitutional principles, as seen in *WHD*, and also to citizen education, as seen in her books *Poetic Justice* and *Cultivating Humanity*. This paper too is written from the perspective of an educator, and thus one who seeks long-run influence, more than with the shorter-term focus of a government or NGO planner.

2 MAPPING NUSSBAUM'S CAPABILITIES APPROACH

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

The WIDER research programme led by Sen and Nussbaum in the late 1980s and early 1990s led to two noteworthy volumes, *The Quality of Life* and *Women, Cul-*

ture and Development. These consolidated and extended ideas on what we should mean by improvement in the life of a person or group, and on how far answers to such questions are culturally relative. Nussbaum and Sen have espoused somewhat different positions. Some people find attractions in Nussbaum's neo-Aristotelian capabilities ethic, compared to Sen's thinner, more Kantian approach. It gives a rich picture of what is a full human life; talks in terms of real people, real life, not remote abstractions; and may thus be able to reach wider or different ranges of people than economists and analytic philosophers (Gasper 1997: 299). At the same time, even amongst those who felt such strengths or potentials, Nussbaum's work from that period (notably Nussbaum 1988, 1992, 1993, 1995a, 1995b) raised considerable misgivings: '...a "top-table", still too disciplinary, and emphatically Aristotelian style might bring not just substantive intellectual shortcomings, but antagonize others and thus short-circuit the debate it sought to advance' (Gasper 1997: 300).

Nussbaum's subsequent work, most fully seen in *Women and Human Development (WHD)*, has taken up the challenges voiced by many commentators. *WHD* gives a deeper, more measured, integrated and practical statement than in the earlier papers, which she rightly declares now to be superseded (e.g. 2000b: 103). Some major new areas of exposure and thought are apparent: an increasing absorption in the hard practical reasoning of law, especially since her move from a department of classics partly to a law school; her adoption of a Rawlsian political liberalism which provides space for various comprehensive ethics rather than tries to enforce any one; and perhaps most important, research visits to India, including intense field tours in 1997 and 1998 and considerable associated study.

Nussbaum now effectively incorporates insights from communitarianism, while avoiding relativism; and demonstrates in more detail, in theory and by cases, how there is scope for cultural variation in operationalizing stipulated central capabilities and in life beyond them. She notes a series of channels for this (2000b: 132): (i) the stipulation is of only a limited core set of priority capabilities, beyond which there can be variety; (ii) the core set includes liberties and choice; (iii) these priorities are stated only in general terms, and are (iv) to be then operationalized by local democratic processes; and (v) they are stated in terms of ensuring capabilities (as opportunities), rather than insisting on the corresponding functionings. Feature (i) marks the move away from her earlier advocacy for public policy of a more extensive and, in particular, more individualistic ethic.

She thus makes clear her support for a ‘political’ rather than ‘comprehensive’ liberalism; and for an ‘overlapping consensus’ model (as argued by many basic needs theorists; Braybrooke 1987, Gasper 1996). She now focuses on specifying criteria of ‘a decent social minimum’ (2000a: 75), rather than a comprehensive list of proposed requirements for human flourishing; and on a limited set of more basic capabilities, in contrast to a longer list of required functionings. Her early 1990s version had instead propounded criteria for, first, a life deemed ‘human’, and second, a life deemed a good human life. The newer version has a more useful intermediate focus, as advised by various commentators.

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

2.2 General orientation and the elements of their capability approaches

To understand Nussbaum’s capabilities approach let us compare it with Sen’s work, with special reference to the mature versions in *WHD* and Sen’s recent synthetic statement, *Development as Freedom*. Nussbaum herself offers a comparison (*WHD*, pp. 11-15), but this was written prior to the appearance of *Development as Freedom* and draws excessive contrasts.

I suggest a multi-part comparison, in figures 2 and 4 below. In brief, it covers these aspects:

- A. General orientation: Sen and Nussbaum have substantially different audiences and so engage in different conversations.
- B. In terms of the intellectual tools they bring, Nussbaum employs a much more elaborate theory of personhood.
- C. This difference is reflected in some of the elements of their capability approaches (CAs) proper, including their concepts of capability, as we will see shortly. (The table’s comparison here uses the set of elements which I have used to characterize Sen’s approach in Gasper 2002.) They differ too on the need for a list of priority capabilities. We will see that this relates to different sets of roles identified and adopted for their approaches.

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

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

Many elements in the comparison will be familiar to readers of Sen, Nussbaum and their major commentators (e.g. Crocker 1995, Alkire 2002; see also Gasper 1997, 2000a, 2002), especially within the first three aspects. There is no space to discuss all the elements again in detail here. The main purpose of the tables is instead to organize the comparison and to bring out some less familiar elements. Several of these concern roles and method, and will be presented in figure 4 and the next subsection. This subsection takes the more familiar focus of Nussbaum's list of priority capabilities, after first clarifying the concept of capability; and shows how the list too should be understood in terms of its underlying roles.

FIGURE 2

First three parts of a comparison of the capability(capabilities) ethics of Sen and Nussbaum

A. ORIENTATION	SEN	NUSSBAUM
<i>Main audience</i>	Economists, analytical philosophers, UNDP, World Bank &c.	Literary philosophers, humanists, feminists, lawyers, civil society
<i>Style</i>	Politically safe: 'cautious boldness, seeking a wide, mainstream audience with terms, tones and topics that will appeal and engage them.' (Gasper 2000a)	Bold (but cautious now on issues in India – e.g. Shah Bano case)
<i>Attention to culture</i>	Limited	Extensive
<i>Multi-cultural</i>	Yes	Has become more multi-cultural (for contemporary world; was already so for literary and past worlds)
<i>Universalist / relativist</i>	Universalist, with much space for variation. No 'explicit arguments against relativism' (WHD, p. 12) - ?	Universalist, with much space for variation. Head-on critique of relativism.
B. BACKGROUND PERSPECTIVES		
<i>Normative individualism</i>	Yes	Yes, 'Principle of each person's capability': no one is expendable (WHD, p. 12), each should be treated as an end
<i>Theory of the person</i>	Limited content: includes reason and desires (plus 'sympathy' and 'commitment'); little on meanings, or on skills of reasoning, valuing, operating and co-operating. People as choosers rather than actors (+)	Rich picture of thought, including emotions, and the influences on them. Stronger than Sen on meanings and action, including on using emotions.
<i>Emphasis on freedom</i>	Very high. Including increased stress on the instrumental value of freedom, in addition to its independent value and constructive value (role in building validated moral conclusions). Emphasis on freedom as choice. 'Development as Freedom'. Strong focus also on justice. Relatively little on care.	High. ² Less market focus; more stress than Sen on law, emotional development, etc. Emphasis on freedom as self-mastery? 'Development as Human Decency / Flourishing'. Strong focus also on justice. Substantial attention also to care.

² Nussbaum is sometimes as strong as Sen in the degree of normative priority she declares for capabilities (WHD, p.63, calls capabilities 'the', not 'a' relevant space for comparisons of quality of life. Priority to capabilities is more plausible for prescriptive purposes, and less for evaluative purposes, where the case for attention to functionings is high (e.g. p. 87). She exaggerates the case against requiring certain functionings (which is widespread, e.g. in road use; p. 88). But elsewhere she notes cases where mandatory functioning is justified (often for children, health, safety, and various duties; (2000b: 130-1). Her principle of equal capability applies only up to the level of the decent minimum. Like Sen she grants weight to other distributive principles too, as illustrated in her treatment of cases.

C. EXPLICIT CAPABILITY APPROACH ASPECTS	SEN	NUSSBAUM
1. Broad informational base	Yes. A wide range of vision, looking at the contents of people's lives, all people's lives	Yes, even wider
2. A language (family of terms)	Its main creator	Partly shares this language, but less wedded to it; partly modifies it
2a. Notion of functioning	Highly generalized and abstract	More concrete, with attention to experiential content of some central functionings
2b. Notion of 'capability' / 'capabilities'	Undifferentiated, micro-economics influenced, theory-derived conception of 'capability': as opportunities only	Experience-derived, plural, phenomenological notions of 'capabilities': as potentials, as skills, as opportunities
2c. Well-being / agency	Extensive use of this distinction, since centrally argues with and against utilitarians	Prefers categories less based on arguing with utilitarians (and which thus can half adopt their biases; WHD, p. 14)
2d. 'Sympathy' / 'commitment'	These distinctions exemplify the well-being /agency distinction, but Sen does not do much with them	A major focus. Goes far deeper than Sen, with more and other terms
3a. Moral priority to capabilities, in evaluation	Yes (the key 'space' for evaluation). Choice presumed not to become oppressive.	Yes. The preoccupation with capability rather than functioning may be less though than in Sen
3b. Moral priority to liberty	Yes	Yes, in that liberty is not to be traded away for more of other goods (WHD, p. 12)
4. Priority to capability as a policy rule	Yes [One can accept 4 without accepting 3, but not vice versa]	Yes. This is consistent with Nussbaum's focus on legal constitutions
5 & 6: how to prioritize, including amongst capabilities	5: by having 'reason to value' 6: Sen points to public processes, calls for participation	5: Yes 6: Nussbaum focuses on processes in both the political and legal systems
7a. Priority capabilities list	No explicit list. No clear 'Marxian/ Aristotelian idea of truly human functioning' (WHD, p. 13). Sen is ambiguous here	Yes
7b. Link to human rights framework	Now quite strongly linked (HDR 2000); but with doubts about rights seen as hard side-constraints (WHD, p. 14)	Basic rights to threshold levels for priority capabilities. Capability approach as 'a basis for central constitutional principles' (WHD, p. 12)
7c. Thresholds (prescriptive basic needs)	'Sen nowhere uses the idea of a threshold' (WHD, p. 12) - ? Rather, he sometimes uses it, but does not specify thresholds unilaterally	Emphasis on achieving basic threshold levels, above expanding opportunities beyond that (for richer others)

2.2.1 Concepts of capability

A merit of Nussbaum's version compared to Sen's has been the distinctions she makes between types of capability, although her labels can be questioned (Crocker 1995, Gasper 1997 and 2002). She uses 'basic capability' for undeveloped potentials; the label 'basic' is, however, ambiguous and is often used by others normatively rather than, as here, positively. She uses 'internal capability' for developed potential skills; but 'basic' capabilities are also internal to people. She has replaced her earlier label of 'external capability' for the attainable options which people have (plain 'capabilities' in Sen's usage) given their 'internal capabilities' and the relevant external conditions. Her new label, 'combined capability', captures the relevance of both sets of factors but could bring misleading connotations too. And she uses 'central capability' for a priority-status attainable option, though again 'central' is an ambiguous term. The adjective 'priority' might be more transparent; however Nussbaum does indeed make a claim for the instrumental and normative centrality of her listed key capabilities. They are held to be valued in themselves, necessary features of being fully human, and instrumentally central for any life (2000a: 74). Figure 3 sums up this set of terms, in comparison with Sen's terms, everyday language, and a possible alternative set of labels. Whatever the labels are, Nussbaum does help us to think more clearly about these four importantly different concepts.

FIGURE 3
Sen's and Nussbaum's capability concepts and labels

<i>CONCEPT</i>	An undeveloped human potential, skill, capacity	A developed human potential, skill, capacity	The attainable (set of) functioning(s), given a person's skills and external conditions	A priority for attainable (&/or achieved) functioning
SEN'S LABEL		Capability (this is also a periodic usage in the HDRs)	Capability	Basic capability (occasional usage)
NUSSBAUM'S LABEL (2000a: 84)	Basic capability; innate	Internal capability	Combined capability (earlier: external capability)	Central capability (Basic capability – occasional usage; e.g. 1999a: 87)
ALTERNATIVE LABEL (Gasper 1997)	P-capability (P for potential)	S-capability (S for skill)	O-capability, or option (O for option)	Priority capability / Basic need or basic right

2.2.2 The proposed list of priority capabilities

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

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

Are such views and Nussbaum's proposed priorities really a wide consensus? While Gayatri Spivak (1999) for one suggests not, the priorities seem compatible with the huge *Voices of the Poor* study. Nussbaum sometimes evinces optimism about convergence on a *consensus* core set of capabilities, and is surprisingly optimistic about the impacts of oppression on preferences and acceptance (e.g. 'regimes that fail to deliver health, or basic security, or liberty are unstable'—2000a: 155). But her list in any case rests not on current opinion polls, but on a proposed criterion of prioritization and on the expectation which we saw that its results will converge with those of a criterion of *informed* desire.

While Nussbaum does carefully apply a criterion—what constitutes a decent human life?—it remains somewhat vague and its application intuitive. Her preference for the Mosaic length of ten makes the resulting list appear a little contrived. In contrast, Doyal & Gough's *A Theory of Need* (1991) uses sharper criteria—first, what are the requirements for physical and mental health and of autonomy of agency? and second, what are those for higher levels of flourishing, including critical autonomy?—and a more explicit and structured method of application, which proceeds back down a chain of causation from desirable functionings to required capabilities to commodity characteristics to specific satisfiers to implied societal preconditions (see also Gough 2000, 2002; Gasper 1996). Nussbaum lacks this structure and thus her list becomes a more personal selection of priorities from across several of these levels.

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

The theory needs refinement in a number of other areas. Any theory faces difficult boundary cases. Nussbaum's requires qualification for cases beyond its core focus of the adult householder citizen, such as the seriously disabled or 'differently abled' for whom some capabilities are out of reach (see Nussbaum 2002); and, as Waerness stresses, for the half of humankind who are children or infirm. Nussbaum already does some of this qualification, in a practical style enriched by her legal studies. She considers the case of religious celibates, who seem to reject that 'it is always rational to want [all the specified core human capabilities] whatever else one wants'; and argues that they rationally want the sexual and other opportunities whose use they reject, for only thus does their sexual and other abstinence acquire meaning (*WHD*, p. 88). Many hermits may disagree. She argues that hermits in fact seek affiliation to others (p. 92), by praying for others or indirectly promoting universal spiritual upliftment. In fact some hermits seek no societal affiliation, no human betterment, only an affiliation to some notion of the divine.

Nussbaum has here two ways forward, not mutually exclusive. She could take the main path followed by Doyal & Gough: establishing and promoting the needs im-

plied by a more restricted, sharper normative criterion. She can then avoid insisting that hermits want sexual opportunities. Secondly, if she wishes to instead or also work with the more extensive and vaguer criterion of human decency—less extensive and vague than the ‘good life’ criterion expounded in her early 1990s work but still not likely to give a tidy list of ten – then the theory requires fuzzier specification. She already identifies two of the central capabilities—affiliation and practical reason—as more central than others; so comparably there can be some marginal cases and the list will have no sharp end point. Some of the proposed capabilities may be better seen as important desiderata than as absolute requirements (Crocker 1995; Gasper 1997). In this second option the list could be presented as an illustration of a methodology which offers a framework for dialogical investigation and practical specification (cf. Alkire & Black 1997; Alkire 2002). Otherwise it arouses fears in some people of a preemptive bid to capture the ear of metropolitan power-holders. The international human rights tradition and the global ethics movement of Hans Küng and others can help to convey how a fuzzy theory can still guide choices, structure ongoing areas of debate, and respect and face differences.

A list should be theorized and relativized by identifying and highlighting the roles it is meant to serve. If we see the list as a method, or part of a method or family of methods within an approach, then we can think more effectively about its functions and then about how to construct and use it. The list is a means not an end; if we focus on the ends we can sometimes find suitable alternative, or supplementary, or modified means. The valuable elements in the overall capabilities approach should not be endangered by reduction of the approach to a quest for one specification of this one indicative element.

2.3 Roles and methods

2.3.1 Roles

A conscious role of Sen’s capability approach is (1) to increase the range of types of information which we use, in order to provide a more adequate evaluative accounting. He has lately highlighted a second role: (2) to provide underpinnings for conceptions of human rights. Nussbaum shares these aims. She highlights too a democratic sister to the role of mobilizing more relevant information: (3) to provide a relevant language to express people’s own multi-faceted concerns better than measures of income

and utility do (2000b: 138-9). Next, the evaluative accouter, not merely his present accounting, can be affected by the choice of language. Two more roles of Nussbaum's approach are thus: (4) to make observers more open and enrich their perception of the content of lives; and, as a result it is hoped, (5) to build sympathy and commitment. Imaginatively 'standing in other people's shoes' can change you, not only your information set.

Nussbaum—who was an actress in an early stage of her career—is more conscious or explicit about these later roles. While Sen rightly points out that goodwill exists, contrary to the assumptions and influence of much economics, he doesn't examine methods by which it might be fostered and defended. Yet it often exists only as a thing of rags and tatters. He has argued that public information in a democracy prevents famines, but this presumes that the informed majority cares about a threatened minority. It therefore fails in some cases intra-nationally, as well as of course inter-nationally.

Figure 4 extends our comparison of Sen and Nussbaum into these areas of roles and methods. It uses criteria which have been mentioned earlier, especially in our preliminary description of Nussbaum's approach.

FIGURE 4

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

<i>D. ROLES</i>	SEN	NUSSBAUM
<i>Multi-mode (witness, theory, policy)</i>	Yes. A source of his effectiveness	Yes; her detailed policy orientation has grown
<i>To direct attention to a wide range of information and make observers more open</i>	Yes	Yes; even more so
<i>To provide a language to express people's concerns</i>	Less so	Much more so
<i>To help build observers' concern, sympathy; including globally</i>	Yes, though receives less emphasis than the knowledge roles of a wider range of information	Yes, much more than in Sen. To build sensitivity both for persons and for particular aspects of life. Explicitly cosmopolitan, universal
<i>Basis for action?</i>	Good with those who are already committed. Limited with others?	Greater potential to understand the requirements of action and to motivate it
<i>Action on what? Consumerism?</i>	Undiscussed? ('he sidelines how the acquisition of commodities can sometimes be at the cost of much human freedom', Gasper 2000a)	Attention to this is compatible with her richer picture of human needs

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

2.3.2 Rhetorical style

The terms used in figure 4 to describe rhetorical repertoire are those for the aspects of persuasion recognized by Greek rhetoric: *logos* (reasoning), *pathos* (the felt experience which a discourse draws on and the feelings it evokes), and *ethos* (including the mood of confidence which the author establishes with the audience).

In terms of reasoning, *WHD* explicitly does not represent Nussbaum's full philosophical defence of her approach. A fuller statement is indeed required, to synthesize ideas scattered across her work and to address major objections in a sufficiently sustained way. However, *WHD* buttresses the approach in several ways. One is by comparison with alternatives, which strengthens audience confidence. For example she gives an impressive refutation of pure proceduralism, the idea that principles of justice can be established without any substantive ideas about the nature of the agents whom these principles are meant to concern (e.g. p. 139). Conclusions could only be drawn from Rawls's Original Position thought experiment by including ideas, open or tacit, about the basic purposes or interests of the parties. *WHD* clarifies the relationship to other theories. Thus it gives informed desire theory a subsidiary normative role, and shows at length how closely it and her approach can converge on implications.

Another deepening of the approach, at least to some eyes, in terms of both argument and tone, is Nussbaum's lengthy and sympathetic response to the criticism that spiritual and religious aspirations were slighted in her previous accounts of central capabilities (see e.g. Alkire & Black 1997). Religion is highlighted as a legitimate response to needs for expression, association, and affiliation (2001a: 419). She maintains principled limits to the 'free' exercise of religion; it is not to be free of reason, consistency, and humanity. Some other aspects of Nussbaum's presentation might still harm the ethos she creates. We will return to this later.

2.3.3 Methods

While Nussbaum's recent work clarifies her approach's objectives, and its foreground components and their justification, her special strengths in methodological richness and in the conception of personhood are longstanding. They have changed less since the mid 1990s, yet deserve equal or greater attention now in discussing her approach to human development.

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

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

What is the relationship between stages, purposes and methods in Sen and Nussbaum's work? Figure 5 elaborates upon the picture of purposes in figure 4's 'multi-mode' row (witness, theory, policy), but uses the abbreviated classification of stages: exposure and induction; theorization; and prescribing for action. It then indi-

cates how even upon the same stage the two approaches differ, reflecting their creators' different disciplines and background perspectives. Sen's central focus is as a theorist, whose work is enriched by and enriches empirical observation and policy analysis. Nussbaum's methodology centres on detailed reflection on 'life-size' cases which involve recognizably real people, whether truly real or literary creations. In the Aristotelian tradition such extended treatment of cases is considered to foster ethical discernment (1999b: 8). Her work across the three stages is less tri-partite: the case reflection often spans all three. And her methods include close textual analysis—usually but not necessarily of works of fiction—with all the surprises and learning that this can generate.

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

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

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

3 NUSSBAUM AND ETHICS METHODOLOGY: THEORY AND PRACTICE

Nussbaum advocates a way of looking with openness and concern, a wide but focussed vision which covers key aspects of people's lives, and a richer way of understanding and style of presentation, to explore the human content of evidence, including its emotional content. She proposes empathy and stresses how it links to compassion. In all these respects she in large part does what she advocates. But one also encounters repeatedly expressed dissatisfactions with her range of evidence, range of interlocutors, and style of debate.

A full discussion would assess each of Nussbaum's proposals on method, including in relation to her purposes, and assess her practice against her theories. Here we must be selective. We will consider: the extent of her intellectual sources, her limited field exposure and collaborations; her use of rich human narratives; her examination of the key emotion of compassion; and her sometimes still perhaps over-confrontational or, surprisingly, occasionally over-accomodating argumentative style.

3.1 Range of sources

Sen, Nussbaum and the UN Human Development Reports conclude that not all things of major importance are commensurable, neither when we think of life as a whole nor even when we discuss public policy. Neither should we ignore some of them during one era of history by pretending that fair is foul and foul is fair (Keynes's description of the strategy of centering policy on economic growth). We therefore need to evaluate by using diverse sets of information. Nussbaum goes further, since to evaluation she adds purposes of explanation and persuasion. She mobilizes a range of types of material in addition to those conventional in philosophy and economics: fiction, poetry, autobiographies and now sometimes also interviews and direct observation. Her long-standing and enlightening examination of imaginative literature—classical Greek, Hellenistic, Roman and modern European—now extends to cover less exclusively Northern, bourgeois or fictional sources. She draws also from law and psychology, and thoughtfully treats the practical choices faced by judges and (other) policy-makers, including issues of balancing, feasibility and timing. Her post-1994 work thus engages much more with varied modern realities of livelihood and politics. Her limited but intense research trips to India in March 1997 and December 1998 influence *WHD* strongly and are part of a more extensive engagement.

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

The extent and quality of one's range of interlocutors is a vital potential compensation for the inevitable limits of one's own experience. Nussbaum disciplines her ideas by contemporary cases and the situations of ordinary people, not only by Proust, the Greek tragedies, and Henry James. But the balance remains still heavily towards the 'Northern highbrow' mix. While Nussbaum has added some substantial, modern, non-European cases and coverage, in *WHD* those cases remain relatively few and in the style of literary cameos, indeed sometimes taken from literature (notably a story by Rabindranath Tagore). She makes intensive and good use of the cases of two modern Indian women - Vasanti in Ahmedabad, and Jayamma in Trivandrum. These cases open the book and are regularly referred to in its later stages. Yet they seem rather thin in number (two) and depth (perhaps from single meetings, reliant on interpreters?) for Nussbaum's ambitious purposes. Nussbaum has promised a later fuller book, but appears to have fuller philosophical coverage in mind, not a fuller experiential base or collaboration with a Southern author or authors. We can take this gap as space for further work by others, including both social scientists and philosophers, especially through cross-disciplinary and multi-national collaborations.

3.2 Ethical insights from thick-textured humanist narratives

In *Poetic Justice* Nussbaum argues that:

a novel such as [Dickens's] *Hard Times* is a paradigm of such [needs/capabilities based] assessment [of people's quality of life]. Presenting the life of a population with a rich variety of qualitative distinctions, and complex individual descriptions of functioning and impediments to functioning, using a general notion of human need and human functioning in a highly concrete context, it provides the sort of information such an assessment requires, and it involves the reader in the task of making the assessment (Nussbaum 1998: 245).

Hard Times is held to have both a critical and a constructive role. It brings to life, in the person of Gradgrind, the narrow perspective of routine economic thought. This insists that everything important can be measured, compared and hence aggregated in a single calculation which allows a tidy correct solution; and further that people's motives are simple too, solely self-interest. The novel refutes the perspective, through Gradgrind's story and that of his family. Thus what is called 'sophisticated economics is a bad novel' (1998: 233), it tells poor stories and is acceptable only when it makes clear that it is a reductionist, as-if, exercise.

Constructively, good novels like *Hard Times* can and do the following, Nussbaum argues:

- Show 'a style of human relating in which...moral attitudes are made more generous by the play of the imagination' (1998: 234), thus contributing to a habit of considering that the other 'has a complex inner life, in some ways mysterious, in some ways analogous to [one's] own' (1998: 236). This reaching behind surfaces contributes to more adequate explanations of life and to better societies. Lack of such imaginative entry to others' minds brings 'psychological narcissism, of citizens who have difficulty connecting to other human beings with a sense of the human significance of the issues at stake' (2001a: 426).
- Show the joy and value of some things—including play and fun—in themselves, not merely as items for use.
- Cross the boundaries between cultures: 'works of imaginative literature are frequently far more supple and versatile [tools] across cultural boundaries than are philosophical treatises with their time-bound and culture-bound terms of art, their frequent lack of engagement with common hopes and fears' (1998: 242).
- Promote a shareable perspective on 'the human being' (p. 241): a recognition of 'human needs that transcend boundaries of time, place, class, religion and ethnicity, and [make] the focus of [our] moral deliberation the question of their adequate fulfilment' (p. 242); and thereby embody 'enlightenment ideals of the equality and dignity of all human life, not of traditionalism or parochialism' (p. 243).

Some literary theorists suggest that imaginative literature is uniquely good in this. They see 'literature as a distinctive mode of thought about being human' (Haines 1998: 21). Whether 'literature' for them extends beyond novels, poems, and plays, to essays, biography and travelogues, is not clear or agreed. Adamson might restrict as well as extend: for her 'literature' is 'literary art of some depth' (1998: 85). Literary

critics are likely to include their own work here, sometimes legitimately; but thickness of texture alone does not bring literary depth. For development ethics, real narratives are vitally important, more so I think than fiction; consider for example the impact of recent works of biography and autobiography from China, such as *Wild Swans* (Chang 1991) and *Son of the Revolution* (Heng & Shapiro 1983). However Nussbaum's main focus and that of much of the related discussion is on imaginative writing, with the claim that this has special features. It takes us into a variety of other minds, in ways that other modes hardly can.

The thick language of literature 'expresses our moral intuitions in a way that the "thin" language [of much philosophy] does not', argues Parker (p. 10), drawing on Charles Taylor's *Sources of the Self*. Restriction to the thin languages of philosophy leads us to talk in fact about something else than our moral thoughts. In reaction to the Wars of Religion, Enlightenment ethics chose to proceed with a conception of persons as individual reasoners only, neglecting their other features and capacities, even their processes of maturation as persons. 'The abstract moral deliberator has no capacities that can be shown only through their development', unlike in the richer moral psychology seen in the *Bildungsroman* (Diamond 1998: 52). Various philosophers now make such points at a general level. Nussbaum is 'a distinguished exception' in providing also in-depth readings of literature, remarks Haines (1998: 30). This adds weight to her view on whether literature can be a substitute for philosophical ethics. She concludes rather that poetry and philosophy have complementary ways of thinking ethically and that a role of literary criticism is to mediate between the two (Haines, 32).

Amongst the other routes by which sympathy is aroused (or withheld) are pictures. From the images of September 11 in New York, compare two sets and how they can be read. First, the cathartic impact of the airliners tearing into the twin towers, the sleek closed impersonal faces of global economic power: a knocking over of the arrogant skittles of Gomorrah, David felling Goliath. Impersonality and complacency apply as much to this perception, a comic-book vision made real, as to the towers and what they represented. It is another 'bad novel'. Second, from closer, the pictures of tiny human figures peering through windows and the smoke from the upper floors of the stricken buildings, preparing to jump to their deaths: a vision out of Hieronymous Bosch, likely to touch most hearts. Pictures have a special power but also a simplicity and, by virtue of the very openness which can stimulate our imaginations, a proneness to distorted interpretation. At the intersection of pictures and writing come lists: like

lists of the names of victims (Simpson 2001), as in Washington DC's Vietnam War Memorial which lists 58,000 Americans against the dark background of unmentioned millions of Vietnamese.

Written accounts call forth images too but try to inform and lead our interpretation more. Building a sense of real people through evocative detail, recounting situations and events in which we could imagine ourselves, and drawing out unforeseen effects, can engage our sympathy for those described. Our facility in mentally constructing scenarios brings the danger that we think we understand when in fact we don't (Becker 1998). Novels typically write-in linking scenarios for us, to try to ensure that we do understand. They try to not just show a process in their characters, but to induce its counterpart in the reader; and claim to be both more accessible and deeper than reportage alone.

Wayne Booth argued in *The Rhetoric of Fiction* that sympathy 'is technically produced and controlled by the devices of access, closeness and distance' (Nair 2000: 114). First: 'We are more likely to sympathise with people when we have a lot of information about their inner lives, motivation, fears, etc.' (p. 110). This is the method eschewed by economics (and by the picture from afar), whose analyses strictly ration both information and sympathy, following Denis Robertson's premise that nothing is scarcer than love for one's fellow man. Second: 'We sympathise with people when we see other people who do not share our access to their inner lives [DG: e.g. external economists] judging them harshly or incorrectly. In life we get this kind of information through intimacy and friendship. In fiction we get it through the narrator, either reliably reported by the narrator or through direct access to the minds of the characters' (pp. 110-11). In the controlled and contrived world of fiction we trust the author. Thirdly, 'Information alone cannot necessarily elicit a sympathetic response. Sometimes it is the careful control of the flow of information, which controls a reader's judgement.' (p. 111). When a reader shares information that he knows one character has and another lacks, it tends to place him in the former's shoes and on their side. A third person narrator may present events to us but through the protagonist's eyes, thus making us see her with both distance and involvement, as in Jane Austen's novel *Emma*. We both see Emma's faults and come to care for her, to share the project of her maturation.

Nussbaum proposes that 'there are some moral views which can be adequately expressed only through novels', thanks to their scale and style of investigation, reports Cora Diamond (1998: 39). The central moral payoff from novels is not even so much

from following what the characters experience and how they choose, but, says Nussbaum, from following how the novelist reflects on this. The reflection comes not as formal general arguments; yet those are what most philosophers search for from literature, often impervious to its ambiguities, warn Diamond, Nussbaum and others. Adamson fears that Nussbaum herself is overly prone to impose a lucid order, find a ready answer, rather than sometimes live with indeterminacy. Nussbaum repeatedly declares that she is open to that, and insists that a literary work be read as a whole, not dipped into for selected illustrations (e.g. 2001b: 14). If a group reads a work together it gives a shared base for discussion, unlike their diverse personal experiences. Literature maintains also the awareness that there is more in life than we know or understand, whereas so much ethics is narrowly, overconfidently knowing (Diamond 1998: 51). Literature offers us not propositional systems but builds our sensitivity and imagination – our heart and soul (Adamson 1998: 89). Novels can cast particular light on how ‘the self comes into being as a dialogic process’ (Hillis Miller, cited by Parker 1998: 13), rather than being inherent like the kernel of a nut. Identity can be seen, says Nair, as derived from the relationships between persons, ‘the system of differences through which individuality is constructed / structured’; or ‘as a narrative. The only way to explain who we are is to tell our own story’ (Nair 2000: 109).

Nair warns, as did Adamson of Nussbaum, that Booth’s picture is too tidy. Readers are more independent of the author. Booth disapproves of thoroughgoing reader identification with characters, for it loses the reader’s impartiality and moral autonomy. Yet it happens, and at a deeper level than sympathy: ‘Identification suggests self-recognition’ (Nair, p. 114) and thus modification and extension of the reader’s self. This identification reflects a different sort of autonomy of the reader, autonomy from the author. Choices of identification are reader-relative. Readers often see differently, post-modern thought reminded us. The power of the author, even the great author, and the predictability of reader reactions, can be exaggerated.

So, literature can help build sensitivity and imagination. It expresses and evokes emotions, which—if well nurtured—can help us to better recognize what is involved in situations and what is important, as well as to respond and act (e.g. Nussbaum 2001b: xvii, ch. 7). It can generate questions, perception of possibilities and, says Adamson, a sense of people’s lives—rather than by itself give answers to ‘how should we live?’, let alone a general conception of ‘Life’ (1998: 104). Nussbaum does not claim otherwise (see e.g. 2001b: 134). She has investigated with great vigour and sweep certain areas of

sensitivity and imagination, without restriction to literature as source-material or as answer.

We saw earlier that there is a place both for thinner more depersonalized analyses and thicker personal narratives. Wiltshire shows the limitations of contemporary bioethics and contrasts it unfavourably with ‘illness narratives’ (‘pathography’) written by patients and other lay participants in medical cases. There could be a direct parallel for development ethics and the ethics of emergency relief. Bioethics is an abstracted and academic type of activity which uses cases intensively, but only as illustrations, for building general classifications, guidelines and codes. It follows the cases only up to a point for decision *by a medical professional*. To protect anonymity and to abstract sufficiently in order to try to generate general principles, it ‘routinely alters [cases]’ setting and culture, supposing that this leaves the “essential” aspects of the case untouched’ (Wiltshire 1998: 188). Yet the particular details may well be central to the meaning of the case. Wiltshire argues that given this situational specificity and complexity of cases, and the prevalence of vital aspects which are not tidily commensurable, we should not rely on general rulebooks but on educated judgement based on deep immersion and the use of educated emotions. Illness narratives may offer such immersion and education. They look at emotions, at illnesses in the context of whole lives and personal relationships, and tell real histories not anecdotes or reductive simplifications or momentary situation reports. Their narratives capture actors-in-context-and-in-time. They illustrate conflicting viewpoints, desperate time pressures, unforeseen events and undesired effects, and the transformation of perspectives in face of extreme experiences and traumas (Wiltshire, pp. 188-9). They fulfil most of the functions which Nussbaum identifies as required in ethics, but without the frills of fiction and with more realism.

‘Death concentrates the mind wonderfully’ said Samuel Johnson, Wiltshire reminds us. We see this in the literature and practice of emergency relief. Routine, dispersed death seems to fail to concentrate the mind, as we observe in India and globally. Examination of emergency relief cases and literature suggests to me that we need both ‘pathography’, the emergency narrative of a William Shawcross (1984), and the attempts to organize and interpret such experience by a Hugo Slim (e.g. 1997). We need general guidelines together with an ethics of care and character and a contextual ethics that grapples with cases (Gasper 1999). Wiltshire perhaps implicitly accepts such a complementarity, for he concludes that bioethics must be upgraded by ‘enhancement of the narrative tools upon which its discourse depends’ (p. 197).

3.3 Sympathy and commitment, compassion and mercy

An enormous virtue of Nussbaum's work is its attention to emotions, including to their roles in ethical judgement and ethical action, and to their dangers, distortions and determinants. Emotions figure as central capability no. 6 in *WHD*'s list, and in nos. 7-9: affiliation, play, and relations with other species. To describe and explain, and to persuade and act effectively, we need to understand, employ and influence much besides 'utility' and 'preference'. Not least, we need more attention to the the realms of care, besides the realms of freedom and of justice (van Staveren 2001), and to issues raised by Sen in the 1970s under the labels 'sympathy' and 'commitment', but not since taken much further by him.

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

Nussbaum explores further the world of multiple emotions. Compassion (her preferred term for sympathy) has a central role in moral, and thus all social, life.³ While for example Elster's treatise on the emotions mentions it only briefly (pp. 68-70, as pity), Nussbaum examines it on an appropriate scale. '...a basic sort of compassion for suffering individuals, built on meanings learnt in childhood' appears virtually universal and quasi-natural, and often survives even massive counterforces of ideology and socialization (2001a: 389). 'By contrast, an abstract moral theory uninhabited by those

³ Whereas Sen's 'commitment' highlights a concern for others which is distinct from one's own well-being, Nussbaum sometimes defines emotions too narrowly: as concerning things outside a person's control which have great importance for the person's *own* flourishing (2001b:4, 22). Our own goals and our own flourishing need to be distinguished, Sen would say; for we can sacrifice ourselves for others and for ideals.

connections of imagination and sympathy can easily be turned to evil ends, because its human meaning is unclear' (pp. 389-90). Emotion is certainly not a sufficient guide, she emphasizes, but it is a necessary component; and emotions can be educated.

Nussbaum distinguishes empathy, ability to imagine the experience of another person, from compassion, seen as concern ('a painful emotion') 'at another person's undeserved misfortune' (2001a: 301). She takes sympathy to be coterminous with compassion, or a mild version of it; and avoids the term pity, deeming it now tainted by condescension. She then reviews Aristotle's diagnosis of the intellectual structure of compassion. Aristotle described it as concern for the misfortune of another person, arising when that misfortune is seen by the observer as (1) major, (2) undeserved, and (3) of a type which could happen to himself. Nussbaum endorses the first two posited parts, and gives good reasons to consider the third a relevant contributory factor but not a necessary feature. She replaces it with (3*): the misfortune happens to someone (or some being) who figures within the observer's universe of concern. The re-specification seems meant as an empirical description; it is not argued like a typical definition, in terms of convention, etymology or logic, but on the basis of cases of real or imagined feelings. The diagnosis helps Nussbaum find impediments to compassion: envy, shame and disgust, which belittle others' sufferings or exclude them from one's universe of concern (2001a: 423); and fear of acquiring duties to help (2001b: xxxvii). It also implies ways to try to promote appropriate compassion, by spreading more adequate theories of (1) ethical importance, (2) causation and desert, and (3) the scope of ethical community.

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

Can one not feel compassion for someone who ruined his life through his own greed or selfishness; or, against Nussbaum's own example (2001a: 336), feel compas-

sion for an adult child, fully responsible for herself, who has reaped the fruits of her own folly ? Nussbaum cites a study that suggests contemporary Americans might feel no compassion in those cases: Americans are reported to typically partition cases neatly into those where a person's own agency can make a difference and where they are then deemed responsible for what happens, and other cases where what happens is deemed simply out of a person's control (2001a: 313). Then if one declares that AIDS victims in Africa are suffering through nobody's fault but their own, and need not be helped, this is no longer labelled lack of compassion; and if one declares that Northern farmers are suffering disruption of their life-plans through decline in their accustomed standard of life, then farm subsidies and trade barriers claim the garb of compassion. The prestigious label for a key emotion can be hijacked by crude and biased judgements of desert and of the bounds of concern. The Stoics warned against this manipulability and partiality of compassion (2001a: ch. 7); and one worries nowadays at a marriage of Aristotelian frames and contemporary American perceptions.

Clarity increases if we drop the insistence that people can only be held either fully responsible or not at all responsible. It increases too if we look at a sister to compassion: mercy. Compassion is for a victim, mercy is for a culprit, says Nussbaum. (In some cases there are only victims.) But in effect we can extend compassion to a culprit if we see damage which he has earlier suffered. He may be held partially blameworthy but not punishably so, and hence deserving compassion if he has been punished as if fully responsible. If the mitigation is less, he may be held punishably blameworthy; but it can still lead us to mitigate punishment, extend mercy. In a fine essay on 'Equity and Mercy' (1999a: ch. 6) Nussbaum relates mercy to an attention to the detailed particular circumstances and histories of persons, such as provided in rich, realistic novels, depth journalism and humanistic anthropology. We come to see the forces, complexities and chances, often beyond the control of individuals, which contribute to misfortunes and misdemeanours. Whether one factor forms grounds for mitigation or for the opposite depends on its combination with the other factors, so: 'Telling the whole story, with all the particulars, is the only way to get at that' (1999a: 177). Punishment is not determined exclusively by the degree of mitigation, but also by concerns like deterrence and the other effects and costs. So we need not be so frightened of extending compassion. Similarly, compassion does not logically imply that we must act to remedy the situation, for that depends also on the effects and costs of the attempt. Again the implication

is that we may not need to ration compassion so much. We can show compassion as well as mercy to those whom we consider in error.

3.4 Rhetorical strategy, tact and tactics

Nussbaum reaches out to a variety of audiences through a variety of media—books and lectures, magazine articles and tv discussions—on a series of striking topics which she shows to be interconnected. Her rhetorical strengths include lucidity, a great range of examples, and her evident intense sincerity. A further strength is her practice sometimes of a style of ‘internal criticism’, expounded in a 1987 paper written jointly with Sen. They argued that the range of intellectual sources and resources within a culture provide bases for it to learn and evolve, including in response to influences from outside, rather than by demanding acceptance of ‘parachuted in’ external packages of ideas that may lack local resonance, relevance or acceptability. Commentators and critics are likely to have more influence if they build to a great extent on those internal sources and resources. A parallel claim exists for discussion and criticism of intellectual schools and particular authors: that it is generally more effective for critics to take seriously the authors’ aspirations, projects and sincerity, and show how the aspirations can be better fulfilled by certain substitutions. Küng’s global ethics project offers a good model of how to build from within as well as without. Nussbaum practises this in *WHD*, and seeks agreements on conclusions even where there is disagreement on premises and routes.

Her late 1980s and early 1990s pieces on capabilities, in contrast, relied heavily on an externally specified neo-Aristotelian vision of ‘the good life for man’, and met extensive resistance, as well as high praise. Inspired by passion, Nussbaum’s comments seemed occasionally distorted by it, further departing from the spirit of internal criticism. *WHD* helpfully proceeds more in that spirit, for example in chapter 3 on religion, where Nussbaum listens intently within a culture and builds with its own moral tradition and categories. This is consistent too with adoption of a Rawlsian political liberalism, which provides space for various comprehensive ethics rather than trying to enforce any one. It extends the approach’s tool-kit and political relevance. At the same time Nussbaum certainly notes the danger that internal discourse in tradition-based ethics can become ethnocentric reendorsement, and the need for external critical inputs (Parker 1998).

In this difficult balancing act, aspects of Nussbaum's tactics and tone can be questioned. In *WHD* she sometimes ventures emphatic views on various Indian matters which she may understand insufficiently. For example, she treats Gandhianism as the antithesis of the Western, although its founder spent twenty-five formative years in Britain and South Africa to return to India as a dedicated revolutionary (p. 67). She seems to excuse the inexcusable in India: 'the nation is in no position to enforce either these laws [mandating compulsory education] or laws against child labour at this time' (p. 231), a statement that lacks credibility given what has been achieved in Sri Lanka and Kerala. As in the past, the lapses into over-assertion arise in the course of defending people's rights to—and to be able to—form, have, and use opinions. They remain a pity; a lesson from the Shah Bano case which Nussbaum valuably discusses is that tactics matter, besides good intentions.⁴

In the Shah Bano case, the Chief Justice of the Indian Supreme Court, a Hindu, awarded maintenance to an elderly Muslim woman who had been summarily divorced by her husband by using Muslim personal law, after 44 years of marriage. The judge made numerous comments on the deficiencies of Muslim practices and the requirements of Muslim scriptures if properly interpreted. Many would say he fell into the tactical trap of seeking publicly to interpret others' religion for them. The Muslim backlash against his ruling, and Rajiv Gandhi's search for votes, led to civil legal buttressing of the regressive Muslim personal law.

Nussbaum notes that trap and seeks to avoid it, indeed she takes a political tactical line for *not* supporting the Shah Bano verdict. She may fall instead into the trap of ghettoization, in her conclusion that withdrawal of state recognition from the dominant but questionable interpretation of Muslim family law would under present circumstances be 'difficult to dissociate [from]... a relegation of Muslim citizens to second-class status' (2001a: 178); and likewise in her claim that 'given the history of Muslims in India, it seems apparent that any abolition of the system of Islamic law would be a grave threat to religious liberty and a statement that Muslims would not be fully equal as citizens' (p. 211).

Half the Muslim citizens, the women, already have a real second-class status,

⁴ *WHD* also has an uneasy feel for figures: e.g. p.27 cites 10,000 aborted Indian female fetuses p.a., which appears a vast underestimate, and p.30 reports two girls raped a day, as if this number was major or realistic in a nation of one billion. Hopefully such matters can be corrected in a reprint.

given by this very law; and the proposal was not to abolish Islamic personal law, but to give persons the right to opt out into civil law, a right that should apply to all citizens. To prevent that right is the real threat to religious liberty, and transfers all religious liberty for Muslims to mullahs, who then alone determine the meaning and evolution of Muslim religious tenets. An indefensible law, politically protected for electoral reasons, seems more likely to contribute to a feeling by others that Muslims are second-rate citizens. Unfortunately, defensive conservatism and external denigration can become mutually reinforcing.

Nussbaum argues her position at length, but may be overemphatic in a political judgement about a country she still knows relatively little, and too brief in laying out the options in the debate. One respects, however, her project of internal criticism here, with close reference to debates within India and the concepts and judgements which they presume, and her belief that traditions are more than a set of petrified practices and instead contain sub-traditions of reflection and the potential to evolve. Elsewhere in much of her work she is admirable in letting us see options and what is at stake.

When Nussbaum feels passionately that a particular view is not just mistaken about something important but actually dangerous, her powers of eloquence turn her prolific pen into a double-edged sword. Convinced of her cause, she sometimes take no prisoners; those declared guilty are publicly despatched, even in many published versions. A 1980s dispute with the Marglins was prominent in a 1992 article, a 1995 book, and still in 1999's *Sex and Social Justice*. A grey-material pamphlet by Veena Das from 1981 is impaled in that book, and again in *WHD*. In the 'Professor of Parody' case in *New Republic* during 1999, most of Nussbaum's comments as reviewer seem well-argued and some of the reactions to them misplaced or overheated; but there is overkill in tone and some unnecessarily hurtful flourishes. Nussbaum needs to maintain scholars such as Seyla Benhabib and Nancy Fraser, two of those who protested at the essay's manner, within her discursive circle. Deirdre McCloskey's elegant debating style (e.g. in: McCloskey 1994) and her and Arjo Klamer's 'Maxim of Presumed Seriousness' (1989) constitute good advice on 'The Rhetoric of Disagreement'. Just as there are standard reasons for mercy and sympathetic mitigation, well reviewed by Nussbaum, there are good reasons for leaning to the side of understatement in disagreements.

WHD's implicit primary audience is North American, as seen in its lengthy discussions of US law cases and the style of its periodic advice to Western feminists. Especially if there are any conventions and imperatives in American public discourse

which reward and motivate overstatement, one should remember the danger that some non-American audiences can stereotype Americans as sleek, arrogant, closed, naïve, dominating and overinfluential. American authors seeking a global audience have to counteract this. Most of *WHD* and Nussbaum's other recent work counter the danger well, but with problem spots which we have mentioned.

There is much to be learnt from Sen's tactics and style, which contribute to his ability to mobilize collaborators and have influence through diverse research and policy networks. He takes care to identify common ground, to build and preserve a convincing ethos, to encourage others, and to collaborate and lead in joint work, such as with Jean Dreze, Sudhir Anand and for the HDRs (see Gasper 2000a).

4 CONCLUDING REMARKS

1. Nussbaum's already impressive contribution has broadened and deepened in her published work since the late 1990s. *Women and Human Development* provides a systematic and rewarding treatment of some central issues in development ethics and of a series of enlightening cases. It contains advances in each of the aspects of persuasion—*logos*, *pathos*, *ethos*—though it remains work in progress which leaves many issues requiring further attention.⁵ Its priority capabilities list, in particular, could be upgraded with a framework such as Doyal and Gough's or Alkire's.

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

3. Various choices of audience and of the line and timespan of projected influence appear legitimate. Nussbaum seems to seek longer run influence on constitutional

⁵ Several issues are taken further in Nussbaum's 2003 Tanner lectures: the extension of her approach to the disabled, across national boundaries, and to non human life.

and legal frameworks and on political culture, in order to buttress compassion, cosmopolitanism and human rights. She aims to influence how people listen, see and act, and thus to change listeners and not only their information set. Her time horizon is consciously relatively long term, as seen in her stress on upgrading of school and college education, in rich countries too.

Her focus does match some essential stages, purposes and audiences for ethics. We saw for example that Sen's hypothesis that a democracy will prevent famines relies on a degree of felt political community. But suppose there is little such community: crippling shortage amongst marginal groups will not receive attention and concern in the national or even regional metropoli, let alone internationally. Similarly, Sen's capability approach might be worth communicating to a corporation that accepts the notion of corporate social responsibility; but suppose that the corporation does not. Given the extent and even growth of selfishness and narrow group-ism both globally and intranationally, Nussbaum's attention to the bases of concern for others is highly relevant in policy ethics, not only in personal ethics.

4. We see therefore the pertinence of her focus on the analysis and education of emotions, especially compassion. For social and development policy, the emotion of compassion appears central, and Nussbaum provides a valuable detailed examination. She points out its vulnerability to narrowly defensive specifications of who is within the universe of moral consideration, of how seriously they are or would be harmed by a situation, and of how far they are themselves to blame for it. (Think of the recent Johannesburg summit on sustainable development.) However, one can doubt Nussbaum's adoption of the Aristotelian conceptualization of compassion as necessarily or contingently arising only when a misfortune is undeserved. A desert criterion is relevant, but to make it essential seems questionable. Nussbaum now adds a separate category of mercy—benevolence toward the culpable but partly condonable wrong-doer—but that does not fully right the debate.

5. Nussbaum advocates the study of imaginative literature in order to examine and educate compassion and the emotions more generally. I endorse this proposal, even if the power of 'Great Books' for many audiences can easily be exaggerated. Questions remain about the balance between types of literature (fictional, historical, biographical, autobiographical etc.), and about how one might feasibly and effectively promote such study within the confines of education in social sciences and the professions, including

in development studies. We cannot look to Nussbaum for all the answers; this is one direction for future work.⁶

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

7. It was helpful to itemize and contrast the contents of Sen's and Nussbaum's approaches, but neither is fixed and finished. The purpose of the content analysis was to better understand what they say; to try to assist each of these sister programmes to improve; and to promote a well articulated connection and a productive and cooperative working relationship between them. We are interested in building a capability / capabilities / post-capabilities approach that transcends and outlives its founders, and that effectively contributes towards human development.

⁶ Envisaged work by Jay Drydyk and others on the teaching of global and development ethics could include this.

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