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Human Dignity and Bioethics: Essays Commissioned by the President's Council on Bioethics

The President's Council on Bioethics
Washington, D.C.
March 2008

Part 4: The Source and Meaning of Dignity

Chapter 14: Human Dignity and Political Entitlements

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Human dignity is an idea of central importance today. It plays a key role in the international human rights movement, and it figures prominently in many documents that ground political principles for individual nations. It also plays a role in abstract theories of justice and human entitlement. I myself have given the idea a key role in my own political conception of justice, holding that a hallmark of minimum social justice is the availability, to all citizens, of ten core "capabilities," or opportunities to function. All citizens are entitled to a threshold level of these ten capabilities because, I argue, all ten are necessary conditions of a life worthy of human dignity.[1]

The idea of dignity, however, is not fully clear, and there are quite a few different conceptions of it, which can make its use to ground a political conception slippery. For this reason, John Rawls concluded that, all by itself, it could not play a grounding role: the idea only acquired determinate content through specific political principles.[2] I believe that Rawls was somewhat too pessimistic, and I also believe that he himself used the idea in at least some crucial parts of his argument, insisting that "Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot over-ride."[3] We should agree with Rawls, however, in judging that the bare idea, without further philosophical clarification, does not do enough work to ground political principles. Some interpretations of the idea, indeed, might lead political thought seriously astray.

I propose, here, to articulate further the conception of human dignity that I have used in my account of social and global justice, and to show why it is preferable to some other conceptions of that idea. I shall begin historically, looking at the influential Stoic account of human dignity and at some of the problems inherent in it. These problems, I argue, should lead us to prefer an Aristotelian/Marxian account of dignity, which sees the dignity of the human being as squarely a part of the world of nature and does not posit a sharp split between rationality and other human capacities. I shall show how such an account might ground basic political entitlements (in a non-metaphysical way suited to a pluralistic society). Then I shall look at two challenges such an account has to face: the challenge of equal respect/inclusiveness, and the challenge of doing justice to the claims of other animals and the types of dignity that their lives exhibit. I conclude with some preliminary reflections on what a capabilities-based approach implies about some important questions of bioethics.

The Stoic Account[4]

According to the Greek and Roman Stoics, the basis for human community is the worth of reason in each and every human being.[5] Reason (meaning practical reason, the capacity for moral choice), is, in the Stoic view, a portion of the divine in each of us. And each and every human being, just in virtue of having rational capacities, has boundless worth. Male or female, slave or free, king or peasant, all are alike of boundless moral value, and the dignity of reason is worthy of respect wherever it is found. Moreover, even if human beings vary in their moral attainments, moral/rational capacity is fundamentally equal, and a source of our equal worth across all that divides us.

Moral capacity is wonderful and worthy, so it ought to be respected. People usually give reverence and awe to the outward trappings of wealth and power. Instead, the Stoics argue, we should respect what is really worthy in us. Seneca is

especially eloquent in his description of the beauty of the moral substance of humanity in each person and the attitude of quasi-religious awe with which he is inspired by his contemplation of a human being's rational and moral purpose. In a passage that seems to have profoundly influenced Kant, he writes:

God is near you, is with you, is inside you.. If you have ever come on a dense wood of ancient trees that have risen to an exceptional height, shutting out all sight of the sky with one thick screen of branches upon another, the loftiness of the forest, the seclusion of the spot, your sense of wonder at finding so deep and unbroken a gloom out of doors, will persuade you of the presence of a deity.. And if you come across a man who is not alarmed by dangers, not touched by passionate longing, happy in adversity, calm in the midst of storm,.is it not likely that a feeling of awe for him will find its way into your heart?. Praise in him what can neither be given nor snatched away, what is peculiarly human. You ask what that is? It is his soul, and reason perfected in the soul. For the human being is a rational animal.[6]

Seneca speaks here of developed moral capacities, but his view is that those capacities all by themselves are proper objects of respect.

The Stoic view includes (and is perhaps the source of) the Kantian thought that we must test our principles to see whether they could be a universal law of nature, because that will show whether we have really given all human beings equal respect and concern, or whether we have unfairly favored our own case. It also includes, and is closely linked to, the Kantian thought that what respect for human dignity requires is to treat the human being as an end, rather than merely as a means to one's own purposes.[7] If one properly appreciates the worth of human moral and rational capacities, one will see that they must always be treated as ends, rather than merely as means; and one will also see that they require equal respect, rather than the exploitative attitude that is willing to make an exception to favor one's own case.

Indeed, one good general way of thinking about the intuitive idea of dignity is that it is the idea of being an end rather than merely a means. If something has dignity, as Kant put it well, it does not merely have a price: it is not merely something to be used for the ends of others, or traded on the market. This idea is closely linked to the idea of *respect* as the proper attitude toward dignity; indeed, rather than thinking of the two concepts as totally independent, so that we would first offer an independent account of dignity and then argue that dignity deserves respect (as independently defined), I believe that we should think of the two notions as closely related, forming a concept-family to be jointly elucidated. Central to both concepts is the idea of being an end and not merely a means.

Problems in the Stoic Account

The Stoic account was of enormous importance in cultures accustomed to ranking and dividing people in accordance with outward markers of status. It had enormous influence on the history of philosophy, particularly the part of it dealing with international and cosmopolitan obligation, shaping the thought of Grotius, Kant, and many others. It is an attractive starting point in many ways, urging us to ignore the attributes that come to people through heredity and luck and to base our dealings with them on something more fundamental, something that is the inalienable property of every human being.

Nonetheless, the Stoic account contains several large problems that make it a bad basis for contemporary thought about political obligation. First is what I shall call the *animals problem* . The Stoics commend the worth of rational and moral capacities by arguing that they are what raise us above "the beasts." Their descriptions of human worth typically involve a pejorative comparison with nonhuman animals-which, it is implied, would be fine to use merely as means. Indeed, the Stoics did think that animals were brutish and unintelligent and that, in consequence, it was fine to use them merely as means. Their hostility to the ethical claims of animals was unusual in their cultures, and, sadly, this hostility had long and deep influence.[8] Stoics not only split humans off from other animals more sharply than the evidence supports, refusing to grant animals any share in intelligence, they also denied without argument that there is any dignity or end-like worth inherent in those human capacities in which animals also partake, such as sentience, everyday (non-moral) practical reasoning, emotion, and the capacity for love and care. Thus, the split not only slights the other animals, it also slights elements in human life that would appear to have worth, urging us to respect only a small sliver of ourselves.

Another grave difficulty concerns the Stoic doctrine of the worthlessness of "external goods." Money, honor, status-but also health, friendship, the lives of one's children and spouse-all these things, according to the Stoics, have no true worth, nor should they ever be the objects of eager attachment. One should recognize that only virtue and moral capacity deserve our reverence. Such externals may sensibly be pursued if nothing impedes us. Should they fail us, however, we are not to be upset. Paradigmatic is the Stoic father described by Cicero, who, being told of the death of his child, replied, calmly, "I was already aware that I had begotten a mortal."[9]

This doctrine does not look like a good basis for an energetic political stance that aims at securing to people important goods such as food, health, and education. Respect human dignity, the Stoics say. But it turns out that dignity, radically secure within, invulnerable to the world's accidents, doesn't really need anything that politics can give. So the appeal to dignity grounds a practical attitude that is either inconsistent or quietistic. The Stoics are quietistic when they make no objection to the institution of slavery, on the grounds that the soul is always free within.[10] They are inconsistent, I

believe, when they argue, in the same breath, that respect for human dignity requires the master to refrain from beating slaves or using them as sexual tools:[11] for what is the harm of these things, if they do not affect what is most precious, and merely touch the body's morally irrelevant surface? Being raped is something to which one should be utterly indifferent, since it does not remove or damage the moral capacities; so what can be so bad about inflicting on someone something that is not real damage?

Why should the Stoics have taken such an extreme line? They believed, clearly, that in order to give human dignity its due reverence they had to show it to be radically independent of the accidents of fortune. If moral capacities are of equal and infinite worth, then they can't be the sort of thing that is tarnished or eclipsed by fortune: for otherwise the degree of people's human worth will be dependent on fortune, and the well-born and healthy will be worth more than the ill-born and hungry.

Suppose for a moment that we accept this move (though in fact we should not accept it without some further distinctions, as I shall later argue). So we grant that human dignity is inalienable, not damaged in itself by bad fortune. Why, still, we might ask, could the Stoics not have taken Aristotle's line (and, later, Kant's), drawing a distinction between virtue and happiness? Why should we not say that human dignity is necessary, but not sufficient, for the fullness of human flourishing, or *eudaimonia* ? Here again, it appears that the Stoics are inspired by a kind of radical egalitarianism about human worth. Think of the person who suffers poverty or hardship. Now either this person has something that is beyond price, by comparison to which all the money and health care and shelter in the world is as nothing-or she does not have something that is beyond price, but virtue is just one piece of her happiness, a piece that can be victimized and held hostage to fortune, in such a way that she is needy and miserable, even though she has human dignity. That would mean that virtue is to be put in the balance with other things and is not the thing of infinite worth that we took it to be.

Let's put it this way. A virtuous person is hit by the blows of fortune. Now either she is lofty and beautiful, and at no time more beautiful than when she suffers the greatest loss[12]-or she is a pathetic victim, moaning and groaning, asking fate and her fellow men for help, childishly dependent. Plausibly, the Stoics don't want to depict virtue as flattering power. So they say: the virtuous person is complete, even though she lacks the whole world.

Before we reject this move utterly, we should think about people who are victims in our own society: let's say, victims of inequality based on race or sex or disability. There is a quite understandable tendency for such people to demand things from the powerful, saying, we need these things in order to live. But there is an equally understandable tendency for some members of that group to say, "We have our pride and strength. We are complete in ourselves. No whining and complaining for us. We are more beautiful, ultimately, than those who oppress us." Think of recent attacks on "victim feminism" in the name of "agency feminism." Naomi Wolf, for example, decries a "victim feminism" that "urges women to identify with powerless-ness."[13] Similarly, the disability-rights movement strongly resists the notion that a disability is a deprivation. I think we see here the basic intuition behind the negative side of Stoicism: to conceive of people as helpless is to denigrate them, to fail to respect their dignity as agents. Nobody is ever a victim, because human dignity is always enough.

The Stoics have gotten one big thing right. We do want to recognize that there is a type of worth in the human being that is truly inalienable, that exists and remains even when the world has done its worst. Nonetheless, it does appear that human capacities require support from the world (love, care, education, nutrition) if they are to develop internally, and yet other forms of support from the world if the person is to have opportunities to exercise them (a suitable material and political environment). So we need a picture of human dignity that makes room for different levels of capability and functioning and that also makes room for unfolding and development. For this, we now turn to the Aristotelian tradition, with some help from the young Karl Marx.

The Aristotelian/Marxian Alternative[14]

The basic idea in my own version of this tradition is that human beings have a worth that is indeed inalienable, because of their capacities for various forms of activity and striving. These capacities are, however, dependent on the world for their full development and for their conversion into actual functioning. I use the term *basic capabilities* for the untrained capacities, the term *internal capabilities* for the trained capacities, and the term *combined capabilities* for the combination of trained capacities with suitable circumstances for their exercise. (Thus, someone might have fully developed internal capabilities without having the associated combined capabilities, if, for example, she is an educated person capable of free speech and association but is living in a repressive regime that denies those freedoms.) Capacities have to be evaluated. Not all capacities that inhere in nature are the source of moral/political claims. The capacity for cruelty, for example, exerts no claim on others that it be developed because, when we consider that capacity, we do not conclude that it is necessary for living a life that is worthy of the dignity that human beings possess. This evaluative task is slippery and delicate, because we are moving back and forth between thinking of capacities and thinking of a flourishing life, and there is need both for sensitive imagination and for lots of cross-checking in the theory, as when we arrive at some political principles based upon our intuitive idea and then see how they look. (Following Rawls here, I urge a holistic account of justification, in which intuitions and political principles, and alternative accounts of both, are held up and scrutinized against our considered judgments until we reach, if we ever do, a reflective equilibrium.)

How exactly does my view address the Stoic contention that (untrained) capacities are all one needs to be complete? The Aristotelian view sees capacities as worthy of respect, but as yet unfulfilled, incomplete. They are dynamic, not static: they tend toward development and toward exercise, or at least the opportunity for exercise. They are preparations for something further, they demand space within which to unfold themselves. Human beings (like other sentient beings) are endowed with capacities for various forms of activity and striving, but the world can interfere with their progress toward development and functioning.

To see why these impediments are harms, despite the worth and dignity of the capacities, let us think of two images: imprisonment and rape. (These images were powerfully deployed by American philosopher Roger Williams in his 17th-century defense of liberty of conscience.[15]) Why is unjust imprisonment bad for a good person, given that it does not diminish the person's worth or dignity? Even though imprisonment does not diminish the worth of a good person, it is still a serious harm for a person to be unfairly imprisoned, because it deprives the person of the opportunity to exercise his or her good capacities. These capacities are preparations for activity, and it is necessary for a flourishing human life, a life worthy of those capacities, that there be opportunities to use them in activity.

Once again, why is rape bad? Why do we consider it a violation of human dignity, or even a "crime against humanity"?[16] We have long rejected the old bad view that rape really sullies a woman's worth. And yet we still believe that rape is a violation of a woman's dignity. Why? Rape violates the bodily, mental, and emotional life of a woman, affecting all her opportunities for development and functioning. Rape, we might say, does not remove or even damage dignity, but it violates it, being a type of treatment that inhibits the characteristic functioning of the dignified human being. It is inappropriate to use a human being as a mere tool in that way, because a human being should not be used as a mere tool: respect for human dignity prevents that. It would be a bit peculiar to force one's penis into a hole in a tree, but nobody would call this a violation of the dignity of the tree (I think). A woman, by contrast, has sentience, imagination, emotions, and the capacity for reasoning and choice: to force sexual intercourse on her is inappropriate, lacking in respect for the dignity that those capacities possess.

Roger Williams used the images of imprisonment and of "soul rape" to show what is wrong with the denial of religious liberty. For Williams, the conscience, that is, each person's capacity to search for the meaning of life, is a precious "jewel," whose worth is truly inalienable and grounds political claims. Nonetheless, this jewel-like entity can both be imprisoned (denied free religious activity) and also raped (denied free speech, subjected to forced conversion, etc.).[17] This is the sort of claim that my neo-Aristotelian view makes about all the major human capacities.

What do I mean, then, by saying that a life that does not contain opportunities for the development and exercise of the major human capacities is not a life worthy of human dignity? I mean that it is like imprisoning or raping a free thing whose flourishing (based on these capacities) consists in forms of intentional activity and choice. Such a life is a violation in much the way that rape and unjust imprisonment are violations: they give a thing conditions that make it impossible for it to unfold itself in a way suited to the dignity of those capacities. So the Stoics are wrong if they think that respect requires only a reverential attitude. It requires more: it requires creating the conditions in which capacities can develop and unfold themselves. (Similarly, we would say that a young child is a precious thing and that this preciousness is not itself an artifact of political arrangements while also thinking that it entails some very specific political obligations of respect and support.) Respect for human dignity is not just lip service, it means creating conditions favorable for development and choice.

Whose task is it to create the conditions? We now need an account of the purposes of political arrangement. On one very plausible account, it is the task of the "basic structure" of society to put in place the necessary conditions for a minimally decent human life, a life at least minimally worthy of human dignity, expressive of at least minimal respect. If we accept such an account (which I do accept but won't defend here), this yields the conclusion that government (meaning the basic structure of society) should support the central human capabilities.

The Aristotelian Alternative and Political Liberalism

One can use the appeal to human dignity in a variety of different contexts, and it is extremely important to distinguish these. First of all, one may make a notion of human dignity central to a comprehensive ethical or religious doctrine. Many religions and many secular ethical conceptions (e.g., Kant's) have done so. But in modern pluralistic democracies it is inappropriate to base political principles on any particular comprehensive doctrine not shared by reasonable citizens, because that would itself be a failure of respect and a type of soul rape. If all consciences require space to search for meaning in their own way, then a state that builds its principle on a single religious (or secular) doctrine fails to accord conscience the right sort of space. Or rather, worse, it accords space to some, those who accept the preferred creed, and not to others. This insight was already well understood in colonial America, and is the underpinning for much in our constitutional tradition.[18]

Political principles have a moral content, and of course principles that make use of the idea of human dignity have an especially marked moral content. This content, however, can be affirmed from the point of view of many different comprehensive doctrines. The framers of the UN's *Universal Declaration of Human Rights* were conscious of their profound religious and philosophical differences. As Jacques Maritain writes, however, they could agree on the idea that

the human being is an end and not merely a means, and their account of human rights embodied a practical political agreement deriving from this shared intuitive idea, which different religions would then interpret further in different ways (some in terms of the idea of the soul, and others eschewing that concept, for example).[19] Like Maritain, and following John Rawls's related notion of the "overlapping consensus,"[20] I think we ought to seek political principles that have a moral content but that avoid contentious metaphysical notions (for example, the notion of the soul) that would make them incompatible with some of the many reasonable comprehensive doctrines that citizens hold.

To make a dignity-based approach appropriate to the basis for political principles in a pluralistic democratic society, then, we must first work to develop it in a non-metaphysical way, articulating the relevant idea of dignity in a way that shows the ethical core of that idea but that does not insist on linking it to involved metaphysical or psychological doctrines concerning which the major religions and secular conceptions differ.

We must also, second, make adjustments in the way in which we talk about human capacities and their realization that move the conception away from Aristotle's comprehensive doctrine of human flourishing toward a political doctrine that can be accepted by many different religions and secular conceptions. I believe we can do this, but we have to be careful. To begin with, we should focus on (fullfledged, developed and institutionally prepared) capability rather than actual functioning as the political goal, leaving it to citizens to determine whether they wish to avail themselves of opportunities for functioning that politics gives them. A member of the Old Order Amish will not vote or participate in politics, but he or she can accept the *right* to vote as a fundamental entitlement of all citizens. An atheist would object to any required religious functioning, but he or she can happily accept religious liberty as a central political good. Another thing we must do, in order to show respect for the plurality of comprehensive doctrines, is to keep our list of fundamental entitlements relatively short and circumscribed, not a full account of a flourishing life but only some very central prerequisites of a life worthy of human dignity. In this way we leave lots of space for different religions to add different further specifications to which their adherents will attend. All of this is thoroughly un-Aristotelian, since Aristotle thought it was just fine to base political arrangements on a single comprehensive conception of the flourishing life. So it is important to understand that my dignity-based approach not only draws from Kant as well as Aristotle in its articulation of the idea of dignity, it also puts that idea to work in ways of which Aristotle would not have approved. I believe that we have learned a lot since Aristotle (or, rather, that the West has learned, since India had these ideas of inter-religious respect since the time of Ashoka, only a little later than Aristotle), and that we now understand that it is itself violative of human dignity to base political arrangements on a single comprehensive doctrine.

Dignity and Its Basis

Let us now return to the Stoic approach and its excessive rationalism, and let us try to define the proper role for a notion of "basic capabilities" in the articulation of a dignity-based capability approach. This is a question on which my views have evolved over time, and I welcome this opportunity to discuss the shift. In early formulations of the idea, I said that the ground of political entitlements lay in a set of "basic capabilities," undeveloped powers of the person that were the basic conditions for living a life worthy of human dignity. I acknowledged that the potential for abuse in assessing which children of human parents have the basic capabilities was very high, and that many groups (women, members of minority races, people with a variety of disabilities) had been prematurely and wrongly said not to have some major basic capabilities (rationality, the capacity for choice, and so forth). So in practical terms I took the line that it was always best to proceed as if everyone was capable of all the major internal capabilities, and to make tireless efforts to bring each one up above the threshold. I still believe that this practical approach is essentially correct. I do think, however, that it is quite crucial not to base the ascription of human dignity on any single "basic capability" (rationality, for example), since this excludes from human dignity many human beings with severe mental disabilities. Even if we should shift to some different capacity, such as the capacity for social interaction or care, many human beings would still be excluded.

On the one hand, then, we want an account of the basis of human dignity that is respectful of the many different varieties of humanity and that doesn't rank and order human beings. On the other hand, however, the intuition I have tried to articulate, concerning the dynamic nature of human capacities and the harm done by penning them up or failing to develop them, seems to me quite central and part of what we must retain, if we want to have an account of why we have political obligations to human beings and not to rocks. I believe that the best way to solve this complex problem is to say that full and equal human dignity is possessed by any child of human parents who has any of an open-ended disjunction of basic capabilities for major human life-activities. At one end, we would not accord equal human dignity to a person in a persistent vegetative state, or an anencephalic child, since it would appear that there is no striving there, no reaching out for functioning. On the other end, we would include a wide range of children and adults with severe mental disabilities, some of whom are capable of love and care but not of reading and writing, some of whom are capable of reading and writing but severely challenged in the area of social interaction. So the notion of "basic capabilities" still does some work in saying why it is so important to give capacities development and expression, but it is refashioned to be flexible and pluralistic, respectful of human diversity.

In general, when we select a political conception of the person we ought to choose one that does not exalt rationality as *the* single good thing and that does not denigrate forms of need and striving that are parts of our animality. Indeed, it is crucial to situate rationality squarely within animality, and to insist that it is one capacity of a type of animal who is also characterized by growth, maturity, and decline, and by a wide range of disabilities, some more common and some

less common. There is dignity not only in rationality but in human need itself and in the varied forms of striving that emerge from human need.

On the other hand, I would continue to insist that the political entitlements of all citizens are equal and the same, and that they include all the (developed) major capabilities on the list. I believe that if we say anything else, we fail to respect people with disabilities as fully equal citizens. To say that this person will have property rights and that one will not, that this one will be able to vote and that one will not, seems an intolerable violation of *equal* respect for human dignity. Moreover, if we start fashioning different levels of political entitlement we lose a strong incentive that my single conception gives us for making every effort we can to develop the capacities of people with disabilities to the point at which they are able to exercise these entitlements on their own.

The list of entitlements in that way tracks the idea of the human species. This is reasonable, because the human community is the community within which all citizens, with and without various unusual physical and mental disabilities, live their lives. Sometimes philosophers make comparisons between human children with mental retardation and chimpanzees. This comparison is profoundly misleading for political purposes. A human child with profound mental retardation has no option of going off to live happily with the chimps in the forest. Her life will be lived with human beings. Human beings are her parents, her caregivers. If she ever has a sexual life, it will be with human beings. If she has children, they will be human children. Relationships with other species may be very important in her life (as they are on my capabilities list), but they do not constitute the overall environment for her life. So, she should have the entitlements of an equal human being, and that means, I think, all the same ones that every other human being has.

So, on the "basic capabilities" my approach is flexible and pluralistic, but on the political goal it is single and demanding. What, then, becomes of individuals who, after our best efforts, cannot attain the capabilities on the list because of a disability? Here I insist that they still have these capabilities, for example the right to vote and the right to own property, but that these capabilities in some cases will have to be exercised in a relationship with a guardian. It is always preferable to use guardians in as few areas of life as possible: thus I defend a flexible multi-layered approach to legal guardianship. Moreover, even with guardianship it is always better if the guardian can act as a facilitator rather than a substitute. Thus, a young woman with profound mental retardation has a guardian in matters of voting. If at all possible, the guardian will consult her and try as best she can to make the choice that coheres with what she knows of the young woman's preferences. Where that is simply not knowable, however, the young woman still gets a vote and the guardian will vote for her as best she can.

I should add that the species norm also tells us that certain abilities are not equally valuable in all species. Thus language is an extremely valuable capacity for life in the human community, and we should make maximal efforts to teach language to all human children.

Many chimps are capable of learning language, but, by contrast, in the chimp community it is a frill rather than something central to their life, so we would not think of ourselves as required to spend money to teach all chimps language, even if we accept the idea that we have obligations to develop and promote the capabilities of nonhuman animals.

Extending the Notion of Dignity: Animal Entitlements

If we take the line that I have recommended, refusing to ground dignity in rationality alone, and insisting on grounding it in a varied set of capacities that are all elements in the life of a type of animal being, we can easily move onward to recognize that the world contains many distinct varieties of dignity, some human and some belonging to other species. What I have said about dignity in humans goes as well for most animals (at least all those who move from place to place and have complex forms of sentience-I am not going to comment here on sponges and other related "stationary animals"). Namely, animals have capacities that are dynamic and not static, that seek expression in a characteristic form of life. They reach out, as it were, for those types of functioning and are frustrated and made vain if the animal is not permitted to develop them further internally and/or is denied suitable external conditions for their expression. It would seem that these capacities too inspire awe and should be objects of respect. Respecting animal capacities would seem to require, at the very least, undertaking not to impede animals' chances to grow up and lead flourishing lives.

These are controversial issues, and there is no space here to give them the argument they deserve. One-third of my book *Frontiers of Justice* is devoted to these questions, first arguing that our relationship to nonhuman animals raises issues of justice, and then trying to extend the capabilities approach to deal with these questions. Clearly, the Aristotelian-Marxian account is suited for such extension in a way that the Stoic rationalistic account of dignity is not. And I argue, too, that it does better than Utilitarianism, because it can recognize worth in a wide variety of distinct capacities for functioning, and is not single-mindedly focused on pain and pleasure, which are very important, but not the only issues. In the book I try to show how the approach will have to be modified to deal well with these cases, and I then ask what obligations this yields for human beings.

Advocates for human beings with disabilities are often edgy about the animal rights movement, or even hostile to it. It seems to me that it would be helpful if I can show how my approach may be able to defuse that sense of rivalry to at least some degree. One reason for edginess is that Utilitarians frequently make comparisons between human individuals with

disabilities and animals with similar powers, suggesting that we have exactly the same ethical obligations to both. My approach comes to no such conclusion. I have argued that the comparison is thoroughly misleading, given that each creature lives, above all, in most of the central functionings of life, as a member of her own species community. I have also argued that, given the importance of *equal* respect and regard, a human being with major disabilities has all the same political entitlements as a so-called "normal" person. So, there need be no fear that my account will conclude that a human child with mental retardation doesn't have the right to an education, just because education would not be particularly important or useful for a chimpanzee. Nor need there be any worry that such a human will be denied property rights or voting rights, on the grounds that chimpanzees don't have them or need them. So that reason for edginess can relatively easily be dispelled by stating precisely what the role of the species norm is in my conception.

The other source of edginess is more practical. It is that, once we recognize a wide range of entitlements to animals, we will be dividing our resources in ways that will take them away from the protection and development of humans with disabilities. I believe that this worry, too, is basically ill-founded. To protect the capabilities of animals in the way that my conception requires, we will surely have to stop the factory farming industry and lots of other cruel abuses of animals. (I argue that one can reasonably be agnostic about the painless killing of some animals for food, after a decent life, on the grounds that most animals don't have the type of interests that are frustrated by death, an argument proposed by both Bentham and Peter Singer, though still controversial.) We have to stop hunting and fishing for sport, the desecration of the habitat of animals "in the wild," and lots of other practices in which our world currently engages. Some people will lose money if those practices are stopped, as the protection of endangered species already shows. But there is no reason to think that the protection of animal life is so prohibitively costly that it will take needed resources away from our children, especially those with disabilities.

Medical research is a more difficult matter, since research using animal subjects does have benefits for many humans (as well as many animals). For this reason, I do not recommend ending all such research immediately, but, instead, working as hard as we can to develop methods of research (e.g. computer simulation) that do not require animal subjects, while ending the unnecessarily cruel treatment of animals used in research.

Animals other than human beings possess dignity for the very same reason that human beings possess dignity: they are complex living and sentient beings endowed with capacities for activity and striving. It seems to me morally unacceptable to harp on the importance of human dignity while denying this dignity to other animals. We could rescue ourselves from inconsistency if we were to return to the Stoic account, arguing that dignity resides in rationality. I have argued, however, that such an account is unacceptable even if we focus only on the human community. If we do accept the Aristotelian account I recommend, it seems very difficult to draw a sharp line between our species and other species, and much more ethically responsible to reflect long and hard about the reasons we have to change our behavior to other species.

Directions for Bioethics?

What lessons does the human-capability conception I have developed here offer to bioethics? I firmly believe that one should not simply apply philosophical principles to a case. Instead, my approach to philosophical justification suggests that we ought to make a long and close study of the new case, asking both how the principles developed so far would help us to approach it, and also whether the case itself poses any challenge to the practical principles so far articulated. Justification is in that way holistic, not top-down, or so I argue.[21] Then too, I have not devoted sustained study to any of the prominent dilemmas of bioethics, and do not know enough biology to read the literature on them with the sort of understanding that I hope I have achieved concerning the strivings of poor people in developing nations, concerning the demands of people with disabilities, and concerning the current bad treatment of animals. Given that there exists an international Human Development and Capability Association, many of whose members have expertise that I do not have, I think it reasonable to view this as a case of shared intellectual labor, where others with biological knowledge will work on those problems and see what guidance my principles offer, and whether that guidance seems helpful.

I can, however, make a few preliminary general observations concerning the directions in which my principles (should they be kept in their present form and not modified by confrontation with the new cases) would steer bioethics.

It is very important to notice that the view I defend makes capability, not actual functioning, the appropriate political goal. Thus, a just society offers people the opportunity to vote, but it does not require them to vote. (Voting is not acceptable to some religions, for example the Old Order Amish. We respect them by working for capability, not function.) A just society offers people freedom of religion, but it does not dragoon all citizens into mandatory religious functioning, which would be violative of the commitments of the atheist, the agnostic, or whoever does not share the sort of religion that the state has chosen. With children I make an exception, defending compulsory education on the grounds that it is necessary for the development of many adult capabilities.

This preference for capability as goal is supported by two closely related considerations. First, practical reason and choice are extremely important capabilities on the list, and I have argued that (along with sociability) they have an architectonic function, pervading and organizing all of the others. That is to say, if one has adequate nutrition, but without the opportunity to exercise practical reason and choice in the use of nutrients, one has not been shown respect for one's dignity. (Note that it is the *opportunity* for practical reason and choice, not its actual exercise, that is valued here: politics does not denigrate people who prefer to live in an authoritarian religious community, or in the military.) So also with

health more generally: to be in a healthy condition, without having any opportunity to exercise practical reason and choice with regard to one's health, is to have an incompletely human healthy condition, one that is not worthy of one's human dignity.

The second reason why capability, not functioning, is the appropriate political goal is that the conception is defended as a form of political liberalism in Rawls's sense: that is, it ought to be, or to become, the object of an overlapping consensus among people who hold different comprehensive views of the good human life. If we required all the types of functioning that the list suggests, we would clearly show deficient respect for people whose comprehensive doctrine does not endorse one of them. Many people can sign on to a set of goals understood as capabilities, even when they don't think it right to use one or more of them, without feeling violated. Things would be different if the political conception announced that its functions were essential to a life with human dignity: the Amish citizen, the citizen who belongs to an authoritarian religion, and many more would then feel violated.

Sometimes it is very difficult to know when the absence of a given functioning signals the absence of a capability. If certain groups and people don't vote, is this a sign that they lack political capability, or is it just a sign that they don't care to vote? We should feel nervous if the failure to vote correlates with class, or gender, or race, or any other marker of subordinate status: we should then consider whether there may not be subtle obstacles to choosing that function. If women work the famous "double day," working a full-time job and then doing all or most of the housework and child care, is this because they choose not to have play and recreation, or is it because they are being pushed into leaving that out of their lives? Again, we should be skeptical here, seeing that the failure to play, in many if not most of the world's countries, is strongly correlated with traditional subordination.

It is important to notice that one could have a capability-based political conception without accepting, or without accepting across the board, my contention that capability, not functioning, is the appropriate political goal. For example, Richard Arneson argues that I ought to make an exception for health, and say that there the appropriate goal is healthy functioning, so that it is legitimate for government to push citizens into healthy lifestyles. I take issue with him for the reasons given, reasons deriving from the equal respect we owe to people's choices of a comprehensive doctrine.[22]

Although I reject Arneson's argument, I myself make a significant exception in the area of public humiliation. Here I observe that the government could say to citizens, "If you pay ten cents, we'll treat you with respect. We'll even give you the dime ourselves. But it's your choice. If you choose to use the dime for something else, we will publicly humiliate you." I say that offering choice in this area goes counter to the entire purpose of the conception, for the whole idea is that government should be showing equal respect to all citizens and should offer humiliating treatment to nobody. Private humiliation is a different matter, and I see no reason why government should step in to prevent people from choosing a humiliating friendship, or even marriage, short of recognized criminal violations. (Of course to refuse to offer divorce on grounds of psychological humiliation would make government an accomplice to the private humiliation and would not be acceptable to me.)

All right, so what does this mean about health? It means that the respectful government promotes health capabilities, not healthy functioning. That is, it should make sure that all citizens have adequate health insurance and access to good medical facilities. It should also make sure that all citizens have access to healthy nutritional and lifestyle choices, for example by focusing on building more parks and recreational facilities in urban areas. It should also make sure that all citizens have access to accurate health information. But it should not penalize citizens if they prefer to live unhealthy lives. Policies that would be supported by my program include bans on smoking in public places, but only because of secondary smoke. They include the extensive program of bicycle paths, underpasses, and sheds that Chicago's Mayor Daley has recently been constructing, many of them in poorer neighborhoods, so that poor people can have what the rich typically have already, access to the recreational facilities of the lakeshore, and the ability to go to work on a bike. They include, further, Mayor Daley's deliberate construction of public parks that are interesting and fun, so that people will actually want to go there and walk around in them, rather than seeing them as boring displays of opulence. And of course they include Chicago's recent improvements to public transportation, so that people will be able to commute to work on buses and trains, thus walking more than they would had they taken their cars (a move that obviously has big environmental payoffs as well).

In short, the approach should focus on disseminating information and promoting genuine choice, not on penalizing people who make choices doctors and politicians don't like.

I also believe that my approach entails the decriminalization of recreational, as well as therapeutic, drug use. Children certainly should be taught the dangers of drugs, and it is entirely legitimate to make drugs, like cigarettes, off-limits to children. It is also legitimate to inform adults aggressively of the dangers of recreational drugs, as is done with cigarettes. But I see no reason why Americans should remain so phobic and dictatorial about drugs. Our current policy is not only blatantly inconsistent in itself (permitting alcohol, one of the most damaging and dangerous drugs, to remain legal), it is also inconsistent when we think of the issue of personal risk more generally. Americans have many hobbies that involve health risks, including mountain climbing, sailing, and playing basketball. There are some sports that are clearly far more risky than is marijuana use-boxing, for example, which remains legal. So it is a mystery (philosophically, for historically it is probably easy enough to understand) why Americans are so phobic about drugs. I myself happen to be personally very phobic about drugs, and I am probably one of the very few baby boomers who never tried marijuana even once. Yet I

would think it most disrespectful to inflict those preferences on other people, and I do not understand why our government has so strenuously insisted on doing so.

Favoring the decriminalization of recreational drugs does not entail opposing the regulation of drugs in sports, where the issue is one of fair competition. Anyone who stages a competition is entitled to set rules for fair participation. The important thing is that these rules should apply equally and fairly to all. Some forms of drugging (such as blood doping) are not per se dangerous; they are bad simply because they are unfair, when some get away with them and others don't. (And of course the rules here are quite arbitrary, since sleeping in an oxygen-deprivation tent is permitted, whereas injecting red blood cells is not.)

Fairness, however, is not the only issue to consider. If a given drug (e.g., anabolic steroids) has a bad effect on health and its use appears to be a necessary condition of successful competition when lots of people are using it, then such a regime probably puts undue pressure on participants to make an unhealthy choice, effectively removing their choice-capability. I think banning steroids is rather like requiring boxing gloves and other protective gear: it sets up some reasonable health-parameters for the sport so that its participants are not forced to make unhealthy choices that they don't want to make. Once that protective standard is in place, fairness kicks in, since allowing the one who really, really wants to use steroids to do so would give that person an unfair advantage.

In all such debates, the rhetoric of "nature" is singularly unhelpful. There is nothing wrong with the use of "unnatural" enhancements in sports. Indeed sports depend thoroughly on the non-natural: on tennis rackets, poles for vaulting, skis for skiing, hi-tech running gear, fancy wet suits, and, in addition, on protective gear of many kinds. Both steroids and boxing gloves are unnatural. The latter are good and should be, as they are, required; the former are dangerous, and should be banned for the reasons I have given.

In *Sex and Social Justice*[23] I defended a similar position concerning sex work: that it ought to be decriminalized, and that the focus of government should be on making sure that poor women have education and a range of employment options, and that all workers, including sex workers, have access to adequate health care and to protection from violence. Putting that employment choice utterly off limits is not only inconsistent (since we permit types of factory work that are at least as risky in health terms, and we permit boxing, which is more risky), but also not adequately respectful of the choice-capabilities of working women.

In short, respecting human dignity requires informing people about their choices, restricting dangerous choices for children, but permitting adults to make a full range of choices, including unhealthy ones-with the proviso that competitive sports need to set reasonably safety conditions so that unwilling participants are not dragooned into taking a health risk that they don't want to take.

For similar reasons related to the importance of practical reason and choice, and the importance of respect for comprehensive conceptions of the good, I would tentatively favor a limited right of access to physician-assisted suicide, as a way of showing respect for people whose overall view of life may strongly favor suicide in the case of a terminal illness. This looks like an easy case for the person who focuses on respect for choice, and suicide all by itself is, for me, an easy case: each person should have that choice, free from penalty to the estate or to insurance benefits for survivors, and then each will make it in accordance with his or her religious or secular comprehensive doctrine. To impose the comprehensive doctrine of a particular variety of Christianity on all citizens is to violate their dignity. Suicide hot lines and counseling to deter people from suicide are extremely important, because many suicidal people are temporarily depressed and have not deliberated fully; they recover and are happy that their lives were saved. At the end of life especially, however, the choice to end life, by a mentally fit person, should be respected. Assisted suicide is more difficult than this, however, because it usually involves a doctor, whose commitment to the patient's life is in *prima facie* tension with the act of suicide. And yet, I would favor such a right, *if* it is hedged round with sufficient safeguards to prevent manipulation and pressure. That seems to me the really difficult issue here, because we know that our society undervalues aging people and that relatives are therefore not to be trusted to have respect for the aging person's life. When we add that relatives often cannot afford the cost of care, we have a situation where abuse can easily occur. The danger of abuse is the only good reason I can think of to refuse to make assisted suicide illegal.

As for when human dignity begins to assert its ethical claims, I have so far argued that sentience is a necessary condition of moral considerability. Thus, I have argued that animals who do not appear to have the capacity to feel pleasure and pain (some insects and shellfish, for example) are not moral subjects in the way that most animals are. Nor are plants moral subjects, despite their possession of life. I have no very solid argument for this position, and I have for some years urged the young members of the Human Development and Capability Association to work out alternative positions on the question, "Whose capabilities count?"

I shall not apply this criterion to the question of abortion, because I myself do not know enough about when the capacity to feel pain begins, but I suspect that very late-term abortions would be rendered problematic under this principle. That does not mean, however, that they would be forbidden, since I do not categorically forbid all killings of animals. Instead, like Jeremy Bentham and Peter Singer, I say that the nature of a creature's plans, emotions, and desires affects what can be a harm for it, and that some painless killings of animals who do not have future-directed plans are permissible. This may or may not be a correct position: I am quite torn about it.

If I give up, as I might, the position that some killings of sentient animals are permissible, I would still not be required to apply this conclusion directly to the case of the fetus, since I would need to consider, first, the equality arguments that legal theorists have put forward, when they argue that the denial of an abortion right requires an already subordinated group, namely women, to bear a burden of life support that males are not required to bear. They compare this case to a hypothetical society in which all and only African Americans were required to donate their kidneys for the support of people who need kidneys, and they point out that such a law would be plainly unconstitutional, inflicting a burden of life support unequally on a disadvantaged class. I am inclined to think that these equality arguments are the strongest arguments we have in favor of an abortion right, and they do not support a limitless right to abortion-for example, were women ever fully equal in a society, they would not defend an abortion right for that society. But this is one of those areas in which a great deal more thought is required before I can arrive at a conclusion.

As for stem cell research, my position on sentience as a necessary condition of moral considerability entails that it is not morally problematic. Indeed, I find it rather extraordinary that people are up in arms about the putative dignity of a non-sentient clump of cells, while the same people are happy to eat for dinner meat raised in the foulest and most degrading, as well as painful, conditions. I do not believe that such a sharp separation between the human and the nonhuman case can be defended in a pluralistic society. Only a religious or metaphysical comprehensive doctrine about the specialness of the human would lead one to make such a sharp split. If we go by what science tells us and what our daily experience tells us, trying not to bring our religious comprehensive doctrines into the picture, we will be bound to concede that many animals share many features with human beings, and that those features include sentience, emotional capacities, perceptual and motor capacities, a wide range of types of thinking, and, in the case of chimpanzees, dolphins, and elephants, a conception of the self. So I would like to hear the factory farming industry discussed by Congress at the same time as the comparable question of stem cell research. To countenance today's horrendous abuses of complexly sentient animals while waxing metaphysical over a clump of cells seems to me very odd.

As for human cloning, I cannot understand why it is thought to violate human dignity. Identical twins are not lacking in human dignity, and I am not sure why a clone, whose life will be much more different from its clonee's life than one twin's from another (because of generational differences) should be thought to be lacking in human dignity. There are many potential abuses in this area, and we will need to be vigilant. We might bring into the world humans who would not be able to live full lives, because the science of cloning is immature. We might also begin to create clones as an underclass to provide organs for the privileged elites, as Kazuo Ishiguro imagined in his wonderful novel *Never Let Me Go* . Both of these would be horrible, and so we should be reluctant to go forward until we have reason for confidence that these problems will not arise. (Thus my position is similar to my position on assisted suicide.) But the sheer fact of cloning does not seem to pose any threat to human dignity as I conceive it, since the basis of dignity is the person's strivings, or basic capabilities, and clones have these as much as the clonees.

My contribution to the edited collection on human cloning put together by me and Cass Sunstein was a short story whose point was to show that the big dangers of cloning are the same dangers we face now when we have biological children, such as: the danger of using a child as a surrogate for a loved one who has died; the danger of loving not the child but an ideal image of the child; the danger of egoism and greed. But surely we do not remove these dangers from human life by restricting human cloning. They are endemic to most nuclear families, in one or another form, since we are imperfect beings.[24]

And what about the question of death? Is it somehow contrary to human dignity to seek to prolong life? Once again, the use of the term "natural" seems to me to do great harm, as when people talk about extending life "beyond the natural lifespan," or, as I heard on NPR yesterday, "beyond our allotted threescore years and ten"-as if that figure were given by the stars or fate, rather than by conventional human experience.

People used to have a life expectancy at birth of around 35 years. (That seems to have been the situation in ancient Greece, where the effects of a healthy climate were greatly undercut by persistent warfare.) In the developing world today, average life expectancy at birth is still under 40 in many nations. Many people in those nations, especially those with no literacy, probably believe, then, that it is "natural" to die early, just as they may believe that it is "natural" that a majority of one's children will die before age five. We know, however, that the low life expectancy in many nations is an artifact of poverty and the unequal distribution of medical care and sanitation. On a recent visit to West Bengal, for example, I attended a workshop on the high rate of maternal mortality in one populous rural district. The primary causes of death mentioned were anemia, unsafe drinking water, and the sheer distance a woman would have to travel to find medical facilities. None of these is "natural" in the sense of "given, inevitable, unable to be changed."

We should say that what is wrong with this situation is not the fact that life expectancy in the richer nations is now around 80 years. What is wrong is the fact that food, medical care, and lifesaving technologies are so unequally distributed around the globe. Seeking to prolong life for a privileged few while ignoring the low life-capabilities of the many is morally wrong, a violation of the dignity of those who are treated as if they were of unequal human dignity. That is why my capability approach urges ample redistribution from richer to poorer nations, as well as from rich to poor within each nation.[25] It is morally bad to focus on how one's own life can be extended while totally ignoring these global inequalities. (That doesn't mean waiting to do research about extending life until all global inequalities are corrected, since we learn a great deal from basic research, and it often has unexpected dividends in other areas.) The sheer fact of prolonging life is a very good thing, and should be encouraged, up to the point where life becomes nothing like a human

life at all, such as when someone enters a persistent vegetative state-or, up until the point when the person, mentally fit and free from undue pressure, chooses not to live.

As I have said, each of these cases needs a deeper examination. Such scrutiny would not simply fit the principles more precisely to the cases. It would also ask whether there is something in the cases that ought to cause us to have doubt about the principles we have so far espoused. Perhaps, however, this sketch will offer a small glimpse of what a capability-based approach might offer for a future philosophical research program in bioethics.

Appendix: The Central Human Capabilities

1.*Life*. Being able to live to the end of a human life of normal length; not dying prematurely, or before one's life is so reduced as to be not worth living.

2.*Bodily Health*. Being able to have good health, including reproductive health; to be adequately nourished; to have adequate shelter.

3. *Bodily Integrity*. Being able to move freely from place to place; to be secure against violent assault, including sexual assault and domestic violence; having opportunities for sexual satisfaction and for choice in matters of reproduction.

4. *Senses, Imagination, and Thought*. Being able to use the senses, to imagine, think, and reason-and to do these things in a "truly human" way, a way informed and cultivated by an adequate education, including, but by no means limited to, literacy and basic mathematical and scientific training. Being able to use imagination and thought in connection with experiencing and producing works and events of one's own choice, religious, literary, musical, and so forth. Being able to use one's mind in ways protected by guarantees of freedom of expression with respect to both political and artistic speech, and freedom of religious exercise. Being able to have pleasurable experiences and to avoid non-beneficial pain.

5. *Emotions* . Being able to have attachments to things and people outside ourselves; to love those who love and care for us, to grieve at their absence; in general, to love, to grieve, to experience longing, gratitude, and justified anger. Not having one's emotional development blighted by fear and anxiety. (Supporting this capability means supporting forms of human association that can be shown to be crucial in their development.)

6. *Practical Reason* . Being able to form a conception of the good and to engage in critical reflection about the planning of one's life. (This entails protection for the liberty of conscience and religious observance.)

7. *Affiliation*.

A. Being able to live with and toward others, to recognize and show concern for other human beings, to engage in various forms of social interaction; to be able to imagine the situation of another. (Protecting this capability means protecting institutions that constitute and nourish such forms of affiliation, and also protecting the freedom of assembly and political speech.)

B. Having the social bases of self-respect and non-humiliation; being able to be treated as a dignified being whose worth is equal to that of others. This entails provisions of non-discrimination on the basis of race, sex, sexual orientation, ethnicity, caste, religion, national origin.

8. *Other Species* . Being able to live with concern for and in relation to animals, plants, and the world of nature.

9. *Play* . Being able to laugh, to play, to enjoy recreational activities.

10. *Control over one's Environment*.

A. Political. Being able to participate effectively in political choices that govern one's life; having the right of political participation, protections of free speech and association.

B. Material. Being able to hold property (both land and movable goods), and having property rights on an equal basis with others; having the right to seek employment on an equal basis with others; having the freedom from unwarranted search and seizure. In work, being able to work as a human being, exercising practical reason and entering into meaningful relationships of mutual recognition with other workers.

EndNOTES

1. Nussbaum, *Women and Human Development: The Capabilities Approach* (Cam bridge: Cambridge University Press, 2000), and Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* (Cambridge, Massachusetts: Harvard University Press, 2006). For my list of the Central Human Capabilities, see
the Appendix at the end of my essay.

2. John Rawls, *A Theory of Justice* (Cambridge, Massachusetts: Harvard University Press, 1971), p. 586.

3. Ibid., p. 2.

4. For a fuller historical discussion, see my "Kant and Stoic Cosmopolitanism," *Journal of Political Philosophy* 5 (1997): 1-25, also in *Perpetual Peace* , ed. Matthias Lutz-Bachmann and James Bohman (Cambridge, Massachusetts: MIT Press, 1997), pp. 25-58, and "The Worth of Human Dignity: Two Tensions in Stoic Cosmopolitanism," in *Philosophy and Power in the Graeco-Roman World: Essays in Honour of Miriam Griffin* , ed. Gillian Clark and Tessa Rajak (Oxford: Clarendon Press, 2002), pp. 31-49.

5. I discuss these matters at greater length in Nussbaum, *The Therapy of Desire: Theory and Practice in Hellenistic Ethics* (Princeton, New Jersey: Princeton University Press, 1994), chapter 9, with references to many texts.

6. Lucius Annaeus Seneca, *Epistulae morales ad Lucilium* 41, in *Letters From a Stoic*, trans. Robin Campbell (London and New York: Penguin Classics, 1969), hereafter cited as Seneca, *Epistulae morales*.

7. These thoughts are most fully brought out in Cicero's *De Officiis;* see my "Duties of Justice, Duties of Material Aid: Cicero's Problematic Legacy," *Journal of Political Philosophy* 8 (2000): 176-206.

8. Richard Sorabji, *Animal Minds and Human Morals: The Origins of the Western Debate* (Ithaca, New York: Cornell University Press, 1995).

9. Cicero, *Tusculan Disputations* 3.30.

10. Seneca, *Epistulae morales* 47.

11. Ibid.

12. Seneca, *Epistulae morales* 41.

13. Naomi Wolf, *Fire With Fire: The New Female Power and How to Use It* (New York: Fawcett, 1993), p. 136.

14. For a fuller description of the Aristotelian and Marxian themes in my writings, see my "Nature, Function, and Capability: Aristotle on Political Distribution," in *Oxford Studies in Ancient Philosophy,* Supplementary Volume (1988): 145-184, reprinted in *Marx and Aristotle* , ed. George E. McCarthy (Lanham, Maryland: Rowman and Littlefield, 1992), pp. 175-212; "Aristotle on Human Nature and the Foundations of Ethics," in *World, Mind, and Ethics: Essays on the Philosophy of Bernard Williams* , ed. James E. J. Altham and Ross Harrison (Cambridge: Cambridge University Press, 1995), pp. 86-131; "Aristotelian Social Democracy," in *Liberalism and the Good* , ed. R. Bruce Douglass, Gerald R. Mara, and Henry S. Richardson (New York and London: Routledge, 1990), pp. 203-252, reprinted in *Aristotle and Modern Politics* , ed. Aristide Tessitore (Notre Dame, Indiana: University of Notre Dame Press, 2002), pp. 47-104; and *Women and Human Development: The Capabilities Approach* (New York: Cambridge University Press, 2000).

15. Roger Williams, *The Bloudy Tenent of Persecution, for the Cause of Conscience* (London, 1644).

16. This was held by the Indian Supreme Court in a case of gang-rape.

17. Roger Williams, op. cit.

18. See my *Liberty of Conscience: In Defense of Religious Equality* (New York: Basic Books, forthcoming).

19. Jacques Maritain, *Man and the State* (Washington, D. C.: Catholic University of America Press, 1951).

20. John Rawls, *Political Liberalism* (New York: Columbia University Press, expanded paperback edition

1996).

21. See my *Women and Human Development* , chapter 2, and *Frontiers of Justice*, preface.

22. See my "Aristotle, Politics, and Human Capabilities: A Response to Antony, Arneson, Charlesworth, and Mulgan," *Ethics* 111 (2000); 102-140.

23. New York: Oxford University Press, 1998.

24. "Little C: A Fantasy," in *Clones and Clones: Facts and Fantasies About Human Cloning* , ed. Martha C. Nussbaum and Cass R. Sunstein (New York: Norton, 1998).

25. *Frontiers of Justice* , chapters 4 and 5.